

WEYMOUTH CONSERVATION COMMISSION
Town Hall Chambers
December 12th, 2007 Meeting

PRESENT: John Thompson/Chairman, Vice-Chairman Gerald Murphy, Cmmr. Scott Coven/Clerk, Cmmr. Jeff Kent, and Commr. Adrienne Gowen

ALSO PRESENT: Conservation Administrator, Mary Ellen Schloss

Chairman Thompson called the December 12th, 2007 meeting of the Conservation Commission to order at 7:33 PM.

O Healy Road - Continued Hearing
Ryder Development Corporation
DEP File 81-1023

Cmmr. Murphy moved to open the continued public hearing for O Healy Road/Ryder Development Corporation, DEP File 81-1023.
Cmmr. Coven seconded.

UNANIMOUSLY VOTED

Mr. Al Trakimas/PE from SITEC, representing the client Ryder Development, came before the Board. He told members that since their last meeting the Planning Board has conditioned their proposal including the driveway.

Ms. Schloss spoke, stating she was requesting plantings/barrier along the 25-ft. buffer - if it is acceptable to the Board - and would also like to see the applicant clean up the debris along the buffer zone by the pumping station.

Chairman Thompson asked about the plantings and Mr. Trakimas referred to their revised drawing to show the Planning Board's requirements. He suggested that they might plant 8-10 arbor vitae.

Ms. Schloss noted that the Commission received a copy of the revised plan.

At this point the Chairman felt they were all set and said he was looking forward to reviewing DPW's comments on the driveway and the cleanup of the debris along the buffer zone in the lower portion of the driveway.

Cmmr. Coven asked about additional plantings that would take the place of the lost trees, with the Chairman responding that at the last meeting they agreed that action would not be necessary.

Cmmr. Coven then asked how many trees would be lost.

Mr. Trakimas said he would need to do a walk-through to supply that information.

Chairman Thompson told him that in the future he would like to see noted in their Notice of Intent the amount/type of habitat that would be lost if applicable to the project.

The hearing was opened to the public. No one spoke.

Ms. Schloss wanted to address the use of "No Disturb Signs" - suggesting that they might possibly add them in among the trees, but acknowledged it possibly could be viewed as oversell. She commented that plants are more beneficial. She said she would like to see the tarpaper and asphalt/rubble removed especially in the area of Flag 59. Additionally, she noted, there was a small area by the south end of the roadway and north of Flag 40, where there was a lot of undesirable herbaceous growth they might want to take a look at.

Mr. Trakimas confirmed that they had previously agreed to do that.

Ms. Schloss then asked the applicant make sure that all flags were staked and identified and Mr. Trakimas agreed to do so.

Cmmr. Murphy moved to close the public hearing for File 81-1023.

Cmmr. Coven seconded.

UNANIMOUSLY VOTED

O Healy Road

Ryder Development Corporation

DEP File 81-1023

Order of Conditions

Cmmr. Murphy moved to approve a Standard Order of Conditions for File 81-1023 with Specials as discussed by the Administrator and the Commission.

Cmmr. Coven seconded.

UNANIMOUSLY VOTED

45 Colonial Road - Continued Hearing

Joseph McDonald

DEP File 81-1024

Cmmr. Murphy moved to open the continued hearing for Joseph McDonald, 45 Colonial Drive, File 81-1024.

Cmmr. Coven seconded.

UNANIMOUSLY VOTED

Mr. Shawn Hardy represented the applicant, Joseph McDonald. He noted that the hearing had been continued for receipt of the file number, which had come in (81-1024). He reminded members that the proposal was for a 3-story garage, located 29 ft. from the edge of the salt marsh.

Ms. Schloss suggested that they might add plantings in the rear and the applicant agreed to do this.

Ms. Schloss then noted that the deck and shed might also be permitted/conditioned - and if so they might need to file a Notice of Intent.

In regard to the structures on site, Chairman Thompson commented it was his understanding they were going to deal with the Building Dept. regarding their status.

Mr. Hardy pointed out it would be viewed as encroachment into an area that is questionable. He said he had checked and no Building Permit had been issued for the house, so if they 'permitted' the garage the plans would go with it.

Ms. Schloss stressed that the deck would have to go and the shed must be a minimum of 5-ft. from the corner.

Chairman Thompson wanted to point out that the shed was in the wetland and the deck was located on Town-owned property, so that would have to go. Additionally, they would have to move the shed out of the encroached area.

Ms. Schloss agreed, adding if they removed the deck the sonotubes could stay.

Mr. Hardy informed them that the deck in the salt marsh was allowed, with the Chairman commenting 'if you want to make a filing we'll hear it'.

Mr. Hardy replied 'okay', adding he had not been sure which way to go with it.

It was noted that the applicant was before the Commission only to permit the garage.

Chairman Thompson asked if they could reduce the number of trees they were proposing to remove in the buffer zone.

Mr. Hardy replied that the trees would be impacted even if the garage were moved a few feet due to the necessary width of the excavation

Cmmr. Coven asked about the length of the walkway re. the overhang to the garage and Mr. Hardy clarified that it was actually a stairway that was 5 ft. lower than the garage.

Cmmr. Coven asked about fill and Mr. Hardy said they were proposing to use fill up to the front of the lot from the driveway - and in the garage area there would be no fill, just footing and a little excavation.

Ms. Schloss wanted to point out that this project would require a Special Permit for construction in a Flood Zone. She noted that the Wetlands Protection Act states that other local permits should be obtained and at this point the plan is still to be obtained. She felt that the Board of Zoning Appeals might have some comments re. the stabilization of the bank - asking is it 2:1?

Mr. Hardy replied that it was 3:1, with Ms. Schloss noting that on their plan it looked like 2:1. She said if things came closer to the wetland it would be a concern.

Mr. Hardy wanted to reaffirm that it should be 3:1.

Chairman Thompson asked if it changed the distance and Mr. Hardy replied "if it does, it's only 2 ft."

With reference to the resource area, Chairman Thompson asked how many feet would be affected and Mr. Hardy said the 2 ft. would take it from 25' to 23'.

Ms. Schloss commented that if it was restored back to grass, then it would be okay. She said she didn't see a negative impact as long as the structure was not moved.

The hearing was opened to the public. No one spoke.

Commr. Gowen moved to close the public hearing for Joseph McDonald, 45 Colonial Road, File 81-1024.

Commr. Kent seconded.

UNANIMOUSLY VOTED

45 Colonial Road

Joseph McDonald

DEP File 81-1024

Order of Conditions

Members discussed an Order of Conditions for 45 Colonial Drive with Ms. Schloss recommending the status of the deck and shed be addressed in the Special Conditions.

Chairman Thompson said the issue would be addressed by the Building Department, which would supercede the Commission - because if the deck is removed and the shed is moved there would be no problem.

Ms. Schloss suggested a Special Condition stating the issues with the shed and deck must be resolved by the Building Department. Based on that, the Special Condition could say 'the applicant must remove or legalize the two structures'. She next referred to the plantings, pointing out that the applicant's lawn is extended onto Conservation property, so the plantings could call for plantings along the property line. Then she added "another possibility could be adding property markers at the back property corners.

Cmmr. Murphy moved to issue a Standard Order of Conditions with the addition of the Specials as discussed by the Administrator/Commission that would include the plantings and the legalization of the deck/shed by the Building Department.

Commr. Kent seconded

Discussion:

Re. plantings - Ms. Schloss recommended the addition of 15 shrubs, salt tolerant possibly Rosa Rugosa as well as New England coastal seed mix for the slope. She said she would like the lawn area set up so that the lawn isn't mowed to the end of the salt marsh.

Mr. Hardy agreed to the Administrator's recommendations.

UNANIMOUSLY VOTED

Meredith Way, Planned Unit Development - Continued Hearing

Bristol Brothers Development

DEP File 81-1025

Cmmr. Murphy moved to open the continued public hearing for File 81-1025, Bristol Bros., Meredith Way.

Cmmr. Coven seconded.

UNANIMOUSLY VOTED

Mr. Tom Henaghen and Carl Ericson from Gale Associates, representing the applicant Bristol Brothers, came before the Board - along with Jim Bristol, Jr. and Dr. Desheng Wang, the Commission's consultant.

Mr. Henaghen addressed the Board, reminding them that the Commission approved their RAD/Resource Area Delineation one year ago. At that time three (3) potential Vernal Pools were identified, which have been designated on the Plan as #A, #B & C. VP/Vernal Pool #B, located to the north, was defined as a Vernal Pool by the state definition. He further explained that they performed the wet pool method investigation earlier in the Spring and discovered that Vernal Pool #C also met the definition - but Vernal Pool #A only met the "Town Definition", not the state's. Once these areas were defined and the wetland delineated, they looked at laying out the site protecting Vernal Pools B & C. They wanted to keep 100 ft. from the (2) vernal pools. Her noted that VP #B includes 75,000 sq. ft. and VP #C is 30,000 sq. ft. of potential habitat - and will not be touched. With regard to VP #A, they set a 50 ft. buffer.

Mr. Henaghen noted that John Zimmer/Habitat Specialist noted the upland area around "A" was limited in its ability to protect habitat, so they decided to focus more on VP #B and VP #C. They have provided some habitat with logs and branches by "A". He went on to say that overall their design approach was for a balanced site. He told members that they found no need to bring in any fill, adding that the project is zoned as PUD/Clustered zoning. He wanted to point out that they have minimized the impervious areas - and made an effort to preserve Open/Green space. He described the site as totaling 25 acres, with 17 acres Undisturbed Open Space - and that the development includes 21 housing units on a cul-de-sac. Additionally, the drainage will be handled on site. There will also be a storm water retention pond that will handle a majority of the runoff from the road. Further plans are to install two catchbasins at the beginning of the roadway to collect runoff - and all runoff will be treated. Lastly, he stated that the site will meet Mass. Stormwater standards.

Mr. Henaghen went on to describe the site as being divided into four areas re. drainage that will flow in four different directions. He pointed out that peak flows have been decreased, with volume being slightly less post construction. He stated that there was no risk of flooding or drying out the wetland. The only change in volume would be to the north, but the rate would be less, as the runoff would be metered out slowly with no flooding effects downstream. He said the applicant is prepared to work with Commission's consultant, Dr. Wang, the Commission and the Administrator.

Ms. Schloss first noted she was missing a page of the local Notice of Intent form - the applicant will supply this. Next she spoke about the consultant's fee, explaining that the amount is based on project cost, adding that she planned on speaking with the Building Department about it - but would like an estimate from the applicant first. She said she liked to do it this way so that the applicant doesn't have any surprises. She asked to have this information before the next hearing, noting that the money would be going into the Revolving Fund.

Mr. Bristol was in agreement with this.

Dr. Wang came before the Board, stating that his written comments would be to them by next week (as he was out of Town and didn't have time to get it to them prior to tonight's meeting). He said that they should have one Notice of Intent form for the record saying that the filing is under the WPA and noted that the filing on the local form is complete. He explained that under the Town's Ordinance 3.54, Land Subject to Flooding requires a Variance. He said it looks like the roadway could go in without

affecting the 100-ft. buffer. He told members that he would like to see an alternative analysis re. Open Space on the plan, suggesting that they could possibly move it over a little. He wanted to see evidence that Vernal Pool #A is of low value as the applicant indicated. He said they would need more detail in order to determine the impact and mitigation and recommended that the applicant stake out the roadway and structures within 100 ft. of VP #A. For mitigation/impact he would like to see the applicant supply an analysis for the vernal pool itself.

Dr. Wang then referred to their Storm Water Management Plan, commenting that Mr. Henaghen said it was designed to the highest standard. He recommended that this information be supplied as complete as possible. He wanted confirmation that the development would not bring an increase in runoff on Springvale Circle and Essex Heights. He said he would also like a hydrological analysis /detailed water budget for each Vernal Pool, explaining that vernal pools are viewed as a very sensitive area, more so than wetland - and they don't want to change the hydrological conditions. Additionally, the applicant would need a permit for general construction. He was also recommending use of 'ecograss' because it does not require water or pesticides. He commented that it appeared to be a fantastic product, adding the Board could possibly include this in the Order of Conditions. He noted that the grass can 'self sustain'.

The hearing was opened to the public.

Michael Wolf from Essex Heights Drive spoke. He said that behind his house is all wetland where you could find wildlife like coyote and deer. He was very concerned about the proposed development, noting that they just added the "Avalon Ledge" development. In closing he said that all those that live in the area are opposed to any new development.

Chairman Thompson told all present that the Commission was doing their best to make sure all the rules and regulations were being followed, but wanted to point out that they also need to balance everyone's property rights. He noted that they do work for the townspeople and want to make sure there is no adverse affect on the residents' property - and that is why they hired Dr. Wang as their consultant.

Next speaker was Nancy Russo, who told members that she lived on Essex Heights. She wanted to know how the water budget as well as high and low water levels worked.

Dr. Wang explained that the design is based on storm events; i. e., hydrological conditions - winter/wet season and summer/dry season and middle season. The applicant comes up with a design that takes all of this into effect - from a 2-year to a 100-year storm. He said that he was requesting extra work/calculations from the applicant to take it to the 1-year storm event. Then they would evaluate the existing conditions verses the proposed conditions - taking into consideration the homes in the area. They would also make sure the flooding is reduced.

Ms. Russo referred to the proposed construction, noting her concern that the applicant planned on the use of dynamite to break up the rocks.

Mr. Frank Cady, Essex Heights Drive spoke next informing members he hasn't had any flooding up till now, but was concerned about the future.

Dr. Wang replied that they could safely assume that there would still be moisture/rain and that the plan would generate surface runoff. With regard to the roadway they would make sure the amount of water post-construction would be less than what is there now.

Mr. Cady told Mr. Wang that normally they haven't had problems with water, now with this proposal they want to make sure there is no increase.

Dr. Wang agreed, reassuring him that is what will happen.

Kim Brace/Springvale Circle told members that their property floods all the time, right up to their ankles. She then pointed out where her home was located on the map (by 129 & 121 Springvale) to the Board/applicant.

Dave Alexander was the next speaker, informing members that presently the homes there have water in rainy times. He noted that there was a tremendous amount of ledge in the area with the drainage flowing to the rear of their property, asking 'so this will bring more water'? He told members that presently they have salamanders and frogs.

Chairman Thompson asked if his property currently had water problems and Mr. Alexander replied 'yes'.

Chairman Thompson explained that sometimes developers can lessen their problems, emphasizing that the rule is 'no increase', adding possibly they could lessen it.

Dr. Wang told the residents 'that is my goal too'. He said that he would visit the site and document everyone's concerns and see if there is anything they could do to make it better - and include it in the Conditions.

Ms. Schloss referred to the wetland area behind their homes, stating she didn't look at it in ANRAD - so they would need to look at it now. She asked "is there standing water there in the rear for a two week period, or just a couple of days?"

Mr. Alexander responded 'weeks'. He went on to say that a few years ago a tremendous amount of fill was brought into this area from Charlestown and that didn't help their situation.

Mr. Wolf pointed out his lot on the plan, commenting that the area behind his house was also wet, with everything running down into his yard. He added that further down his lot there's a swamp there all the time.

Dr. Wang acknowledged that there were wetlands there.

Mr. Wolf said that people have been by his property and flagged the area, adding he was surprised that the area was not noted on the plan as 'wetland'.

Chairman Thompson explained that there was a difference in the area being wet and being defined as a wetland.

Mr. Wolf invited them to view his property.

Derek Welsh/Springvale Circle referred to the 100-ft. boundary around the vernal pool and asked if there would be enough water to maintain the vernal pool and the Chairman told him that Dr. Wang would be addressing that.

Ken DiFazio/Town Council representing District 3 spoke and asked about the timeline for Dr. Wang's report.

Dr. Wang said that he would try to have the report done by the end of the year.

Town Councilor DiFazio reported that the applicant had been before the Zoning Board and there were five-times as many people present at that time and they spoke about water problems in their backyard. He said he would like others in the area to know about this public hearing and asked Dr. Wang if he would attend a neighborhood meeting.

Dr. Wang replied that he was only paid to serve the Conservation Commission.

Jim Bristol, Jr. suggested that they all could attend their next public hearing before the Conservation Commission with the Chairman supporting this.

Mr. Henaghen said if they could get Dr. Wang's comments prior to their hearing they could come prepared - suggesting their next hearing take place in January.

Dr. Wang said he would like to hear from the neighbors so he could work more effectively before issuing his Preliminary Report.

Commr. Kent addressed Dr. Wang referring to water issues on Lots: 14, 15, 16, 16, 18 and 19 - commenting they are close to the vernal pool and suggested he might want to look more closely re. controlling the impact to the vernal pool as the 50-ft. marking seems to be in the middle of the lots. He added they would need some good separation here.

Dr. Wang said he would like to avoid any impact. Re. VP #A - he'd like to see if they could come up with an alternative and minimize the affect.

Ms. Schloss spoke about a letter she received from Thomas Dinges of Springvale Circle which he wanted noted for the record - in the letter he had a question regarding the stormwater, wildlife and the runoff (members were given a copy of the letter).

Commr. Kent moved to continue the hearing for Bristol Bros., Meredith Way, File 81-1025 until January 23, 2008.

Cmmr. Murphy seconded.

UNANIMOUSLY VOTED

39/45 Winter Street, KFC/Taco Bell - Public Hearing

James Santos

Map 33, Bl 376, Lot 19 & 20

DEP File # not available

Notice of Intent

Cmmr. Murphy moved to open the public hearing for James Santos, 39/45 Winter Street, KFC (Kentucky Fried Chicken)/Taco Bell.

Cmmr. Coven seconded

UNANIMOUSLY VOTED

Ms. Alyssa Jacobs/Epsilon Associates and Michael Malynowski/MHF Design Consultant, representing the applicant, came before the Board.

Ms. Jacobs first submitted the green cards for the files. Next she informed members she was before them this evening to request an Order of Conditions for 39/45 Winter Street. She noted that most of the project is outside the bufferzone, with a small portion within the 100 ft. buffer. She said that presently at this site there is an existing dwelling and a condo complex. Some of the subject property is in the buffer zone to the resource area (BVW), adding that the 100-ft. buffer extends onto this property. She said this project calls for construction of a 300-sq. ft. building along with a parking lot, which is in the buffer zone. Approximately 5,500-sq. ft. will be altered within the 100-ft. buffer zone, but almost all of it is outside the 50-ft. line. Haybales and silt fencing will be used to protect the resource area located in the rear along the property's boundary, which has site grading as well. The Storm Water Management System design is in accordance with requirements. The site is located within the Watershed Protection District and will include 51% impervious surface. To mitigate, the client is proposing planting enhancements within the 50-ft. buffer zone, which will improve wildlife. Additionally, they are proposing a landscaping plan that includes wildflower seed mix.

Michael Malynowski spoke next and described their landscaping plan. Re. the Storm Water Maintenance Plan they have proposed a recharge system. He said the runoff from the entire site is collected via an underground system. The area within 100-ft. bufferzone is pitched toward the site/catchbasin.

Chairman Thompson asked 'would that recharge?'

Mr. Malynowski replied 'no' - adding only the roof water, but emphasized that they met the state standard. He noted that there would be a slight decrease in volume.

Commr. Kent asked if the system in front was existing and Mr. Malynowski replied 'yes'

Mr. Malynowski explained that it's piped through the easement located in the condo area - adding they will include the maintenance manual and the form would be filled out by the owner on an annual basis.

Commr. Kent asked about grading in the driveway and Ms. Malynowski replied "what's on Winter Street stays on Winter Street".

Commr. Gowen asked if the dumpster would be fenced in and Mr. Malynowski confirmed that it would with a 6-ft. enclosure.

Cmmr. Coven referred to the dumpster asking if would be within the 100' buffer zone - and then asked if it would include the disposal of cooking oils from the restaurant.

Mr. Malynowski responded 'yes', adding that was standard. He then noted that the dumpster would be fenced in with the runoff pitched toward their site.

Cmmr. Coven said he would like to see it located as far away as possible.

Mr. Malynowski said it would be as close to the area as possible and explained that the land is pitched so that there will be no runoff to the buffer area.

Cmmr. Coven asked if the employee parking would be in the rear and Mr. Malynowski replied 'yes'.

Cmmr. Coven asked about the grading and was told the back edge is curved and the water is treated by the catch basin located in that area.

Ms. Schloss asked if there was a fence around the rear of the property by the employee's parking area and Mr. Malynowski responded 'no', but they would be providing wildflower mix and planting enhancement in that area. He pointed out that presently there is a single family dwelling there and that once the site is developed he felt it would be regularly maintained.

Ms. Schloss commented that the addition of a fence could contain trash from going into the wetland. She also told the applicant that the local fee was incorrect and should have been \$750, plus .04¢ a ft. for buffer zone disturbance.

Ms. Jacobs responded that they didn't have an updated schedule.

Ms. Schloss will send an email to correct this, referring to the regulations.

In speaking about the regulations, it was noted that 60% of the surface must be impervious and they only had 51%.

Ms. Jacobs stated that this might require a Waiver - or whatever the Commission feels is appropriate.

Ms. Schloss then listed her concerns/recommendations re. the project:

- the runoff from plowed snow on the pavement should flow into the catchbasin
- re. 3:1 slope in the rear - an erosion control blanket would be needed for stabilization

Ms. Schloss then referred to the DEP rating for a stormceptor and asked about an official number?

Mr. Malynowski replied that he wasn't sure, but wanted to point out that as part of their Stormceptor Report they confirmed that they met the TSS requirement of 80%.

Ms. Schloss continued with her recommendations:

- she would like a contract for the maintenance work to be in place for the first year

Ms. Schloss then referred to the photo of the debris at the bottom of the slope that was presented, noting that the debris could possibly be off the applicant's property - but asked if they could get rid of it.

Mr. Malynowski replied that legally they could only remove what was on their property and would do so.

Chairman Thompson asked Ms. Schloss to contact the DPW about removing the debris that was off their property,

Commr. Gowen asked how the removal of the fat/oil from the restaurant would be handled and Mr. Malynowski responded that it would be brought out and stored in a special encased container and then emptied by a certified contractor, adding it would be picked up as needed.

Commr. Kent moved to continued the hearing to January 9, 2008.

Cmmr. Murphy seconded.

UNANIMOUSLY VOTED

Tern Harbor Marina - Minor Modification

DEP File 81-1015

Commr. Kent moved to open discussion of the minor modification request re. Tern Harbor Marina, File 81-1015.

Cmmr. Murphy seconded.

UNANIMOUSLY VOTED

Mr. Joe Sugar, representing the applicant, came before the Board along with their engineer, Carlos Pena of CLE Engineering.

Mr. Pena informed members that they were before them this evening in regard to a request for a minor modification referring to their Order of Conditions - specifically Condition #28, #29 and #35; issued by the Board on July 6, 2007. He told members that construction is scheduled to begin in January with hopes that it would be completed by March - but if it went beyond March 15th they would be required to install a silt fence. Additionally, if their timeline was not met the Division of Marine Fisheries would need to be informed. Work would be done under an approved Release Abatement Measure Plan rather than a soils Management Plan.

Chairman Thompson referred to the comments by Tay Evans of the Division of Marine Fisheries and asked if this delay and notification would meet her approval.

Mr. Sugar explained that the bulkhead they were installing was thicker than normal, adding it's $\frac{3}{4}$ " coated with the minimal required width being 5/8". He explained that because they were going for a higher grade it has taken them longer than expected and that was why they were before the Board this evening requesting approval of a minor modification to their Order of Conditions.

Ms. Schloss referred to Tay Evans letter and her comments regarding the removal and reconstruction of the bulkhead - and the recommendation that they use a silt curtain with proper maintenance if the work schedule took them beyond 3/15 - 4/15 period.

Ms. Schloss then asked Mr. Pena if plans were to remove the rip rap as well as the 'existing' bulkhead and Mr. Pena replied that they planned to do the work in sections, explaining that very little of the material would end up back in the water - clarifying that it was not like all the rip rap would be removed at the same time.

Mr. Pena told members that the silt screen would be going in after the 3/15/08 date.

Chairman Thompson explained that the silt curtain is to prevent fish from migrating into the work area.

Ms. Schloss wanted to confirm that no work is to begin before the green light is given - adding that it would also involve informing the Board of Health.

Ms. Schloss told members that they would need to reword Conditions 28, 29 and 35 - and to extend the cutoff date to April 15, 2008 - and wanted to reconfirm that any work taking place between 3/15/08 and 4/15/08 would require the installation of a silt curtain.

Commr. Kent moved to approve the request for the minor modification as discussed to the Order of Conditions for File 81-1015, Tern Harbor Marina.

Cmmr. Murphy seconded.

UNANIMOUSLY VOTED

96 Prospect Hill Drive - Certificate of Compliance

DEP 81-1002

Cmmr. Murphy moved to issue a Certificate of Compliance for 96 Prospect Hill Drive, File 81-1002 as recommended by the Administrator.

Cmmr. Coven seconded.
UNANIMOUSLY VOTED

**Echo Avenue Project - Certificate of Compliance
DEP File 81-935**

Cmmr. Murphy moved to issue a Certificate of Compliance for the Echo Avenue Project, File 81-935, as recommended by the Administrator.

Commr. Kent seconded.
UNANIMOUSLY VOTED

**97 Worthen Avenue - Certificate of Compliance
DEP File 81-976**

Ms. Schloss told members that she was at the site the other day and noted that the existing deck was removed and the proposed 8' x 20' deck looked different than the one on their plan, adding that the applicant might have installed it on the left side rather than the right and that it also might be larger than proposed - but essentially it looked okay. She also noted a set of stairs that was not there before but in closing was supportive of a Certificate of Compliance.

Cmmr. Murphy moved to issue a Certificate of Compliance for 97 Worthen Avenue, DEP 81-976.

Cmmr. Coven seconded.
UNANIMOUSLY VOTED

Other Business and Conservation Report

**MWRA Fore River Siphon, Mitigation for Bentonite Release
DEP File 81-820 - Update**

Ms. Schloss referred to the outstanding MWRA Bentonite issue.

Chairman Thompson noted that they had decided to hold off issuing a Certificate of Compliance until they worked out mitigation of the Bentonite release.

Ms. Schloss reported that the DMF visited the site and said that they estimated about 21,000 clams were lost. The question now would be how to mitigate. She stated that the DMF has a methodology they use and that is how they came up with that figure as well as the \$15,000 cost to reseed. She felt the total amount for mitigation should be increased to about \$17,000. In speaking with Cashman, they felt the amount inappropriate. She said their scientist looked at it and spoke with other experts and felt that the DMF estimate of 20 years of lost reproductive potential was not based in science, adding there still are clams there as it was not part of a toxic spill. Cashman's scientist number was 84,000 clams verses DMF 210,000 clams. She commented that she was not sure the DMF formula was wrong.

Ms. Schloss went on to explain the reasoning behind the calculations, noting Cashman's dollar amount was about \$6,500. She told members that at this point they need to make a decision. She wanted to note that there would be 4 years between the spill and the clam seeding and it would take 2 years for them to mature for a total of 6 years which equated to 92,000 clams using DMF's methodology. She recapped the 210,000 figure less 84,000 - then suggesting to the members they could split the difference and go with 100,000 seeded clams. She acknowledged that the 210,000 figure was high. She said it should not be less than 6 years and felt they should ask for mitigation value of 100,000 clams - but now the members would need to determine the dollar value.

Chairman Thompson asked if they would be harvestable in that time period and Ms. Schloss replied 'yes', adding in the Back River.

Members agreed on the 100,000-seeded clam number.

Ms. Schloss said they could require mitigation for 100,000 seed clams - and that they would need to formalize this number before issuing the Certificate of Compliance. She noted that the DMF and the Town's Shellfish Warden would assist them.

Commr. Kent moved that the MWRA be required to mitigate 100,000 clams and that the DMF formula would be used for calculating the dollar value.

Commr. Murphy seconded.

UNANIMOUSLY VOTED

The Board supported Ms. Schloss sending out a letter confirming same.

Discussion re. Updating the Town's Wetland Regulation - Waivers

Members discussed the status of a previous applicant's need for a waiver, with Ms. Schloss explaining to the members that in order to change a regulation they need to hold a public hearing. At this point they could explain their interpretation of the regulation to that party.

Chairman Thompson felt the need for a waiver for the project was appropriate.

The January 9, 2008 meeting will be held at Weymouth Town Hall/Town Council Chambers at 7:30 PM.

Adjournment

Commr. Murphy moved to adjourn at 9:50 PM and to meet again on Wednesday, January 9, 2008.

Commr. Kent seconded.

UNANIMOUSLY VOTED

Respectfully submitted,

Susan DeChristoforo
Recording Secretary

APPROVED: _____
Scott Coven, Clerk

DATE: _____