

**CONSERVATION COMMISSION**  
**781-982-2100**

**Minutes**  
**February 26, 2013**  
**Buckley Room**  
**7:00 p.m.**

**Members present:** Denis Bergin, Chairman, Kathy Creighton, Joe Feeney, Jerry Kelliher, Bill Stone, Russ Forsythe (Assoc.)  
**Absent:** Nathan Elliott, Chris Kane, Mike Noonan

Meeting is being videotaped for cable and recorded by April Letourneau.

7:00 p.m. **Request for Certificate of Compliance, #84-174, 161 Old Farm Road, Barbara Wirtz.** Steve DeFrancesco attended representing Mrs. Wirtz. Project was built in 1994. Jerry did inspection, got a copy of the building permit and reported that everything seemed to be in order. House is smaller than proposed footprint. Opened to floor, with no comments and brought back to table.

Motion to approve made by Jerry, seconded by Kathy, unanimous.

**Savine Street** – Jerry stepped down from this discussion. A negative determination had been requested for work proposed by National Grid at the previous meeting. At that meeting, wetlands had been mentioned on the site. The Commission requested Russ Wheatley and John Cotter to come in re the filing for NOI for the four-lot subdivision. Letter from Mr. Wheatley dated February 20, 2013 was read (attached), listing filings that they had submitted previously. The NOI was filed under the local bylaw, not DEP. Denis pointed out it was a drainage issue, not wetlands, when they had gone before the board previously.

John Cotter – they received negative determination on property originally – on one lot, there was a pothole that caught water. Calculations were done in 2007 and 2011, and both times calcs. were submitted, and they got a negative determination on the pothole and on the northerly part of property. Then they went forward with roadway improvement plan, and the consulting engineer suggested they go back to Conservation and review bylaw. Botanist had said there was another area of wetlands, but it was not large enough to be classified as wetlands under WPA. Under local bylaw, any wetland has to go to Conservation. When they were in the process of the roadway improvement plan, they filed on a different wetland area, and an order of conditions was issued. They are taking runoff going on new area of 120' of roadway to construct, and they used best management practices – using catch basins with gas traps, underground detention area to hold back water, and swale outside detention area and show that there is less than 0

increase going into wetlands. Commission had agreed with findings on the roadway improvement plan. When National Grid looked at old computer plans it showed area that they considered to be wetlands, but didn't qualify under the Act, didn't hold enough water.

Denis – there was letter from DEP on January 3, 2007 – DEP looked at that land and isolated wetlands area was not sufficient to come under WPA. John Cotter - Determination at that time had been appealed to DEP, and DEP agreed with applicant that it didn't qualify under the Act. Kathy – did someone delineate the extent of the pond in the earlier work (yes) and are there any wetlands associated with the pond (no)? John – it is just bank with a steep slope. A botanist has looked at it. Kathy – connection wasn't there on GIS and felt it was originally manmade. 100' comes just through the corner of Lot 1. They are outside the buffer zone.

Denis didn't feel the Savine Street NOI was an issue and did not need to be re-opened. The board could proceed on the RDA. A negative determination had been requested. They are over 100' from the pond and are putting up haybales.

Motion by Kathy for negative determination with condition that haybales be installed to protect on excavation, seconded by Joe, unanimous.

**Jim Watson, Old Colony Planning Council** – to review Open Space Plan. Distributed plans to the board. Dan Crane, former Town Planner, had done the last one in 2006. They are updating that edition. Wanted to see if current board had any new ideas for goals and objectives and action plan with inventory. Jim had submitted summaries of recommendations previously.

Denis – suggested having a public meeting in conjunction with commission and residents. Kenan Connell, Highway Superintendent, has been sent an inventory also. Commission will look through and make any suggestions. Joe - asked if we could obtain copies of the large plans Mr. Watson had. Denis will follow up with Mr. Watson re copies of plans.

### **Old Business**

**Southfield – request for comments.** Denis has spoken to them, and work being proposed is in East Weymouth, so no comment from us is necessary.

**MassDOT** – Kathy didn't consider this a utility, thinks they are in buffer zone. Would like a wetlands delineation and more information – what kind of machinery is being brought in. Suggested they come in and explain what they are doing, file an RDA.

### **New Business**

#### **Correspondence**

Denis reported that he and former members were served with a Complaint for Certiorari re #84-462. He has confirmed with DEP that DEP is looking into it. It is under litigation and has been forwarded to town counsel.

Communication from DEP to allow emergency work to continue to March 22, 2013 from Nor'easter on or about February 8, 2013.

0 Adams Street NOI – will be coming on March 26<sup>th</sup>.

Nstar – Kathy excused herself – they will be applying herbicides June-October. To go on next agenda for board to look at.

Letter from Hal Norton re 227 Wyman Road – not discussed.

DEP copy of letter to Mr. & Mrs. Powers, 227 Wyman Road – negative superseding determination issued. Not necessary to file NOI with commission.

Minutes – February 12, 2013 – motion to approve made by Joe, seconded by Bill, unanimous.

Kathy – mentioned Annual Meeting for MACC.

Copies of filings – ask applicants to file electronically. Denis – board should comprise check list for filings – if large plans, one for everyone.

Building permits – no issues at this point. Joe – will look into what other towns do.

Motion to adjourn at 8:10 p.m. made by Jerry, seconded by Bill, unanimous.

Respectfully submitted,

Nancy Hurst