

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

**Minutes**  
**July 9, 2013**  
**Buckley Room**  
**7:00 p.m.**

**Members Present:** Denis Bergin, Chairman, Joe Feeney, Bill Stone, Jerry Kelliher, Mike Noonan, Russ Forsythe

Meeting is being videotaped for cable.

7:00 p.m. **Meeting with Town Manager Rick LaFond.** Board introduced themselves. Open Space Plan discussed; it is a quality of life issue, not just part of Master Plan. It has impacts for the long haul. Need updated Master Plan and Open Space Plan to qualify for grants. Planning is important. Town Manager is trying to meet with all the boards and committees, to meet the volunteers working for the town.

**Enforcement order – 1212 Bedford Street.** Vinnie D’Andrea in attendance. When Denis had gone out, it appeared to be a river. DEP maps indicated it was wetlands. On second visit, it was noted to be a static pool, not river. Felt it was isolated wetlands, and not on D’Andrea land. Mr. D’Andrea is putting up barrier around the pool. Denis had asked for silt fence and NOI, but now thinks it is unnecessary. There were no questions from board. Mr. D’Andrea joined the table and stated there had been an RDA filed previously with negative determination. Had letter of February 2007 that cease and desist was lifted by Alex Bezanson. Area is not wetlands protected. Eventually wants to put a building there. Original lot was only 15,000 s.f., has purchased additional to bring it up to 20,000 s.f.

Opened to floor, with no comments and brought back to table. Reviewed enforcement order. Denis felt it was under our bylaws, not WPA. Didn’t think NOI was necessary. Mark “other” - not river, but pond. Mr. D’Andrea - corner is low lying area below grade. It is a mosquito pit, should be backfilled. Denis – there is water there, and there should be a barrier. Mr. D’Andrea – doesn’t fall under WPA. Denis – it’s a pool that comes up from below. Stone wall had been pushed into water. Mr. D’Andrea was going to put crushed stone on top of the rocks from the stone wall, then barrier on stone on property line. Joe asked if it could be vernal pool. It’s not marked as vernal pool on maps. Mr. D’Andrea – it’s a 6 inch pipe that collects rain water. Previous determination named it as negative determination. Has been before Conservation three other times for this property; seems never ending. Denis – there is water. Mr. D’Andrea - it’s a puddle of rain to lower part of property. It dries out. Denis – there was water out there when he was there. Mrs. Reid, his neighbor, gets water on her front lawn. Mike - water comes down from Bedford Street. With improved drainage, it will probably clear up. Mike – felt he can contain his own water on his own property. Mr. D’Andrea – it’s on neighbor’s property, not his. What he’s doing won’t cause any more water for neighbor.

**Findings:** Board’s consensus – to vote to enforce – no vote; to rescind the enforcement order made by Mike, seconded by Bill, unanimous.

**Request for Certificate of Compliance, #84-345, 233 Margaret Road Extension.** John Cotter and Russ Wheatley gave presentation. This had previously been approved in 2004 on two lots. One was completed and certificate of compliance issued. On second lot he had built retaining wall and foundation. He wasn't able to complete it and it's been unfinished. They did as built of what exists now. Asking for certificate of compliance because order of conditions has lapsed. He will re-file a NOI to finish project. Foundation and wall have to be removed, will file NOI for this, and then rebuild and re-grade. Will be precast lock wall. Opened to floor, no comments.

Motion for certificate of compliance for work never completed made by Jerry, seconded by Russ, unanimous.

**NOI, #84-468, to construct a single family dwelling, deck, septic tank and driveway, including excavation, utilities, fill and top soil placement, grading with final lawn and surface restoration within 100 ft. of BVW at 810 Washington Street, Mark McSharry, McSharry Bros., Inc., P. O. Box 206, Abington.** Pat Carrara, PMP, gave presentation for Mark McSharry – green cards submitted. Originally was part of 808 Washington Street, which was subdivided into three parcels. They are proposing single family home, septic. Wetland area is associated with ditch. It was flagged, flows to wetland area to north. Comes from wetlands area from other side of Colonel Hunt Drive. Goes into pipe, comes down through abutting property and directed through ditch and goes north. House is just within 50' buffer zone. Septic is up to 100' buffer zone, leaching system is outside buffer zone. Added a deck onto house, and supplied separate drawing. Deck is 34.8' away from flagging. Designed for colonial style house with garage. In front it will be raised, around the back not so much. There is a 106 contour, no grading from that point on. Sewer is not available. Mike – didn't have a problem with it. Denis - any work should be 10' or more from resource area. Silt fence is shown on plan. Joe – would like a phone call when silt fence is installed so it can be viewed prior to construction. Denis suggested putting all the projects on a diary system for periodic review.

Opened to floor:

Dennis Lynch, 89 Col. Hunt Drive – abuts both properties. It was mentioned that they didn't want the house to have a wet basement. Pat Carrara - They are limited by soil testing, don't want to put the house too low. Height of house is also tied into septic system. Mr. Lynch – is there any way the house could be built outside the 100' buffer? No – due to zoning setbacks. Mr. Lynch - his property has the stream through it. Water is a problem continuously; there is water out there now. Any water is a problem. He bought house in 2007; his pump runs all the time. Concerned with proximity of house to wetlands area. This is 51' from his property line to garage. Mr. Carrara - deck is 35' from wetlands.

Marge Conover – asked where deck will go. It will be on back of house.

Susan Nash, 101 Col. Hunt Drive – her house is directly behind this property. From deck and clearing trees, how many trees will be left? Won't be touching any trees past silt fence line, 30' off the rear of the house. There is at least 30' from silt fence to property line. Nothing touched beyond silt fence. They have an intermittent stream behind their property that always has water in it. Mr. Carrara – it's a manmade ditch. The first time they went to site it was dry; the second time it had some water. Water will flow from the midline of house towards Washington St. High point at 108, maintaining existing drainage pattern, won't shed more water towards ditch.

Dennis Lynch – whose property is ditch on? From this plan, it looks like it's on Grant land. When they went to Zoning, they were told it was on Mr. Lynch's property. Conovers thought it was the town's. Felt that should be determined before anything is done. Mr. Carrara – they did their own survey and tied it in to Russ Wheatley's plan. Whether the ditch is on Lynch's property or McSharry's isn't issue for Conservation to deal with. Would have to go to surveyor.

Susan Nash – at ZBA meeting, they said no mature plantings at all would be touched. Referred to ZBA minutes, read from decision.

Harry Conover – how far is it from property line to garage? It is 60.7'.

Mark McSharry – it was not the intent to not cut anything. They would have to, to put up a house.

Marge Conover - asked for chain link fence along boundary line.

Brought back to the table, to continue with the next NOI, 806 Washington Street.

8:05 p.m. **NOI, to construct a single family dwelling, deck and driveway, including excavation, utilities, fill and top soil placement, grading with final lawn and surface restoration within 100 ft. of BVW at 806 Washington Street, Mark McSharry, McSharry Bros., Inc., P. O. Box 206, Abington.** # hasn't been issued by DEP. This hearing will be continued for DEP #. Hearing opened, green cards submitted. 806 is to south – single family home, deck, sun room, driveway, site grading, septic. Silt fence shown is 20.6' from flag 5. House is outside 50' buffer, septic is outside buffer. Site grading will shed water to east, around the front, to front and to Washington Street. Ditch is up-gradient of this site.

Denis – re ditch – seems to be seasonal. From the floor, they seem to think it flows all the time. That triggers 200' buffer zone if it's a river. Mr. Carrara - they checked USGS and DEP maps. DEP maps show a wetlands to the north. USGS don't show stream going through there. It is connected to construction of houses on Col. Hunt Drive. It comes down on west side of Col. Hunt Drive, goes into a pipe, into a catch basin, takes water from drainage system on Col. Hunt Drive, comes down where flag #1 is, and to manmade ditch. It goes downhill from south to north. It is shown on plan. Russ thought it was a stream, probably intermittent. Denis felt this would require site visit.

Opened to floor:

Marge Conover, 35 Col. Hunt Drive. Water comes down hill, under Col. Hunt Drive. Only time it's dry is in summer when they haven't had rain. They have a well that has water all year round. Used to water cattle up there.

Denis - stream is above property. Mr. Carrara – ditch runs parallel to property, but is up-gradient on the lot. All the water will shed down towards Washington St.

Dennis Lynch – took picture of ditch in April to show how it flows. Mr. Carrara – it dries in summer. Col. Hunt Drive is all ledge – Mrs. Conover.

Dennis Lynch, Sr., Pond Street, Weymouth - without ditch, property would be saturated with water. They need a site plan down-gradient of Col. Hunt Drive. Water has to come down, and was channeled through top

of Col. Hunt. They may have created it, but it's not a ditch, it's a stream. It flows considerably. Without the ditch, the property would flood. Mr. Carrara – that's not true. House at 808 has been there. The surface grade pitches all the way down to Washington Street. There is a 20' drop from ditch to Washington Street. Mr. Lynch – why weren't abutters notified of the deck in the notice? Didn't think it complied with notice requirements.

Denis – the notice is to let the abutters know of the hearing. Deck was included in the NOI.

Marge Conover – has never seen Grants' backyard with water. Mr. Carrara - included MassGIS map in NOI and nothing was indicated as far as stream on Col. Hunt Dr. There was really no indication of a wetland there.

Cyndi Whiting, 100 Col. Hunt Drive - intermittent stream is behind her house on Col. Hunt Drive, and the majority of the time there is water flowing .

Denis brought it back to table. Joe wanted to do site visit. Both NOI's to be continued to July 23<sup>rd</sup>. Pat Carrara would like to be informed of site walk so he can be out there.

Motion to continue the hearing on 810 Washington Street to July 23<sup>rd</sup> made by Mike, seconded by Russ, unanimous. Motion to continue the hearing on 806 Washington Street to July 23<sup>rd</sup> made by Mike, seconded by Russ, unanimous.

**123 Centre Ave.** – silt fence and haybales are up. Building not demolished yet. Letter is going out to request DEP to extend emergency certification. Joe suggested some sort of float for protection should be put in the river downstream to catch any debris prior to demolition. NOI has been filed and on the agenda July 23, and may be post demolition.

**Meeting today re Route 18 widening**, with Jerry and Bill attending. MassDOT is trying to set up a meeting with the three towns at the base at a future date. Joe Shea submitted a report on Route 18 widening which was distributed to the board

Minutes – June 11, 2013 – motion to approve made by Joe, seconded by Mike, unanimous.

**Motion by Mike to continue 84-465, 0 Adams Street**, to August 13, 2013, with abutter notification, seconded by Russ, unanimous.

Building permits – 498 Linwood Street, Lot 1.

Motion to close at 8:40 p.m. made by Mike, seconded by Russ, unanimous.

Respectfully submitted,

Nancy Hurst