

**WEYMOUTH CONSERVATION COMMISSION
RECORD OF MINUTES AND PROCEEDINGS**

**Wednesday, April 25, 2018, 7:00 p.m.
McCulloch Bldg., McElroy Rm., 182 Green St., Weymouth, MA**

Present: Thomas Tanner, Chairman
John Reilly, Vice-Chairman
Frank Singleton, Vice-Clerk

Not Present: Scott Dowd, Clerk
George Loring, Commissioner

Also Present: Mary Ellen Schloss, Conservation Administrator

Chairman Tanner called the April 25th Conservation Commission meeting to order at 7:00 p.m.

Approval of Minutes

The minutes of March 28, 2018 were reviewed and accepted with correction.

On a motion made by Cmmr. Reilly, seconded by Cmmr. Singleton, the Commission voted 3-0-0 to approve the March 28th minutes.

2, 8 & 16 Mitchell Lane – Request for Final Certificate of Compliance (COC)

Thomas Nutley

Map 41, Block 489, Lots 141, 142 & 143

DEP File # 81-1169

3-lot subdivision with roadway and drainage

Appearing before the Commission were owner, Thomas Nutley, and Frederick Geisel, PE.

Mr. Geisel explained that the sole purpose for the April 17th supplemental plan was to show the added invert elevations for the detention pond.

In response to Weymouth's Engineering Dept. comments, Mr. Geisel said:

- The design for the detention pond was based on the design for the Mass DOT forebay, for the Route 18 widening project, so Mass DOT could convert it to a forebay. Though constructed a bit smaller than proposed, it exceeds the 100-year storm requirement.
- The basin was designed to drain within 72 hours, but seems to be holding more water than that. Mr. Geisel is proposing a survey and suggested that perhaps a swale and pipe might be preferable.
- After the basin was created, mud and weeds were found growing on the bottom. The basin was cleaned, then filter fabric and crushed stone were added. The bottom was raised by a few inches, but it will not affect the basin's capacity. He will submit a proposal to allow the pond to drain completely.

As there is a buyer for the last unit, it was agreed that Mr. Nutley will provide a \$2,000 guarantee to ensure final work is done and vegetation growth is successful.

Ms. Schloss said she will issue sign the Certificate of Occupancy, but hold the COC until all work is completed.

On a motion made by Cmmr. Reilly, seconded by Cmmr. Singleton, the Commission voted 3-0-0 to approve the Final Certificate of Compliance which will be held until all conditions are met.

Libbey Parkway Replacement Well – Discussion

Libbey Parkway

Map 34, Block 433, Lot 7

48-hour pump test

Ann Marie Petricca of Environmental Partners came before the Commission to provide information. Ms. Petricca said:

To start, the well will be pumped for about 1 week at a discharge rate lower than used for the pump test. Discharge will be to the area reviewed with Administration, adjacent to the Old Swamp River. Straw bales will be used to slow runoff.

DEP requires a 48-hour pump test. During the test, they will pump 0.38 million gallons per day, or 263 gallons per minute, for 48 hours. DEP has approved conducting the pump test in July to avoid spawning activity of herring. Water will be discharged to Whitman's Pond, in the area reviewed with the Administrator. DEP requires a *replacement* well be within 50 ft. of the old well; this is only 30 ft. away.

Ms. Schloss is comfortable with discharge going to Whitman's Pond after July 1, based on Division of Marine Fisheries' recommendation. The Commission asked for 48 hours' notice prior to the start of pumping.

211 Green Street – Violation Hearing

Robert Tocchio

Map 11, Block 103, Lot 11

Fill into wetlands and 100-foot buffer zone

Robert Tocchio came before the Commission as requested.

Ms. Schloss explained that in:

- December, 2011, she met with the prior homeowner (Robert's father) Tony Tocchio. He told her that a former Conservation Chairman, Howard Evirs, gave him permission to conduct operations within a specific limit of work.
- February, 2017, she met with Tony Tocchio again and observed the fill had been added beyond the agreed upon limit of work by 30 ft.

- March, 2017, she met with son, Rob Tocchio, who said he would try to take care of the wetland issue.
- February, 2018, she asked Rob how the removal was going and he explained he couldn't do it because it was too soft and his equipment couldn't handle it.

Rob told the Commission that he has not brought in any fill – what is there was brought in by his father. He added that his attorney told him this issue was not his responsibility.

Chairman Tanner explained that the work needs to be done - by barrowful if necessary, otherwise, the town will do it and charge Mr. Tocchio for the work. Mr. Tocchio was asked if he could come back to the May meeting with a plan for the work; Mr. Tocchio said yes.

Neighbor, James Crehan, 203 Green Street, asked to speak. He asked why he wasn't notified if this operation was approved by the town. He said the fill has resulted in flooding issues for him.

Ms. Schloss stated that the Building Dept. confirmed there was no license issued for the fill work.

Other Business

Bridge Street at King's Cove: large amount of debris was pushed up by the March Nor'easter. Board of Health required it be removed and, as needed equipment on the beach will have to be permitted, an Emergency Certification (only good for 30 days) must be issued.

On a motion made by Cmmr. Reilly, seconded by Cmmr. Singleton, the Commission voted 3-0 to issue an Emergence Certification for King Cove Beach cleanup.

20 Humphrey Street: Enforcement was recommended for Ken Ryder due to the removal of a town drainage pipe. As a result, stormwater is now discharging to an eroding slope and turbid water is going into the wetlands. Ms. Schloss said she notified their Engineer, Al Trakimas.

Ms. Schloss also reported that water from the adjacent parking lot on the property (also owned by Mr. Ryder) is crossing disturbed soils behind the retaining wall and turbid water is being released to the wetlands. In addition, another issue is the retaining wall Mr. Ryder built without approval (he still has not produced the new plan he promised).

On a motion made by Cmmr. Singleton, seconded by Cmmr. Reilly, the Commission voted 3-0 to issue an Enforcement Order.

End of Carlson Cove: 30-foot trees were cut down on the shoreline of Whitman's Pond, some of which were *not* damaged. As an "environmentalist", the woman was very upset when she was told this isn't allowed without approval.

Ms. Schloss said the woman is willing to work with Con Comm and will be sent a letter asking her to replace the healthy trees with trees of significant size.

188 Idlewell Blvd.: the house that was built under a Conservation Order of Conditions had a limited lawn area and was required to put up Conservation posts. Currently, posts are missing and grass is well beyond the point it should be. Ms. Schloss said she will send them a Notice of Violation.

53 Wituwamat Road: Notice of Violation, regarding stored machines and dumping on town-owned land, was sent to homeowner. Nothing has been heard yet from Ms. Panetta.

Hingham Naval Ammunition Depot: as part of the unexploded ordnance and contamination-related investigation.

The Army Corps of Engineers (ACOE) is investigating the Back River for anomalies (metal). ACOE is coordinating with Div. of Marine Fisheries on measures to protect shellfish and finfish during the intrusive work (removal of metal).

Other Projects

Whitman's Pond Vegetation Management: In summer 2017, Solitude Lake Management applied herbicide in the wrong location of Whitman's Pond. Vegetation monitoring will be done this spring to identify potential adverse impacts. DPW's Order of Conditions for vegetation management will expire in June and this will probably be on the June 20th agenda.

Next Meeting: May 30th.

CPC Update: No report; Cmmr. Loring was not in attendance.

Administrator's Conservation Report
Report dated 4/25/2018 was handed out.

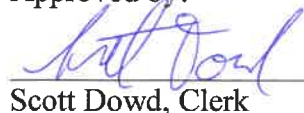
Adjournment

On a motion made by Cmmr. Reilly, seconded by Cmmr. Singleton, the Commission voted 3-0 to adjourn at 8:23 p.m.

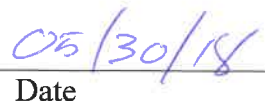
Respectfully submitted by,

Patricia Fitzgerald
Recording Secretary

Approved by:



Scott Dowd, Clerk



Date

Documents reviewed during the meeting:

From Environmental Partners:

- **Figure 1: Site Locus, Libbey Park Replacement Well**
- **Figure 1: Libbey Park Replacement Well, Proposed Discharge Location**
- **Libbey Park Replacement Well, Pump Test in July, 2018**