

Town Clerk

**Weymouth Conservation Commission
McElroy Room, McCulloch Building
182 Green Street, Weymouth
April 25, 2012 Meeting**

Present: George Loring, Chairman
Steve DeGabriele, Vice-Chairman
Scott Dowd, Commissioner
Laura Harbottle, Commission Clerk
Greg Shanahan, Commissioner

Also Present: Mary Ellen Schloss, Administrator

Recording Secretary: Patricia Fitzgerald

Cmmr. Loring called the April 25, 2012 meeting to order at 7:00PM in the McElroy Room, in the McCulloch Building, Weymouth, MA.

Minutes

Cmmr. DeGabriele moved to approve the March 14th minutes as written and amended, seconded by Cmmr. Harbottle. UNANIMOUSLY VOTED

**0 Oak Street – Notice of Intent – Hearing
Terrence Hughes
Map 43, Block 53, Lot 137
DEP File # not available**

Cmmr. DeGabriele moved to open the public hearing, seconded by Cmmr. Dowd. UNANIMOUSLY VOTED

Cmmr. Dowd, at the request of the applicant, moved to continue the public hearing to May 23rd, seconded by Cmmr. DeGabriele. UNANIMOUSLY VOTED

35 Regatta Road – Violation Hearing

Cmmr. Harbottle moved to open the violation hearing, seconded by Cmmr. Dowd. UNANIMOUSLY VOTED

Appearing before the Commission were Mark Manganello, LEC Environmental Consultants, and Rand Currier, owner of 35 Regatta Road.

Ms. Schloss said that LEC Environmental provided a restoration narrative dated April 18th. She explained that in 2007 there was an Enforcement Order regarding some cutting and, as a result, there were (66) shrubs planted on the Town-owned coastal bank. Today, only (15) shrubs have survived and the vegetation is gone. The area appears to have been mowed and there is a lawn; the conditions are very different from what was required.

Mr. Currier stated that the bank is stable and plants are native and non-invasive. He said he has an e-mail from (5) years ago permitting the cutting of invasive species, but the landscaper recently “went overboard”. He remarked that his family is concerned about fire and erosion and to plant more than (40) plants would be difficult to water. He said that when the bank was mostly grass it has caught fire and kids light fires on the beach most nights. He added that after heavy rains, grass holds the bank and prevents erosion.

Mr. Manganello said he will plant (40) Virginia rose. He commented that the Creeping juniper did not survive but the Rosa rugosa did (but that is not a favored plant now).

Mr. Manganello described what he hopes to incorporate into the plan:

- Increase amount of monitoring and reporting to the Commission.
- Control non-native species without area appearing landscaped.
- Control growth of some of the trees to provide wildlife habitat and prevent non-native species growth.
- Use shrubs and small trees and do periodic meadow mowing.
- He is concerned about the (40) plants and ability to maintain spacing in between. It will be difficult to mow between plants if growth is allowed.
- Spot removal of some non-native plants.
- To encourage more shrub-like growth, height growth will be controlled.
- An additional (50) American beach grass plants will be added to the toe of slope.
- There is an intense plan to monitor, especially as it is Weymouth-owned property.

Cmmr. Shanahan asked how the number of plants was determined to be (40).

Mr. Manganello replied that it was the amount that would be reasonable in order to fill in the open spaces, in clusters of (3), to provide adequate coverage.

Cmmr. Shanahan asked if they considered the plantings of other properties; Mr. Manganello explained that no other properties have as sophisticated an approach or the number of native plants.

Cmmr. Shanahan asked the Administrator when the Town had last added sand on the beach.

Ms. Schloss said not within the (8) years that she has been Administrator but she thought that beach nourishment was added in the early 2000's.

Mr. Currier offered that the Town stopped dumping sand and raking the toe of slope about (7) years ago.

Cmmr. Harbottle asked if there was a site plan showing the Town property line by the slope.

Ms. Schloss said that the Weymouth Property Viewer shows that most of the slope is Town property.

Cmmr. Harbottle stated that it could be problematic should the conditions not be met, if there isn't a way they can be imposed upon the property owner.

Ms. Schloss pointed out that the 2007 Enforcement Order required that the planting be done and this will have to be transitioned from Enforcement Order to (for long term maintenance) a Memorandum of Understanding.

Cmmr. Harbottle asked how it happened that the previous plantings did not survive; Mr. Manganello said there was a very unsuitable substrate with much construction material present.

Cmmr. DeGabriele expressed appreciation for the effort put into restoring the property in 2007, but now, in 2012, it looks like a manicured lawn. He said, as opposed to the LEC report stating 'some mowing', it looks like grass was planted and mowed and later said that he wants it on record that he thinks there has been cutting, clearing and lawn maintenance. He specified that he wants conditions returned to what they should be and said submitting monitoring reports is good but he doesn't want to visit this issue again in (5) years. He suggested something be done to address this issue beyond the (5) year mark, suggesting that perhaps an agreement should be drawn up between home owners and the Town. He also asked if a marker could be posted indicating 'No Power Cutting or Mowing'.

Cmmr. Dowd declared that he wants alternatives to mowing to be considered (to keep invasives from growing). He suggested planting an understory and, ultimately, having a 'No Disturb' instead of mowing.

Mr. Manganello remarked that he is very apprehensive about letting things go naturally; he feels it is best to mow aggressive species once each year to maintain spacing between plants and prevent invasive growth.

Ms. Schloss remarked that she talked to Bob Feldman, Town Arborist, and he has never heard of the 'stump sprout' method; Mr. Manganello said it is more common on Cape Cod.

Ms. Schloss offered that there are invasives all over the bank but asked if the honeysuckle shouldn't be left in place; Mr. Manganello agreed that bush honeysuckle is not inclined to spread and it may be more harmful if they are dug up.

Ms. Schloss recommended that nothing be 'stumped', saying that the cherry and Norway maple be left at the toe of slope on the bank and she would like to see as much beach grass as possible. She told Mr. Currier that she is concerned that the boat storage area is an area of vulnerability; she sees beach grass growing around it and reminded him that it is Town property.

Mr. Currier commented that the language in the deed "was loose" and he has been keeping his boat there for (7) years to which Ms. Schloss suggested it may be helpful to look at the deed. He then said he would be happy to plant more grass, and added that in a Nor'easter sand blows into the kitchen and builds up on the deck, and on the 4th of July people are standing all the way up to the toe of the slope.

Ms. Schloss asked about a snow fence, but Mr. Currier said he was concerned about retaliation.

Ms. Schloss noted that, when facing the house, plants have not grown on the left side and stated that she wants to make sure that is accomplished.

Mr. Manganello was asked by the Administrator if the size of the plantings has been determined; he said they had not – they would like to use larger plants but they are harder to grow. Ms. Schloss stated that she didn't want anything smaller than a 1-gallon size and asked if there were any native grasses present.

Mr. Manganello replied that nothing has flowered, so it isn't known yet.

Ms. Schloss asked if they will be spraying bittersweet with Round-Up; Mr. Manganello said that, initially, they won't be using herbicide, but if it is necessary its use would be limited.

The follow-up to the 5-year monitoring period was discussed and it was decided that the issue will be revisited at that time.

Ms. Schloss asked about the beach grass planting; Mr. Manganello said the period for dormant planting (April 15th) has gone by.

Ms. Schloss expressed that she was comfortable letting the Virginia rose be planted before she gets the paper work out, and she will add that the number of beach grass plants needs to be provided; the Commission later agreed to allow this.

In response to the snow fence being of some help in allowing the beach grass to grow, Mr. Currier offered to plant the beach grass, yearly if necessary. He is opposed to using the fence as he feels it might cause problems with neighbors.

Cmmr. Shanahan moved to issue an Enforcement Order and to accept the LEC Restoration Plan, seconded by Cmmr. Dowd. UNANIMOUSLY VOTED

**72 Davids Island Road – Request for Certificate of Compliance
DEP File #81-912 and #81-1000**

Appearing before the Commission was owner Michael Lynch.

Ms. Schloss explained that #81-912 was for a tear-down and rebuild of a single-family home and #81-1000 was for a vertical retaining wall. The Commission is in receipt of one letter and an as-built plan from Engineer Shawn Hardy, dated April 9, 2012, which covers both Orders of Condition:

- Mr. Hardy's letter regarding #81-912 refers to project deviations: the paver patio was a change, but it's not a huge issue as it is not creating run-off to water and there is grass around it.

Cmmr. DeGabriele expressed concern for Mr. Hardy's certification feeling that the wording 'construction *appears* to be in compliance' is inadequate.

Ms. Schloss explained that Mr. Hardy saw that some changes had been made and he could not confirm compliance. Ms. Schloss asked him to note discrepancies, which he did by referring to the decorative patio stone wall and the walkway deck and stairs.

Ms. Schloss said pictures show the 'suspended walking deck' that did not have anything fixed to the ground except the stairs. She stated that the approved Notice of Intent for the house (#81-912) shows where the stairs were and the plan for the next 11x17 plan. A section of wall collapsed and had to be extended but, because it was an emergency, a plan wasn't obtained; Ms. Schloss said she thought it would be rebuilt to where it takes the corner.

Mr. Lynch remarked that where it collapsed, they took it all the way to where the shed was removed and stopped it at the corner (the indentation still exists); he said the wall was put back exactly where it was.

Ms. Schloss said that the stairs extend (6) ft. out from the approved location (adding that she wasn't in favor of where the stairs were before and definitely isn't now, now that they are (6) ft. further out).

Cmmr. Loring asked what is being recommended now: Mr. Lynch replied "(2) concrete pads with no footings".

Cmmr. DeGabriele repeated that he is not in favor of projects not being done as they were approved and, as such, can't approve the COC.

Ms. Schloss offered that, in light of the size of the project, it is in substantial compliance. She said she will ask Mr. Lynch if stairs can be tucked back in and recommended Con Comm look at it.

This discussion was continued until May 9th.

**51 Alpine Road – Request for Certificate of Compliance
DEP File #81-1072**

Ms. Schloss reported that she out to the site on April 23rd. She said that the engineer wrote a letter but he did not note the discrepancies, adding that some are not an issue.

Her findings were:

- There was supposed to be a large retaining wall, but as there is an existing natural rock face, there is no need for a retaining wall.
- She didn't get the final on the size of the dry wells.
- There is a retaining wall at the front of the property (the original plan called for a slope); even though it's an improvement (because less is subject to erosion), Con Comm should have been notified.
- Stairs and walkways are not on original plan.
- Driveway is a little different,
- Some vinca and pachysandra is growing but more grass is needed on some bare spots.

The property owner, Gary Gabriele, said the grass hasn't been established because it hasn't been fed and the bare spots are because no one uses the stairs. He said the property isn't occupied yet but the buyers are waiting to close.

Ms. Schloss said she was comfortable with the project.

Cmmr. Harbottle moved to issue the Certificate of Compliance, seconded by Cmmr. Dowd.
UNANIMOUSLY VOTED

Other Business/Conservation Report

- 2 Perkins Road: The owner asked if the deck orientation could be modified slightly. The modification would have less deck area in the buffer zone; the Commission approved the change.

Adjournment:

Cmmr. Harbottle moved to adjourn the meeting at 8:40 PM and to meet again on May 9, 2012 at the McCulloch Building on Green St., seconded by Cmmr. Shanahan. UNANIMOUSLY VOTED

Respectfully submitted,

Patricia Fitzgerald

Approved:

Laura Harbottle, Conservation Clerk

Date