

Town Clerk

**Weymouth Conservation Commission  
McElroy Room, McCulloch Building  
182 Green Street, Weymouth  
May 23, 2012 Meeting**

**Present:** George Loring, Chairman  
Scott Dowd, Commissioner  
Laura Harbottle, Commission Clerk  
Greg Shanahan, Commissioner

**Not Present:** Steve DeGabriele, Vice-Chairman

**Also Present:** Mary Ellen Schloss, Administrator

**Recording Secretary:** Patricia Fitzgerald

**Cmmr. Loring called the May 23, 2012 meeting to order at 7:00PM in the McElroy Room, McCulloch Building, Weymouth, MA.**

**Minutes**

Cmmr. Harbottle moved to approve the April 25<sup>th</sup> minutes as written and amended, seconded by Cmmr. Shanahan. UNANIMOUSLY VOTED

**O Oak Street – Notice of Intent - Continued Hearing**

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

Applicant withdrew their Notice of Intent application without prejudice.

Cmmr. Shanahan moved to close the public hearing, seconded by Cmmr. Dowd. UNANIMOUSLY VOTED

**59 Lakehurst Ave – Discussion Re: Tree Removal  
Map 34, Block 400, Lot 19**

Applicant did not appear for the discussion.

**0 Finnell Drive – Notice of Intent – Hearing**  
**Weymouth Club, Steve Goldman**  
**Map 36, Block 452, Lot 9**  
**DEP File #81-1103**

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

Applicant's engineer had not arrived at this time – hearing moved to later in the meeting.

**151 Wessagussett Road – Notice of Intent – Hearing**  
**Elizabeth Skafidas**  
**Map 4, Block 36, Lot 7**  
**DEP File #81-1105**

Applicant had not arrived at this time – hearing moved to later in the meeting.

**38 Lambert Avenue – Notice of Intent – Hearing**  
**Jack Butcher**  
**Map 27, Block 346, Lot 3**  
**DEP File # 81-1106**

Cmmr. Harbottle moved to open the public hearing, seconded by Cmmr. Shanahan. UNANIMOUSLY VOTED

Appearing before the Commission was Jack Butcher. Abutter cards were submitted.

Mr. Butcher explained this NOI is for the replacement of a retaining wall that is falling apart. Mr. Butcher said he plans to use self-draining, cement blocks with stone filled voids to replace the existing railroad ties.

Cmmr. Dowd asked if any other material had been considered; Mr. Butcher replied he had not.

Cmmr. Dowd commented that the blocks are not helpful to pond deterioration and said he would like something more environmentally friendly to the bank, adding that sheer walls are not good for a number of reasons. He asked Mr. Butcher if he had looked into bio-engineering.

Mr. Butcher said that (the location he's working on) is too high, but he does have vegetation on the lower bank.

Cmmr. Harbottle asked if it is higher than the existing wall; Mr. Butcher said he wants it (6)" higher.

Cmmr. Harbottle asked if it will have to be leveled out and if fill will be needed; Mr. Butcher replied that he thinks it will need to be leveled about (1) ft. and a little fill will be needed behind the cap to level it.

Cmmr. Harbottle asked "What if it needs to be done again?"; Mr. Butcher said this work is supposed to last (100) years and it won't need to be done again.

Ms. Schloss reported that DEP said this work will probably require a Ch. 91 permit and she sent the Division of Marine Fisheries a copy of the NOI. She received a response from DMF and they agreed that a time-of-year restriction (during the spawning period) is important because this project is near the shoreline.

Ms. Schloss said she asked Mr. Butcher about the footings - how far out from the wall, how much will be excavated and how much "in the dry"; Mr. Butcher said it would be cheaper in the dry, and wishes the pond would dry out naturally in this location, but it never has.

Ms. Schloss asked, if work has to be done in the water, what environmental protection measures will be used. Mr. Butcher said a (120) ft. 'boom'. Ms. Schloss asked if it was a curtain or a dam; Mr. Butcher said "he called it a curtain".

Ms. Schloss said that, typically, there would be more information provided (e.g. elevation, construction methods) by an engineering report.

Mr. Butcher said the survey has the elevation of the water as of (2) years ago (the date of the survey).

Ms. Schloss asked how much will be excavated; Mr. Butcher said (5) ft. "to rip out old wall and fill in, in back of that".

Ms. Schloss stated it is Bordering Land Subject to Flooding, but the elevation is above control elevation.

Cmmr. Harbottle asked how liable it was to washing out and what the height was based upon.

Mr. Butcher responded that it is as high as it is now and is the same as the neighbors and stated that theirs doesn't flood.

Ms. Schloss asked if it flooded above the wall in 2010; Mr. Butcher said yes, but "it never hit the house".

Ms. Schloss said, referencing Cmmr. Dowd's comments, that the Commission likes to see vegetation and improvements to the bank, but as the wall is (17) ft. from the house and given the fact that he's trying to save the tree, it makes a difference. She also commented that the house was built in 1928 and it has fill, but she would like to see the fill pulled back where possible.

Cmmr. Harbottle said that she would not want to see any more encroachment on the pond.

Cmmr. Dowd stated he would prefer pond encroachment to a sheer wall, later saying he would suggest sloping into the pond and that he wants to be consistent with lake side applications.

A future patio was discussed; Ms. Schloss said it would need to be shown on the plan, as it is in the 25-ft. no-disturb.

No public questions or comments.

Mr. Butcher stated he will be using pre-cast concrete blocks and the void will be filled with small stones. He also said that if they will need to work in the water, he thinks they'll be using sand bags.

Ms. Schloss cautioned him that they will need to be sufficient to hold water.

Cmmr. Harbottle moved to close the public hearing, seconded by Cmmr. Shanahan. UNANIMOUSLY VOTED

Cmmr. Harbottle moved to issue an Order of Conditions with conditions mentioned:

- Time of year restriction.
- Turbidity curtain, if needed.
- Cofferdam, unless in dry conditions.
- All excavation is towards the house.
- Inspection before OOC.
- Erosion controls / dam before inspection.
- Required permits (Ch. 91).

Motion was seconded by Cmmr. Shanahan. MOTION PASSED 3 to 1, with Cmmr. Dowd opposed.

### **0 Finnell Drive – resumed**

Engineer arrived at 7:05 – see previous 'open'.

Appearing before the Commission were Atty. Gregory Galvin, Steve Goldman for the applicant, Mike Joyce, Green Environmental and John Zimmer, South River Environmental; abutter cards were submitted.

Atty. Galvin told the Commission that the plan is designed to add some parking for the Weymouth Club. He said there is open space on the parcel opposite the 'bubble', just beyond the main building, and there are wetlands coming across Finnell Drive.

Mr. Joyce said the proposed driveway into the parking area is near where the wetland restoration was, and there is another wetland behind the 50-ft. and 100-ft. buffers. The proposed 64-space parking lot uses bio-retention drainage that drains toward the center and goes through a bioswale where there is a perforated pipe in the bottom that then goes into a drain structure. In the case of a large storm, there is a catch basin in the center of the bioswale that is set about (10)" above the bioswale base so it overflows into the catch basin and then flows into the detention pond. In the 100-year storm, it fills up and there's a crest along which water sheet flows back into the wetland buffer zone. He stated it is a (10) acre lot with (3.5) acres of wetland and they are utilizing the upland area for the additional parking.

He said that Mr. Zimmer, a Wetland Scientist, walked the property and flagged the wetland. He said they are impacting the 50- ft. buffer, an area previously impacted by development of the roadway and gravel, and they will remove a portion of the gravel within the 25-ft. buffer zone. He said that the center piece is the bioswale; the parking lot tips towards center, water sheet flows to the center, past the curb stop into the bioswale, with over flow into the detention basin. In addition, they also want to level an area to provide for a future play area.

Atty. Galvin mentioned that to the west there are high tension wires of 150-250 feet. Mr. Zimmer added that only the (150) ft. is maintained.

Cmmr. Harbottle asked what kind of 'play field' will the graded area become; Mr. Goldman replied that it will be an all-purpose field used for their summer camps.

Cmmr. Harbottle asked how often the detention basin for the parking lot drainage will fill up and what happens in an emergency overflow.

Mr. Joyce said the bioswale is for up to the 10-year storm above which it will flow into the detention basin, and for the 100-year storm will overflow into a spill way which Mr. Zimmer stated will over-flow into the vegetated buffer.

Cmmr. Harbottle commented that the roadway looked to be a little in the 25-ft. buffer and asked if it could be moved out or to the other side.

Mr. Joyce responded, saying the last (5) ft. of the existing vestibule (for the bubble) is actually a walkway and to move it to the other side would mean moving the driveway closer to the wetland.

Cmmr. Shanahan asked what will happen to the existing gravel parking lot; Mr. Joyce replied that it is for maintenance trucks and 'the bubble' is for trucks to get in and back up.

Cmmr. Shanahan asked about watering the large grass area; Mr. Goldman said the grass won't be put in until the fall.

Cmmr. Dowd commented that there may come a day when a structure is wanted on the cleared area if there are no trees; Mr. Galvin said the trees would be cleared and the area seeded when the parking lot work is done, because the equipment will already be there and area is needed for the camp.

Cmmr. Dowd asked about watering the seeded area; Mr. Goldman answered they will have the area re-seeded next year and mowed when it gets long enough.

Mr. Zimmer offered that only about 1/3 of the field is in the buffer zone.

Mr. Galvin remarked that it's an I-1 zone, so anything Mr. Goldman does beyond the field will require his coming back for approval.

Ms. Schloss advised that trees greater than (6) inches in diameter are supposed to be shown on the plan. She tried to count the number of trees and saw approximately (75) trees in the buffer zone to the left (south) of the wetland, and approx. (25) on the north side, but not a lot of big trees and nothing greater than (23) inches. She asked what was going on in the parking lot.

Mr. Zimmer said that a lot of birch and beech trees have fallen down.

Ms. Schloss stated she did not see any eggs in the pool along the path and suggested that the erosion controls in Lots 4 & 9 could be pulled back.

Mr. Joyce said he can pull the erosion controls back to the stone wall.

Ms. Schloss said the Order of Conditions should include a check list that can be given to the maintenance people, and asked that the existing and proposed drainage area be explained. She also mentioned that a bioswale is something Con Comm has not encountered before.

Mr. Zimmer commented that a bioswale is low maintenance, vegetated and needs cleaning about once per year.

Mr. Joyce said he will put together an operation and maintenance plan and will include the bioswale information (it's to be checked quarterly and if sediment found it will be done more often). He said the mulch on top is replaced every (2) years.

Mr. Joyce explained the drainage areas:

- 1<sup>st</sup> drainage area (closest to wetland) is 90,000 square feet.
- 2<sup>nd</sup> drainage area is 40,000 square feet.
- 3<sup>rd</sup> drainage area gently slopes into the detention basin.

Mr. Joyce explained the driveway run-off:

- Gravel parking lot flows into the detention basin.
- Catch basins are not wanted because it's in the right-of-way.

Ms. Schloss spoke about the playing field:

- No herbicide used within (100) feet.
- Grass type will be drought tolerant mix.
- Regarding encroachment prevention, she asked what prevents debris from being dumped within 50- foot buffer. Mr. Goldman said they are open to whatever Con Comm suggests.

Cmmr. Harbottle remarked that she would like to see a barrier from the buffer zone.

Mr. Zimmer asked about a post and rail with signage; Ms. Schloss said that would be okay.

Ms. Schloss made additional comments:

- Erosion control blanket would be needed on a 3:1 slope.
- It would be nice to have a buffer between restoration area and parking area.

- Detention basin and restoration area looking very good; monitoring report due this spring.

Ms. Schloss asked what plants are in the bioswale; Mr. Joyce said a couple of red maples and wetland species.

Cmmr. Harbottle recommended that 'proposed playing field' would be better wording than 'proposed expansion'; Cmmr. Dowd said he is bothered by the fact that a field is of lower value than a forest.

No public questions or comments.

Cmmr. Dowd move to continue the public hearing until June 27<sup>th</sup>, seconded by Cmmr. Harbottle.

UNANIMOUSLY APPROVED

**151 Wessagussett Road – Notice of Intent – Hearing**

**Elizabeth Skafidas**

**Map 4, Block 36, Lot 7**

**DEP File #81-1105**

Cmmr. Harbottle moved to open the public hearing, seconded by Cmmr. Shanahan. UNANIMOUSLY VOTED

Appearing before the Commission was Sean Barry, MA Civil Engineer; abutter cards were submitted.

Mr. Barry said this project is for a 3-season porch which got approved in 2007, since then the approved garage has been eliminated. He told the Commission that the majority of the lot is within the 100-foot buffer zone and there is a coastal saltmarsh and a 100-year floodplain with a flood elevation of 19.8, based on Town datum. The goal is to maintain a finished floor elevation of, approximately, (14) ft. In a portion of the lot, the Town DPW disconnected a drainage line between the salt marsh and the catch basin, just S.E. of the utility pole on the edge of Paomet Rd. There will be an overall increase in impervious surface of (101) sq. feet and believes there is a decreased impact to the flood plain. Off the elevated room, there is an existing concrete patio that he wants to extend (4) ft. There is standing water in the salt marsh on occasion, and the final modification being proposed within 100-ft. wetland buffer will be to pull the existing fence along Paomet Rd. back within the property line. He closed by saying, given the nature of the saltmarsh, it is almost impossible to install any sub-surface infiltration system.

Ms. Schloss commented that:

- The erosion controls could be moved closer to the work.
- Debris in the wetland needs to be removed.
- Knotweed needs to be dug up.
- Work must comply with flood zone construction regulations.

The hearing was opened to the public:

Mr. Carlton asked how the property lines were being determined and asked what hydrostatic openings are.

Ms. Schloss told him that property lines are shown on a survey plan prepared by Paul Tyrrell, and the plan is available at Town Hall.

Mr. Barry explained that hydrostatic openings are a mechanical device that allows water to seek its own level.

Cmmr. Shanahan moved to close the public hearing, seconded by Cmmr. Harbottle. UNANIMOUSLY VOTED

In addition to the special conditions already mentioned, added were:

- Hypostatic openings.
- This is not a living space.
- Concrete pad to be removed.

Cmmr. Harbottle moved to close out DEP File #81-974 and to issue a Standard Order of Conditions with Special Conditions as mentioned, seconded by Cmmr. Dowd. UNANIMOUSLY APPROVED

**67R, 69, 71 Norton Street – Request for Determination of Applicability – Hearing**  
**National Grid**  
**Map 10, Block 468, Lots 4,9,28**

Appearing before the Commission was Andrea Kendall, advisor for Mason & Associates; Equipment Plan was submitted.

Ms. Kendall explained the project area is located off Norton St. on land owned by Bert's Boatyard and is located within 100-ft. buffer zone of a saltmarsh and entirely within the 100-year floodplain, Land Subject to Coastal Storm Flowage. She said the plan shows utility poles with overhead wires (Poles 1, 2, 3, and 3-1) and pointed out that the red line on the plan is the 100-ft. buffer zone. She said because of the overhead utility lines there isn't safe overhead clearance for boats to be maneuvered, so National Grid, along with property owner, have agreed to move the lines underground. Poles 3-1 and 3 will be removed and an anchor will be put on Pole 2. An underground conduit will be buried and will be connected to a transformer (which has mineral oil in it so if it should fail it can be captured). She showed some photos and stated that the pole in the foreground will remain.

Ms. Schloss asked about erosion controls; Ms. Kendall expressed that, hopefully, the job will be done in sections and the trench will be covered each day, but if it needs to be kept open it will be covered with a steel plate. Hay bales will be placed if there is a need to de-water.

Cmmr. Harbottle moved to close the public hearing, seconded by Cmmr. Dowd. UNANIMOUSLY VOTED

Ms. Schloss recapped the Special Conditions:

- Erosion Controls if needed.
- Contact the Administrator before work begins.
- No ground elevation change.



- Contact the Administrator when work is finished.

Robert Nelson, representing the Boatyard, addressed the time line. He said (as of the day of the hearing) that most of the boats were ready to go out, so the project is planned to be done this summer and work should only take a week or so.

Cmmr. Harbottle moved to close the public hearing, seconded by Cmmr. Dowd. UNANIMOUSLY APPROVED

Cmmr. Harbottle moved to issue a Negative 2 Determination with Special Conditions as mentioned, seconded by Cmmr. Shanahan. UNANIMOUSLY APPROVED

**Weymouth Commons East – Minor Modification  
Audubon Road  
Map 37, Block 468, Lot 1  
DEP File # 81-1090**

Appearing before the Commission was Brad Malo, Coastal Engineering Company, consultant for National Grid. He came representing National Grid and Weymouth Commons (the original applicant on the clean-up) and explained the request submitted is for a minor modification to the original plan regarding the oil spill and clean-up. To further improve the environmental situation in the area, they are proposing a gas main installation on Audubon Road to replace the original oil fuel facility. A portion of the work is in the buffer zone, generally in the same area as the clean-up work. He said they are requesting this modification under the exiting Order of Conditions and stated that the work can be done consistent with those conditions. He said they will install silt sacks under catch basin grates where work is in the buffer zone and they will repave, restore, excavate and back-fill on the same day.

Mr. Malo said this gas main will run through the development, is about 3 ft. deep and there will be no de-watering. He said it will run parallel to the existing sewer in the roadway and existing water main, both of which have greater depth than the gas main.

Ms. Schloss said she will write a letter that she is okay with the site modifications.

Cmmr. Loring asked what happens if they encounter contaminated soil when putting in the gas line.

Mr. Malo said it would be done under the existing clean-up plan.

Cmmr. Harbottle moved to accept the changes, seconded by Cmmr. Dowd. UNANIMOUSLY VOTED

**Other Business**

Al Trakimas, Sitec Environmental, came before the Commission to request a Certificate of Compliance for 1340 Washington St., Ryder Development, and to provide additional information on the as-built plan.

Mr. Trakimas said the survey group finished May 22<sup>nd</sup> and would probably get the information to Ms. Schloss by May 25th. He said the work is done and expects to be before Con Comm on June 13<sup>th</sup>. Mr. Trakimas said people want to move June 1<sup>st</sup> and asked if a cash bond would allow that to happen while the as-built site plan and list of possible deviations is being prepared.

Ms. Schloss explained this item was not put on the agenda because the request was incomplete; there was no as-built or engineer's statement provided. She said she did a walk-through and her main concern is the restoration area. The OOC did not require control of invasives, but there are some Japanese knotweed there now, which she would like to see come out. The restoration area was supposed to have a food and shelter shrub mix, but a conservation mix was used instead; the area is not quite what they wanted. She also had some comments about the infiltration area and questions about the drains and if they would cause erosion.

Cmmr. Harbottle said she was disapproving of leaf dumping and she is not ready to give a COC and is not comfortable with getting a bond.

Regarding the walk-through list, Mr. Trakimas told the Commission:

- The Do Not Disturb signs have been installed.
- Regarding infiltration area, the loam has been cleaned off the stones.
- He's been told that the mix on the wetland side of the fence is the conservation mix, but Karen Gosselyn would have to confirm that.
- Roof drains at right hand corner are getting more run off and a drywell has been put in.
- Two piles of leaves have been removed.
- Regarding the cross pipe under the driveway; the vegetation has been cut back.
- Erosion controls have been removed.

Cmmr. Dowd said he was very concerned at the beginning of this project and it was agreed that a fence would be installed to prevent access to the no-disturb area, but it sounds like the area behind the fence has been disturbed.

Mr. Trakimas assumed it was caused by the roofers putting their ladder on the far side of the fence, adding that the area has been reseeded and has sprouted.

A \$5000.00 cash bond and items still undone were discussed.

Cmmr. Harbottle moved to approve Certificate of Occupancy, seconded by Cmmr. Loring. NOT APPROVED by a vote of 2 to 2; Cmmr. Dowd and Cmmr. Shanahan were opposed.

### **Conservation Report**

- Norma Avenue: People are living there. The Building Dept. issued a Building Permit for the foundation and structure and let the C.O. go without Ms. Schloss' signature. Ms. Schloss sent a letter to Ken Ryder at Norma Ave. There was no Certificate of Occupancy issued and this should have been shown on the Title Search.

- Newell Park, Playground Improvements DEP File #81-1091: Ms. Schloss met with DPW Engineering regarding the request for Improvement modifications; (1) plan, (1) letter. The Town was to build a swale and stilling basin (water would infiltrate and be gone) but it's not working. The water is just sitting there and they want to fill it with stone, add perforated pipe set in stone and let it discharge into the woods.  
Cmmr. Harbottle moved to allow changes to existing OOC, seconded by Cmmr. Shanahan.  
UNANIMOUSLY APPROVED
- Summer meetings will be held July 18<sup>th</sup> and August 15<sup>th</sup>.
- Appointment nominations will be on the June 13<sup>th</sup> agenda.
- Cmmr. Shanahan needs an I.D.; he can see H.R. about getting one.

**Adjournment:**

Cmmr. Shanahan moved to adjourn the meeting at 10:00 PM and to meet again on June 13, 2012 at the McCulloch Building on Green St., seconded by Cmmr. Dowd. UNANIMOUSLY VOTED

Respectfully submitted,

Patricia Fitzgerald

Approved:

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Laura Harbottle, Conservation Clerk

Date