

**Weymouth Conservation Commission
McElroy Room, McCulloch Building
182 Green Street, Weymouth
June 13, 2012 Meeting**

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

Not Present: Greg Shanahan, Commissioner

Also Present: Mary Ellen Schloss, Administrator

Recording Secretary: Patricia Fitzgerald

Cmmr. Loring called the June 13, 2012 meeting to order at 7:00PM in the McElroy Room, McCulloch Building, Weymouth, MA.

Minutes

Cmmr. DeGabriele moved to approve the May 9th minutes as written and amended, seconded by Cmmr. Dowd. UNANIMOUSLY VOTED

**Weymouthport Seawall Repairs - Certificate of Compliance
DEP File #81-1085**

Request was withdrawn for a Certificate of Compliance.

**105 Norma Ave – Certificate of Compliance Request
DEP File #81-1084**

Appearing before the Commission were Al Trakimas, Sitec Environmental, and Ken Ryder, applicant.

Mr. Trakimas provided the as-built plan with a list of deviations:

- Building was rotated counterclockwise to align with #93 (it is the same foot print).

- Owner wanted a full basement: top of the foundation is now 100.78' (instead of 97'); to accommodate this, Mr. Ryder mounded in front of house.
- Grading meets 25-ft. set back line.

Mr. Trakimas wanted it noted that a propane gas tank was installed in the front yard - it was inspected by WFD and poses no risks.

Ms. Schloss stated that she visited the site several times and told the Commission:

- The work done on the ditch, or stream, (under the Local Ordinance) is flagged as the 25-ft. buffer. It is seeded with turf grass mix but she would rather have a wildflower mix or a few shrubs. She also expressed some concern about boulder placement.
- Erosion controls can be removed except in the ditch – those can stay indefinitely.
- Fence encroaches on triangle part of Lot 1, but fence is contained outside the 25-ft. buffer.
- Debris has been removed.

Cmmr. Harbottle asked if there was a Homeowners Association to maintain the drainage. Mr. Trakimas explained that it is a Town drainage system discharging across the ditch; they cleaned it out but the Town will be maintaining it.

There was a discussion to determine a way to prevent the grassed area from being maintained as a lawn. Mr. Ryder agreed to put up (2) sections of post and rail fence and confirmed that he has given the Town an easement for access.

Cmmr. DeGabriele asked about the erosion of the side slope; Mr. Trakimas said it has been sodded and put back in.

Cmmr. Harbottle suggested that wildflowers would also be a good option for the grassed area; Mr. Ryder agreed to this as well.

Ms. Schloss said the fence will need to stop (15) ft. short of the headwall and it can't cross the sewer easement.

Cmmr. Harbottle moved to approve a Certificate of Compliance to be issued following extension of the fence as agreed to, seconded by Cmmr. Dowd. UNANIMOUSLY VOTED

**1340 Washington St. – Certificate of Compliance Request
DEP File #81-1068**

Appearing before the Commission were Al Trakimas, Sitec Environmental, and Ken Ryder, applicant.

Mr. Trakimas stated that an as-built was prepared and submitted with a letter regarding plan deviations:

- On left side of building, an exterior stairway was constructed for secondary access/egress. (2) sona tubes per column were used and has a (5) ft. landing for access.

- Seed mix is coming in at right corner.
- Everything is vegetated with plantings.
- Extra Ernst seed mix has been spread behind the fence and along the roadway. Boulders were put down on the Queen Anne's side of the former driveway to prevent car access.

Ms. Schloss said the knotweed has been removed and the parking area infiltration is working well. She said she is concerned there is no outdoor space for the residents and wants a way to prevent use of the 25-ft. buffer zone.

Mr. Ryder agreed to extend the fence.

Cmmr. Harbottle moved to approve a Certificate of Compliance to be issued following extension of the fence as agreed to, seconded by Cmmr. DeGabriele. UNANIMOUSLY VOTED

**92 Clinton Road Certificate of Compliance Request
DEP File #81-1006**

Owner and builder, Brian Tartaglione, appeared before the Commission.

Ms. Schloss said a letter has been received from Shawn Hardy dated 6-4-12 and she asked Mr. Tartaglione to come in to discuss the deviations. She said the original house was demolished and the approved replacement is of the same foot print as had been approved, except that it is shorter. The proposed retaining wall has been changed (it is smaller because the house is shorter), there is a back deck instead of patio and (11) shrubs were planted in the back, as required.

Cmmr. Harbottle said it looked good and hopes someone is watering the shrubs; Mr. Tartaglione advised that one of the shrubs might not survive, but he will replace it.

Cmmr. DeGabriele stated that the Certificate says construction "*appears* to be in substantial compliance..." and he doesn't feel this is sufficient certification by the engineer. He stated that he wanted it on record that if another certificate is received with this wording that the Commission will have to determine that it is an inadequate certification.

Ms. Schloss concluded by saying that the area behind the shrubs will need to be kept as a demarcation line.

Cmmr. DeGabriele moved to issue a Certificate of Compliance, seconded by Cmmr. Harbottle. UNANIMOUSLY VOTED

**783 Randolph Street – Request for Determination of Applicability - Hearing
Guaranteed Builders & Developers, Inc.
Map 60, Block 615, Lot 5**

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

Appearing before the Commission were Tracy Sharkey, Guaranteed Builders, and owners Leonice and Josephine Bernard. Abutter cards were submitted.

Ms. Sharkey explained that:

- The current dwelling will be replaced with a structure of similar foot print.
- Erosion controls will be (25) ft. from the flags on the fence.
- Tanks, wheels and the shed will be removed.
- Lawn will not be extended.
- Ground is relatively flat, so no fill will be needed.
- Proposed stock pile area will be surrounded by hay bales (for the dirt).
- Work will be completed within (3) months.

Cmmr. Harbottle asked where the shed was located; Ms. Sharkey said it's by the fence, on the property line, with Bordering Vegetated Wetland behind.

Cmmr. Harbottle asked what will be planted at the edge of the BVW.

Ms. Schloss suggested arborvitaes, shrubs, day lilies, high bush blueberries, arrow wood, red osier, gray or silky dogwood and sweet pepper bush, as possibilities.

The new fence was discussed and Cmmr. Dowd said chain link would be okay, if post and rail is not wanted by owners.

Cmmr. Loring asked if the erosion controls needed to be so far back; Ms. Sharkey said she could put them at the (45) ft. mark, which would be (20) ft. forward.

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

Cmmr. Harbottle moved to issue a Negative 3 Determination with Special Conditions (plantings, remove shed and debris, replace/repair fence), seconded by Cmmr. DeGabriele. UNANIMOUSLY VOTED

**50 Heather Lane – Request for Determination of Applicability – Hearing
Dennis and Jean Lynch
Map 48, Block 508, Lot 94**

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

Appearing before the Commission were Dennis and Jean Lynch. Mr. Lynch explained that the proposal was for a 3-season room off the back of the house.

Cmmr. Loring asked where the drainage would go; Mr. Lynch replied that it will drain off the roof line via gutters, adding that the back yard is very level with a slight slope away from the house.

Mr. Lynch said they are clearing debris, as requested by Ms. Schloss, and taking everything to the DPW Yard on Hollis St., adding that as they dig they will back-fill and removed excess dirt.

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

Cmmr. Harbottle moved to issue a Negative 3 Determination with Special Conditions mentioned (remove grass clippings and notify the Administrator before work is begun and when work is completed), seconded by Cmmr. Dowd. UNANIMOUSLY VOTED

**186 Main Street – Notice of Intent – Hearing
Michael Gardner, Flynn Gar, LLC
Map 29, Block 375, Lot 2
Local Ordinance**

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

Cmmr. Harbottle moved to continue the hearing to June 27th, seconded by Cmmr. Dowd.
UNANIMOUSLY VOTED

**Weathervane Development – Partial Certificate of Compliance
DEP File #s 81-756 and 81-953**

Appearing before the Commission were Jim Bristol and Carl Erickson, Bristol Brothers Development, Gabe Crocker, Coler and Colantonio engineer, and Don Schall, wetland scientist with AECOM. A narrative accompanying the Request for a Certificate of Compliance, with maps and as-built plans, had been submitted to the Conservation Commission.

Mr. Bristol said he has been involved with this 55+ community project for (19) years. He explained this project created a 'denser development' with a lot of open space. It took several years to obtain all the

necessary permits for the (149) units and the golf course. He said that, historically, the Town had dumped debris into the wetland and when the project was approved they replicated 1 ½ acres, cleaned out 15-20 dumpsters full of debris and now there is a thriving wetland; they also cleared (2) acres to create soccer fields for the Town.

Mr. Crocker stated he worked on the project from 1997 to 2005 and was recently re-hired to verify that the work was complete and complied with permits and conditions. He said the wetland replication already has a Certificate of Compliance, but this Partial COC is for the entry boulevard, Weathervane Drive, the entire internal subdivision, the stormwater system and the entire golf course (basically everything but the homes on the final cul-de-sac and the clubhouse).

Mr. Schall said CCR Associates was hired for the drainage system as-built and he's reviewed the plans prepared by Gale Associates. He said there are (3) main systems with the stormwater system and pointed out the areas that drain into Ponds 4, 5 and 6 and discharge into wetlands. He said he has reviewed the as-builts and found the system, locations and elevations of structures are the right size and headed in the right direction and in conformance for the way it was permitted. The only deviation noted is a change in the outlet location for one area of the storm water trunk system, but it is also sized correctly. There is no erosion on the pond sideslopes and no sign of downstream erosion.

Mr. Schall also verified the development by taking several aerial photographs and overlaying them with permitted plans and concluded that they "did an exceptional job sticking with permitted design". He explained the areas of permitted encroachments in terms of the 100-ft. buffer and the 25-ft. buffer and wetland and compared it to post-construction conditions:

- The bluish-purple is permitted 100-ft. buffer encroachment.
- The yellow is permitted 25-ft. buffer encroachment.
- The dark blue is permitted wetland encroachment.
- The yellow line is the limit of work line, as shown on the permitted plans.

Mr. Schall pointed out some differences (such as cart path locations were not known when the original plan was drawn up) and said that, beyond the limit of work line:

- The orange indicates (in his opinion) *improvements* within the 25-ft. buffer.
- There are areas of disturbance that are now vegetated that hadn't been vegetated before.

Mr. Schall said he did the flagging on the project in 1998/99 and worked with Bristol Brothers to obtain permitting. He said that he walked the site (particularly the 'orange' area) looking for disturbance or alteration or sediment and transport into wetlands; he found it to be 'substantially in compliance'. A few minor areas were addressed, particularly around the Clubhouse.

Mr. Schall said he was asked for his professional opinion in regards to the project's compliance. He stated that he is very pleased with the restoration work, and the fairways and roughs have seeded in quickly. He said some areas where there has been some encroachment are:

- The cart path comes into the 25-ft. buffer.
- Vegetated wetlands are a different structure-they are no longer forested, they are now scrub shrub wetland.
- There was some disturbance by the 6 Tee box (it was pushed into the wetlands).
- Where debris was found in the wetland, it was removed.

Ms. Schloss asked about tree pruning and the tee box built in the 25-ft. no-disturb, adding that the erosion controls (or limit of work) are not clear; Mr. Schall replied that the tee box areas are stable.

Ms. Schloss stated that the Commission may want to prioritize encroachments, as there were areas where it was allowed (the yellow area).

- View 2: Small amount of golf course path encroachment not on original plan.
 - Some encroachment with debris removal.
- View 4: Area permitted - cleared and open cart path is in 25-ft. buffer.
 - Back side of 9 was historically filled with recreational vehicles.

Ms. Schloss asked if there is a potential vernal pool; Mr. Schall said that the culvert pipe would back up.

- View 5: Sewer easement where tee box was installed.
- View 6: Permitted limited access.
- View 7: Encroachment is vegetation management.
- View 8: Vegetation management areas.

Cmmr. DeGabriele stated that he found the encroachment troubling but also said there were substantial improvements made and there was a lot that was in conformance.

Cmmr. Dowd asked what was happening between Weathervane and Ralph Talbot Street.

Mr. Bristol said it was a sewer easement. He explained that the Town put the Ralph Talbot walkway in and Bristol Brothers paved it and deeded 30-40 acres to the Town. He said they have identified 57 bird species on or around the golf course and there are now (7) ponds, one of which the residents have stocked with bass.

Cmmr. Dowd suggested that if they're inclined to making improvements, the north (around the Old Swamp River) would be a good place for mitigation.

Mr. Bristol said the sewer line is underneath it and the DPW is looking at it as an area where there may be infiltration into the sewer system.

Cmmr. DeGabriele said that, in terms of the COC drainage system, he is glad they reviewed the as-built plan and drainage and ponds are working as they should. He said that in issuing the COC, Con Comm has an obligation to make sure it is as they have stated. He said questions to be asked are:

- What verification is appropriate?
- What, if any, mitigation can be done because of the encroachments?

Cmmr. Harbottle commented that she was glad care was taken to restore some of the site, and she was pretty satisfied with the drainage report, but she is a little concerned with:

- What is the maintenance?
- Is there any potential for reporting to the Town beyond the (3) year period?
- Plans would need to be submitted for any paths designed for the wooded area and Swamp River.

Mr. Bristol said that he thought grants were being sought by Bill McEachern for bird observation and some bridges. He added that they have looked at clearing the brush and would discourage walking on the golf course.

Ms. Schloss said she will check to see if the deeded land is Conservation or Town land.

Ms. Schloss commented that they did a great job covering (124) conditions, but as far as areas of encroachment she suggested meeting at the site. She said there is some encroachment with boulders at the 25-ft. buffer, some debris was found and some fill might be able to be pulled back (next to Tiger Terrace).

Ms. Schloss asked about the proposed nursery location in View 4 near the local vernal pool; Mr. Bristol said they really didn't do anything there – it's just an open flat area to hold shrubs to be used around the development and part of it is a gravel pit.

Ms. Schloss asked, in regard to stormwater, if what was being certified was, basically, that all the ponds were built as per the Order of Conditions, as well the catch basins and drainage (which was rerun to check pond volume).

Mr. Crocker said that, in their review, Gale Associates had updated the Commission about that change.

Mr. Bristol commented that part of the permit process was to harvest as much water as possible.

Ms. Schloss asked which ponds are for irrigation.

Mr. Bristol said that Pond 4 harvests 60-70% of irrigation water, which pumps into Pond 5, which 'waterfalls' into Pond 6, which has a pump to irrigate the entire site. He said the irrigation system has rain sensors that know when the turf needs water.

Mr. Crocker explained that stormwater goes into Ponds 4, 5 and 6; Mr. Bristol added that between Holes 8 and 9 there is a natural depression.

Ms. Schloss said water usage is a major topic saying she would like to see pumping records for the last few years and asked if they were now in the maintenance period with regard to water usage.

Mr. Erickson explained that it had a staggered completion with a (3) year growing period - 1 ½ years ago they finished the end of 9.

Ms. Schloss mentioned that there was some nitrogen levels found upon water sampling.

Mr. Erickson said he didn't think anything triggered the ones in the water sampling program that's above and beyond the OOC, but he will check into it.

When asked by the Administrator how the Commission wanted to continue the discussion, Cmmr. Loring said he would like to see the areas of encroachment and suggested that perhaps an independent consultant would be of some help.

After discussion it was decided to hire an independent consultant. A list of candidates will be assembled along with determining what will be asked of the consultant.

Cmmr. DeGabriele suggested the consultant be asked to check Mr. Crocker's verification.

Ms. Schloss as well as Cmmrs. Loring and DeGabriele will visit the site.

The discussion will resume at a future date.

Other Business

Elections: Cmmr. Harbottle was nominated as the new Chair. When asked how she would do things differently, she said her ideas include:

- Writing to landscape companies to tell them what the Commission does.
- Tell landscape companies what they need to be aware of before working in Weymouth.
- Get someone in to talk about bio-engineering.
- Create list of peer review people, before they are needed.
- Field trips.
- Delve into regulations.

Cmmr. DeGabriele commented that he feels Cmmr. Harbottle feels the Commission is too hard on people; he believes the Commission has conducted business in a professional and respectful manner. Cmmr. Harbottle commented that she would try to apply a businesslike approach while remaining cordial. She said she would like to see a certified letter go out before asking someone in, regarding an infraction; she would like to see a paper trail. She asked if perhaps legal advice is needed on this issue. Current Chairman Loring offered to do site visits.

1. Laura Harbottle elected as Chair.
2. Steve DeGabriele elected as Vice Chair.
3. Scott Dowd elected as Clerk.

Idlewell Blvd., new house: This house was approved with a gravel driveway but the Town built its paved walkway down to Newell Park to the edge of the gravel driveway. The owner wants to stabilize the entrance with a paved apron; Ms. Schloss said she is okay with it, as it is outside 200-ft. Riverfront area. Cmmr. Dowd moved to approve paving the gravel apron, seconded by Cmmr. Harbottle. UNANIMOUSLY VOTED

Weymouth Club: Staking will be done on Friday, June 15th. Commission members will meet with the engineer Monday, June 18th at 5:30 pm by the restoration area.

Weymouth Salvage: Ms. Schloss went out to the Middle St. location with DEP. Weymouth Salvage must remove the junk that is there, but they started without using erosion controls and went into the

wetland. They need to provide a restoration plan and Con Comm needs to issue them an enforcement order. Ms. Schloss will issue a Notice of Violation order and will put this on the July 25th agenda.

July meeting: moved to July 25th.

Conservation Report

Durante restoration at the East Weymouth MBTA site may require a major change request in order to address remediation of PCB contamination.

A Notice of Intent will be coming for widening of Route 18.

Lot 2 Summer Woods; Ken Ryder has purchased and will develop.

Environmental Partners LCI Sewer Fore River Project Restoration Plan (draft) was received. They gave us an addendum with attachments and Ms. Schloss is okay with it.

Adjournment:

Cmmr. Harbottle moved to adjourn the meeting at 10:00 PM and to meet again on June 27, 2012 at the McCulloch Building on Green St., seconded by Cmmr. Dowd. UNANIMOUSLY VOTED

Respectfully submitted,

Patricia Fitzgerald

Approved:

Laura Harbottle, Conservation Clerk

Date