

TOWN CLERK

**Weymouth Conservation Commission  
Council Chambers, Town Hall  
75 Middle St., Weymouth  
November 14, 2012 Meeting**

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

**Also Present:** Mary Ellen Schloss, Administrator  
**Recording Secretary:** Patricia Fitzgerald

**Cmmr. Harbottle called the November 14, 2012 meeting to order at 7:00PM, in the Town Hall Council Chambers, Weymouth, MA.**

**Minutes**

Cmmr. DeGabriele moved to approve the minutes for Oct. 10<sup>th</sup>, seconded by Cmmr. Dowd.  
UNANIMOUSLY VOTED

**280 River Street, Certificate of Compliance  
DEP File # 81-783**

Appearing before the Commission were Steve Pattyson and Charlotte Delaney. Ms. Delaney said she finished this project in 2001 but did not submit the necessary paperwork. Ms. Schloss stated that an as-built was not required by the Order of Conditions and that this COC is for work on an existing home and that a storm revetment sea wall was constructed later, under a separate file. Ms. Schloss informed the Commission that the deck is a bit larger than on the plan and that the former Conservation Administrator signed off on the Occupancy Permit.

Cmmr. Loring approved the Certificate of Compliance, seconded by Cmmr. DeGabriele. UNANIMOUSLY VOTED

**135 Webb St., Request for Determination of Applicability (Wetland Protection Act and Local Ordinance)  
Thomas McFadd  
Map 16, Block 209, Lot 2**

Cmmr. Dowd recused himself from this discussion.

Cmmr. Loring moved to open the public hearing, seconded by Cmmr. DeGabriele. UNANIMOUSLY APPROVED

Appearing before the Commission were Thomas and Ann McFadd. Mr. McFadd explained to the Commission that:

- They would like to enclose an existing deck and convert it into a 4-season room.
- No foundation needs to be dug (when the deck was constructed it was built with oversized piers).
- The expansion will not exceed dimensions of the current deck – it will be expanded mostly towards the driveway (not where the brook is situated).

Cmmr. Loring asked about the corner downspout and, as the new construction will cover more impermeable surface, how they plan to decrease water next to the garage, suggesting perhaps rip-rap or plants to slow the water flow.

Mr. McFadd said the problem was made worse when the Town redid the sidewalks and curb stone.

Cmmr. DeGabriele commented that storm water control would be a good idea and asked if they were removing any impervious surface; Mr. McFadd said no, they will be covering it.

Cmmr. Harbottle asked where the wetland was; Ms. Schloss said the brook is the resource - there is no Bordering Vegetated Wetland next to it.

Ms. Schloss said there is an asphalt swale next to the driveway and there is woody debris and a leaf pile at the top of slope adjacent to the brook. She said vegetation will keep the bank stable and if water can go into the lawn, instead of the driveway, it would keep it from going into the brook. She stated that part of the driveway is a concern.

After some discussion, it was determined that the Town had lowered the curbing which was causing greater amounts of water to be directed towards the McFadd's driveway. Ms. Schloss said they should contact Weymouth DPW to speak to them about the impact the change to the curb is having on the property.

No public questions or comments.

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

Cmmr. Loring moved to issue a Negative 3 Determination with changes mentioned (the addition of gutters and downspouts (to direct water towards the lawn), rip rap and remove debris), seconded by Cmmr. DeGabriele. UNANIMOUSLY VOTED

**86 Bluff Road – Minor Modification Request**  
**Map 6, Block 68, Lot 6**  
**DEP File # 81-1107**

Ms. Schloss said this modification is to:

- Change the deck location (the footings would be kept within the former limit of work line (50-ft. back from Mean High Water), but would allow for a cantilever of the deck, by about 1.5 feet.
- The stairs will be relocated to the other side of the deck.

The entire slope has been redone (very well) by Ray Bean, D.J. Equipment. Ms. Schloss said she does not have any issues with shifting the deck over. Commissioners agreed that this change could be done under the existing approval.

### **Enforcement Items**

Jacobs Lane: Part of a (6) lot subdivision (off Cardinal Circle) that was approved by the Planning Dept. There were (2) Orders of Condition for (2) houses, that were adjacent to the wetlands, which have expired. Ms. Schloss said she received a call that there was some cutting and clearing adjacent to the wetlands which she has confirmed. This is a Bristol Brothers development project and they seemed surprised by Ms. Schloss' concern. She explained to them that there is no active approval for work at this time and told them to stop and leave everything there. Her letter, dated Nov. 14<sup>th</sup>, tells them to make sure the wetland flags (as approved) are there and to stake out the 100-ft. line so a review can be done (Carl Erickson said he thought it was okay because it was outside the 25-ft). Ms. Schloss reported that the subdivision roadways are pretty much done but there is an outlet for the drainage near toe of slope that they will probably want to extend; her letter includes that they will need an OOC for that change.

Cmmr. DeGabriele asked why they were cutting now; Ms. Schloss said they are showing the lots.

Cmmr. DeGabriele asked why a letter was sent instead of issuing a formal Notice of Violation or Enforcement Order; Ms. Schloss responded that they can always follow up on it and it puts them on notice.

Sending a letter versus issuing a formal enforcement document was discussed.

Cmmr. Harbottle asked for a PDF copy of the letter that was sent; Ms. Schloss said it would be provided.

Weymouth Salvage: Ms. Schloss was out to the site on Nov. 8<sup>th</sup> and found that the erosion controls are not sufficient (a lot of water is going right into the stream); they have installed a silt fence which will need to be inspected. Ms. Schloss said she has spoken to the DEP person, Cathy Kiley, about Weymouth Salvage's LSP, who has done their initial assessment. Ms. Kiley said she will meet with the LSP and they will walk the meadow area to see if there's anything to follow up on.

Cmmr. DeGabriele suggested that, if it is not a reasonable assessment, DEP be written to regarding buried materials and the Commission's concerns that this resource area needs to be assessed, then, if DEP chooses not to do it, they will have been expressly notified.

Cmmr. Harbottle also reminded the members of the proximity of a number of houses to the property. She also suggested that Cmmr. DeGabriele help to draft the letter.

Cmmr. DeGabriele said he would help with the draft.

Royden Road: a shed, or garage, was built (without a permit) on Royden Road within Conservation jurisdiction.

Wampum Street subdivision: a yard was extended onto Conservation land.

93 Grant Street: Ms. Schloss said they did a good job on the wetland restoration but she received a call from Mrs. MacLeod who was very upset with the cost of the restoration. It seems there is a spat going on between the MacLeods and another family upstream and, after looking at the Weymouth Property Viewer, it appears what had been wetland is now lawn Ms. Schloss suggested that perhaps she and Cmmr. Loring could go out and take a better look at the whole area.

Cmmr. Loring asked if it is Conservation land or jurisdiction; Ms. Schloss said it is jurisdiction.

Cmmr. Harbottle said she thought her property was far enough from the MacLeod property to allow her to participate in the matter.

Randolph Street: Cmmr. DeGabriele asked if the letter had been sent to the homeowners; Ms. Schloss said she sent it on Nov. 13<sup>th</sup>.

Cmmr. DeGabriele reported that "the stuff is still there".

### **Letter to Mayor Kay re: Appointment of 5<sup>th</sup> Member**

Ms. Schloss said Jim Clarke, Planning Director, said the Con Comm opening has been posted and interviews have been done and he thinks the Mayor is close to making a decision.

### **Other Business/Conservation Report**

- Legion Field Request for Certificate of Compliance – Discussion, DEP File # 81-944: Ms. Schloss said that this was an Order of Conditions that was superseded by the DEP, but the Local Order still stands. The DPW needs a Certificate of Compliance from both the Conservation Commission and the DEP. Con Comm didn't have many conditions (there was Isolated Land Subject to Flooding that was filled in and Con Comm said that was fine) but DEP said replication was needed. Ms. Schloss asked members if they thought they should hold off making a decision until DEP does their site visit.

Cmmr. Harbottle asked where the replication area was located.

Ms. Schloss said the on-site component was the pond at Legion Field and the off-site component was at Great Pond Water Treatment Plant (part of the lagoon restoration area).

Ms. Schloss said this issue has nothing to do with the future use of this site.

Cmmr. Harbottle mentioned that Community Preservation Committee funds can now be used for restoration.

- Essex Heights Subdivision and Lot 8 Concannon Circle, DEP File # 81-308 and # 81-887 – Discussion of Compliance Status: Ms. Schloss handed out a draft letter related to (2) expired Orders of Condition (# 81-308 OOC for the Essex Heights Subdivision, signed in 1985). As part of the subdivision, the large detention basin has never been maintained and now it is an overgrown wetland. Earlier this year, the owner (F. X. Messina Enterprises, Braintree) was sent a letter regarding the outstanding OOC; pursuant to that, they provided an as-built plan of the detention basin, which still needs a lot of work.

Issues:

- Detention basin has not been maintained.
- Detention basin is now vegetated and vegetation needs to be selectively removed.
- Invasives need to be removed.

The OOC for the subdivision shows Lot 8 to be unbuildable. In 2002, Messina submitted a new NOI and came before the Commission with a host of mitigation items (so Con Comm would approve the NOI) but, apparently, none of the following have been done:

- 1,684 sq. ft. replication area has not been constructed.
- \$25,000.00 bond was not posted.
- Cross trenches have not been constructed.
- Wooden weir has not been replaced.
- Lot with detention basin has not been deeded to the Town (the Town doesn't want it if the maintenance work is not done).

Ms. Schloss said, at this point they need to come in and file a Notice of Intent to get the storm water basin back in shape.

Cmmr. DeGabriele said that the letter needs to state all the things that they should have done and their response to the Commission is needed in writing. He suggested that they be told that, for more work, an NOI is needed and they are expected to come in. They also need to be told that the Commission reserves the right to take enforcement action.

Cmmr. Harbottle suggested they be given a time frame in which to respond.

Ms. Schloss will write to them to get their response and will tell them they have to come in for a discussion before they submit the NOI.

Cmmr. Harbottle suggested giving them until the end of the year to respond.

- Tirrell Woods - Discussion of Replication Area and Other Items, DEP # 81-1033: Ms. Schloss reported that the fall Replication Monitoring Report has been received (it has been (2) years since it was planted); they asked if this was the last report that was needed. Ms. Schloss said she walked the site a few weeks ago and found invasives (buckthorn, loose strife and knotweed). She said there's a lot more construction work to do and she wants them to provide (1) more monitoring report and to pull the invasives. Ms. Schloss said that, originally, this was envisioned as a red maple forested scrub shrub swamp; now this is an emergent marsh and a wet meadow. Regarding other issues at the site, she said the erosion controls have not been maintained, they were supposed to provide calculations to support changes to the drainage system and restore wetlands along the cart path. She added that, on a good note, the land that was supposed to be deeded to the Town has been deeded to the Town. (Correction: a Memorandum of Understanding has been signed regarding the land transfer which will occur in 2013.)
- Flood Control Gate at Herring Run: Ms. Schloss said she met with Brad Chase and Phil Lofgren and Linda DiAngelo of the Back River Watershed Association. One of the things discussed was that perhaps some money can be obtained from the Community Preservation Commission to fix the flood control gate at the Herring Run. Then they can try to get a grant (either federal or state) for some construction, adding that she's not sure how favorable CPC will be.

Cmmr. Harbottle asked, if it isn't considered open space, might it be considered recreation.

Ms. Schloss said that maybe DPW can submit an application for flood control.

Cmmr. Loring commented that the slats in the gate need to be fixed.

- Whitman's Pond Working Group: is meeting again on Nov. 29<sup>th</sup>; consultant, ESS Group, is ready to discuss their recommendations.
- Iron Hill Dam: work is almost done; the final leaf gate and sluice gate are needed, along with the repair of the cracks in the fish ladder.
- Sewer Contract 2: The replication area along the sewer easement is done.
- Idlewell Sewer Project: Ms. Schloss said she needs to go back to the site to look at the turbidity curtain locations. She said there is a different type of turbidity curtain needed (one that would stand up to tides). Regarding dewatering the trench, they still need to say where the water will go and how it will be treated. The contractor has hired Steve Ivas as wetland scientist and environmental monitor.
- Weyfair Path: Ms. Schloss reported that the revised plan has been received but she still needs to review it and make some recommended changes.
- Rte. 3 replication area median work: looks very good.
- Libby Parkway gas main installation: the Town engineer doesn't want the gas mains hung from the bridge; they want National Grid to directionally drill the gas main under the bridge below the river. Ms. Schloss said they can provide a revised plan and a letter requesting approval.

**Adjournment**

Cmmr. Loring moved to adjourn the meeting at 8:45PM and to meet again on Dec. 5<sup>th</sup> in Town Council Chambers, Weymouth, MA, seconded by Cmmr. Dowd. UNANIMOUSLY VOTED

Respectfully submitted,

Patricia Fitzgerald

Approved:

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Scott Dowd, Conservation Clerk

Date