

Town Clerk

**Weymouth Conservation Commission**

**Council Chambers, Town Hall**

**February 22, 2012 Meeting**

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

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

**Recording Secretary:** Patricia Fitzgerald

**Cmmr. Loring called the February 22, 2012 meeting to order at 7:00 PM in the Council Chambers at Weymouth Town Hall.**

**Minutes**

There were no minutes available for approval.

**Lower Central Interceptor Sewer  
Notice of Intent – Continued Hearing  
DEP File #81-1093**

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

The discussion focused on the draft restoration plan provided to the Commission via cover letter from Environmental Partners dated February 14, 2012.

Appearing before the Commission was Eric Kelley, Environmental Partners, who began by saying that this is a restoration of the potentially impacted resource areas along the route of the proposed sewer improvements, including Bordering Vegetated Wetland area in several locations, Riverfront area, saltmarsh and coastal beach.

- (1) ft. of top soil will be removed and replaced, with the exception of areas with phragmites.
- Generally re-vegetating to 95% coverage.
- Want Con Comm input on minimum planting densities, especially for areas with existing plant densities less than the proposed amounts.

Cmmr. DeGabriele commented that the plan was very comprehensive and asked where the large trees need to be removed and replaced.

Mr. Kelley replied that they could create a draft showing where they *might* have to be removed but, generally, it would be anything that could impact the integrity of the sewer. He said they do not want to have to replant trees in yards (unless it's a landscape tree), they would rather replace trees on Town land.

Cmmr. DeGabriele told him that the Commission usually gets more detailed information, saying that the plan entails a lot on planting, but nothing about the assurance of plant growth or monitoring.

Mr. Kelley said the omission was inadvertent. He said there is typically (2) years of post-construction monitoring and the contractor guarantees the plants for (1) year from acceptance, beyond that the town would be responsible. If planting is delayed beyond the spring of 2013, the first year would not be counted – they would then be monitored starting in spring 2014. He said the planting would be a separate plan and monitoring would be its own item.

Cmmr. Harbottle brought up the issue of maintenance and Ms. Schloss said she would speak to Steve Ivas about it.

Cmmr. Dowd asked for the entities that will be involved in the project.

Mr. Kelley explained that entities will include a General Contractor, who will determine and be responsible for the sub-contractors, and an independent Environmental Monitor (the final decision for which can be made by the Town).

Cmmr. Dowd remarked that he would like Con Comm to do whatever is needed to help this run smoothly.

Ms. Schloss commended the restoration plan, saying it is clear and concise, but there are still some issues that need to be addressed:

- Post construction monitoring schedule needs to be included.
- Monitoring and removal of invasive species.
- There are questions regarding Virginia Rose: Is it native? Is it a better option than Rosa rugosa?

Mr. Kelley added that the Administrator's main concern was whether the plant is salt tolerant; Cmmr. Dowd stated that he thinks it should be a native species.

Ms. Schloss said there are other items to be considered:

- Observance of slope stabilization along the coastal bank should be added to the restoration plan.
- Surveyor to determine seaward edge of coastal bank.
- Stockpiling of soils: Mr. Kelly recommended caution regarding the special soils.
- Tree stumps to be removed (or not).

- Trefton Ave. should be grass, with no shrubs.
- What density should plants on the coastal beach be (but not less than what is there presently.)
- There will be no excavation (except for the man hole) along the southern-most end of work; Mr. Kelley stated that it needs to be stipulated that that work can only be done in the winter.

Ms. Schloss said she spoke to Dick Keller at DEP; he is preparing the permit that is needed under Water Quality Certification, and he is happy with the draft restoration plan and okay to issue the final permit prior to receipt of the final restoration plan.

Ms. Schloss expressed that she would like Con Comm, DPW and Environmental Partners to look at the draft conditions and then she'll circulate the final draft and issue the Order of Conditions at the following meeting. She handed out copies of the draft Standard and Special conditions and requested Commission comments be received by her by March 5<sup>th</sup>.

Cmmr. DeGabriele moved to continue the hearing to Mar. 14<sup>th</sup>, seconded by Cmmr. Harbottle.

UNANIMOUSLY VOTED

#### **15 Regatta Road – Notice of Intent – Continued Hearing**

**Map 2, Block 12, Lot 24**

**Applicant James Murphy**

**DEP File # not available**

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

Cmmr. DeGabriele recused himself from this discussion as he was not at the Feb. 8<sup>th</sup> meeting.

Appearing before the Commission were Bob Crowell, Crowell Engineering, and owner James Murphy.

Mr. Crowell said Brooke Monroe went out to the site to discuss existing plantings with Mr. Murphy and she has also communicated with Ms. Schloss. The plan submitted shows:

- Cut existing Norway maples 6" to 1' above existing grade.
- Plant American beach grass to right of stairway.
- Plant (7) creeping junipers in front of wall.
- Plant (7) bayberries and (5) beach plums in front of junipers along coastal bank.
- Phragmites, to left of stairs, will be cut down to 6" from grade.
- Beach grass will be attempted on the right side.

Mr. Crowell said all shrubs are salt tolerant and will be of benefit to the birds and will help to stabilize the slope. He is not sure when planting will be done, but hopes to be done this spring.

When Mr. Crowell was asked by Cmmr. Dowd if all plantings were native, he responded by saying that all species were taken from the CZM Guide.

Cmmr. Harbottle asked about taking out and razing the existing retaining wall (on the east side).

Mr. Crowell said they will rip out a section of wall and will rebuild just what was taken out each day.

Ms. Schloss commented that there is a fair amount of ivy growing on the slope and asked if it will be worked with; Mr. Crowell replied 'yes'.

She then noted that there are phragmites just seaward of the last maple; Mr. Murphy remarked that they are only on the east side.

Ms. Schloss expressed concern about taking down all the Norway maples as they will provide shade and nesting habitat. She pointed out that they are on Town land and explained that any Norway maples removed must be replaced with something else.

Ms. Schloss said the Order of Conditions will need to include:

- Erosion control blankets will be used as needed
- Administrator wants to see the seed mix.
- She noted that phragmites will likely come back unless they are treated as well as cut.
- OOC needs to indicate what the homeowner can do long term.
- OOC needs to establish post-monitoring.

Cmmr. Harbottle asked about cutting the maples and the shoots that will result; Mr. Crowell said the reason they don't want to remove the roots is that they are holding the soil, adding that Mr. Murphy will maintain them by keeping them trimmed and they'll be looked at again in (2) years.

Mr. Crowell told the Commission that Brook Monroe will work with Mr. Murphy and will be overseeing the planting.

Cmmr. Harbottle moved to continue the hearing to March 14<sup>th</sup>, seconded by Cmmr. Dowd.

UNANIMOUSLY VOTED

## **2 Perkins Road – Notice of Intent – Hearing**

**Applicant/Owner Wayne Fitzgerald**

**Map 34, Block 438, Lot 12**

**DEP File #81-1097**

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

Present were Engineer Shawn Hardy, Hardy Engineering, and owner Wayne Fitzgerald; Mr. Hardy submitted abutter cards and a letter requesting a variance from the 25-foot “no disturb” requirement.

Mr. Hardy explained the proposal:

- Demolish a residential property 13’ 8” from Whitman’s Pond; the new residence will be 14’ 4” away from the pond at its closest point.
- Remove the septic system.
- Connect property to a force main.
- New residence will be approximately (40) sq. ft. larger.
- There will be (2) 4x4x4 leaching galleys to infiltrate the roof run-off.
- Request to work within the (25) ft. ‘No Touch’ zone.

Mr. Hardy said the (85) ft. deep lot is all within the (100) ft. buffer zone so the waiver request is to work within the (25) ft. No Disturb Zone.

Cmmr. DeGabriele asked where the (25) ft. No Disturb line is and if it was going through the deck; Mr. Hardy confirmed that it was, but said the foundation work will be outside of it.

Cmmr. DeGabriele expressed concern with the (400) sq. ft. deck in the No Disturb Zone. He then asked how high above the ground it was; Mr. Fitzgerald said “(8) feet”.

Mr. Hardy confirmed that the deck was coming out from the first floor with a walk-out on the ground level.

Cmmr. DeGabriele commented that the deck will shade the ground; Mr. Hardy said the afternoon sun hits under the porch. He then asked about the fire pit, which Mr. Fitzgerald said is coming out. The Commissioner concluded by saying he needs assurance that there will not be a lot of foot traffic in the No Disturb Zone.

Cmmr. Harbottle asked about the large tree that will be affected and said she is also concerned about the size of the deck.

Mr. Fitzgerald said the tree was already taken down because limbs were falling on his house; he said he wasn’t aware he had to contact Con Comm regarding tree removal.

Planting was discussed and Mr. Fitzgerald said he hopes to plant river birch and blueberry.

Ms. Schloss said he can plant alder, dogwood, button bush and blueberry to stabilize shoreline and provide habitat.

Mr. Fitzgerald told the Commission he lives two doors up from this parcel and hopes to buy the lot between the two (his mother will be living in the new house that is being constructed).

Cmmr. Loring asked if the shed was on his property; Mr. Fitzgerald said he thought it was on Town property.

Cmmr. Loring commented that a lot of trimming had been done; Mr. Fitzgerald said he did some trimming in order to clear the area of trash, but he didn't do any cutting.

Ms. Schloss suggested some shoreline work as mitigation and asked if the structure could be moved back.

Mr. Fitzgerald said it is a non-conforming lot and did his best to position things.

Ms. Schloss asked how the deck was entered; Mr. Fitzgerald said through sliders off the back of the house, toward the south.

The Commission made comments on the large size of the deck; Mr. Fitzgerald later said he would try to angle the deck.

Ms. Schloss asked how far off the property corner does the structure have to be; Mr. Fitzgerald replied that he got a variance for 7'7" on one side and (10) ft. on the other side.

Cmmr. Harbottle asked about parking; Mr. Fitzgerald said there is an area that is partly on his property and partly Town owned (saying that the DPW dumped stone there) and that is where they will park.

Cmmr. Harbottle asked about the wall fragments in front of the house; Mr. Hardy said it is being removed and will be made natural again.

Ms. Schloss mentioned the resource area was not flagged and the 73' elevation (the first observable break in slope) is actually above the mean annual flood level and the distance to the resource area may not be (14) ft., but might actually be (16) or (17) ft.

Cmmr. Loring stated that he wants the plans to show (25) ft. and (50) ft. flags and wants to see something from the Town in writing that it is okay to use the stone area for parking, asking if it is within the (100) ft. buffer zone.

Cmmr. DeGabriele said he is worried about the NDZ, saying he believes the standard for granting a variance is "no adverse impact". He added that if he could see more specifics, it would help him decide if he is comfortable with granting a variance.

Mr. Hardy remarked that the corner of the proposed deck is actually further in than the existing structure.

Cmmr. Loring suggested "Whatever you can do to make it less of an impact".

Cmmr. Harbottle said that she shares the opinion of the others and would like to see the deck cut back, a native tree, the debris removed, a walkway and parking, and plans for planting, the shoreline and impervious surfaces.

Cmmr. Harbottle moved to continue the hearing to March 14<sup>th</sup>, seconded by Cmmr. Dowd.

UNANIMOUSLY VOTED

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

- Cmmr. Dowd asked if there has been any word on the 5<sup>th</sup> member for Con Comm. Ms. Schloss said that the Mayor has someone in mind; Cmmr. Dowd recommended that someone from the school system be considered.
- Ms. Schloss said there have been only (2) responses from the Whitman's Pond RFP that was sent out Feb. 9<sup>th</sup>, both from companies on state lists.
- Ms. Schloss said she has heard from Andy Dignan and he is asking about the Final Certificate of Compliance for Lot 7 Cardinal Circle - it was planted in June 2010. She asked the Commission if he needs to wait until May; they confirmed he did.
- Whitman's Pond Pumping Protocol is not done yet. The DPW's Water Management Plan was run by Cmmrs. Loring and Dowd. Ms. Schloss will set up a meeting with them and Phil Lofgren in the next couple of weeks.
- Ms. Schloss asked the members if she could allow abutter notifications to be sent via 'certificates of mailing'. It was agreed that that is up to the Administrator.
- Ms. Schloss got Essex Heights in to talk about the detention basin that was never addressed.

#### **Adjournment:**

Cmmr. DeGabriele moved to adjourn the meeting at 9:25 PM and to meet again on March 14, 2012 at Town Hall in Council Chambers, seconded by Cmmr. Harbottle. UNANIMOUSLY VOTED

Respectfully submitted,

Patricia Fitzgerald

Approved:

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Laura Harbottle, Conservation Clerk

Date