

**Weymouth Conservation Commission
Council Chambers, Town Hall
75 Middle St., Weymouth
January 9, 2013 Meeting**

Present: Steve DeGabriele, Vice-Chairperson
Scott Dowd, Commission Clerk
George Loring, Commissioner
Tom Tanner, Commissioner

Not Present Laura Harbottle, Chairman

Also Present: Mary Ellen Schloss, Administrator

Recording Secretary: Patricia Fitzgerald

Cmmr. DeGabriele called the January 9, 2013 meeting to order at 7:00PM, in the Town Hall Council Chambers, Weymouth, MA.

New Member

Tom Tanner was introduced as the newest member of the Conservation Commission. Mr. Tanner told the other members that he has been in Weymouth for 50 years; he was a DPW Commissioner for 11 years, was on the Board of Appeals for 7 years and was a Town Meeting member for 22 years.

Minutes

Cmmr. Dowd moved to approve the minutes for Nov. 14th as amended, seconded by Cmmr. Loring.
UNANIMOUSLY VOTED

Proposed Board of Health Private Well Regulations – Discussion

Ms. Schloss explained that her memo of Dec. 21st had her comments to which she added Cmmr. Loring's comments and she was looking for Commission feedback.

Cmmr DeGabriele asked if the ground water monitoring wells, dewatering wells and other types of wells are covered in the definition of wells. He asked if the BOH wants to expand the definition of private wells to be broader than just drinking water wells.

Ms. Schloss said she can ask the Board of Health.

Legion Field Remediation – Certificate of Compliance**DEP File # 81-944****Local Ordinance only**

Appearing before the Commission were Project Manager, Steve Olson, Environmental Partners Group, and Ken Moore, Weymouth DPW, Water and Sewer Division.

Mr. Olson stated that Environmental Partners were the engineers on Legion Field, the new Great Pond Water Treatment Plant and the Lagoon. He said that Legion Field had some pocket wetland issues with a DEP Superceding Order of Conditions and, since they were doing work at Great Pond, they brought some of the mitigation to the Lagoon project. He stated all the work has been done: Legion Field wetland work has been constructed and the bleachers have been demolished, the old Great Pond facility has been demolished and site restoration and cleanup has been done.

Ms. Schloss said that since there was a Superceding Order of Conditions, the decision the Commission is making is relative to the Local Ordinance only (DEP will issue a COC under Wetlands Protection Act) She said they did a site walk with DEP on Dec. 11th and she is fine with issuing the Certificate of Compliance. She said the Local Order does not include the local replication area, but it is in our jurisdiction (the wetland is actually a Bordering Vegetated Wetland now).

Ongoing issues:

- Invasive species: phragmites, loose strife.
- Make sure no mowing into wetlands.
- Erosion controls need to be removed.
- Need to mark where the wetland begins.
- Clean out the pipe at the outlet.

Cmmr. Loring moved to issue the Certificate of Compliance with modifications mentioned, seconded by Cmmr. Tanner. UNANIMOUSLY APPROVED

Great Pond Water Treatment Plant Lagoon Decommissioning**Certificate of Compliance****DEP File # 81-959****Under Local Ordinance and Wetlands Protection Act**

Project Manager, Steve Olson, Environmental Partners, and Ken Moore, Weymouth DPW Water and Sewer Division appeared before the Commission.

Ms. Schloss said she walked the site with Steve Olson and Cmmr. DeGabriele - erosion controls need to be removed, as well as some invasive species, but the project is ready for the COC.

Mr. Olson said they did an inspection in the fall and they took care of what they saw.

Ms. Schloss said there was nothing in the Order that says they have to remove them.

Cmmr. Tanner moved to issue the Certificate of Compliance, seconded by Cmmr. Loring.
UNANIMOUSLY APPROVED

**New Great Pond Water Treatment Plant
Certificate of Compliance
DEP File # 81-997
Under Local Ordinance and Wetlands Protection Act**

Appearing before the Commission was Project Manager, Steve Olson, Environmental Partners, and Ken Moore, DPW Water and Sewer.

Ms. Schloss said she walked the site on Jan. 8th. She said the real issues are related to the ongoing maintenance of the stormwater management system:

- Some catch basins need routine cleaning.
- The oil/water separator requires maintenance.
- There's an Operations and Maintenance Plan; a summary of this was given to the Plant Manager by Mr. Olson.

Cmmr. Tanner asked if maintenance is governed by observation or is it defined.

Mr. Olson said the Notice of Intent included a maintenance schedule.

Cmmr. Tanner asked whose jurisdiction this maintenance schedule is under.

Mr. Moore said it is under the Plant Manager's jurisdiction.

Cmmr. DeGabriele asked if the Commission could set up a system to check whether facilities are conducting maintenance as required.

Ms. Schloss said they have tried sending notices, but it is a hard thing to manage.

Mr. Olson said that, if it is a Condition, they will make sure the systems are checked.

Cmmr. Tanner moved to issue the Certificate of Compliance, seconded by Cmmr. Dowd. UNANIMOUSLY APPROVED

**Mass. DOT Route 3 Resurfacing/Maintenance – Hearing
Request for Determination Applicability
Under State Wetlands Protection Act**

Mark Gravalles, Mass. DOT District 6, and Linda Smith, District 6 Environmental Dept. appeared before the Commission.

Mr. Gravalles said routine maintenance work is being done on Rte. 3 – they have to resurface the road from the Hingham/Weymouth line north towards Middle Street for about 1 ¾ miles. The project scope consists of maintenance of roadway surface on Route 3, and Bridge W3225 which is on Rte. 3, over

Pleasant St. They will resurface with hot-mix asphalt, upgrade the existing guard rail, adjust and rebuild drainage structures where required, propose new grates with locks per DOT standards, unclassified excavation, fine grading and compacting of milling mulch on the shoulders, paved waterway maintenance, clearing and thinning of shoulders where necessary, install traffic data collection stations, traffic management, pavement markings, slotted pavement markers, rumble strip, incidental items and work required by the engineer on site. The bridge work on the project will involve micro-milling 1 ¼" from the deck pavement and replacing it with 1 ¼" of new roadway surface (that's Rte. 3 southbound, over Pleasant Street, Bridge W3225). Bridge W3226, Rte. 3 northbound over Pleasant Street, has a concrete bearing surface which will not require any milling or overlay.

Mr. Gravalles said the majority of the work is limited to pavement. Erosion controls will be located in areas of environmental concern which include the slope embankments and areas designated by the Engineer. The contractors will remove and dispose of debris. Nothing will be stored near the resource or drainage area. He concluded by saying a lot of care will be taken to make sure all their work is contained within the pavement.

Ms. Smith said they will clean up all the catch basins along the roadway and millings that go under the guard rail are recycled asphalt to prevent weed regrowth and will help with the poison ivy.

Cmmr. Tanner asked if the rough pavement will be concrete.

Mr. Gravalles said the rumble strip will be imprinted asphalt.

Cmmr. Tanner asked if the rumble strip would be put down when the pavement is put down.

Mr. Gravalles said "I believe so."

Cmmr. Tanner asked what hours they will be working; Mr. Gravalles responded they will work at night, after the rush hour.

Cmmr. DeGabriele asked who the Engineer will be; Mr. Gravalles said as soon as the Mass. DOT Resident Engineer is known the Commission will be told.

Ms. Schloss said the Commission's main question is regarding drainage. She asked if there was a drainage map and if there is any drainage in the median strip.

Ms. Smith said there isn't any drainage in the median, just on the shoulder side of the road.

Ms. Schloss asked if there is anything to improve drainage structures.

Mr. Gravalles stated that all drainage structures will be inspected and anything else that needs to be done will be found by the Resident Engineer.

Cmmr. Tanner moved to approve the RDA Negative 3 with conditions mentioned (erosion control walk-through and removal of erosion control netting), seconded by Cmmr. Loring. UNANIMOUSLY APPROVED

**Weymouth Salvage – Violation Hearing
307 Middle Street**

Cmmr. Tanner moved to open the Violation Hearing, seconded by Cmmr. Dowd. UNANIMOUSLY APPROVED

Appearing before the Commission was owner, George Eacobacci.

Ms. Schloss said she has talked to Mr. Eacobacci about erosion controls issues and sediment going into the stream. She said Weymouth Salvage has taken steps to control it but it hasn't been under control.

Mr. Eacobacci said he has done all that was asked of him.

Ms. Schloss said that erosion controls have been installed, but they haven't been sufficiently entrenched.

Cmmr. DeGabriele stated that the whole point is to prevent run-off, and maintenance of the erosion controls is the owner's responsibility.

Ms. Schloss explained that the perimeter erosion controls are only one part of the issue, the problem is there is too much sediment coming off the site. She suggested that in some areas water can be diverted or, in other areas, grates or plates could be driven on to keep mud from always being dug up and continually being re-suspended. She said the problem with the stream has to be fixed (all the water heads toward 'the bowl' but it can't really hold water); the perimeter erosion controls need to be trenched in and extended up the hill a bit. She stated it is not an acceptable situation.

Cmmr. DeGabriele asked Ms. Schloss if professional help was needed with this project (because it may be going beyond her job description). He stated the resource is not being protected.

Ms. Schloss told the Commission that Mr. Eacobacci has a LSP who, she thinks, is trying to help with the erosion issues. She also suggested to Mr. Eacobacci that suppliers can sometimes provide free advice.

Mr. Eacobacci said he will retrench the erosion controls where they have come undone and he will use more hay bales; he added he may be able to add stones in the spring.

Cmmr. Tanner suggested extending the hay bales on both ends.

Ms. Schloss instructed him to seed anything he could, as soon as possible.

Cmmr. DeGabriele asked where he was, in the overall project; Mr. Eacobacci said he was about 99% done.

Cmmr. DeGabriele asked what the status was regarding the LSP and the oil/hazardous waste testing.

Mr. Eacobacci said the LSP has taken around (20) samples and all have come back below the level of reporting; a report has been written up; Ms. Schloss said the report probably went to the Health Dept.

Cmmr. Tanner moved to extend the Violation Hearing to April 10th, seconded by Cmmr. Loring. UNANIMOUSLY APPROVED

Lot 2 Autumn Lane – Notice of Intent – Hearing
Ryder Development
Map 32, Block 409, Lot 28
DEP File # 81-1112

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

Appearing before the Commission was Al Trakimas, SITEC Environmental, representing Ken Ryder, Ryder Development. Abutter notifications were submitted.

Mr. Trakimas explained that this is the last lot to be developed on Autumn Lane, Summer Woods subdivision. He said it does have an Order of Conditions for the development of a single family house.

Mr. Trakimas said the land slopes quite dramatically from Autumn Lane toward the wetlands area. He explained what was previously approved by the Commission was a poured-in-place, reinforced, concrete retaining wall approximately (228) ft. long, that goes from the back left hand corner to behind the pool. The wall is (21) ft. tall, the footing is 11-14 ft. wide and goes (4) ft. below grade. He said the house is keyed into the top of wall, with no way to access to the rear of the house, and with the footing against the 25-ft. buffer zone, they couldn't build the footing and excavate the (4) ft. and not encroach into the buffer.

Mr. Trakimas said they are proposing:

- Construction of a modest, single family house with a 2-car garage.
- (12) ft. high modular Stone Strong retaining wall.
- The Stone Strong wall is embedded in soil 9" deep with a 12" thick stone leveling course beneath that so it's only a (2) ft. excavation.
- Erosion Controls (4) ft. from wall face.
- Rip rap slope along wall perimeter.
- Fence between dwelling and rip rap.
- Work within the 25-ft. buffer zone.
- Reduce overall foot print and lessen impact on property (130-ft. retaining wall instead of 228-ft., 12-ft. above grade instead of 21-ft. above grade and a smaller house).
- Will install high bush blueberries and winter berry (to provide food for wildlife) as mitigation for working in the buffer zone and the removal of an additional (4) trees (instead of removing (2) trees, they now will need to remove (6) trees).
- Drainage will be added with a (20) ft. easement (10-ft. on the abutting parcel, 10-ft. on this parcel).
- If DPW has specific requirements, they will take that into consideration.
- They will use straw wattle (4) ft. from base of wall. More will be added if requested by the Administrator.

Cmmr. Loring asked if plants will survive in the shadow of the wall.

Mr. Trakimas replied that the wall runs north to south and, with trees being removed to open the canopy, plants should get pretty good sun; he said a 2-year monitoring period could be added to the OOC.

Cmmr. Tanner asked if there were any weep holes in the wall; Mr. Trakimas said there are openings in the modular wall and there is a weeping drain along the rear of the wall.

Cmmr. Tanner asked if they intended to put up a fence on the top of the wall; Mr. Trakimas said yes, either a 6-ft. chain link or solid vinyl fence, but not wood.

Cmmr. Tanner said he didn't have a problem with the limited encroachment, but he did ask if the southernmost leg of the house could be shifted toward the street, to eliminate deck encroachment; Mr. Trakimas said he didn't see why not.

Cmmr. Tanner commented that the outfall at the end is for drainage of the opposite detention pond and is within an easement, which has never been registered. When this plan is approved, the DPW would like it shown as an easement and the Town would like it granted to the Town.

Mr. Trakimas said that made sense.

Cmmr. Tanner asked if the house will have a cellar; Mr. Trakimas said yes.

Cmmr. Tanner asked if the 122 elevation will be feathered on either end, commenting that it is pretty steep. He asked Mr. Trakimas how it will be maintained.

Mr. Trakimas said they will have to use rip rap and a 6-ft. fence between the dwelling and the rip rap.

Cmmr. Tanner repeated he didn't have a problem with the 2-ft. encroachment but he didn't want the deck to cause encroachment.

Cmmr. DeGabriele asked why the house and the wall can't be outside the 25-ft. no-disturb.

Mr. Trakimas explained that there is only an 18-ft. set back and they can't bring it very much more forward – they feel they have come up with the best-fit scenario.

Cmmr. DeGabriele said he can't support building in the no-disturb. He said previous Ryder projects proposed building right up to the no-disturb and then went well into it. He also said he is concerned with the elimination of (6) trees.

Ms. Schloss said she is not sure the mitigation is needed at the proposed location as the buffer zone is already pretty well vegetated. She stated that the bottom of the slope is in rough shape and suggested that the focus should be on the disturbed area; to stabilize the slope they could use bio engineered reinforced mats, grass and vegetation instead of rip rap.

Ms. Schloss asked if work would be done from the upland side; Mr. Trakimas said yes.

Ms. Schloss asked if any machinery would be used on the wetland side of the wall; Mr. Trakimas said only the machine for compacting and leveling the stone footing – all the rest would be from uphill.

Ms. Schloss stated that any more impact requires a waiver.

There were no public comments or questions.

Cmmr. Tanner moved to accept the new plan, there was no second.

At the request of the applicant, Cmmr. Tanner moved to continue the hearing to Feb. 13th, seconded by Cmmr. Dowd. UNANIMOUSLY APPROVED

**Weathervane Development Partial Certificate of Compliance
Golden Bear Lane, Lot 23
DEP File # 81-756 and # 81-963
Under Local Ordinance and Wetlands Protection Act**

Appearing before the Commission were Carl Erickson and Jim Bristol, Bristol Brothers Development.

Ms. Schloss said this Partial COC is for one recently constructed house. She said she and Carl Erickson did a site walk on or about Jan. 4th and there is no encroachment beyond the erosion controls; she is comfortable issuing the Partial Certificate of Compliance, which is needed for occupancy.

Cmmr. Tanner moved to issue the Partial Certificate of Compliance, seconded by Cmmr. Loring.
UNANIMOUSLY APPROVED

OTHER BUSINESS

Weathervane Peer Review: Mr. Erickson said they received Dr. Wang's Dec. 21st report. Ms. Schloss said she will put this issue on the Jan. 23rd agenda.

Ms. Schloss explained the issues:

- Encroachment into the no-disturb buffer zone (wetlands).
- 21,404 sq. ft. of additional wetland impact (over 75% is in one area which did not show on the as-built plan).
- 38,534 sq. ft. of additional impact in the 25-ft. no-disturb buffer zone.
- No as-built for the underdrains for the golf course greens.
- (1) pipe is discharging into the wetlands from the underdrain.
- Some wetland impact that will have to be restored.
- Tee located in wetland.
- Stream area has been impacted and will need to be restored.
- Some cart path encroachments in the no-disturb.
- Dr. Wang's report said Con Comm will have to issue an Enforcement Order, to which Bristol Brothers will have to come up with a plan for mitigating the discrepancies.

Ms. Schloss asked the Commission if they wanted a larger discussion or to schedule a Violation Hearing on Jan. 23rd, adding that the mechanism has to be an Enforcement Order to ensure that the work gets done.

Cmmr. DeGabriele asked which of the items will require restoration and which will have to be offset.

Ms. Schloss said that Dr. Wang's report clarifies only some of those things, that is why a discussion is needed.

Cmmr. Tanner asked if Bristol Bros. could come back with a proposal.

Mr. Bristol asked if they could come back on Feb. 13th, which would allow them time to discuss Dr. Wang's report and mitigation.

Mr. Erickson said they recognize there have been encroachments and things are different than what had been proposed.

Ms. Schloss said she is waiting for:

- The water quality monitoring information.
- Additional stormwater as-built information.
- Pumping data.
- Irrigation as-built plans.

Ms. Schloss said they got an additional invoice from Dr. Wang which increased his costs by over \$500.00; Ms. Schloss stated that Dr. Wang worked quite a few hours in July that he did not charge for.

Conservation Report

Appointment to Community Preservation Commission: The Commission's appointment to the CPC is vacant. It is important to fill the appointment because 1/3 of CPC money is for Open Space.

Cmmr. Tanner asked if the appointment could be rotational; Ms. Schloss will ask Jim Clarke, Planning Director if that is an option.

Further discussion will be held until the Jan. 23rd meeting.

On-Line Ethics Training: Group training is being done at the McCulloch Building. Ms. Schloss said the H.R. Director will be at the Jan. 14th session at 7PM.

Additional items – see Administrator's report.

Adjournment

Cmmr. DeGabriele moved to adjourn the meeting at 9:15PM and to meet again on Jan. 23rd in Town Hall Council Chambers, Weymouth, MA, seconded by Cmmr. Dowd. UNANIMOUSLY VOTED

Respectfully submitted,

Patricia Fitzgerald

Approved:

Scott Dowd, Conservation Clerk

Date