

**Weymouth Conservation Commission  
McCulloch Building  
182 Green St., Weymouth  
April 10, 2013 Meeting**

**Present:** Steve DeGabriele, Interim Chairman  
Scott Dowd, Commission Clerk  
George Loring, Commissioner  
Tom Tanner, Commissioner

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

**Cmmr. DeGabriele called the April 10, 2013 meeting to order at 7:00PM, in the McCulloch Building, Weymouth, MA.**

**Minutes**

Cmmr. Tanner moved to approve the minutes from February 27, 2013 as amended, seconded by Cmmr. Dowd. UNANIMOUSLY VOTED

**Weymouth Salvage – Continued Violation Hearing  
307 Middle Street  
Map 22, Block 290, Lot 5**

Appearing before the Commission was George Eacobacci, owner of Weymouth Salvage.

Ms. Schloss stated that she made a site visit a few weeks ago to review the situation, and to discuss erosion controls and stabilizing the site with Mr. Eacobacci. She has also provided information for Mr. Eacobacci regarding seed mix and she made some recommendations regarding mixes that would be less expensive and faster growing. Mixes suggested were Ernst conservation seed types: annual rye, quick erosion control mix and detention basin mix types.

Mr. Eacobacci said that he just ordered the seed which should be received by Apr. 13<sup>th</sup>. He said he is hoping to pull the silt fence, retrench, add stone and put down seed on Apr. 15<sup>th</sup>, if weather allows.

Cmmr. DeGabriele also asked about the basin that is to be created to help slow the water.

Mr. Eacobacci asked if Ms. Schloss could come out to go over the basin impression again.

Ms. Schloss said she would go back out after the wet weather had passed and mark the impression “very generally”. Ms. Schloss then recapped what is still needed:

- Construction sequence.

- Erosion controls.
- The basin.
- Stone and swale.
- Reseeding.

Cmmr. DeGabriele asked if the berm will be vegetated; Mr. Eacobacci said yes, he will do as much as possible.

Ms. Schloss reminded him that if he doesn't hydro seed or use tackifier mulch, seed may be lost if it rains and it may need to be redone.

Cmmr. Tanner said that the depression should have some rip-rap; Cmmr. DeGabriele responded that the depression will be vegetated.

Ms. Schloss said she will look at the site for erosion "down the line". She said she will check on things after the spring growing season, in time for the June 12<sup>th</sup> meeting.

Cmmr. DeGabriele said a letter will be prepared outlining what had been discussed and there will be a site visit the week of April 15<sup>th</sup>. He then asked if the Licensed Site Professional would be preparing a report.

Mr. Eacobacci said no, he would not.

Cmmr. DeGabriele said that, with (1) exception, all levels were below that of contamination, but he did not think it was a very thorough assessment job. He then asked if the report had been sent to DEP.

Mr. Eacobacci said yes, it had been sent to Cathy Kiley at DEP.

**35 Regatta Road – Notice of Intent - Hearing**  
***Proposed tear down and rebuild, single family home***  
**Rand Currier**  
**Map 2, Block 12, Lot 21**  
**DEP File #81-1117**

Appearing before the Commission were Paula Foley (on behalf of Rand Currier), Mark Manganello, LEC Environmental Consultants, and Jeremiah Eck, Architect. Abutter cards were submitted.

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

Mr. Manganello said this project is to raze and rebuild a new single family dwelling in a residential area on a coastal bank that slopes down to Wessagusett Beach. The 100-year flood elevation intersects the coastal bank at elevation 20. There are coastal dune areas at the toe of the bank. There is a stairway coming up from the beach to the top of the coastal bank; the back yard area is currently manicured lawn. There are concrete pavers between Regatta Road and the dwelling, which is a parking area. Other concrete surfaces include stairs and decks on the rear of the property. He stated that the proposed project will maintain the same foundation foot print and will be 2 ½ stories with deck overhangs (similar to what is there now) and there will be a spiral staircase.

Mr. Manganello said that (1) of the foundation walls on the west side will be shifted in (6) inches, which will bring the foundation into compliance with zoning; the other foundation walls will remain as they are. The project is within the buffer zone to the coastal bank and maintains a 25-ft. set-back to the coastal bank, as required. A silt fence with hay bales at the limit of work (at the 25-ft. buffer zone) will be provided. He added there are ongoing restoration activities on the coastal bank, but that is separate from this proposal.

Cmmr. DeGabriele asked if there were revised plans; Mr. Manganello said yes.

Mr. Eck asked to clarify some of the information given by Mr. Manganello. Mr. Eck said it will be the same as the existing foot print but will be increased by, approximately, (300) sq. ft., out towards the water. He said this is shown on the drawing on the lower floor. He explained the existing home is a 1-story with a basement, and the new home will be a 2½-story with a basement.

Cmmr. Dowd asked if there was a clear understanding as to the boat storage on the beach.

Mr. Manganello said he did not think so, at this point. He said there is a lot of beach grass and an additional (50) beach grass plugs have been planted along the toe of the slope; this is where the boat is kept seasonally.

Cmmr. DeGabriele asked to go over the decking again – are there decks on every level? What is the support system?

Mr. Eck said (referring to the architectural plans) that the gray area represents the existing basement which is the first floor (basement elevation is not changing). There are existing steps going down the slope and they are maintaining that elevation. The next floor up is the first floor on the street – it has a garage (that they are maintaining), a couple of bedrooms, a stair and a little deck. The next floor above that is the main floor (one floor above street) which contains the living space, the kitchen, a pantry, a central stair and a deck. One floor above that is the master bedroom (underneath a pitched roof); there are no decks on that level. There is only (1) major deck on the first floor.

Ms. Schloss asked Mr. Eck to confirm that the 3<sup>rd</sup> floor deck is, technically, on the 2<sup>nd</sup> floor; Mr. Eck said yes.

Cmmr. Tanner asked if the decks are covered and if the staircase on the bottom is covered by the structure; Mr. Eck said the decks are open and the bottom stairs are covered by the structure.

Cmmr. DeGabriele asked about deck supports; Mr. Eck said there are no posts, all are cantilevered or supported by the structure, adding that the spiral stair would be on a Sonotube.

The hearing was opened up to the public:

- Sean O’Sullivan, 34 Regatta Road, asked for an explanation of the 300 sq. ft. enlargement. Mr. Eck explained the increase of footage to the basement and explained the new floor plans.
- John Knight, 39 Regatta Road, said he was opposed to the project, but did not elaborate.
- David DiTocco, 100 Great Hill Drive, said he was in favor of the project, as it would improve property values.

- Karen O'Sullivan, 34 Regatta Road, asked how much view would be obstructed and how the beach would be affected.

Mr. Eck responded that the home would be increasing by only (1) story, and he does not think it will block their view.

Cmmr. Tanner asked what type of material would be used for construction; Mr. Eck said it will be all wood frame - clapboard and particle board.

Cmmr. Tanner asked if the wall in the front (abutting the street) is the same level as the pavers; Ms. Foley said it is a little lower than the pavers.

Cmmr. Tanner asked if the boat could be put in the garage; Ms. Foley said no.

Cmmr. Tanner asked if the spiral stair would be steel; Mr. Eck said it will be stainless or powder coated steel.

Cmmr. Loring asked, regarding drainage, if there are wells, or dry wells, there already.

Mr. Eck said they intend to put on gutters, and drain into dry wells (or whatever Weymouth requires).

Cmmr. DeGabriele asked if they had given any consideration to the problems that might arise due to the limited space available between the new bump-out and the 25-ft. no-disturb zone.

Mr. Eck said they will operate from the left but it will be tight; they are taking down a concrete wall on the west side of the house to comply with zoning and that will result in an increase from the property line of .5 feet (from 9.5-ft. to 10-ft.).

Cmmr. DeGabriele said the Commission has seen projects with tight constraints where the 25-*no disturb* is *disturbed*. He added that he didn't see roof run-off directed toward the dry wells.

Mr. Eck said he will do dry wells if required by Weymouth and it could be put in the Order.

Ms. Schloss commented that there won't be that much room in which to work and, if too tight, ladders etc. may end up being put in the no-disturb area. She said that, presently, it is a manicured lawn and is recommending that the Commission talk about what would be allowable in that area. She said she would rather see some activity allowed and the erosion controls moved farther to the bank. She asked about construction of the new foundation:

- How much excavation will be involved?
- How deep will the excavation be?
- Will there be any stockpiling?

Cmmr. Tanner stated a foundation wall has to go down (5) feet.

Mr. Eck said there is no basement, it's a slab and the excavated material will probably be piled on the slab. They will probably dig the trench, put a footing in, build a wall, back fill and put in whatever is necessary underneath the wall (e.g. insulation); there is no crawl space.

Cmmr. DeGabriele asked where the excavated material will be stored; Mr. Eck said on the existing slab and will be poured back in.

Ms. Schloss asked if Elevation 48, on the east side, ties into the foundation; Mr. Eck said it will be eliminated.

Ms. Schloss said she wants to see the final grading plan.

Mr. Eck said the stairs will be granite slabs placed in the landscape.

Ms. Schloss asked if there will be grading in that area and how will they prevent encroachment.

Mr. Eck said they need to compute and confirm with the Building Inspector and he will supply the plan, when it is done.

Cmmr. Loring asked what the PVC tubing along the fence was being used to drain.

Mr. Eck replied that he couldn't see where it goes and asked if pervious pavers could be provided so the pipe can be eliminated.

Cmmr. Tanner asked the other Commission members if they wanted to permit Ms. Schloss the latitude to evaluate what needs to be removed (e.g. ladders) from the site.

Ms. Schloss stated she didn't want to have to oversee the project on a day-to-day basis.

Cmmr. DeGabriele said the 25-ft. no-disturb needs to be maintained.

Cmmr. Tanner said the Building Inspector is there often enough to monitor the project.

Cmmr. DeGabriele said a fair number of things were discussed that weren't on the plan and more information would be needed before a decision can be made.

Cmmr. Tanner stated he didn't think the hearing needed to be continued. He said the drainage needs to be shown and the type of granite steps needs to be indicated. He then asked when they plan to begin construction.

Mr. Eck said they hope in late summer.

Cmmr. DeGabriele said the Order of Conditions needs to include:

- Grading plan.
- Final grading plan to east of the building.
- Proposed concrete wall will not be part of the plan.
- Final plans for the granite slabs on the westerly side of building.
- Potential for removal of drainage strip from the driveway.
- More detail for the direct roof run-off to dry wells.
- Better description of how construction will occur.
- How excavated material will be stored.

Mr. Eck said the actual grading plan will take 4-6 weeks; Cmmr DeGabriele informed him that it can be required prior to construction.

Mr. Eck said he will provide:

- Construction sequence.
- Architectural plan to scale.
- Grade change/pitch of pavers.

Cmmr. DeGabriele stated that he wanted to make it clear that the construction company needs to stay out of the 25-ft. no-disturb area.

Ms. Schloss asked, regarding soils, if the dry wells will be a problem or cause instability; Mr. Eck said that information is in the construction package.

Mrs. Sullivan asked if the weight of the structure would cause challenges to erosion; Mr. Eck responded that the weight of the structure will come down on the existing foundation.

Cmmr. Loring stated that if they come in for a Certificate of Compliance and it doesn't match the plan, he won't vote for it.

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

Ms. Schloss said that she will put together a draft Order of Conditions for the Apr. 24<sup>th</sup> meeting and will send a copy to the applicant.

Cmmr. Tanner moved to continue this discussion at the April 24<sup>th</sup> meeting, seconded by Cmmr. Loring. UNANIMOUSLY APPROVED

Mr. Eck left at 9:15PM.

### **Violation Discussion**

#### **35 Regatta Road**

#### Planting, Pruning and Reports Update:

Mr. Mark Manganello, LEC Environmental, said that the resource area restoration plan, submitted in April, proposed coastal bank restoration measures in response to an Enforcement letter. Ultimately, there was an Enforcement Order issued, after the Commission agreed to the terms of the restoration plan. He said their first monitoring report, submitted on July 20, 2012 documented:

- (40) Virginia rose planted.
- (50) American beach grass planted.
- Phragmites had been hand-pulled.
- Invasive climbing nightshade vine is growing there.
- Multiflora rose has been pruned.

Mr. Manganello said there was also a fall monitoring report, as stipulated in the restoration plan of Nov. 21, 2012. He said he has checked on the invasives, periodically, and has hand-pulled them to keep them manageable. He said the plan is to let the grasses grow throughout the growing season and mow them later in the year, and to maintain the shrubs so the vines wouldn't create an impenetrable thicket. He said he was out to the site 3 or 4 times and has pulled nightshade vine and bittersweet. He said their last monitoring report suggested that some additional beach grass should be planted at the toe of slope, as well as some additional Virginia rose, to make the bank coverage more uniform. There are (5) saplings at the toe of the slope that the restoration plan requested permission to prune, using the *stump-sprout management* method, to keep them bushy without growing tall. He said he will do the pruning himself this year on (2) of the saplings, in order to prove it is successful, before he does any more.

Boat:

Ms. Paula Foley explained to the Commission that they have been going out on their boat, 2-3 times a week, since 2006. She said that if they are asking her to get rid of their boat, then others should be asked to do the same. She said they pull it up and beach it, get rid of it in the winter and pull it in in bad weather.

Ms. Foley concluded by stating that it is not impeding the view and they really love it.

Mr. Manganello added that where the boat is placed there is not as much beach grass but there is beach grass growing everywhere else, at the toe of the slope. He said, comparatively speaking, they have a nice coastal aesthetic (in terms of protecting the resource area) and he can't see how temporary boat storage could be having a significant, adverse effect.

Cmmr. Tanner asked where the boat is kept in the winter; Ms. Foley responded it is kept in a friend's yard.

Ms. Schloss said there has been damage to the beach grass that is growing there. She said in some ways the area looks better (less phragmites) but the beach grass that is growing there will get trampled. She said she thinks a lot of the boats the owner is seeing belong to people who have rights out to mean low water but, in this situation, it is the Town's land.

Ms. Foley said the Hobie Cat has (2) tires and (2) pontoons up on wheels, adding that it is not a whole boat - it is (2) "skinny pontoons that touch the beach". Mr. Manganello said that the footprint is very small (about 2 feet long).

Cmmr. Dowd commented that there is no beach grass where the boat is and asked for the wording on the Enforcement Order.

Ms. Schloss read the June 14, 2012 Enforcement Order that said that Con Comm was just going to deal with the cutting of vegetation. Item #2 read that the Town and the owner were working on resolving the matter of boat storage on the beach, which may be affecting vegetation in the area.

Cmmr. Dowd stated that he did not want to see a precedent set by acknowledging and allowing the boat on public land. In this case, the applicant came before the Commission and brought it to the Commission's attention.

Cmmr. Tanner asked if there was a cease and desist order from the Building Dept., DPW or Zoning. He said it is not Con Comm's job to police the water or the coast and asked if there had been any complaints.

Ms. Schloss said it is all within Conservation's jurisdiction.

Cmmr. Tanner stated he did not think the Commission should look for problems.

Cmmr. Loring stated that he agreed with Cmmr. Dowd's opinion.

Cmmr. DeGabriele also agreed with Cmmr. Dowd and said it is Con Comm's responsibility to protect the resource and even though damage may be insignificant it is still damage and they can't condone it. He then asked if the invasives will have to be maintained forever.

Mr. Manganello responded that it only takes about an hour. He said it is a monitoring period of 3-5 years and then they will come back and, if the Commission is satisfied, an MOA can be issued into perpetuity.

Ms. Schloss said the annual monitoring is from 2012 to 2016 and after the 5<sup>th</sup> year Con Comm can decide if annual reports are needed.

Returning to the boat discussion, Ms. Foley said that people are also causing damage by walking and placing blankets on Town land. She said they treat the area very well; she polices the area for trash and treats the area like her back yard. She also offered to back the boat up 3-5 feet.

Cmmr. Tanner said that it looks like the boat is up against the bank and he has a problem with bank encroachment, but he doesn't have a problem with it on the beach.

Cmmr. DeGabriele asked what the Town's position is with regards to use of Public land and suggested speaking to other departments because it is a precedent.

Mr. Manganello said that a great deal of phragmites have been removed and beach grass planted and he thinks some consideration should be given to the improvements made in the area.

Cmmr. DeGabriele said more time needs to be given to the issue and they will talk about it again.

### **86 Bluff Road – Request for Certificate of Compliance DEP File #81-1107**

The applicant came in for a modification of the deck; the retaining wall was removed and the bank was regraded. Ms. Schloss said they are ready for the Certificate of Compliance; she said it looks good and she recommends a vote of approval. They put the bayberry at the top (instead of on the slope) and they used a New England, salt tolerant, restoration grass mix on the slope.

Cmmr. Loring moved to approve the Certificate of Compliance, seconded by Cmmr. Dowd.  
UNANIMOUSLY VOTED



**Master Cleaners – Violation Hearing**  
**1409 Commercial St.**  
**Map 23, Block 306, Lot 11**

Ms. Schloss is sending a Cease and Desist Order. Attorney Rivkind contacted Ms. Schloss and stated that they will comply and file a Notice of Intent; he said they would like to be on the May 8<sup>th</sup> agenda. Ms. Schloss said this would be okay, provided they comply with the Cease and Desist and provided that the NOI includes how the well will be constructed.

Cmmr. Loring remarked that the spoils pile is now covered.

Cmmr. Dowd asked if they offered an explanation as to how this happened (continuing work after the Cease and Desist was issued).

Ms. Schloss said that Master Cleaner's paperwork wasn't organized and she did not send it Certified, so she surmised that the contractor didn't read the Order.

Cmmr. Dowd asked if the well had been fracked yet; Ms. Schloss said no.

Cmmr. Tanner asked what the water will be used for.

Ms. Schloss said it will be used for the cleaning business and will go into the waste – as it is now.

Cmmr. Tanner asked if there will be a sewer charge; Ms. Schloss said they will have to install, and pay for, a meter (she will confirm this).

Ms. Schloss asked the Commission if they wanted the Violation and the NOI combined.

Cmmr. DeGabriele recommended that they be combined, as long as the Violation is on record. He added that they need to confirm that they are in compliance with the Order.

This item will be put on the May 8<sup>th</sup> agenda.

**Request for Letter of Support – Grant Application**

*The Town is seeking funding under the Mass Land and Water Conservation Fund to construct a portion of the Back River Trail.*

Cmmr. Tanner asked how much money was being sought; Ms. Schloss did not have the amount.

Cmmr. DeGabriele asked if the stack on the old incinerator was secure; Cmmr. Tanner said that the building is secure, but it would cost too much to tear it down.

Cmmr. Dowd commented that the area draws a lot of wildlife. He suggested that when the matter comes before Con Comm some activities should be discouraged and stated that he is comfortable with the letter.

Ms. Schloss said the area this proposal is covering connects from the Great Esker Trail, up through the landfill and will connect onto Wharf Street.

Cmmr. Loring stated the money for Phase 1-A comes to for \$242,998.00 and the Durante properties will amount to \$472,000.00.

Ms. Schloss said the existing foot bridge will be upgraded and a new bridge will be built near the pump station. She then asked the members if they were comfortable with the wording of the letter; all agreed they were.

Cmmr. Dowd remarked that he would like to see this project happen.

Cmmr. Dowd moved to support the letter, seconded by Cmmr. Loring. UNANIMOUSLY VOTED

Cmmr. Loring mentioned, for the record, that he does not like the Iron Hill Park idea at all; he would like to see the ladder removed and just have a nice, meandering river. Cmmr. Dowd agreed.

### **Community Preservation Committee – Update**

Cmmr. Loring gave the CPC report:

- Pond Plain Building: money (\$80,000.00) is being sought for a design study on the building.
- Fogg Library: there has been a walk-through for the contractor to do the interior.
- Emery Estate: there has been a walk-through for the driveway and parking designers.
- Kibby Property: Dept. of Conservation and Recreation and the Town have partnered to buy adjacent property by the car dealership in order to expand Abigail Adams State Park (to provide another trail).
- The Abigail Adams House has been restored and there will be an Open House June 29<sup>th</sup> and 30<sup>th</sup>.

### **Other Business/Conservation**

77 Jaffrey Street: This is the sunroom project (with a parking area) within the Riverfront area. They have hired a structural engineer and they have chosen to use helical piles in place of sonotubes. They will need to use a Bob Cat which will not be a problem – things will be done very much by-the-book. Ms. Schloss said she is fine with the project and will do a walk-through on April 11<sup>th</sup>.

151 Wessagusset: This is an area located in a flood zone; they have eliminated the garage and now just will just be building an addition. The owner has said they want to build a walkway that was not on the approved plan. Ms. Schloss said the Order of Conditions was approved in June 2012 and included a 3-season room in a flood zone, with a concrete walkway around it. Now the owner wants a walkway around the side for safe access around the building. The problem is that the engineer's Notice of Intent said that the concrete patio on the side would be taken down; Condition #34 (concrete pad to be removed). Now the owner wants to drive up to the back of the house to pick up her mother; they keep changing their minds.

Cmmr. DeGabriele said they need to explain the 10-ft. driveway.

Ms. Schloss said they have to confirm that they have hydrostatic openings.

Weathervane site visit: A visit is necessary to confirm the vernal pool area.

Cmmr. DeGabriele said he would like to walk through each of the "View" areas.

The visit is scheduled for April 22<sup>nd</sup>, in time for the May 8<sup>th</sup> meeting. Ms. Schloss will try to talk to Carl Ericson to see if the visit can be moved to April 29<sup>th</sup> at 1PM.

Randolph Street: Cmmr. DeGabriele said that someone living on Randolph St., across from the Eliffe property, has several dead trees along the stream. The owner asked if trees need to be dead before he cuts them.

Ms. Schloss responded by asking for the home owner to give her a call.

April 24<sup>th</sup> meeting: Cmmr. Dowd will not be present.

May 22<sup>nd</sup> meeting: Ms. Schloss has a conflict with the May 22<sup>nd</sup> meeting and asked if it could be moved to May 29<sup>th</sup>.

Cmmr. Tanner moved to have only (1) meeting in May and to meet on May 8th; seconded by Cmmr. Dowd. UNANIMOUSLY VOTED

**Conservation report was distributed.**

### **Adjournment**

Cmmr. Tanner moved to adjourn the meeting at 9:32PM and to meet again on April 24<sup>th</sup> at the McCulloch Building, 182 Green Street, Weymouth, MA, seconded by Cmmr. Loring. UNANIMOUSLY VOTED

Respectfully submitted,

Patricia Fitzgerald

Approved:

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Scott Dowd, Conservation Clerk

Date