

**Weymouth Conservation Commission
Council Chambers, Town Hall
75 Middle St., Weymouth
February 27, 2013 Meeting**

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

Not Present: Laura Harbottle, Chairperson

Also Present: Mary Ellen Schloss, Administrator

Recording Secretary: Patricia Fitzgerald

Cmmr. DeGabriele called the February 27, 2013 meeting to order at 7:00PM, in the Town Hall Council Chambers, Weymouth, MA.

Minutes

Cmmr. Tanner moved to approve the minutes for Jan. 23, 2013 as amended, seconded by Cmmr. Dowd.
UNANIMOUSLY VOTED

**Review of Order of Conditions, Language
Lot 2 Autumn Lane, DEP File # 81-1112**

Ms. Schloss made available to the Commission members the Draft of Standard and Special Conditions for purposes of discussion.

Cmmr. Tanner asked if Condition 21 could provide a better clarification of the easement that the Dept. of Public Works is concerned about.

Ms. Schloss said that Condition 58 (regarding the easement) could be moved to General Conditions along with a better description and will include the location.

Cmmr. Tanner also asked about recording the easement document; Ms. Schloss said it would be recorded separately from the Certificate of Compliance.

Cmmr. DeGabriele suggested that the trees to be removed should be referred to on the plan. He also asked about Condition 45 (dewatering) saying that would be pumping water up an extremely steep slope.

Ms. Schloss said that she doesn't think there will be any dewatering required and she was referring more to utility construction, adding that it's a pretty standard condition.

Cmmr. DeGabriele said with respect to the erosion controls (and given the slope's importance) that they should be monitored, especially during significant rain events.

Ms. Schloss said that would be addressed under Condition 42 "erosion control barrier maintained for the duration of the project...at least weekly and after every run-off event".

Cmmr. DeGabriele said that, given the slope, the erosion controls may not work in a heavy rain and could cause damage to the resource.

Ms. Schloss said she could specify that they should not let material build up in front of the erosion controls and she will add language regarding removing sediment.

Ms. Schloss then conveyed the applicant's concern about the slope restoration work on the adjacent property and that they felt it will be problematic due to cost and liability. Ms. Schloss said that applicant would like to limit the restoration work to the property line.

Cmmr. Tanner asked Mr. Al Trakimas, SITEC Environmental, if there was a problem asking the neighbor for their permission to do work if it were necessary.

Mr. Trakimas said the way the Order of Condition was written "knotweed on the adjacent property, within 200-ft., is to be identified and removed and the slope stabilized" presents an economic burden. He said to go to the property line is not a problem, but 200-ft. is an excessive economic burden.

Cmmr. Tanner agreed that 200-ft. is excessive and then asked if they would be willing to remove unsightly debris; Mr. Trakimas responded they have no issue with that.

Ms. Schloss said Conditions will be changed by:

- Section A will be deleted.
- Section B: 'within (200) ft.' will be removed.
- Condition 48: Standard language will be added regarding debris removal and slope restoration.

Ms. Schloss explained, regarding applicant's concern for getting bank loans, that in the past they have issued Partial Certificates of Compliance, with Final COCs later, and if the fear is that a mortgage cannot be obtained they could get a bond to enable financing prior to the Final COC being issued, but typically the Final COC is the way it is done.

Cmmr. Tanner suggested that if the mortgagee is having trouble getting a mortgage, the Commission could require a \$10,000 surety bond to allow completion to be monitored.

Mr. Trakimas said they would appreciate that.

Cmmr. DeGabriele said, preferable to issuing a Final COC before the restoration monitoring period, the Order can be written with "In the event the bank won't give a mortgage without a Final COC" and added "as determined by the Commission or its agent", the Commission may issue a Final COC if all conditions

other than the two-year monitoring period have been completed, and the owner posts a bond for \$10,000.00

Regarding the restoration plan, Ms. Schloss said that, typically, the Japanese knotweed is removed by a combination of physical removal and (possibly) a chemical/herbicide treatment. She said she would like to specify that if they see a restoration plan they may want to add "can include chemical treatment".

Weathervane Golf Course Development

Weathervane Drive

DEP File #81-756, #81-963

- **Certificate of Compliance Discussion**
- **Response to Peer Review Report**
- **Water Quality Monitoring Review**
- **Stormwater Management System Review**
- **Irrigation System Review**
- **Other Review Elements and Process**

Appearing before the Commission were Jim Bristol, III, Carl Erickson, Jim Bristol, Jr., and Mike West of Bristol Brothers Development.

Mr. Erickson said that, building on the request filed in June, they walked the site with Dr. Wang and Ms. Schloss in October and since then they have been working on closing out the components of the project. Mr. Erickson and Mr. West met with Ms. Schloss on February 26th and provided an updated set of drainage plans which have been reviewed and stamped by their engineer. They have also provided Ms. Schloss with the irrigation as-built plan along with an overview of how that will work.

Mr. Erickson said the primary source of water needed for irrigation is from the storm water collection system. He said they are getting 75 - 80% of the golf course water needs from the stormwater ponds and the bedrock well is only used to supplement water needs for the course. He stated that no Town water is being used for irrigation.

Mr. Erickson said he has provided:

- The as-builts for the underdrains for the greens.
- The type of seed mix for the 100-ft. buffer homes.
- Dr. Wang's report, which includes the information on the series of smaller grates that were used (in the area to be filled and provided with a cross connection).

Mr. Erickson said that all the homes within the 100-ft. buffer have been reviewed and, hopefully, have been looked at in the field; the only ones remaining are those that haven't been constructed yet.

Dr. Wang's report

Mr. Erickson began by saying that a lot of the area's disturbance has been caused by prior use, by the Town (for dumping) and by motorcycles. Some of the areas were disturbed by Bristol Brothers when

they were trying to remove debris; in the 60,000 sq. ft. of replication, they've pulled out tires, refrigerators and other debris.

Mr. Erickson stated that Dr. Wang's report concluded that the project has been well constructed and the majority of the site has been stabilized, underdrains have been provided and an approach has been provided to remedy the areas of encroachment.

Mr. Erickson described the photographs presented:

View 1: 6th Tee, 5th Green

This was originally proposed, when the project was amended, as an area of upland with a longer line of flight over the wetlands (approximately 50,000 square feet). The Town accepted it but the State did not want it. It wasn't shown on the plans that the area has undergrowth and the permit plans did not show grading being done. There is an intermittent stream that runs through that now has rip-rap and grass to stabilize it; the intermittent channel is maintained and has water flowing through it.

There is an additional tee that ties into the contours; that is an area they are looking to for some overall mitigation (some off-site and some on-site).

Cmmr. DeGabriele asked if those mitigations that would be on-site, versus those that would be off-site, could be identified during the discussion.

Mitigation was discussed.

Mr. Erickson said some of the on-site mitigation would include:

- In Area 1: a collection system so water isn't sheeting off the cart path and into the wetland area.
- Vista pruning.
- Removal of invasive species.

Ms. Schloss provided to Commission members Dr. Wang's report and copies of the pictures of the different golf course views.

Mr. Erickson described the photographs:

View 4:

Some of the cart path is in an area of steep slope and in order to move the cart path it needed to be leveled. There are areas on this view that are incorrectly reported as disturbances.

View 4 contains an area of wetland impact permitted by the Commission in a 2008 amendment to the Order of Conditions.

View 5:

Location of the black tee box; the Town sewer line runs directly under this area and where there is a concrete bow that distinguishes the property bounds. This area is for lower handicapped players so it isn't used a lot.

Mr. West said there is very little maintenance on the tee box; Mr. Bristol, III said that it's an area where motorcycles and recreational vehicles would cut through the sewer easement.

Cmmr. Tanner asked if DPW keeps an access to that area clear; Mr. Bristol, III said absolutely, they have access, but it is overgrown.

View 6:

This is the main access roadway.

View 7:

There has been vista pruning slightly wider than shown on plans, thick undergrowth and some invasive species. There has been some build-up on this culvert and a little rip-rap is needed.

View 8:

This area has tree pruning that extends beyond limit of work; over the 2nd hole is slightly wider than permitted. All undergrowth is maintained, but it is slightly wider, and there are some invasives that they will work to control.

Mr. Erickson said Dr. Wang largely agreed with what was presented in their filing and now the question is how to remedy some of the encroachment areas. He said he talked to DPW about the sewer easement that parallels the Swamp River and potentially ties into the nature trail by Ralph Talbot School.

Mr. Bristol, III. said they were hoping to leave the golf course, as it is functioning, and have been thinking about a mitigation proposal which might involve the creation of a nature trail. He said Bill McEachern, the science teacher, walked the area a few years ago and said it would be great for the kids to be able to see the birds and wetland activity that is out there. There would probably be the need for a couple of bridges (so DPW could access their manholes) and it is an area that has a high likelihood of infiltration of the sewer lines, all of which are underwater. He said there is a path that goes over to the walkways by the Ralph Talbot School and down Constitution Ave. There is a paved roadway (8-10 ft. wide) that goes from the end of Constitution Avenue to the back of the Ralph Talbot School and the trail would go off to the right by the sewer line. He said the "bones" of the trail is there, as machines have been out there, but the primary project would be to get the overgrowth cut and to supply a couple of bridges. He said he is not sure how much it is worth (\$50,000? \$200,000?) but hopefully it would be an area for everyone to enjoy. They still have work to do to come up with a more detailed proposal for mitigation.

Cmmr. DeGabriele commented that it had been a good discussion and it comes down to making decisions and getting a schedule.

Ms. Schloss provided a summary:

View 1: The area of most of the encroachment on Dr. Wang's report: of the 21,000+ sq. ft. of impacted wetlands, 16,740 sq. ft. are in View 1. This is where there was a fly-over but the plans didn't really show any wetland impact. One of Dr. Wang's responses was that, if there is a difference of opinion, the applicant should provide information to show that it was permitted.

Mr. Erickson said it was included in the July, 2005 Notice of Intent. Mr. Bristol, III stated that it was the biggest impact adding that it was a 50,000 sq. ft. fly-over.

Mr. Erickson said the final set of plans took it out because the State said no, so they brought the tee back. He said 'in hind sight' they should have brought some of the vista pruning back and it should have readjusted and shifted.

Looking at the plan Ms. Schloss commented that the management of height is at 1-2 feet; Mr. Erickson said it goes into a gully and drops in where the intermittent stream ties into it.

Ms. Schloss said the stream area, and its lack of cover, is of the greatest concern.

Mr. Bristol, III said water only flows 45-60 days, and only after it has been very wet; Mr. West said it might be less than that.

Ms. Schloss asked if there was vegetation in the area prior to construction of the golf course.

Mr. Bristol, III said the water meandered and flowed through the area but the wetland above it ponds and once enough water gets in there it flows to the lower wetland.

Ms. Schloss recommended that they look to see if some habitat improvement can be done in the intermittent stream or some vegetation that can be planted where the swale is.

Mr. Bristol, III said it is all grass. Mr. West added that once it gets above 3-4 ft. they hit it with a weed-wacker.

Ms. Schloss said it is quite barren, but there was a stream there and it was flagged as a wetland and something could be done to improve the habitat.

Cmmr. Dowd asked what the maximum height is.

Mr. Bristol, Jr. replied that it is a couple of feet and suggested perhaps they should just let what is there grow.

Cmmr. Tanner asked what problem there would be putting it in a pipe; Cmmr. Dowd responded that it goes in the opposite direction of enhancing the environment.

Ms. Schloss said that there is some other encroachment; the tee box is in the 25-ft. no-disturb area. She said they can think about some off-site mitigation, suggesting perhaps that improvements can be made to the corridor.

View 2: Ms. Schloss suggested some possible on-site mitigation might include looking at the slopes and erosion and possibly feeding the water into a detention area or a green garden. There may be some possible on-site improvements, but most of the cart path's 3,400 sq. ft. of encroachment mitigation will be done off-site. Also, the exposed underdrain should be pulled back.

View 3: Ms. Schloss said she felt the 1395 sq. ft. of encroachment is conservative. There was some landscaping adjacent to the cart path and some enhanced plantings may provide for some on-site mitigation, but most of the encroachment mitigation to be done off-site would be acceptable to her. She suggested that the applicants have their consultants look at the area of wetland encroachment more closely.

Mr. Erickson said Colantonio wanted to show everything, even if it was an area of prior disturbance that had been stabilized.

Ms. Schloss said there was room for improvement.

View 4: She mentioned that, in the area mapped as a vernal pool originally, there was a report showing quite a lot of biological activity. She said some of the encroached area was an error on the plan. She also asked, as there is a 25-ft. buffer encroachment on the north side by the proposed nursery area, if that could be an area of possible restoration.

Mr. Bristol, III said they hadn't touched that area – it was the Town gravel pit.

Mr. Erickson asked if they could just see if it can be restored.

Cmmr. Tanner asked if it was all sand; Mr. Bristol, III said yes, it is adjacent to the old gravel pit.

The as-built limit of work line was discussed.

Ms. Schloss said the orange line shows work beyond where it was supposed to be and Mr. Erickson agreed.

Mr. Bristol, III said it showed as disturbed, but it was always disturbed and they adopted that line.

Ms. Schloss said she felt that if there is a disturbance near a biological resource it may be a good area for on-site restoration. She suggested they ask Don Schall and advised that they keep the proposed nursery outside the 25-foot. She said the Commission talked about revisiting the vernal pool in the spring to check for biological activity.

View 5: Tee constructed on sewer easement in wetland. At the bottom of a steep slope, within (5) feet, there is a stream that seems quite close to a nice resource. Ms. Schloss said that Con Comm was not consulted on the work and it was not shown on the approved plan. She said that Dr. Wang highlighted the area and suggested that maybe some thought can be given to a way to pull it back.

Mr. Erickson said it's a course that has competitive play.

Mr. Bristol, III said the reason there is a tee box there is that it was an area that was disturbed, as other areas had been disturbed due to 4-wheel drive vehicle activity in the wetlands. He said they restored these areas as they went around and several times Bill Woodward (former Administrator) came out and (*unfinished thought*) so they had to either leave a mud hole or stabilize it. He said this area is very stabilized with natural grass; it was a very small area that was, historically, a recreational area. He added they have removed refrigerators, dishwashers and cars from the wetland.

Cmmr. Tanner asked what the concern was; Ms. Schloss replied that it was within 5 feet of a stream.

Mr. Bristol, III said it was a sewer easement that was constructed and when the area was cleared there was a road there. He said the tee was constructed on an area 10' x 20' and it only gets foot traffic.

Ms. Schloss asked if there is any turf management; Mr. West said it is a shady area that is cut, maybe, once a week, but very little fertilizer is used and no fungicide or pesticides and weeds are hand-picked.

Ms. Schloss said she is willing to look at any on-site mitigation.

Cmmr. DeGabriele said there should be some understanding of how it should be managed.

View 6: Weathervane Drive looks to be in good shape.

View 8: Tree pruning area extended beyond the limit of work, small encroachment into the 25-ft. buffer and some invasives need management.

Ms. Schloss said she wants a response from Bristol Brothers and their consultants on the process for dealing with this and to provide what is needed for the Commission to put an Enforcement Order in writing; basically they want a determination of on-site versus off-site mitigation.

Cmmr. DeGabriele asked how long it would take to look at areas of encroachment for final mitigation recommendations.

Mr. Bristol, III said he felt they should be able to come back in May; Ms. Schloss said she is concerned that the growing season would be missed if they wait until May.

Mr. Erickson said they need to define what needs mitigation off-site.

Mr. Bristol, III said they should be able to come back in March.

Cmmr. DeGabriele suggested that they come up with a schedule of the sequence for the things they would like to do and, in terms of the encroachments, they do the on-site mitigation first and then the off-site can take a bit longer.

Ms. Schloss asked if they should get the on-site mitigation schedule before issuing an Enforcement Order.

Cmmr. DeGabriele suggested that could be done, or they could issue an Order that says they need to provide a plan by a certain date for the on-site mitigation and another at a later date for the off-site. He suggested they come up with those schedules plus schedules for the other issues they are seeking Certificates of Compliance for (such as the irrigation system) so the Commission will know what will be done and in what order and for scheduling site visits.

Ms. Schloss said they need a goal for a presentation from Colantonio.

Cmmr. DeGabriele stated that within the next two meetings they need to come in with a comprehensive schedule for on-site and off-site.

Mr. Bristol, III said March 27th would be good.

Commission Dowd asked if there would be a site visit.

Ms. Schloss said there would be a site visit by early April and asked if a peer reviewer would be necessary, if all the Commission members were going out; Commission members agreed that would be the case.

Ms. Schloss said she will follow-up on:

- The underdrain, which will be located by GPS and will put on the map, relative to the wetland resource areas.
- Water quality monitoring.
- April monitoring that is required.
- Storm water monitoring.
- Surface water and groundwater monitoring.
- Getting the intermittent stream in high flow (maybe in April).

Community Preservation Committee – Update

Cmmr. Loring attended the CPC meeting on February 14th and reported that:

- The CPC voted to approve the new design for the Pingree School field.
- They are ready to close out the Middle Pool Project.

Ms. Schloss said there was an Order of Conditions for the Park Project; CPC will have to come before the Conservation Commission for a Certificate of Compliance.

- The house next to the Abigail Adams Park is coming down and parking will be extended.
- The West Cove weed control herbicide treatment is done.
- The Emery Estate: they are getting ready to hire out the facility for functions and create alternate access.

Ms. Schloss asked if the flood control gate had been mentioned.

Cmmr. Loring said yes, and when they asked how long to get the proposal, he told them it would be within a couple of months.

Cmmr. Loring mentioned that Linda De Angelo attended the meeting and she also mentioned the flood control gate.

Other Business

Lower Interceptor Sewer: Ms. Schloss said there is some minor work needed on (2) manholes located in the salt marsh (the structure needs to be built up to get above high water but they probably won't need vehicle access.) The Order was written that no work is to be done after March 1st, but, when asked, Ms. Schloss said if it would be okay to get it done by April 1st. She also told them that if they need to cross any wetland with heavy equipment they need to use construction mats.

She asked Commission members if they were comfortable moving the date to April 1st; they all said yes.

March 13, 2013 Agenda

Tirrell Woods: Ms. Schloss reported that there were some discussions regarding changes to the storm water management system. When they got one of the as-builts, they also got the drainage as-built. The detention basin has (2) forebays (one at each end) but when they started construction they found ledge and had to change the elevations. They now have to route all water to the northerly forebay and will have to come back to show the Commission that it can handle the full volume of water.

Conservation Report

The Whitman's Pond Working Group met Feb. 26th. Cmmr. Dowd reported that they received the \$25,000.00 updated assessment of Whitman's Pond. He said they were presented with an array of mitigation techniques to be considered. The DPW, the Whitman's Pond Association, and Counselor Matthews were all present and Cmmr. Dowd felt a good sense of unity. He said the \$25,000 report did its job and provided 2 or 3 techniques that "seemed to rise up".

Winter drawdown: The pond would be emptied by several feet in early winter and the shallow mud flats would allow plants to freeze. They would hope to have (2) weeks of solid freeze (and no snow) and then would close the outlets and things would be back to normal (or better) by spring. There would be minimum impact on herring but this would not be permanent; it would need to be done every few years. He said part of the problem with the pond is that light can penetrate a lot of the pond. He also said dredging had been considered. He said they could maybe get more money for South Cove, because it is a backup drinking source.

Cmmr. Dowd said they did not support the herbicide treatment because it had to be done in very early spring and would coincide with spawning of the herring. They could use be a spot application later in the year but it's like mowing a lawn.

Ms. Schloss said there will be another meeting of this working group again within a couple of weeks to discuss the action plan and there will be a public meeting in April. She stated that ConComm permitting will be required.

Cmmr. Tanner asked when the drawdown would be.

Cmmr. Dowd said next winter, but permitting might take too long for next winter. He said that once they have the permits he's hoping that it can be done when needed.

Ms. Schloss said Whitman's Pond has a permit in effect but they may need a new Order of Conditions for additional techniques. She said they have talked to Jim Clarke who said they may want to reach out to the legislative delegation and the press because more money will be needed for vegetation management and the flood control gate.

Cmmr. Tanner asked if there was any problem with dredging; Cmmr. Dowd said the cost involved is not so much for the dredging, it is for the disposal.

Adjournment

Cmmr. Tanner moved to adjourn the meeting at 8:55PM and to meet again on March 13th in Town Hall Council Chambers, Weymouth, MA, seconded by Cmmr. Loring. UNANIMOUSLY VOTED

Respectfully submitted,

Patricia Fitzgerald

Approved:

Scott Dowd, Conservation Clerk

Date