

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

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

Not Present: George Loring, Commissioner

Also Present: Mary Ellen Schloss, Administrator

Recording Secretary: Patricia Fitzgerald

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

Minutes

No minutes were available for a vote.

Seach School – Request for Determination, Hearing
Proposed improvements to pedestrian pathway, playground & parking areas
770 Middle Street (Map 34, Block 434, Lot 3)
Weymouth Public Schools
Under Local Ordinance only

Appearing before the Commission were Kate Marshall, Planning Dept., and Jay Donovan, Weymouth DPW, Engineering on behalf the Weymouth Public Schools.

Mr. Donovan explained that through funding provided by the Community Development Block Grant, the Seach School is able to make improvements to the deteriorated, paved playground in the left-front of the school including the neighborhood access walkway, some sidewalk areas, and a handicapped parking space.

Mr. Donovan explained that prior to construction they propose to install a straw wattle erosion control barrier along the limit of work. He said they have (2) isolated wetland areas that are connected under the access path by (2) small pipes, within the 100-ft. buffer zone. He explained the project:

- Replace playground area.
- Remove and replace bituminous walkway to neighborhood.
- Sidewalk areas including appropriate curb cuts for handicapped parking space.
- Some minor grading improvements to keep water on the paved area and away from the playground.

- Berm to keep water from flooding the baseball diamond area.
- A new catch basin (deep sumps with hoods) to prevent ponding at the handicap parking area, which will be connected to existing drainage at the site.
- (2) existing basketball hoops will be removed and replaced with (1) hoop.
- Pavement will be marked for (4) square play areas and (1) basketball net.
- Pavement markings to replace existing handicap space.
- No increase in pervious area within the buffer area and minor increase in impervious area outside of the buffer area.

Mr. Donovan concluded by saying that this is a simple project, basically to remove and replace paved areas and to make some minor drainage improvements.

Cmmr. Dowd asked for a description of the wetlands at the site; Mr. Donovan said there are just (2) small isolated wetland areas, (1) pocket by the existing paved walkway and (1) by the baseball field.

Cmmr. Tanner asked if they will be removing and replacing asphalt.

Mr. Donovan responded yes, explaining that what is there now is not appropriate for long term durability. They will remove the couple of inches of existing pavement and will go down (1) foot and replace with a new gravel base.

Cmmr. Tanner asked if the new paved areas will be heading towards the (2) new drains.

Mr. Donovan said they will install Cape Cod berms to direct water along the paved area and towards the new catch basin; water from the large paved area will not go towards the wetland.

Cmmr. DeGabriele asked what the plans were in terms of the connections between the (2) wetland areas.

Mr. Donovan said they will clear the connections.

Cmmr. DeGabriele asked if the project was not subject to the State.

Ms. Schloss said that based on the size of the area and visual observation the Determination is under the Town only.

Cmmr. DeGabriele asked why erosion controls will be used all the way down the street.

Mr. Donovan replied that they first thought they would stop just beyond the playground area but expanded the controls to keep sediment from moving out of the work area.

Cmmr. DeGabriele commented that it is a fairly straight forward, and good, project.

The hearing was opened to the public and Artie Matthews, District 4 Town Councilor, who represents the site area, commented that a lot of departments have worked together to accomplish this project. He said that currently the asphalt and path are treacherous and he is in favor of the project.

Cmmr. Tanner asked when the project would begin and how long it would take.

Mr. Donovan said it would start at the end of the school year and be finished by the time school resumes.

Ms. Marshall added that the bid document will be done within the next 1-2 weeks, because time is of the essence.

Cmmr. Tanner moved to close the public hearing, seconded by Cmmr. Dowd. UNANIMOUSLY VOTED

Ms. Schloss stated that special conditions would include:

- Note site protections in the plan.
- Notification prior to start of work.
- Erosion controls in place prior to construction and removal of same at end of project.
- Make sure cross culverts are functional prior to end of project.
- Contact Con Comm regarding any unforeseen issues, and at the end of the project.

Ms. Schloss asked if there would be any need for catch basin protection; Mr. Donovan said the plans include the details for the grate inserts.

Ms. Schloss commented that they might be outside of Con Comm jurisdiction.

Cmmr. DeGabriele asked if there would be any stockpiling of the excavated material and, if so, where.

Mr. Donovan said DPW would put it in the back lot; Ms. Schloss said she would add it to the special conditions.

Cmmr. Tanner told Mr. Donovan that it wouldn't be a problem for them to shorten the erosion controls and, if that would be possible, it would save the Town some money.

Cmmr. Dowd moved to approve the Positive 6 Determination with conditions discussed, seconded by Cmmr. Tanner. UNANIMOUSLY VOTED

Weymouth Commons – Request for Determination, Hearing
Proposed clubhouse improvements and Audubon Rd. mill and overlay
Audubon Road (Map 37, Block 468, Lot 1)
Corcoran Management Co.

This item was removed from the agenda; Weymouth Commons has made a request to withdraw without prejudice – they will come in with a Notice of Intent.

857-903 Pleasant Street – Order of Resource Area Delineation, Extension Request
DEP File #81-854 (Map 31, Block 407, Lot 2 & Map 35, Block 407, Lot 43)
James E. Bristol, III

Bristol Brothers Development requested a continuation until April 24, 2013.

Carl Erickson said they would go out to the site and re-hang flags.

**Weathervane Golf Course Development
Certificate of Compliance Request, Discussion (Continued)
Weathervane Drive
DEP File #81-756, #81-963
Bristol Brothers Development**

Appearing before the Commission were Carl Erickson, Jim Bristol, III, and Jim Bristol, Jr., of Bristol Brothers Development, and Gabe Crocker, engineer with Coler & Colantino.

Mr. Erickson said this is a continuation of a discussion regarding the partial Certificates of Compliance. He said they will go out the week of April 1st to get the Water Quality samples. He said he has talked to the laboratory about how they're doing the sampling (regarding their EPA methods) and told the Commission they are now using GEO Labs in Braintree.

Ms. Schloss stated, regarding the Water Quality samples, that ground water wells have not been tested for the last (5) sampling rounds; just the surface water was tested. She added there are other issues and advised Bristol Brothers that they need to get back on track.

Mr. Erickson said, regarding the components they are getting closer to finalizing, that all the revised plans for roadways and detention ponds and the parking lot at the post office have been submitted and it should be possible to issue Partial Certificates of Completion on those; all that is left is some of the road and drainage for Clubhouse Drive, the (3) new cul-de-sacs and the clubhouse parking which they will file for at a later time.

Mr. Erickson also stated:

- 100-ft. buffer homes have been closed out and they have received the Certificate of Compliance.
- All that remains are a couple of homes at the end of Golden Bear Lane and they will file for those when they are complete.

Mr. Erickson asked if, instead of filing for (4) individual Partial Certificates, Ms. Schloss could (when she comes out to inspect the wetland and hay bale line) do the inspection.

Ms. Schloss asked the Commission members if they were okay with her doing the inspection on the (4) homes and then Bristol Brothers can come in for a (group) Certificate of Compliance for the cul-de-sac, to which they all replied yes.

Mr. Erickson then presented photographs to discuss the different views, and possible mitigation and timeline for getting the work done:

View 1: Mr. Erickson said the plans did not show disturbance and they, along with Mr. Schall and Mr. Crocker, have talked about letting the intermittent stream vegetation grow and talked about the pedestrian foot bridge and habitat cover. He said no carts would be allowed in this area and people would be limited to walking only; this will allow the undergrowth to grow.

Ms. Schloss commented that View 1 is a very significant area, due to the intermittent stream. She said there is a discrepancy with the approved plan (no indication of excavation within the 25-ft. buffer) and more documentation is needed as to what was approved. She said she is not comfortable just letting the area grow back and she needs more information on what was there previously and what was approved to understand why the entire area was cleared. She stated that she thinks more could be done to restore the stream. She added that Dr. Wang's recommendation was that the applicant needs to provide approval information and evidence that encroachment was permitted.

Cmmr. Tanner said he is very familiar with this area and he is having trouble calling it a stream, as there is no water going through there.

Mr. Bristol, III said that it is flowing at this time, but it may not be in (30) days.

Mr. Erickson said the original Notice of Intent in 2005 did not have field photos, but it did refer to it as an intermittent stream.

Mr. Bristol, III asked if there could have been a bigger wetland than is there now; he does not recall. He said they will propose mitigation in areas where they can't know for sure. He said they want to go through each view and offer mitigation.

Cmmr. DeGabriele said that an intermittent stream serves a function and should be as natural as can be.

Cmmr. Tanner commented that it is only a stream when there is moisture from rain, or snow, otherwise it is just a gully. He added he didn't know what could be done to restore it.

Ms. Schloss said she wished to talk about soil and vegetation restoration and her desire to see a little more buffer/planting between the area of play and the depression. She suggested some low growing ground cover or shrubs, or seeded with a conservation mix. She would like a proposal from a wetland scientist, as an intermittent stream is a protected resource area.

Cmmr. Dowd said he would like this area restored to the most environmentally sound and feasible condition possible.

Mr. Erickson said he would talk to Don Schall.

Ms. Schloss suggested something low growing (only (2) feet high) for wildlife cover.

Cmmr. Tanner asked if this planting would be in the gully; Ms. Schloss replied yes, and up on the banks, advising the applicants to come back with a proposal.

Cmmr. DeGabriele stated that for him to make a judgment he would have to go out to the area again, and suggested that the applicants talk to their professional about appropriate planting.

View 2: In this area there is some direct run-off and the cart path meanders. They will have an open channel trench to collect the run-off so it isn't going directly into the wetland. The (2) pipes will be pulled back and piped around and connected to the detention pond to eliminate direct run-off. He said

the time line for trenching will be provided; they will submit the design for the Commission's review by the end of April.

View 3: This view has cart path meandering and there is a grass buffer to the wetland in the 25-foot no disturb zone. They are proposing for conditions to stay as is.

Cmmr. DeGabriele stated that Dr. Wang's recommendation was to eliminate some of the lawn area and to add some native plantings. He then asked Mr. Erickson to confirm that they are not changing anything.

Mr. Erickson said that there is protection to the wetland and said that he thinks Dr. Wang was talking about stopping any maintenance in that area and letting it grow.

Cmmr. DeGabriele countered that Dr. Wang was going beyond that and feels that instead of just letting it grow, Dr. Wang was saying to add some native plantings, which Cmmr. DeGabriele assumed wouldn't be along the edge.

Mr. Erickson said that one of the things Dr. Wang had a hard time with was going back and forth because Mr. Crocker quantified everything. When they came into this, the filing on the big picture was on the conservative side and Mr. Crocker showed past and temporary disturbances (even those created by the Town) and now they are not going to get a 1-to-1 tally with Dr. Wang's report. They are trying to summarize all of Dr. Wang's numbers and in areas where there was a lot of debris dumped, particularly where they did 50,000 sq. ft. of replication, it is a well-functioning wetland that was created.

Mr. Crocker stated that it is a very stable and well vegetated area that is functioning well.

Cmmr. DeGabriele said the Commission is not looking for a '1-to-1', he just wants to understand if the applicants are really not accepting Dr. Wang's recommendation. He added that the Commission is just trying to determine where they are in regards to areas of encroachment.

Ms. Schloss remarked that this area was one in which the cart path was put in the 25-ft. no-disturb zone. She said the Commission was never notified of the changes and the environmental monitoring, which was supposed to happen monthly, was never done.

Mr. Bristol, III said that Ms. Schloss wasn't the Administrator, and none of the existing Commissioners were on the Board, when these things took place. He said there were communications between their environmental monitor and the former Agent, Bill Woodward.

Cmmr. DeGabriele said that, right or wrong, a set of plans were approved and now Com Comm needs to go through the areas of encroachment, one by one, in order to understand what they are proposing and he, for one, is waiting to hear about the off-site mitigation.

Mr. Bristol, III said, in response to Ms. Schloss' statement regarding no environmental monitor's reports, that there was an understanding between Dave Erickson, the environmental monitor, and Bill Woodward (the agent before Ms. Schloss, 12 or 15 years ago). At the time when they were doing the roadway and the additional golf course lay-out, they had several discussions regarding areas like this; they would go out and look at a location, ask if it was okay and they would move on.

Ms. Schloss said that, aesthetically, the area is lovely, but to the left of the cart path is a 25-ft. no-disturb area. She suggested that an option would be to vegetate it in another way, so it is not lawn area, or it can be part of the off-site mitigation.

View 4: This is the area that the Town used for access and for gravel spoils. The approved amendment to the OOC allowed for the swale to be built and pipe connection for the skylights; these were done according to the plan. There was an old plan that showed a large trench box going across that was changed and is consistent with the OOC. On the other side of View 4 is the replication area. There was 14,000 sq. ft. of wetland alteration bringing in the main access roads; they replicated 60,000 sq. feet in an area formerly used by the Town to dump thousands of yards of material of street sweeping debris.

Mr. Erickson said he worked with Dr. Wang and John McGrath and it is a larger than required replication area for the main access to the site.

Regarding View 4, Mr. Crocker said that the area was heavily disturbed prior to the work and the ditch that comes out of the wetland, and the spoils of excavation can still be seen; it was an area extremely impacted and deteriorated.

Mr. Erickson stated that he would be going back out to this area with the Commission in April to check on the vernal pool.

View 5: Mr. Crocker said this was a historically disturbed access area where ATV vehicles were used. There is a black tee box on the Town sewer easement within the flagged wetland boundary. They are proposing, on the back side, an "Environmentally Sensitive Area" sign; people will leave their carts and walk down to play the last hole. They will propose to have the tee box stay and he said the side is stabilized with junipers.

Cmmr. DeGabriele said there is over 12,000 sq. ft. of no-disturb encroachment and "you're saying it was disturbed before and will remain disturbed". He said that Dr. Wang's report recommended that some of it be restored and asked them if some of the 12,000 sq. ft. will be compensated for with off-site mitigation.

Cmmr. DeGabriele then asked if, because it is stable, they are looking to offer mitigation instead of changing it; Mr. Bristol III said yes.

Ms. Schloss suggested that for View 5 (tee box in the wetland) it might be a good idea to document, and perhaps amend the turf management plan, with the herbicides, pesticides, fertilizers, etc., that will (or won't) be used.

View 6: Dr. Wang had no issues with this main access area close to the 100-ft. buffer homes. This is the area that was of limited access (14,000 sq. ft.) where they did the 60,000 sq. ft. of replication.

View 7: In this area the tree pruning went slightly wider than was shown on the plans. He said there is still some undergrowth and they will start to control the invasives; they prefer to keep the fly-over as it is. Mr. Erickson said Dr. Wang recommended adding some rip-rap to the culvert.

Mr. Erickson said that what they are proposing in the area of the 60,000 sq. ft. of replication (a 4 to 1 ratio) and recognizing that there was a lot of extra work done, they would like to expand the wetland in

this area (View 4) by another 5,000-6,000 sq. ft. As part of the April site visit, they would like to establish where the limits should be and to identify the plants recommended for the area - they want this done by April along with putting in the rip-rap. In May, they want to put in the foot bridge.

Mr. Bristol, III said that, if the Commission is amenable, he will ask Don Schall to look at a specific plan they can add more growth plants in this area. He said that, hopefully, they are still going to talk to DPW about the walkway through the Old Swamp River wetland area, because they would like to be involved.

Cmmr. Dowd asked what the hang-ups are regarding the walkway.

Mr. Bristol, III said it is around 4000 ft., and several hundred thousand dollars, and it is a matter of getting some sort of credit for working with the DPW to provide access to their sewer manholes. He said they expect to be back before the Commission to talk about the bridges, adding it is so overgrown that DPW can't get out to the manholes like they need to.

Cmmr. Tanner asked if the additional 6,000 sq. ft. of mitigation would be sufficient, or would more be needed off-site.

Mr. Bristol, III stated that between the 50,000 sq. ft. of replication (when only 14,000 sq. ft. was required) and the additional 6000 sq. ft., they are hoping that will be sufficient.

Cmmr. DeGabriele asked, as a follow up to Cmmr. Dowd's question regarding the path, who is going to take the next step. He said a visit would be helpful and asked if that could be done in the spring. He said he wants to walk the site again to see if further mitigation is needed.

Ms. Schloss said that the wetland replication idea needs more specifics and a wetland scientist to weigh in. She added that an upland buffer, in addition to the wetland, would be nice.

The date for the visit was set for April 22, 2013.

Ms. Schloss told the applicants that her review of the storm drain as-built is taking a long time and reminded them that the underdrain map is still needed. She also said they need to review the irrigation pumping data, reminding those present that the Order of Conditions talks about pumping limits for different periods.

Ms. Schloss then spoke about the water quality monitoring. She said they need to get back to her regarding the next round of sampling (in April) for both ground and surface water, repeating that there was no ground water sampling done for 2010 – 2012. She will check with the Health Department regarding protocol on those items to be sampled.

Ms. Schloss said when they move from the operational to the long term phase, she thinks phosphorus should be tested, in addition to nitrogen and ammonia.

Cmmr. DeGabriele asked if they could tell the Commission what Conditions of the OOC still need to be satisfied and if a punch list of remaining items could be prepared.

Cmmr. DeGabriele said that after the site visit they will continue the discussion because they will have to issue an Enforcement Order.

The discussion was continued until May 8, 2013.

Proposed Changes to Wetlands Protection Act Regulations, Discussion

Ms. Schloss said that changes to activities in the buffer zone is the biggest item. Right now there are minor exemptions (for things like sheds or decks) if it is 50-ft.(+) away from the wetland and on a lawn area with no vegetation coming down, and erosion controls are in place - then it does not require review; this eases a lot of Administrative burden. The proposed rules would change it to include additions to homes up to 50% the size of the home. Regarding the Local Ordinance, even if the state regulation changes, the Commission will have to decide how to handle it under the local law and do it so as not to be capricious about it. Ms. Schloss said she expects a lot of feedback about this issue.

Ms. Schloss said other issues include changes to the 401 Water Quality Certificate and removing the ANRAD simplified review. She said she is going to a meeting on March 28th at South Shore Regional Conservation Network where they will talk about this in more detail.

Cmmr. DeGabriele said that DEP will decide what changes they will make and then, once they've made the changes, the Commission will need to decide which ones Weymouth wants to adopt. He also said that Con Comm needs to update the Town's regulations, adding that some are pretty unclear.

Ms. Schloss said she will prioritize the regulations they want to review.

Cmmr. DeGabriele said that encroachment may be a bigger deal in a densely populated town such as Weymouth more than in some other towns.

Board Member Resignation – designate interim Chairman

Cmmr. DeGabriele offered to continue to act as Chairman until the annual vote this summer.

Community Preservation Committee – Update

There was nothing to report.

Other Business/Conservation

Autumn Lane: Ms. Schloss said that part of the Order of Conditions was to close out the old OOC and issue a Certificate of Compliance for it. She said DEP File #81-1073 did not lapse – work was never done.

Cmmr. Tanner moved to approve the request for the Certificate of Compliance to close out DEP File #81-1073; seconded by Cmmr. Dowd. UNANIMOUSLY VOTED

Weymouth Salvage: Ms. Schloss has talked to Mr. Eacobacci – there is a violation hearing scheduled for April 10th. Another site visit is needed before then – they will visit on April 1st at 9:30AM.

Cmmr. DeGabriele asked if the LSP report has been received.

Ms. Schloss said she will get it from Mr. Eacobacci.

Whitman's Pond Working Group: Cmmr. Dowd reported that the WPWG met the week of March 18th; their focus is on strategies to make the pond better. There is a public meeting scheduled with the contractor (hired with CPC funds) to do a presentation of their findings and some of the applicable strategies. There is a really good consensus of everyone on the board, including the Whitman's Pond Assoc., DPW, Planning and the Herring Commission. They have some real techniques and even those that are cost prohibitive, e.g. dredging South Cove, can have huge benefits and be very worthwhile.

Cmmr. Tanner asked if funding is available.

Cmmr. Dowd said there is still CPC funding that has been set aside and, as it's drinking water supply, there is some funding related to that and he feels they have a lot of leverage because of what the Pond means to the North Atlantic ecology and commercial fisheries. He said if Whitman's Pond is healthy and provides circumstances for a robust and healthy annual herring production it would have a positive effect on cod and haddock and tuna fisheries which in turn will have an economic impact on Massachusetts and the Gulf of Maine areas. It is one of the few remaining robust herring runs and the second most productive in the northeast. He stated that Whitman's Pond goes beyond Weymouth, in terms of importance and the resources needed.

Cmmr. Dowd said abutters want to hear it and there is good news; they are willing to go along, but they haven't heard much yet.

Master Cleaners, 1407-1409 Commercial Street: Ms. Schloss informed the Commission that Cmmr. Loring reported "a big pile of stuff" near the cleaners; a monitoring well of a few hundred feet had been dug within 100-ft. of the river. Wells require a permit and private well regulations are being worked on but don't go into effect for a couple of weeks. Ms. Schloss told them they can't do anything without a permit. They said the well is potable, but she thinks it's for the cleaning business as well.

Cmmr. DeGabriele asked if they pay for water discharged into the sewer, if they don't get their water from the Town; Ms. Schloss said she would talk to DPW.

Ms. Schloss said she was out to Essex Heights with the wetland scientist and Jim McGrath and she should hear from them shortly.

Adjournment

Cmmr. Dowd moved to adjourn the meeting at 9:05PM and to meet again on April 10th at the McCulloch Building, 182 Green Street, Weymouth, MA, seconded by Cmmr. Tanner. UNANIMOUSLY VOTED

Respectfully submitted,

Patricia Fitzgerald

Approved:

Scott Dowd, Conservation Clerk

Date