

**WEYMOUTH CONSERVATION COMMISSION  
RECORD OF MINUTES AND PROCEEDINGS  
Wednesday, June 11, 2014 - 7:00 p.m.**

**Present:** Tom Tanner, Vice Chairman  
George Loring, Commissioner  
Scott Dowd, Commissioner & Clerk (arrived late)  
Anthony Merlino, Commissioner

**Absent:** Steve DeGabriele, Chairman

**Also Present:** Mary Ellen Schloss, Conservation Administrator  
Abby McCabe, Recording Secretary  
David Robinson, Planning Department Intern

Vice Chairman Tanner was the acting Chairman and called the June 11, 2014 Commission meeting to order at 7:02 p.m. in the Mary McElroy Room at the McCulloch Building, 182 Green Street, Weymouth, MA.

On a motion made by Commissioner Loring, seconded by Commissioner Merlino, the Commission voted 4-0 to continue the review of the May 14 and May 28, 2014 meeting minutes to the July 9 meeting so that the Chairman could be present.

**42 Ocean Avenue, Request for Determination of Applicability (RDA)**  
***Repair of retaining wall***

On a motion made by Commissioner Loring, seconded by Commissioner Merlino, the Commission voted 3-0 to open the public hearing.

The contractor, John Bradley and Steve Rigo of J&J Yardcare Inc. were present to represent the applicant, Paulette Harwood. Mr. Bradley distributed preliminary drawings showing the project overview, footing, wall, and stair details for 42 Ocean Avenue prepared by J&J Yardcare dated June 11, 2014. He explained that they are before the Commission because the property owner is proposing to construct a retaining wall and a 590 sq. ft. concrete patio next to the existing in-ground pool within a buffer zone (coastal bank and coastal beach to the Fore River).

Vice Chairman Tanner asked if the work would cause any disturbance and the applicant responded that they would be removing weeds and mostly rock. He also asked if he had plans prepared by an engineer. The applicant responded that they have the preliminary hand drawn plans distributed this evening and understand that the plans prepared by a professional engineer are required for the building permit filing.

Commissioner Merlino asked about the expected timeframe and Mr. Bradley responded that the construction would likely take 3-4 weeks and they would like to do this over the summer.

Ms. Schloss, Conservation Administrator, noted that they would likely need some erosion control protection on the right side when facing the house.

The Vice Chairman opened the public hearing to public comment. There were no public comments.

Ms. Schloss reviewed some suggested conditions as follows:

- That drawings prepared and stamped by a professional engineer be submitted;
- The 7'5" rise steps be noted and reviewed by the engineer;
- That there be no stockpiling on site;
- Heavy equipment to be stored near the driveway;
- That there be a silt fence between the work and the fence;
- That the Commission be notified prior to the start of construction;
- Standard precautionary conditions for the removal of the Japanese knotweed; and
- That the area be stabilized to prevent erosion

On a motion made by Commissioner Loring, seconded by Commissioner Merlino, the Commission voted 3-0 to close the public hearing.

On a motion made by Commissioner Loring, seconded by Commissioner Merlino, the Commission voted 3-0 (Loring, Merlino, Tanner) to issue a "Negative 3" determination with the conditions prepared by staff and agreed upon by the applicant.

### **Sherrick's Farm Road Subdivision – Discussion of Project Closeout**

#### **DEP File # 81-788**

Ms. Schloss informed the Commission that this item should be continued as the requested material has not yet been submitted.

On a motion made by Commissioner Merlino, seconded by Commissioner Merlino, the Commission voted 3-0 (Loring, Merlino, Tanner) to continue this item to the July 9, 2014 meeting.

### **29 Erika Lane – Certificate of Compliance**

#### **DEP File # 81-1132**

##### ***In-ground swimming pool***

Ms. Schloss reported that the lawn area around the pool is not yet stabilized and this item should be continued.

On a motion made by Commissioner Loring, seconded by Commissioner Merlino, the Commission voted 3-0 (Loring, Merlino, Tanner) to continue to the Certificate of Compliance for 29 Erika Lane to the next meeting on July 9, 2014.

### **Weymouth Commons – Certificate of Compliance**

#### **DEP File # 81-1120**

##### ***Roadway reclamation***

**Weymouth Commons – Certificate of Compliance**

**DEP File # 81-1119**

***Clubhouse improvements***

The Weymouth Commons agenda items #4 & 5 Certificate of Compliance for Weymouth Commons request were taken up together. Gabe Crocker of CHA Design & Construction Solutions was present and submitted letters for both applications dated May 30, 2014. A site visit was conducted within the last few days by Ms. Schloss and she noted that there are a few items that still need to be completed.

On a motion made by Commissioner Loring, seconded by Commissioner Merlino, the Commission voted 3-0 (Loring, Merlino, Tanner) to continue the two requests for the Certificate of Compliance for Weymouth Commons until the July 9 meeting.

Commissioner Dowd joined the meeting.

**Eastbay at Weymouthport - Certificate of Compliance**

**Map 3, Block 1, Lot 1**

**DEP File # 81-754**

***Closeout of old 1997 orders for soil boring and monitoring***

Gabe Crocker of CHA Design & Construction Solutions was present for the Certificate of Compliance. Mr. Crocker explained that this request is being submitted for a 1997 order of conditions that was never closed out from the application for work to perform soil borings and install ground water monitoring wells and clean-up work. The original clean up and site work started in 1998 and the clean-up continued until 2007.

On a motion made by Commissioner Merlino, seconded by Commissioner Loring, the Commission voted 4-0 to issue the Certificate of Compliance for Eastbay at Weymouthport DEP File # 81-754.

**Meredith Woods – Discussion**

**DEP File # 81-1025**

Carl Erickson of Bristol Brothers Development Corporation and Gabe Crocker of CHA Design & Construction Solutions were present for the item. Mr. Erickson explained that this was a follow up to the Commission's meeting in May regarding the proposed changes to the drywells at Meredith Woods. He explained that they are proposing to change the locations of the drywells from where they were on the approved plans. Overall, they have proposed to reduce the number of drywells and there would no longer be one on each lot. Mr. Crocker explained that he reviewed the old files as he was not involved in the project during the original application but believes the new proposal would meet the need for recharge. Mr. Crocker stated that they are proposing a shared drywell for lots #19 & 20, eliminating the drywell for lot #21, and using splash guards and stone for lots #12 & #13 instead of drywells.

Commissioner Merlino asked if lots #19, 20 & 21 would have an impact on the lots on Essex Drive. Mr. Crocker responded that he thought there would be less run-off onto those lots than what there is today and as shown on the approved plans.

Commissioner Loring asked if there was any negative change to the vernal pools or a net gain. The applicant responded that they believed there would be no change.

Ms. Schloss commented that she was not sure of the consequences and impacts of the proposed changes and did not necessarily agree with the applicant's response that there would be no change. The surface flow may have a different impact than the drywells that infiltrate into the ground. She further noted that if the water was not infiltrated to the vernal pools shown as vernal pool A & C on the plans this could possibly be detrimental but more information is needed to make this determination. There may need to be something more than just a splash guard and stone but further review and discussion is needed.

Ms. Schloss and Commissioner Merlino asked why the change is being proposed at this time. Mr. Erikson responded that the change is being requested for cost reasons and that the proposed drywells are too big as they are 6-ft. Mr. Crocker added that the large structures are also costly to maintain and future maintenance is a concern.

Ms. Schloss asked if the drywells could be smaller, particularly for lots #12 and 13 and asked for a detail of the splash pad. A joint connection for lot #14 may be something to consider but she was satisfied with the change for lots #19 and 20. She also suggested one drywell for half the house at lot #15 and remove #14 to provide more recharge from #15. She would like to see more detail for lot #17 on how it will get to the vernal pool and the details of the recharge and the detail for the splash pad.

Commissioner Loring asked if the vernal pool was seasonal or ground water and Mr. Crocker responded that the vernal pool was both but was not certified.

It was agreed that the applicant would come back to the Commission when they have more information.

**Weathervane Golf Course Development – Discussion**  
**DEP File #s 81-756 and 81-963**  
**Enforcement Order Issued 7/31/2013**

Jim Bristol III and Carl Erickson of Bristol Brothers Development Corporation were present. Mr. Erickson explained that they are here to review the status of the Weathervane Enforcement Order. Two planting areas were installed last fall and there was discussion regarding a walking trail behind Ralph Talbot as part of earlier mitigation discussions. The foot bridge is expected to be constructed next week.

Commissioner Loring commented that he would like to see the plantings mature and succeed and the other commissioners agreed. Mr. Bristol responded that they would continue to monitor the plantings through the fall. Ms. Schloss noted that she also has to do a site visit. Off-site

mitigation work related to walking trails in the conservation land off of Route 18 seems most probable. Ms. Schloss and the Commission will work on preparing a narrative, scope of work, an itemized list and dollar figures for the mitigation work off Route 18 to provide to the Bristol Brothers. Ms. Schloss further noted that they still need the turf management plan, water quality data, and flyover plan. Commissioner Merlino asked for signage to protect the resource areas.

An update to Ms. Schloss should be provided for the Commission's July 9 meeting and reviewed again at the August 13 meeting.

**Other:**

Mr. Briggs, a property owner on Ocean Drive was present to observe the meeting prior to filing an application to reconstruct a retaining wall adjacent to the seawall.

**EXECUTIVE SESSION:**

**Weymouthport Condominium – Phase 1 Trust v. Town of Weymouth Conservation Commission and Eastbay at Weymouthport Corporation  
84-89 Broad Reach (Map 3, Block 1, Lot 1)**

At 9:00 p.m. Vice Chairman Tanner explained that the Commission will take a vote to go into executive session to review and discuss strategy surrounding the active litigation remand case filed by Weymouthport Condominium against the Weymouth Conservation Commission and Eastbay at Weymouth Corporation. An executive session is necessary because of the sensitive nature of the challenges asserted by the plaintiff. Furthermore, if approved, the executive session will be closed to the public but the Commission will reconvene in a public meeting at the conclusion of the executive session.

The Clerk, Commissioner Dowd, took a roll call to go into open session. Commissioner Tanner, Merlino, Loring, and Dowd voting 4-0 in favor of an executive session.

The Commission reconvened and continued the meeting in open session at 9:30 p.m.

**Other Business:**

**Tirrell Woods** – O & M Plan received. Ms. Schloss reported that the final paving, as-built, clean of the catch basins, land transfer of approximately 50 acres have not yet been finalized. She noted that a request for a certificate of compliance is expected next month likely for the July 9 meeting. It was the consensus of the Commission not to issue the Certificate of Compliance until the land transfer and all work is completed including the installation of the berms and an O & M plan for the private portion.

**Dandelion Lane Planting Plan** – This item was skipped without discussion.

**26 Massasoit Road** – Ms. Schloss reported that a request for a Certificate of Compliance has not been submitted but is expected to be submitted soon. There are several outstanding items for 26 Massasoit Road such as the elevation certificate and a statement from the building department

that it complies with flood zone requirements and asked if a temporary Certificate of Compliance was a possibility. The Commission responded that they would like to wait to review the Certificate of Compliance at the July 9 meeting, if received.

### **CPC Update & Conservation Administrator Report**

104 Bridge Street – Ms. Schloss noted that this was approved at the last meeting and the Emergency Certification was distributed for signature.

### **MassDOT Route 18 – Article 97 Mitigation**

Ms. Schloss followed up with the Director of Public Works since the last meeting regarding the paving of the parking lot off of Route 18 and the Director reiterated that he would prefer the lot to be paved. The Commission agreed that they were satisfied with a gravel lot.

### **Wessagussett Beach House**

Ms. Schloss reported that the Local Building Inspector, Richard Ziegler, ordered an emergency order to condemn and remove the two bathhouses located on Wessagussett Beach in letter dated June 11, 2014. Photographs of the existing structures were distributed. The back of the structures are against the coastal bank and up against the old seawall.

The Commission asked that the void created by the removal, if any, be filled with similar material and this should be made a condition of the Emergency Certification.

On a motion made by Commissioner Loring, seconded by Commissioner Dowd, the Commission voted 4-0 to issue an Emergency Certification for the removal of the two Wessagussett Beach bath houses. Other conditions to protect the beach and the coastal bank were discussed and included: filling voids with similar materials, leaving the back wall of the structure to maintain the stability of the bank, prohibiting disturbance of beach or dune vegetation, and restrictions on equipment access and material staging.

Commissioner Loring reported that there were not Community Preservation Committee updates.

Ms. Schloss informed the Commission that the work at Legion Field will be starting soon and a ground breaking was scheduled for next week.

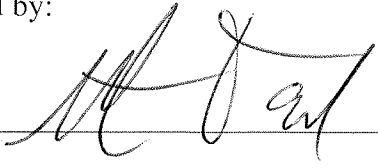
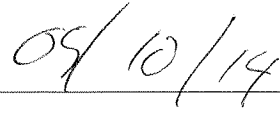
Signing of Decisions – The Wessagussett Beach House emergency order and the 104 Bridge Street emergency certification forms were signed.

### **Adjournment**

On a motion made by Commissioner Loring, seconded by Commissioner Merlino, the Commission voted 4-0 to adjourn at 9:55 p.m.

Respectfully submitted by,  
Abby McCabe  
Recording Secretary

Approved by:

A handwritten signature in cursive script, appearing to read "Scott Dowd", written over a horizontal line.A handwritten date "09/10/14" written in cursive script, positioned to the right of the signature and above a horizontal line.

Scott Dowd, Clerk

Date