

**WEYMOUTH CONSERVATION COMMISSION  
RECORD OF MINUTES AND PROCEEDINGS  
Wednesday, July 9, 2014 - 7:00 p.m.**

**Present:** Steve DeGabriele, Chairman  
Tom Tanner, Vice Chairman  
Scott Dowd, Commissioner & Clerk  
George Loring, Commissioner  
Anthony Merlino, Commissioner

**Absent:** None

**Also Present:** Mary Ellen Schloss, Conservation Administrator  
Abby McCabe, Recording Secretary

Chairman DeGabriele called the July 9, 2014 Commission meeting to order at 7:00 p.m. in the Council Chambers, Town Hall, 75 Middle Street, Weymouth, MA.

**Minutes**

On a motion made by Commissioner Loring, seconded by Commissioner Merlino, the Commission voted 5-0 to approve the meeting minutes of May 14, 2014 as amended by removing the word "today" on page 2 for the Tara Gardens item and changing the word "letter" to "order" on page 5 for the 169 Randolph Street item.

On a motion made by Commissioner Loring, seconded by Commissioner Dowd, the Commission voted 5-0 to approve the meeting minutes of May 28, 2014 as written.

The meeting minutes of June 11, 2014 were continued to the next meeting on August 13 to allow staff time to review.

**14 Carlson Cove, Request for Determination of Applicability (RDA) (Public Hearing)  
*Rebuild Single-Family Home***

On a motion made by Commissioner Loring, seconded by Commissioner Tanner, the Commission voted 5-0 to open the public hearing.

Edward Philips was present to represent East Coast Supervising Group. Mr. Phillips explained that the house was damaged in a fire last year and has been vacant since. They are proposing to demolish the fire-damaged house and reconstruct on the same foundation as the old house.

Commissioner Merlino asked if there were any porches or decks proposed and the applicant responded that the plan is to rebuild in the same footprint and the old house had a three season porch.

The Commission discussed the existing shed that appeared to be within the 25 foot no disturb buffer to Whitman's Pond. They informed the applicant that no structures should be within the 25

foot buffer zone and that it should be identified with the shed or boulders to mark the no disturb areas.

Ms. Schloss, Conservation Administrator, explained that the house was constructed prior to the 25 foot no disturb buffer being adopted by the Town in 1997 but was not sure about the shed. She would prefer that the 25 foot buffer zone be demarcated in some way.

Mr. Phillips responded that they could move the shed.

The Chairman opened the hearing up to public comment.

**Public Comment:**

Elizabeth and Frank Larson, former owners of the property, were present and explained that the shed had been further away from the pond but was recently moved after the fire and for the new construction.

Penelope Wilhelm, the property owner, stated that she could move the shed to comply with the buffer zone restrictions.

Lynn Feliciano, 10 Carlson Cove, was supportive of the application.

On a motion made by Commissioner Loring, seconded by Commissioner Tanner, the Commission voted 5-0 to close the public hearing.

On a motion made by Commissioner Loring, seconded by Commissioner Tanner, the Commission voted 5-0 for a “Negative 3” Determination with conditions that the shed be moved to be in line with an existing boulder that approximates the 25-foot no disturbs area, and that the new lawn does not extend beyond the boulder.

**54 Ocean Avenue – Request for Determination of Applicability (RDA) (Public Hearing)  
*Replace retaining wall***

On a motion made by Commissioner Loring, seconded by Commissioner Tanner, the Commission voted 5-0 to open the public hearing.

James Briggs, the owner and applicant, was present for the hearing on his RDA to construct a stone-block retaining wall to replace the existing and deteriorating timber retaining wall. Mr. Briggs explained that he wanted to remove and replace the stairs to the east to make them wider. Also, he was proposing to remove the existing jog in the wall and would adjust the wall to eliminate the “canyon” effect between his and his neighbor’s property.

Commissioner Tanner asked about the stairs and the equipment storage and the applicant responded that the stairs are to be 5 feet wide (increased from 3.7 feet). The debris and construction materials are to be stored in the front yard in a dumpster that will be emptied daily.

Ms. Schloss commented that the application talks about the loading and unloading and the erosion controls that should be included in the Determination. She did confirm with the Department of Public Works Engineering Division and they are okay with the proposal. The height is below the 4 feet and does not need a building permit.

The Chairman opened the hearing up to public comment.

**Public Comment:**

Mr. MacDonald, 59 Ocean Avenue, noted that the stairs have always been there and did not have an issue with the project.

On a motion made by Commissioner Loring, seconded by Commissioner Tanner, the Commission voted 5-0 to close the public hearing.

The Chairman noted that the existing retaining wall should be removed carefully, section by section. Ms. Schloss added that the standard conditions should apply, including the notification to the Commission.

On a motion made by Commissioner Tanner, seconded by Commissioner Loring, the Commission voted 5-0 to issue a “Negative 3” Determination with the standard conditions and that the wall be removed section by section.

**72 Lone Pine Path – Request for Determination of Applicability (RDA) (Public Hearing)**  
***Install gas line***

Ms. Schloss explained that this public hearing should be continued to the August 13, 2014 meeting because the applicant did not notify abutters.

On a motion made by Commissioner Loring, seconded by Commissioner Tanner, the Commission voted 5-0 to continue the public hearing to the August 13, 2014 meeting to provide time for the applicant to notify the abutters.

**136-138 Bridge Street – Notice of Intent (Public Hearing)**

**DEP File #81-1152; *Rebuild commercial building; stabilize coastal bank; install shoreline protection***

Joe Danubio, project engineer, was present to represent the applicant. Mr. Danubio has filed the Notice of Intent and the Storm Water Report with the Commission for the construction of a new building to replace the existing one destroyed by arson.

Ms. Schloss also noted that the Commission received an updated supplemental plan and material this evening. Two plans were submitted, both prepared by A-Plus Construction Services Corp., signed and stamped by Joseph Danubio, P. E., and dated July 4, 2014. The site plan is titled “136-138 Bridge Street, Commercial Building”, and the detail sheet is titled “Shoreline Protection Details, 136-138 Bridge Street”.

Mr. Danubio explained that the site has a steep coastal bank located in the flood zone. He has met with Ms. Schloss and performed a site walk. The new building footprint will be reduced from the existing (~3,063 sq. ft. difference), and some of the existing foundation will be removed. He noted that the storm water report was submitted for this redevelopment project. Some of the pavement on the western corner of the site will be removed for plantings and infiltration. He contacted the Massachusetts Office of Coastal Zone Management and reviewed the proposal with Rebecca Haney, a coastal geologist. The biggest issue is that the coastal bank is eroding.

Mr. Danubio stated that he has created an alternative plan that proposes a boulder revetment that would extend above the flood elevation. They may be able to lower the boulders from the top of the slope onto the coastal bank.

Commissioner Loring commented that during the recent site visit it looked as though erosion was coming from the top of the bank and asked if there were any plans to fix this in the proposed plan. Mr. Danubio responded that he thought the erosion was coming from the bottom and not the top. The application proposes grass mix and vegetation on the bank that will help. Roof run-off will be directed to the front of the site and will be addressed.

Commissioner Tanner asked what the construction time frame was and Mr. Danubio responded that the actual work will likely take 2-3 weeks and the project will reuse some of the existing boulders on the beach.

Chairman DeGabriele agreed that the boulder revetment option was preferred. He questioned the site access and was concerned that the site could not be accessed as proposed over the beach. He was also concerned about stabilizing the steep slope and the proposal for significant tree removal as the submitted plan called for removing all the trees on the slope.

Mr. Danubio replied that it was his opinion that all the trees and roots on the slope needed to be removed.

Ms. Schloss informed the Commission that she also reviewed the application with the Office of Coastal Zone Management and in her discussions with their staff there was concern relative to removing all of the vegetation from the site as it did not seem prudent as it could destabilize the slope. Ms. Schloss recommended only removing the trees that needed to come down as the Office of Coastal Zone Management did not recommend complete removal on the bank and the Commission should carefully review prior to making a decision.

Ms. Schloss also noted that the excavated material should be reused on the beach and not for fill. She also asked where the roof run-off would drain and stated that it should drain to the front of the site. The applicant responded that roof run-off will go to the front of the site to an infiltration area.

Chairman DeGabriele added that there is presently a lot of trash and debris on the beach and asked that the clean-up be incorporated into the Order of Conditions as a special condition.

Mr. Danubio added that if the trees are not removed now he believed in the future they will grow bigger and will cause a bigger problem with the slope.

Ms. Schloss said that she spoke with Jim Mahala and Rebecca Haney at the Office of Coastal Zone Management today and they felt that complete vegetation removal seemed excessive and suggested limited removal only. They encouraged the Commission not to move forward without a more complete alternatives analysis. She reviewed and provided to the Commission the coastal bank and coastal beach performance standards of the Wetland Protection Act (310 CMR 10.27 and 10.30) but noted that she was not an expert in this area of coastal bank management and suggested that a coastal bank expert be contacted. Rebecca Haney was concerned about the end effect on the west side as it may create impacts on adjacent property. Ms. Schloss suggested the applicant consider other bioengineering options, remove only the trees that are leaning as the others may be providing stability, and look into the erosion coming over the top of the slope.

Chairman DeGabriele stated that he was supportive of the applicant's revised approach as the concrete panel approach did not seem appropriate. However, he felt an expert on coastal bank management was needed.

Commissioners Tanner and Dowd agreed that they felt a professional was necessary as they were unsure of the tree issue and if all or only some should be removed on the slope.

The Commission members asked if the applicant would retain a professional to weigh in on the structure and vegetation on the slope / bank to provide professional guidance on the stability.

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

The Commission informed the applicant that they would like to continue the hearing so that the applicant could retain a professional to review the alternatives. Without a professional, the Commission would have to move forward with the information they have to date. The applicant agreed.

On a motion made by Commissioner Loring, seconded by Commissioner Dowd, the Commission voted 5-0 to continue the public hearing until the next meeting on August 13, 2014.

#### **Queen Anne's Gate / Colonel Lovell's Apartments – Request for Plan Modification**

##### ***DEP File # 81-287; Gas main installation***

Ms. Schloss explained that this Order of Conditions for the installation of a gas main was approved recently by the Commission. The applicant is now proposing to perform horizontal drilling to install the line underneath the river, while the approved plan included a river crossing and some excavation of the riverbank. She added that the proposal is more protective of the resource area.

On a motion made by Commissioner Loring, seconded by Commissioner Tanner, the Commission voted 5-0 to approve the applicant's request to modify the Order of Conditions to conduct horizontal drilling for the gas line installation.

#### **40 Mathewson Drive – Request for Final Certificate of Compliance**

***DEP File # 81-287; Commercial building***

Ms. Schloss informed the Commission that the applicant was not present and explained that this is an old Order of Conditions (1985) and old Enforcement Order (1990) for an industrial building. There are 4 catch basins and an underground detention system on the property today. Mr. Joe Murphy, the project engineer, submitted a report in March 2014 regarding changes to the stormwater management system that precipitated the Enforcement Order.

Commissioner Tanner asked if the outfall has been cleaned out and Ms. Schloss responded that they would clean out the catch basins.

On a motion made by Commission Tanner, seconded by Commissioner Dowd, the Commission voted 5-0 to issue the final Certificate of Compliance and lift the old Enforcement Order with a condition that the catch basins be cleaned out.

**Tirrell Woods Planned Unit Development – Request for Partial Certificate of Compliance, Bldg. 800; DEP File # 81-1033; 48 unit condo complex**

The applicant, Ken Ryder and the applicant's engineer, Al Trakimas were present. Mr. Trakimas summarized the status of the project; the drainage is in, the retention pond is working, and they are currently working on finishing up the last building (#800) interior work and still need to complete the landscaping in front of the last building and some other areas need to be reseeded. Mr. Trakimas also added that some contouring shown on the as-built plan was incorrect for the area around the new basin. There was some recent clean-up of rocks in the buffer area, the knotweed has been cleared, and the crushed stone rip-rap at the entrance to Tirrell Street has been revised so that the water run-off from the street flows into the rip-rap area and into the wetland. The neighbor's (29 Tirrell Street) lawn has been loamed and seeded, and the road repaved to keep the storm water from draining to the neighbor's property. The final course of pavement on the main road is still outstanding and is expected at the end of summer in August.

Ms. Schloss commented that the final land transfer for the open space still needs to be turned over to the Commission with a deed for permanent protection. The applicant responded that the deed was provided to the Town Solicitor. Ms. Schloss will check in with the Town Solicitor to confirm that the deed for the land transfer is signed and finalized.

Ms. Schloss said that the final paving and berms on Tirrell Street are still needed, a final as-built plan noting any deviations, and the catch basins cleaned, and the lawn mowing in the O & M plan.

Mr. Ryder responded that he expects to complete all the other outstanding work and submit a final Certificate of Compliance for the September 10 Commission meeting.

On a motion made by Commissioner Tanner, seconded by Commissioner Loring, the Commission voted to issue the partial Certificate of Occupancy with the understanding that the list of outstanding items will be provided and completed for the final Certificate of Compliance expected for the September 10 Commission meeting.

**300 River Street – Request for Final Certificate of Compliance**

***DEP File # 81-1131; reconstruction of coastal revetment***

Ms. Schloss explained that this Order was for the reconstruction of the coastal embankment at the condo complex. Work was completed and a recent site visit by Commissioner Loring found that there were no issues on site.

On a motion made by Commissioner Loring, seconded by Commissioner Tanner, the Commission voted 5-0 to issue the final Certificate of Compliance.

**26 Massasoit Road – Request for Final Certificate of Compliance**

***DEP File # 81-1114; tear down and rebuild of single family house***

Ms. Schloss stated that this was placed on the agenda as a place holder item as it was expected but was not received. This will be before the Commission once the request is received.

**Alexan at Arbor Hill – Discussion of preconstruction submittals**

***DEP File #81-1046; 242-unit apartment complex***

A member of the public, Joanne Marques, had a question on the expiration date for the project's approval. Ms. Schloss responded that there were some appeals with this case and that the expiration date is from the time after any appeals and court cases have been dismissed. This project is also covered under the Massachusetts Permit Extension Act. Ms. Marques asked for the exact expiration date and Ms. Schloss responded that she would find out and respond.

Attending the meeting were Tom Godfrey and Jim Bristol of Bristol Brothers Development and John Perry and Peter Spanos of Gale Engineering.

Mr. Godfrey explained that they are before the Commission for the local Order of Conditions pre-construction submittal requirements. He stated that the Ground Water Monitoring protocol and SWPPP have been submitted. Mr. Godfrey went through all of the pre-construction conditions of the Order as follows:

#30 – The submittal of the SWPPP and filing of the NPDES permit have been completed.

#31 – The contact information has been provided.

#32 – Confirmation that all the peer review bills have been paid.

#33 – Performance bond for the storm water management facilities (catch basins and wetlands replication). Ms. Schloss and the Commission discussed reviewing the estimates. Ms. Schloss indicated that the estimated bond amount still needs to be reviewed and verified by someone that has knowledge of this work. It was the consensus of the Commission that the performance bond be evaluated by someone familiar with this type of work and that more information is needed as backup for the estimates used.

#34 – The plan sheet C-2-35 has been revised to show the snow stockpiling locations.

#35 – Sheet C-26 has been revised.

#36 – Sheet C-23 has been revised to show the bio-retention cells.

#37 – The revised plan set has been submitted.

#38 – The O&M Plan for storm water management has been submitted.

#39 – Protocol for estimating the groundwater has been submitted.

#40 – Short and long-term monitoring program has been submitted.

#41 – Proposed construction sequencing provided.

#42 – Will notify the Commission within 48 hours in advance of work.

#43 – Erosion control barriers to be installed along site barrier and will confirm location with Gale Engineering.

#44 – If the limit of work differs from the erosion control line, it should be flagged. The applicant stated that the erosion controls will be installed along the perimeter of the entire limit of work.

#45 – Missing or damaged wetland flags to be replaced – the applicant will re-flag the area within the 100-ft. buffer zone.

#46 – Inspect erosion control barrier and certify location. The applicant said that this still needs to be completed.

Ms. Schloss commented that the Ground Water Monitoring protocol, SWPPP, and O&M plans have been submitted. Ms. Schloss had some questions regarding the groundwater monitoring protocol. Mr. Godfrey responded that they have 3 proposed recharge areas that need to be installed, need to be reviewed for separation to groundwater as recommended by the town's peer reviewer.

Ms. Schloss further commented that the USGS report said the observation wells are affected by pumping and the Commission has to approve the method per the Order's condition # 39. Also, the SWPPP should identify the area for concrete wash-out on the plan and confirm no impact to the adjacent wetlands. The O&M Plan should have a figure with all the features identified and recommends one sheet with all that called out prior to the Certificate of Compliance. The performance bond estimate needs to be reviewed and she asked the applicant to provide further details on the estimated figures. Commissioner Tanner asked that the figures for the blasting for the pocket wetland also be included.

The Commission asked and the applicant agreed to continue the review of the preconstruction submittal until the Commission's August 13 meeting to allow additional time to review the bond.

On a motion made by Commissioner Tanner, seconded by Commissioner Loring, the Commission voted 5-0 to continue the pre-construction submission review to the August 13 meeting.

#### **46 Revere Road – Request for Plan Modification**

##### ***DEP File # 81-1129; retaining wall***

Ms. Schloss explained that this was a request for a minor modification to the plan for the retaining wall. The applicant contacted the Commission as they are now proposing to construct two knee-walls adjacent to the house.

On a motion made by Commissioner Loring, seconded by Commissioner Dowd, the Commission voted 5-0 to accept the proposed plan modification.

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

##### ***Final Certificate of Compliance for swimming pool.***

Ms. Schloss informed the Commission that the swimming pool and plantings were installed and were okay.



On a motion made by Commissioner Tanner, seconded by Commissioner Loring, the Commission voted to issue the Certificate of Compliance.

**Other Business:**

**Sherrick's Farm Subdivision** – Ms. Schloss informed the Commission that the owner has not yet filed for the final Certificate of Compliance. The Commission asked Ms. Schloss to follow-up with the owner to tell them to complete the work for the Commission's September meeting.

**Weymouth Salvage** – Ms. Schloss explained that the Commission had asked that all work be completed by June 30. She performed a recent site visit and found that some more work is still needed. Much has been re-graded but side slopes need to be stabilized. The Commission asked Ms. Schloss to prepare a letter with a date for the owner to complete the work since the June 30 date has now passed and also asked that the owner attend the August 13 meeting for a status update which means that the work should be completed at least a week prior to the meeting.

The Chairman requested that at the next meeting the Commission review who will monitor which sites and asked that this be placed on the agenda.

**CPC Report** – No updates from Commissioner Loring.

**Conservation Report**

- Ms. Schloss has received complaints about the lack of view at Wessagusett site and would like to review some vista pruning.
- She is working with the department's summer intern on cleaning up the Commission's regulations.

**Adjournment**

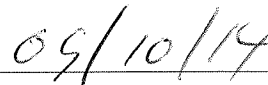
On a motion made by Commissioner Loring, seconded by Commissioner Tanner, the Commission voted 5-0 to adjourn at 10:20 p.m.

Respectfully submitted by,  
Abby McCabe  
Recording Secretary

Approved by:



Scott Dowd, Clerk



Date