

**WEYMOUTH CONSERVATION COMMISSION  
RECORD OF MINUTES AND PROCEEDINGS  
Wednesday, August 13, 2014 - 7:00 p.m.**

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

**Absent:** Tom Tanner, Vice Chairman

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

Chairman DeGabriele called the August 13, 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 Dowd, seconded by Commissioner Loring, the Commission voted 3-0-1 (Commissioner DeGabriele abstained due to absence on June 11) to approve the meeting minutes of June 11, 2014 as written.

On a motion made by Commissioner Loring, seconded by Commissioner Dowd, the Commission voted 4-0 to approve the meeting minutes of July 9, 2014 as amended with the clarification in the last paragraph on page two under 54 Ocean Drive.

Review of the executive session meeting minutes of June 11, 2014 were continued to the next meeting on September 10, 2014.

**72 Lone Pine Path – Request for Determination of Applicability (Public Hearing)**

***Install gas line to serve single-family residence***

Mr. Norman Preston, property owner, explained that he is before the Commission to install a gas line to service the single-family residence. The gas line is proposed in the existing conduit at the wetland crossing. Ms. Schloss, Conservation Administrator, distributed photographs of the site to Commission members. The applicant stated that the work would take one to two days to complete. The Commission discussed the location of the erosion controls with the applicant and it was determined that the erosion controls should be located 10 feet north of the pole and 30 feet past the second light pole along the driveway. The applicant stated that they would stake the area out and protect the area around the culvert. The applicant agreed to remove excess excavation material from the site. Ms. Schloss also noted that the existing headwall on the east side is cracked.

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

On a motion made by Commissioner Loring, seconded by Commissioner Dowd, the Commission voted 4-0 to close the public hearing.

On a motion made by Commissioner Loring, seconded by Commissioner Dowd, the Commission voted 4-0 to issue a Negative III Determination with the condition that the erosion controls be installed and the area stabilized following construction.

**136-138 Bridge Street – Notice of Intent (Public Hearing) – DEP File # 81-1152**

***Rebuild commercial building; stabilize coastal bank; install shoreline protection***

Ms. Schloss reminded the Commission that this hearing was continued from the July 9 meeting when the Commission had asked the applicant to consult a coastal bank expert. The applicant retained Woods Hole Group to provide an alternatives analysis but more engineering work was needed and the applicant requested a continuance to the Commission's September 10, 2014 meeting.

On a motion made by Commissioner Loring, seconded by Commissioner Dowd, the Commission voted 4-0 to continue the public hearing to the September 10, 2014 Commission meeting.

**Alexan at Arbor Hill – Discussion of preconstruction submittals (continued) DEP File #81-1046; 242 unit apartment complex**

Tom Godfrey of Bristol Bros. Development Company and John Perry of Gale Associates were present to represent the applicant. Mr. Godfrey summarized the pre-construction submittals since the last meeting on July 9. They have submitted an updated NPDES (National Pollutant Discharge Elimination System permit), SWPPP (Stormwater Pollution Prevention Plan), and an O&M (Operation and Maintenance) plan showing all stormwater BMPs on one sheet. Additionally they submitted more details on the infiltration basins, more on groundwater monitoring, and provided back-up information on the performance bond estimate and how they arrived at the estimate.

Ms. Schloss distributed the performance guarantee form to the Commission members. She reported that she reviewed the bond estimate with the town's Inspector of Buildings. Bristol Bros. has asked to provide a bond for 120% of the cost of the work. She also reviewed the groundwater monitoring analysis with the town's engineering division. She recommended some minor changes to the SWPPP and discussed the permanent protection of the open space land listed as condition #29 in the Order of Conditions (OOC). The Commission received a letter from the Planning Board asking the Commission to consider protecting open space through a Conservation Restriction rather than a land transfer to the Commission. The Commission discussed the Planning Board's request and concluded that their intent was to permanently protect the open space in a way that ensures public access and essentially expanding the Bradford Torrey Bird Sanctuary. They stated that Conservation Restrictions may be more appropriate for private properties for which public access is not as critical.

Chairman DeGabriele asked if there were any public comments. Ms. Joanne Marques submitted a letter to the Commission members and the applicant. The letter questioned the expiration of permits related to this project. The Commission reviewed the letter and the Chairman responded that the wetland delineation was conducted as part of the NOI, that the MEPA (Massachusetts Environmental Policy Act) Certificate is an approval (and not a permit) that does not expire, and that they are not aware of any other permits required for this project.

The Commission accepted and approved the pre-construction submittals as provided.

**Tirrell Woods Development, Stormwater O & M Plan – Discussion DEP File #81-1144, 1146, 1146**

Ms. Schloss informed the Commission that she provided a letter to the applicant, Mr. Ken Ryder, dated July 28, 2014 outlining the outstanding work needed for the final COC. She had some comments on the draft O & M plan detailed on item 8 of the July 28 letter. She reported that the draft O & M plan did not include maintenance of the rip-rap pad off Tirrell Street (just before the entrance to Justin Drive that leads to the project site). The Commission decided to change the word “should” in #8 to “shall” as it was the consensus of the Commission that maintenance of the stone pad shall/

must be privately maintained and included in the O & M plan. The Commission also agreed with Ms. Schloss’ change from “may” to “shall” in section 2.0 of the maintenance agreement as outlined in the July 28 letter #8b. The Commission also agreed that the snow storage areas should be specified and identified on the plan. Ms. Schloss also noted that the deed for the land transfer is in the process of being recorded.

**Weymouth Salvage, 307 Middle Street – Violation Hearing**

The property owners, George and Linda Eacobacci, were present for the violation hearing. Ms. Schloss reminded the Commission that at the July meeting they had asked the owner to attend this meeting to give a status update on the open Enforcement Order because work had not been completed by the specified date. Ms. Schloss distributed photographs from a site visit earlier in the day. Based on the site visit she recommended the northern slope be stabilized by seeding the entire slope and repair of the erosion controls. The Commission will send a letter to the owner requesting the owner seed the slope and remove the erosion controls from the upstream end of the basin southward toward Middle Street and the Commission will monitor into the fall. The owner agreed to call Ms. Schloss when the seeding was complete and she will perform an inspection.

**Dandelion Lane Subdivision, Planting Plan – Discussion DEP File #s 81-1144, 1146, 1147**

Ms. Schloss reported the Commission received the requested planting plan. She had some comments on the proposed non-native cultivar (Bar Harbor juniper) and recommended the native juniper species be planted (as required in the OOC). She noted that there was no planting on lot 2, possibly because it is located in the sewer and water easement. The Commission will check the plantings in one year to monitor their progress. Ms. Schloss will provide a written response on the planting plan, with the two comments to the applicant.

**26 Massasoit Road – Certificate of Compliance DEP File # 81-1114, Single-Family House**

Ms. Schloss reminded the Commission that this was the tear down and rebuild of the house in the flood zone and distributed photographs from a site visit earlier in the day. The building inspector reviewed the construction and building code requirements for construction in the flood zone and signed-off for compliance. Ms. Schloss recommended approval of the Certificate of Compliance.

On a motion made by Commissioner Loring, seconded by Commissioner Dowd, the Commission voted 4-0 to issue a Certificate of Compliance.

**Conservation Commission Wetland Regulations – Discussion**

Ms. Schloss informed the Commission that the Planning Department summer intern, David Robinson, has reviewed the Commission's regulations and made some minor edits. She added that the regulations are not currently on the website or distributed because they are incomplete and contains some errors but she would like to have the Commission review the changes at the next meeting on September 10. A marked up version showing the edits was distributed. The Commission should review at the September 10 meeting and then pick a date to hold a public hearing to approve the regulations. Once approved, the regulations will be added to the website.

**Other Business:**

**Vegetation Management, Wessagussett Road** – Ms. Schloss informed the Commission that the town has received complaints about overgrown vegetation on Wessagussett Road in the area known as the “shelf”, where the parking area overlooks the water; photographs were distributed. The Department of Public Works (DPW) has requested to do some pruning work. The Commission agreed that DPW could perform pruning work but asked that they submit a written maintenance plan describing the work they will be performing. The standard conditions and removal of excess debris should apply.

**MBTA Enforcement Order, East Weymouth Station** – Ms. Schloss reminded the Commission that this Enforcement Order was issued last winter for the eroding coastal slope at East Weymouth station with a compliance deadline of July 30. The MBTA has taken this on directly and has hired an engineer to confirm the design provided by MBCR (Mass Bay Commuter Rail). The commission agreed that the MBTA should provide a written request stating the reason for the delay and asking for an extension to a date certain.

**Compliance Monitoring** – The Commission members agreed to help Ms. Schloss with monitoring projects and a list of active projects was distributed. The Commissioners picked projects they would take responsibility for. Staff will send the project list to all with the Order of Conditions for each project and a site inspection checklist.

**Vote on CPC Liaison** – The Commission nominated and voted to elect Commissioner Loring to continue to serve as the CPC liaison.

**186 Main Street** – Ms. Schloss noted that the applicant did not submit the pre-construction submittal material for 186 Main Street in time to be distributed for this meeting and she had some concerns and needed more time to review. She and the Commission agreed that they needed to review the vernal pool plan and fencing carefully. The review of the pre-construction submittal requirements was continued to the next meeting on September 10, 2014.

**Conservation Commission Fee Schedule** – Questions have been raised regarding the fees for single-family dwellings. The Commission and staff agreed that each line on the fee schedule should be considered as separate categories.

**54 Ocean Avenue** – The owner contacted staff that they would like to add patio pavers under the deck. The Commission saw no issues with this and approved the minor change.

Chairman DeGabriele recently attended a meeting with the Mayor, Ms. Schloss, the Planning Director, and the DPW regarding the Water Management Act and water management in town. He summarized that they reviewed Weymouth's complex water supply and the Water Management Act. Discussion centered on the potential ecological impacts of increased water withdrawals, the need to finalize the Washington Street pump station protocol and to establish a written protocol for management of the fish ladders, triggers for outdoor watering restrictions, and developing a better understanding of the impacts of water withdrawals on flow rates in the Mill River.

**CPC Report** – Commissioner Loring reported that there was a recent CPC meeting with a lot of new information and that he will further update the Commission at the next meeting.

**Conservation Administrator's Report:**

Ms. Schloss distributed the letter from the Planning Board regarding the open space. The Commission reviewed and decided to provide a response after further review and analysis, and suggested checking with the tax assessor, and additional study of the Conservation Restriction process. They ultimately felt this should be handled on a case-by-case basis. Ms. Schloss agreed to work on a response.

**Lovell Field** - Will be coming back to the Commission for a Notice of Intent soon.

**MACC** – Conference to be held on September 27<sup>th</sup> and will focus on aquatic invasives, if any Commissioners are interested in attending.

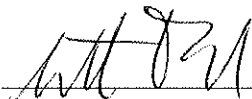
**104 Bridge Street Update** - Demolition at 104 Bridge Street is underway.

**Adjournment**

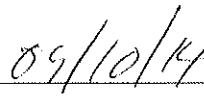
On a motion made by Commissioner Loring, seconded by Commissioner Dowd, the Commission voted 4-0 to adjourn at 10:30 p.m.

Respectfully submitted by,  
Abby McCabe  
Recording Secretary

Approved by:



Scott Dowd, Clerk



Date