

**WEYMOUTH CONSERVATION COMMISSION  
RECORD OF MINUTES AND PROCEEDINGS  
Wednesday, November 19, 2014 - 7:00 p.m.**

**Present:** Steve DeGabriele, Chairman  
Tom Tanner, Vice Chairman  
Anthony Merlino, Commissioner  
George Loring, Commissioner

**Absent:** Scott Dowd, Commissioner & Clerk

**Also Present:** Mary Ellen Schloss, Conservation Administrator  
Patricia Fitzgerald, Recording Secretary

Chairman DeGabriele called the November 19, 2014 Commission meeting to order at 7:00 p.m. in the Council Chambers, Town Hall, 75 Middle Street, Weymouth, MA.

**Review of October 8 and 22, 2014 Meeting Minutes**

On a motion made by Commissioner Tanner, seconded by Commissioner Merlino, the Commission voted 4-0 to approve the October 8, 2014 meeting minutes as amended.

On a motion made by Commissioner Loring, seconded by Commissioner Tanner, the Commission voted 4-0 to approve the October 22, 2014 meeting minutes as amended.

**Reservoir Run and Brian David Way – Request for Determination**

**Boston Gas d/b/a National Grid**

**Map 48, Block 508, Lots 100, 101, 103, 110, 111, 112, 116, 118**

***Install natural gas line***

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

Appearing on behalf of National Grid was Andrea Kendall, an LEC Environmental consultant. She explained that National Grid RDA (Request for Determination) is for the installation of a below-ground gas line to provide service to 14 residences. The installation will be done within 200 ft. Riverfront Area. She said there are wetlands scattered throughout the site and there is an intermittent stream that flows beneath Reservoir Run, through a culvert about 3 ft. below street level. From the resource area (the wetlands) there is a 100-ft. buffer zone.

Ms. Kendall stated the intent is to install a 2” plastic gas line, connect it into Randolph St. and run it the 1200 linear feet which will go into a 1” plastic, feeder gas line to each of the 14 residences. She added that they believe enough ground covers the culvert to allow for (3) ft. burial of the 2” gas line (the service line does not need to be as deep) and since the roads have curbing the only erosion controls that are proposed at this point are catch basin inserts; if more erosion controls are needed they will be made available. She stated there should be minimal disturbance and expect the work to be completed within one day.

Ms. Kendall asked if Ms. Schloss had met with National Grid's Deborah Blanch. Ms. Schloss said she met with Ms. Blanch on Nov. 5, 2014 and because some homes are outside Conservation jurisdiction some of that work may have already begun. She also told Ms. Blanch they will need to stay away from the intermittent stream and any other jurisdictional areas until receiving approval.

Cmmr. DeGabriele asked if there was enough depth to accommodate 36" burial of pipe.

Ms. Kendall said that if there were areas where the depth is shallower, the pipe would be encased in steel.

Ms. Schloss related that Ms. Blanch had told her they were still not sure how the project will be done and in fact they may do directional drilling but she was promised that they would know by tonight's meeting which way they were going to go. Ms. Schloss said that if they performed directional drilling additional protections would be needed.

Cmmr. Tanner suggested that the Order of Conditions (OOC) include mentioning the additional protections needed if they do directional drilling. He recommended that instead of a reinforced, steel casing (in those areas that do not have enough ground cover) he would rather see galvanized pipe to prevent the rusting that can occur with steel; Cmmr. DeGabriele suggested the encasement be referred to as "corrosion resistant".

Cmmr. DeGabriele expressed that he is disappointed in some of the Boston Gas proposals – that he feels it doesn't show a lot of concern for the Conservation Commission that, when they come in, specifications are not available. He also said that, if directional drilling is necessary, he would like the conditions to include a vac-truck used to remove drilling fluids and erosion controls around the sending and receiving pits.

Ms. Kendall said the applicant would like both options available to them but, because of cost, thinks directional drilling would be the second option.

Ms. Schloss said that, before the work begins, she needs to know if they will be doing directional drilling; Cmmr. DeGabriele suggested that, if the culvert doesn't have sufficient depth, then the applicant needs to notify Ms. Schloss. He also said that the next time the applicant presents a proposal that is not clear they will not be given the benefit of the doubt.

Ms. Schloss said the conditions will include that she must be notified before excavation begins, everything must be covered at the end of the day and there needs to be catch basin protection.

Cmmr. DeGabriele asked if there were any comments from the public.

Mr. Ed Meehan, a resident of Reservoir Run, said that he and others are concerned about leakage and explained that he was present to seek the Commission's assistance in expediting this project which, he said, they first contacted National Grid about in April.

Cmmr. DeGabriele responded that the Commission had assisted with speeding things along by offering an option to National Grid and not requiring them to come back in, and told Mr. Meehan that there are aspects of the project outside of Conservation jurisdiction, and those are areas where work can already begin.

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

Ms. Schloss said she recommended a Negative 3 Determination as there was no residential area impact.

On a motion made by Commissioner Loring, seconded by Commissioner Merlino, the Commission voted 4-0 to issue a Negative 3 Determination with conditions that National Grid notify Ms. Schloss regarding the option they will pursue and all other items discussed.

#### **50 Ocean Avenue - Request for Final Certificate of Compliance**

**Douglas and Nancy Smock**

**Map 4, Block 49, Lot 6**

**DEP File #81-1113**

***Final grading and landscaping***

Ms. Schloss reminded the members that this project was a tear-down and rebuild of a single-family home. She distributed photos and said she made her final inspection of the project on Nov. 13<sup>th</sup>. She stated that they regraded the back yard that goes down to the seawall, placed some small stones in the first three (3) ft. of the seawall, planted turf grass and did some native plantings. She commented that there will be some splash-over and if they lose the smaller stones they may replace them with larger stones. They're using rain barrels and are they are trying to protect the resource.

On a motion made by Commissioner Tanner, seconded by Commissioner Loring, the Commission voted 4-0 to issue a Final Certificate of Compliance for DEP File #81-1113.

#### **90 Libbey Parkway – Request for Partial Certificate of Compliance**

**Foxrock Properties**

**Map 33, Block 433, Lot 4**

**DEP File # 81-1064**

***Parking lot expansion, wetland fill and replication***

Ms. Schloss explained that this Partial COC is for the wetland replication area only. She presented a revised as-built plan prepared by project engineer, Shawn Hardy, PE of Hardy Engineering, and the 2-year replication monitoring report (on planting that was done in the fall of 2010). She said Mr. Hardy showed the dimensions of the replication area on the as-built plan: the approved plan called for replication of 11,000 sq. ft., fill was 4,850 sq. ft. and the as-built wetland replication area is shown as 9,700 sq. ft. so it meets Weymouth's 2:1 requirement.

She commented that the replication area is working well, there are trees and shrubs, but there is some Japanese knotweed in the upland area and some towards the replication area on the Whortleberry Pond side, adding that attempts have been made to eradicate it. She spoke to a wetland scientist who does not think it will get into the replication area, but suggested talking to the applicant about it. Ms. Schloss concluded that, after (4) years, it is looking good and she was in support of issuing a Partial Certificate of Compliance.

Cmmr. DeGabriele suggested that they be sent a letter clarifying the issues that needs to be resolved prior to issuing a Final Certificate of Compliance (i.e. the stormwater management issues) and recommending that they work to contain the Japanese knotweed adjacent to the replication area.

On a motion made by Commissioner Merlino, seconded by Commissioner Tanner, the Commission voted 4-0 to issue a Partial Certificate of Compliance, with a cover letter as discussed for DEP File #81-1064.

#### Basin Update:

Asst. Town Engineer, Jim McGrath, looked at the property deeds and found that there is a drainage easement for 90 Libbey Parkway for the owners to have access to the drainage basin (which is on adjacent *private* property), particularly to access for purposes of basin maintenance. Based on the deed, it is clear that there was an intention for this private drainage to go into this private detention basin and these owners have access for maintenance. She added that Performance Drive is a private way, but the bulk of the water is coming from 90 Libby Parkway. It is her understanding that the other Performance Drive properties drain into their own detention basins.

Ms. Schloss said that 90 Libbey Parkway is saying they are not responsible for maintenance but she feels that they have an ongoing responsibility; Cmmr. DeGabriele commented that as they have an easement it clarifies their responsibility.

Ms. Schloss commented that, as the forebays aren't working, perhaps there is a need for some other best management practice (BMP) to meet stormwater management standards of 80% TSS removal.

Cmmr. DeGabriele suggested that it be communicated with Mr. Hardy that, due to the easement, the applicant has primary responsibility regarding their parking lot, and also tell him that the forebays can't be working if they are under water. He said Mr. Hardy needs to come in with a proposal for how they will handle it and to confirm that his client understands that it is their responsibility.

Ms. Schloss mentioned that there is a Bond with the Partial Certificate of Compliance for the replication area and she will write a letter to Foxrock Properties with a "cc" to Shawn Hardy.

#### **Mass DOT, Route 18 Expansion – Final Comments Bradford Torrey Bird Sanctuary – Proposed Parking Lot**

Ms. Schloss distributed the proposed planting plan for the parking lot.

Cmmr. Loring asked how tall the plants would get (the plan only showed how tall they will be when planted) and commented that the plants can be tall on either side of the lot to provide for screening, but they need to be low on the street side. Ms. Schloss said she would check into the plant's height at maturity and will speak to the traffic engineer regarding the height restrictions.

Cmmr. Loring asked how the trail system would be accessed from the parking lot; Ms. Schloss said she did not see an entrance and suggested perhaps some plantings could be clustered together to create an opening.

When asked about the kiosk, Ms. Schloss said that the Commission discussed having Bristol Bros. Development do some mitigation at this location as their Weathervane off-site mitigation (including building the kiosk and marking the trails). Ms. Schloss said she would be developing a draft scope of work.

Ms. Schloss told the members that DOT is looking to receive a simple letter from the Commission stating that this project is sufficient compensation for taking conservation land along the right-of-way for the widening project on Route 18.

It was determined that the letter that DOT is requesting, needs to state that:

- This is separate and distinct from all other mitigation for the roadway expansion.
- The huge beech tree significant to Native Americans needs to be preserved and should any pruning be necessary it will be done in conjunction with the Weymouth arborist.

Cmmr. DeGabriele suggested that if they want this letter then let them make the needed changes to the plan now: plants need to be low maintenance and low height, and they need to provide an entrance to the trail.

On a motion made by Cmmr. Loring, seconded by Cmmr. Merlino, the Commission voted 4-0 to send the requested letter to DOT stating that the plans for the parking lot are sufficient mitigation for Article 97 for the encroachment and taking of Conservation Commission land.

### **Compliance/Enforcement**

- Slope Failure at East Weymouth MBTA Station: Ms. Schloss explained that the Enforcement Order for the slope repair was extended from June/July to October and after many months there has been no engineering plan received. Cmmr. DeGabriele said that since the deadline had been extended and nothing has happened he suggested that the next letter express the Commission's concern, state that the Commission wants to reserve all their rights to take action. A copy will also be sent to a MBTA senior official.
- 93 Grant Street: Ms. Schloss said the site looks good but there is a lot of purple loose strife growing. She asked the Commission, regarding invasives, at what point does the Commission say it is functioning as a wetland? Cmmr. DeGabriele suggested the

wetland scientist weigh in on their final monitoring report by addressing if the system is functioning as it should, or if more invasives need to be removed.

- 2 Perkins Road: This was a tear down and rebuild of a single family home in the South Cove area of Whitman's Pond. Ms. Schloss said planting has been done but not all the plants are thriving. Cmmrs. DeGabriele and Loring agreed with Ms. Schloss that it looked good and will probably fill in over time. Ms. Schloss will tell the applicant to come in to request a Final COC.
- Weyfair Path: Cmmr. DeGabriele said that, in the spring, the applicant needs to plant what should have planted; Ms. Schloss will inform them.

### **Other Business**

- Legion Field:  
A) Ms. Schloss explained 'finger' drain modifications have become necessary (to get more water flow out of wetlands) due to severe puddling after 6" of rain; drainage calculations have been reviewed by Ms. Schloss and the Engineering Dept.

Cmmr. Tanner offered that the reason it isn't draining, as it should, is that there isn't any field activity yet; Ms. Schloss agreed.

Cmmr. Loring asked if anything would adversely affect the neighborhood; Ms. Schloss said it shouldn't – that this is to get water *out* of the neighborhood.

Cmmr. DeGabriele commented that he liked the berms to slow the water; Ms. Schloss said that the berms and grading will help spread it through the wetlands.

B) Ms. Schloss said that after a recent rainfall of 1.5", flow leaving the field, going out a 12" pipe, backed up due to leaf clogging. Engineering said they were not proposing a bigger pipe, they thought it just needed to be cleaned out. Jim McGrath proposed adding a headwall and grate; it was agreed that the grate would be hinged, instead of bolted, for cleaning access.

All commissioners gave their approval for the modifications.

Cmmr. DeGabriele asked if the Vegetation Management Plan would be made available to the Commission to look at; Ms. Schloss said yes, and that it is in progress.

- Sherrick's Farm Road: Regarding the basin, Ms. Schloss said she spoke to DPW Engineer, Jay Donovan, who said the basin is not the way the town would typically want it (grassed on the bottom). Jay will talk to DPW Director K. Connell, before the town takes it over. Ms. Schloss said there is concern as to whether enough sediments have been removed. She wants more time to confer with the DPW.

Regarding the sediment that was dumped on private property, the Commission wants a letter sent to Mr. Burns notifying him the sediment needs to be removed by December 15<sup>th</sup>. Cmmr DeGabriele said that, if it is not removed, he can be ordered to do so.

- Dandelion Way: Ms. Schloss told the members that on the slope adjacent to Lots 2 and 3, rip-rap was used instead of an erosion control blanket. The Commissioners concurred that the rip-rap needs to be removed and the correct erosion controls and plantings need to be installed. Cmmr. Loring reminded the Commission that it was Mento Homes that dumped wood chips at the Iron Hill section of the Herring Run.
- Meetings Schedule for 2015: A tentative 2015 Conservation Commission meeting schedule was created but it will be discussed further at the December meeting.

Cmmr. Merlino announced that he will not be available to attend meetings in February.

- MACC Handbook: The handbook is available on-line for \$15.00. Cmmr. DeGabriele has requested it; Cmmr. Dowd still needs to be asked.

#### CPC Update

Cmmr. Loring reported that:

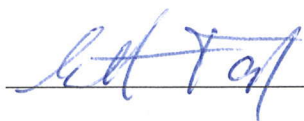
- The canoe restoration has been completed, except for the base.
- A limited trail system is being put in at the Kibby property, adjacent to Abigail Adams Park.
- At the last meeting, the Historic Committee talked about the town's Master (To-Do) List.
- There was a marriage reenactment at the Abigail Adams House.

On a motion made by Commissioner Loring, seconded by Commissioner Tanner, the Commission voted 4-0 to adjourn at 9:30 pm and to meet again on December 17<sup>th</sup>.

Respectfully submitted by,

Patricia Fitzgerald  
Recording Secretary

Approved by:



Scott Dowd, Clerk

01/14/2015

Date

