

**WEYMOUTH CONSERVATION COMMISSION
RECORD OF MINUTES AND PROCEEDINGS**
Wednesday, December 17, 2014 - 7:00 p.m.

2015 MAR 12 AM 10:39

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

Absent: George Loring, Commissioner

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

Chairman DeGabriele called the December 17, 2014 Commission meeting to order at 7:00 p.m. in the Council Chambers, Town Hall, 75 Middle Street, Weymouth, MA.

Review of November 19, 2014 Meeting Minutes

On a motion made by Commissioner Dowd, seconded by Commissioner Tanner, the Commission voted 4-0 to approve the November 19, 2014 meeting minutes as amended (on pages 1, 3 and 4).

363 Neck Street – Request for Certificate of Compliance (Partial)

Patricia A. Sullivan

Map 5, Block 13, Lot 21

DEP File #81-1136

Garage and Driveway

Ms. Schloss, Conservation Administrator, informed the Commission that she visited the site after receipt of the as-built plan and found the work matched the approved plan. She distributed photographs from the site visit to the Commissioners. She noted that the pool and retaining wall closest to the resource area were not done at this time but she was satisfied with the as-built plan.

The applicant, Ms. Sullivan, was present and explained that she was looking for a Partial Certificate of Compliance and explained that she hasn't installed the pool at this time but may want to in the future.

The Commission explained that she can finish the pool under this Order of Conditions within the three year permit time frame and then file for the Final Certificate of Compliance.

On a motion made by Commission Merlino, seconded by Commissioner Tanner, the Commission voted 4-0 to issue the Partial Certificate of Compliance for 363 Neck Street (DEP # 81-1136).

133 Randolph Street – Request for Minor Modification**P. Mackintire****Map 48, Block 547, Lot 14****DEP File # 81-1143*****Fencing, Walkway, Driveway Expansion***

The applicant, Paul Mackintire, was present. Mr. Mackintire explained that he was looking to install a circular driveway, change the required post-and-rail fence in the rear by replacing it with a vinyl stockade fence, and to install a concrete paver walkway from the new driveway to the house.

Ms. Schloss informed the Commission that the new driveway was outside of the Commission's jurisdiction. This is a new single-family house created under DEP File #81-1143 (the former lot was split to construct two houses).

Commissioner Tanner commented that he was okay with the removal of the post-and-rail fence to be replaced with the vinyl fence as long as there was no gate in the fence going out to the back Riverfront Area.

On a motion made by Commissioner Tanner, seconded by Commissioner Dowd, the Commission voted 4-0 to approve the minor modification to DEP #81-1143 to allow the six-foot tall vinyl stockade fence, with the condition that there be no gate providing access to the rear of the property.

Route 3 Stormwater Improvements – Notice of Intent – Public Hearing**Mass Department of Transportation (Mass DOT)****Route 3 SB Exit 16B****DEP File # 81-1154 (Wetlands Protection Act Only)*****Impaired Waters Remediation***

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

Brian Cabrera of Mass DOT and Jim Mitchell of Mass DOT were present along with Sergio Bonilla of AECOM. Mr. Mitchell explained that they are conducting stormwater improvements to improve water quality in the Mill River. They plan to remove the existing paved swales and piping that discharges to the river. They are proposing a sediment forebay with shrubs and trees, an infiltration basin with seed mix and six inches of rip rap to be installed at the Southbound Exit 16B for Route 3. A small portion of the work (at the outfall) is within the Riverfront Area and was filed as a "limited project" under the section that allows for improvements to inadequate drainage.

Commissioner Dowd asked if the plantings would be native. The applicant confirmed that they would use native plantings.

Chairman DeGabriele commented that he was happy to see Mass DOT performing this improvement and liked the improved outfall.

Commissioner Tanner also expressed his support for the improvement project.

Ms. Schloss noted that the Town's engineering division reviewed the project and was okay with the proposal as was the Town's traffic engineer. She asked if there would be work within the river and Mr. Mitchell responded that they would be outside the Inner Riparian Area. She asked if there would be vegetation removed in the 400 square foot area, Mr. Mitchell responded that there would be vegetation removed, but no trees (only small stuff such as brambles). She also questioned the location of the erosion controls in the outfall area and stated that measures would be needed to handle stormwater runoff that discharges into the construction area. The applicant responded that they will use silt sacks around the existing structures, and will use compost filter mats to handle the stormwater during construction (by temporarily diverting the run-off around the swale area); the basin will be grassed. Ms. Schloss asked if they could do temporary piping and the applicant responded that they would likely divert the water temporarily with a swale around the construction site. Mr. Cabrera stated that the construction would take about three months and would likely begin in 2016.

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

On a motion made by Commissioner Dowd, seconded by Commissioner Tanner, the Commission voted 4-0 to issue an Order of Conditions for the Route 3 stormwater improvements under the Wetlands Protection Act.

Weymouth Salvage – Violation Hearing
307 Middle Street
Map 22, Block 290, Lot 5

Mr. George Eacobacci, property owner, was present to discuss the outstanding items from the 2012 Enforcement Order.

Ms. Schloss distributed photographs from a site visit during the large storm on December 9th. She explained that this has been going on for a long time and there is still a lot of sediment-laden water coming off the hill and entering the stream below. The erosion controls have not been repaired as required.

Mr. Eacobacci suggested that he could create a new berm to hold water on top and try to stop it from coming off the hill since the silt fence isn't working.

Chairman DeGabriele stated that he believed it was time for professional help given all of the exposed soil, the steep slope, and the large amount of sediment going into the resource area. A professional could design an effective storm water management system. He said that he has looked into the Federal Environmental Protection Agency (EPA) and learned that they have a multi-sector general permit for automobile salvage yards. He suggested this case be referred to

the EPA for the federal permit and the Commission could provide the EPA with a letter explaining work and actions taken to date.

Commissioner Tanner agreed with the Chairman because this has been occurring for two years and, without a professional, all options have been exhausted and unsuccessful thus far.

It was the consensus of the Commission to send a letter to the EPA to notify them of the situation and let them know that it appears this site could be subject to the general permit and inform them of the site's history and provide photographs.

Ms. Schloss explained to Mr. Eacobacci that he would need to hire a professional because an engineered option is needed.

Commissioner Tanner requested the Commission notify the EPA and provide a copy of the letter to Mr. Eacobacci. The letter should request the project be reviewed by the EPA, outline the site's history and provide the owner's contact information. He added that there may also be technical assistance available from the EPA.

Ms. Schloss provided Mr. Eacobacci with material on the EPA's automobile salvage yard general permit.

The Commission discussed using an Enforcement Order that would require Mr. Eacobacci to fix and install the erosion controls within four weeks of receipt and to notify Ms. Schloss when the erosion controls were complete, and to file for a multi-sector general permit with EPA. The Commission asked Ms. Schloss to contact the EPA, regarding the case.

Proposed Meeting Schedule for 2015

The Commission approved option one for one meeting per month for a total of 12 regular meetings in 2015.

Other Business:

- **Southfield Transit Village – ANRAD and Development Plan** – Ms. Schloss distributed the information submitted by the developer and reviewed the zoning map. Only a small area is under Conservation jurisdiction and there are no impacts right now.
- **Compliance / Enforcement Update** – Sherrick's Farm Road – The developer has not removed the sediment pile as requested. Ms. Schloss and the Commission agreed to send a Notice of Violation and to hold a violation hearing at the next meeting if the sediment pile is not removed by then.

With regards to the Certificate of Compliance for the subdivision, the Commission asked Ms. Schloss to get the Department of Public Work's (DPW) opinion on the basin (in writing or by attending the meeting to explain) prior to the meeting. The Chairman was of the opinion that the basin should be improved with the trees removed before being accepted by the Town and wanted DPW's opinion as to the basin's adequacy prior to the

Town taking on the responsibility of basin maintenance. Ms. Schloss will follow up with DPW.

- **MBTA Letter** – Ms. Schloss distributed her 12/ 15/14 letter to the MBTA regarding noncompliance with the deadlines in the enforcement order and will provide an update at the January meeting.
- **Meredith Way** – Ms. Schloss distributed photographs of turbid waters entering wetlands from the project site during the heavy rains of December 9th. The Chairman didn't think the pending building permit should be issued until the problems were resolved. The Commission agreed that the Administrator should send a letter requiring a plan to be submitted for addressing the concerns.

Community Preservation Committee Report – None.


Conservation Report – Emailed to the Commission members.

On a motion made by Commissioner Tanner, seconded by Commissioner Dowd, the Commission voted 4-0 to adjourn at 8:55 PM.

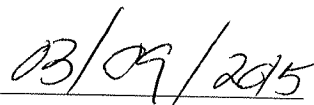
Respectfully submitted by,

Abby McCabe
Recording Secretary

Approved by:



Scott Dowd, Clerk



Date

