

**WEYMOUTH CONSERVATION COMMISSION  
RECORD OF MINUTES AND PROCEEDINGS**

**Wednesday, May 13, 2015, 7:00 p.m.  
Council Chambers, Town Hall, 75 Middle Street, Weymouth, MA**

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

**Not Present:** Steve DeGabriele, Chairman

**Also Present:** Mary Ellen Schloss, Conservation Administrator

Vice Chairman Tanner called the May 13, 2015 Commission meeting to order at 7:00 p.m. in the Council Chambers, Town Hall, 75 Middle Street, Weymouth, MA.

**Approval of Minutes:**

The minutes of April 8, 2015 were reviewed.

*On a motion made by Commissioner Merlino, seconded by Commissioner Loring, the Commission voted 4-0-0 to approve the minutes from the April 8, 2015 meeting as written.*

**135 Randolph Street – Request for Final Certificate of Compliance**

**Paul Mackintire**

**Map 48, Block 547, Lot 14**

**DEP File #81-1143**

***(Construction of Single-family Home)***

Ms. Schloss stated they received a request for a Final Certificate of Compliance. The driveway paving has been done and the grass has been seeded in the back. She conducted a site visit with Mr. Mackintire on May 11 and reviewed the as-built plan and everything looked in order. She recommended issuing a Final Certificate of Compliance.

*On a motion made by Commissioner Loring, seconded by Commissioner Dowd, the Commission voted 4-0-0 to issue a Final Certificate of Compliance for 135 Randolph Street, DEP File #81-1143.*

**90 Libbey Parkway – Review of Revised Drainage Plans**

**Foxrock Properties**

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

**DEP File #81-1064**

***(Relative to Final Certificate of Compliance Request)***

Shawn Hardy, PE, from Hardy Engineering, addressed the Commission. He stated they submitted a revised plan and will install a Downstream Defender unit, which is the last point before the detention area. The manufacturer recommended installing an 8 foot unit based on the square footage of the area. On the revision to the O&M plan he incorporated the manufacturer recommendations on how to maintain the unit and how to maintain the basin. Vice Chairman Tanner asked if they have a maintenance schedule. Mr. Hardy responded they do not commit to how often to remove the sediments until they see how often it fills up, but it is inspected twice a year.

Ms. Schloss stated she brought this information to the DPW and they have no concerns. She thinks this is a good solution. She stated there were items in her letter of December 31 that she would like to review. There is a request for Final Certificate of Compliance, however, this vote would not be taken until the installation of the unit and her inspection. Mr. Hardy stated their intent is to go right to work, and he will formally respond to the letter. Vice Chairman Tanner asked about the timeframe for ordering the unit and installation. Mr. Hardy stated there is not a long lead time and they will be working on this in the summer.

Ms. Schloss recommended the Commission write a letter and the DPW conduct an inspection. If the Commission agrees with this approach they can move forward and she will put something in writing to that effect. Mr. Hardy stated he will walk the site before an as-built plan is done and he will notify Ms. Schloss when the work begins.

*On a motion made by Commissioner Merlino, seconded by Commissioner Dowd, the Commission voted 4-0-0 to create and send a letter.*

**Mass Bay Transportation Authority – Review of Revised Plans, Riverbank Erosion Repair  
East Weymouth MBTA Station  
DEP File #81-881  
(Relative to Enforcement Order for slope failure)**

Holly Palmgren and Kevin Biggins of the MBTA, and Mark Costa and Meredith Avery of VHB addressed the Commission. Ms. Palmgren stated the conceptual plan has been advanced and submitted.

Mark Costa, Civil Engineer, provided background information and reviewed the proposed plan. He stated currently almost the entire parking lot for the commuter rail station flows to the channel and nearly all is impervious. Currently, the water flows through the channel with erosive velocity. There is riprap at the outlet providing protection from erosion, but it is not reducing the forces of the water. Toward the 2:1 steep slope the water is building up velocity and stresses, and the material out there is not adequate to withstand those forces.

Mr. Costa stated they are proposing to install a flared end section to reduce velocity. A plunge pool energy dissipator will force water to pool 1.5 feet. Next there is a grass channel and they are proposing a long-term erosion control blanket to provide extra protection and a check dam to reduce velocity of the water. He stated the real solution is to reduce the slope at the end to 4:1 to cut the forces in more than half. The channel would be brought down to the brook. This is designed for the 100 year storm to provide a good long-term solution.

Ms. Schloss stated she and Engineering have looked at this plan. Engineering wants to see a P.E. stamp on the final plan, and they are requesting an erosion control blanket for slopes steeper than 3:1. She asked about crushed stone under the riprap to prevent the release of fines. Mr. Costa stated it makes a lot of sense to add washed crushed stone rather than crushed stone for the entire drainage swale area. Ms. Schloss stated she spoke with Jim Clarke about the walkway that goes above the check dam. Ms. Palmgren stated they discussed that the check dam will connect with the informal walking path.

Ms. Schloss asked about construction sequencing. Mr. Costa stated this will be refined as they get closer, however, during construction they will have to keep a close eye on the weather and the contractor has to be aware that this is a channel and if it rains will contain water. They do not want to disturb anything if there is a storm upcoming. Ms. Schloss asked for detail on how this will work in an active channel. Ms. Palmgren stated they will have a preconstruction meeting and can discuss it at that point. Vice Chairman Tanner asked if this work will affect the fish. Ms. Schloss stated during the low tide cycle in June they would come in and do removal of the sediments at the base of the swale, which is handwork, and the official time for construction is June 15. Ms Palmgren stated the next low tide is July 6 through 8, so they can schedule the sequencing for the first week of July. Vice Chairman Tanner asked Commissioner Loring to monitor this so they can start earlier if the fish have left the channel.

Mr. Biggins stated the contractor is ready to begin work on June 16 and they will contact Ms. Schloss to see if they have approval to begin work. Vice Chairman Tanner stated he would prefer work begin on June 16. Commissioner Loring stated the area in question drains out once the tide goes out so they will not have to worry about the tides, so once the fish are gone they are free to work.

Ms. Schloss stated the Commission should provide approval in writing. Commissioner Dowd stated herring need passage and smelt actually spawn there and asked if the proposed material is good for the herring to spawn. Ms. Schloss stated she would check with the Massachusetts Division of Marine Fisheries. Mr. Costa stated they have to extend the channel past the toe of the slope and the gravel is over a half foot and under that would be washed crushed stone. He stated they have to have stone of that size to handle the forces of the water coming down.

The Commission agreed Ms. Schloss will draft a letter spelling out the dates and alternative dates so they can provide the information to the contractor. Mr. Biggins confirmed there would be more flexibility given that the low tide will not be a factor.

*On a motion made by Commissioner Merlino, seconded by Commissioner Dowd, the Commission voted 4-0-0 to send a letter approving the plan with the conditions discussed.*

**Lovell Playground Renovation – Notice of Intent, Continued Public Hearing**  
**Town of Weymouth**  
**1250 Commercial Street**  
**Map 23, Block 253, Lot 26**  
**DEP File #81-1141**

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

Ms. Schloss announced that Commissioner Merlino has been provided with a copy of the recording of the last meeting, which he missed. He has signed an affidavit stating that he has listened to the recording, and under the Mullin Rule can participate in this hearing.

Meg Buczynski and Benjamin Gleason of Activitas, and Andy Truman of Samiotes, addressed the Commission.

Ms. Buczynski stated they are starting to work again on the Lovell Field plan. They have started to address the Commission's comments and would like to discuss proposed mitigation measures. She provided an overview of the plan. The site currently consists of athletic fields, compacted natural grass, and a parking area. They did borings and found an area with trash debris and material that will have to be removed. They are proposing three synthetic turf fields, three basketball courts, a skate park, a parking area, access to the Pingree School, and a small building with restrooms. They are also planning to enhance the playground area.

Mr. Truman reviewed the stormwater design. He stated there is an existing drain behind the school that runs under the field and there is a small drainage system that picks up the parking area. The biggest impact on the resource area is stormwater. They will remove the pipe from under the building and install a water quality unit alongside the building.

Vice Chairman Tanner asked if they will be utilizing solar techniques for lighting. Ms. Buczynski stated they have not looked at solar power for energy and will have their electrical engineer look at it.

Ms. Schloss stated Activitas and Samiotes had submitted an early draft of the plans for her to review. DPW has provided comments regarding labeling, etc. but nothing pertaining to conservation. She asked if there has been a decision made about removing all of the material in the stump dump, or just the top five feet. Ms. Buczynski stated they are discussing this and they will probably sift the material and remove the large items and the first five feet, and when their plans are finalized they will discuss it with Ms. Schloss.

Ms. Schloss indicated she would like to see things pulled back from the river. She stated the existing field does not have the intensity of use that the proposed use has, and the area bordering the vegetated wetlands is very intense. She stated this is one of the larger buffers and there is a lot of bird activity there and she wondered if they could pull it back in that area. She stated they are getting mitigation on the water quality which is great, and she appreciates what is being proposed to improve existing stormwater inputs. She looked at the site today and it is very dry with a lot of invasives. She requested they use some of the species currently located in that area on the planting plan. Ms. Buczynski stated due to grading and changes in drainage more water may infiltrate that area, however, she will review the planting plan with Ms. Schloss.

Ms. Schloss stated the adjacent mitigation planting done by the bridge is a failure, the plants are dead and have not been maintained. She stated whatever is planted should be self-regulating and able to thrive on its own as the town does not have the resources to maintain the plantings. She stated the Commission may consider time of year restrictions, and for what part of the project. They have to ensure they are not creating any turbidity in the river during fish migration. The erosion control plan

for construction work should not go any further than the construction activity. A second line of erosion controls may be needed for the restoration work.

Ms. Schloss asked the Commission if they are interested in doing another site visit. Vice Chairman Tanner stated if the Commissioners are interested they will contact her. He stated they probably should not close the hearing tonight. He asked if there could be an area where children could access the basketball court without going near the school itself. Ms. Buczynski stated if they did this they would have to provide handicapped access. There is a 10 foot grade change and it did not make sense, as it would have to be a long winding path to make a handicapped accessible slope.

Commissioner Loring stated he has been reading about turf fields, which may leach pollutants, and expressed concern with the proximity to Herring Brook. Ms. Buczynski stated the studies they reviewed show that the fields do not have negative effects. She asked him to provide the information he has been reading to Ms. Schloss and they will also provide the information they have on the materials they are using.

Bob Montgomery Thomas, audience member, asked if the site will be accessible to those with disabilities. Vice Chairman Tanner confirmed that it will be accessible.

Vice Chairman Tanner stated he would like to continue the hearing until Chairman DeGabriele is present. Ms. Buczynski asked if an Order of Conditions could be drafted. Ms. Schloss stated she will create a rough draft, with a bulleted list, for the next meeting.

*On a motion made by Commissioner Loring, seconded by Commissioner Merlino, the Commission voted 4-0-0 to continue this hearing to June 3, 2015.*

#### **Discussion Regarding Second June Meeting:**

The Commission decided to hold a meeting on June 24, in addition to their June 3 meeting.

**38 Greenwood Avenue – Notice of Intent, Public Hearing**  
**Aldon Electric, Inc., c/o Donald Mullaney**  
**Map 38, Block 335, Lot 5**  
**DEP File #81-1156**  
***(Construction of accessory building)***

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

Greg Tansey, P.E., of Patriot Permitting & Engineering, addressed the Commission. Also present was the applicant, Donald Mullaney.

Mr. Tansey stated Mr. Mullaney would like to construct a 24 x 45 foot wood framed building for cold storage. It will have electricity but no running water and will be used to store inventory. He is currently using temporary storage pods and would like to remove these pods off the site. The existing building will not be altered and the parking is not changing. The back of the property will remain crusher run gravel and will not be paved and the lawn area will remain. The structure will be

outside the 50 foot buffer. They will have a stabilized construction area so they are not tracking sediment onto Greenwood Avenue. The project qualifies as a partial redevelopment. The structure will have an asphalt shingled roof with clean runoff. They are proposing a water quality swale along the existing chain link fence. They have submitted a stormwater report and have met the standards the Act requires.

Ms. Schloss stated she conducted a site walk on May 5 with Brad Holmes, Wetland Scientist. Behind the site there is a chain-link fence and there is a cleared area between the fence and wetland that has wood chips. She asked why this had been cleared and when it was cleared. Mr. Tansey stated early last spring the applicant cleared invasive species and put some natural wood chips down to stabilize the area. Ms. Schloss stated the Commission may want to discuss replanting in this area since it was cleared of vegetation. Other than that she has no problem with this proposal as it does not have a negative impact. She recommended the applicant work with the wetland scientist to create a plan to restore the area.

Commissioner Merlino asked if there will be vehicles loading and unloading at the building. Mr. Mullaney stated they do take deliveries, but have eliminated the loading dock in the front. Vice Chairman Tanner asked how high the building will be. Mr. Tansey stated it will have a shed dormer and will strictly be used for the business.

Bob Montgomery Thomas, audience member, asked if the current building will be adequate to accommodate a tractor trailer. Vice Chairman Tanner confirmed the new building is in back and will not impact this.

*On a motion made by Commissioner Loring, seconded by Commissioner Dowd, the Commission voted 4-0-0 to continue the public hearing to June 24, 2015.*

**1255 Main Street – Notice of Intent, Public Hearing**  
**Bike Realty, LLC**  
**Map 53, Block 593, Lot 7**  
**DEP File #81-1158**  
***(Construction of drive-through lane for Dunkin' Donuts)***

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

Brian Donahoe of Goldman Environmental, and Joe Murray and Bill Donovan of Bike Realty, addressed the Commission.

Mr. Donahoe stated there is an existing Dunkin' Donuts in the building which they would like to move to the other end of the building and add a drive through. Weymouth requires a bypass lane and there will be pavement along an intermittent stream. They met with Ms. Schloss and made some changes based on their discussion. There is no flood plain encroachment and all work is in the buffer zone, not the resource area. They are still putting in stormwater management systems. He submitted copies of the updated plan.

Mr. Donahoe provided an overview of the plan. He stated the catch basin will be emptied of sediment and a hood will be installed. At the end of the pipe they will install a sedimentation basin to take additional energy and a riprap basin to prevent erosion. They will seed with a wetland control seed mix and construct a berm to direct water into the drainage system. They will install a 3 foot chain link fence that will be behind the guard rail and will protect the brook from trash.

Vice Chairman Tanner expressed concern that the area is narrow and if someone wants to pass they may encroach on the berm. Mr. Murray suggested putting the berm up against the wooden structure.

Vice Chairman Tanner stated Mass DOT indicated they are looking to clean up this area. Mr. Murray stated the work Mass DOT is required to do is minimal so they will be doing some of their work. Vice Chairman Tanner stated the center of the waterway has a number of small trees and asked if Ms. Schloss has a problem with the removal of any of the small trees. Commissioner Dowd stated he would have to see the site to know what vegetation should be removed. Ms. Schloss stated this is an intermittent stream which will be dry much of the year.

Ms. Schloss stated this project is before the Zoning Board of Appeals as well and they are meeting on May 27. She asked about the catch basin and whether it could be upgraded to include a hood and sump. Mr. Donahoe stated this is a 3 foot square concrete structure and it has never been cleaned. They will clean it and install a 90 degree hood on the PVC pipe. They have submitted an operation and maintenance plan, but do not know if the catch basin is solid on the bottom.

Bob Montgomery Thomas, audience member, expressed concern about the rear of the property near the guardrail, as the lot has a swale that goes into the brook. Vice Chairman Tanner stated the side of the property drains to the intermittent stream and in that area the swale dumps into the brook. Mr. Thomas stated he would like to see the stream cleaned up and expressed environmental concerns with snow being dumped and he wants to know if this is being addressed in this order. Vice Chairman Tanner stated the snow is going to be dumped on the other side of the property. Mr. Thomas asked if a copy of the plan is available to review at the Planning Department. Ms. Schloss stated it will be available at the Conservation office.

Vice Chairman Tanner asked the applicant to dig down and see if the catch basin has a solid bottom prior to the next meeting.

*On a motion made by Commissioner Loring, seconded by Commissioner Merlino, the Commission voted 4-0-0 to continue the hearing to June 3, 2015.*

**Longwood Road – Request for an Extension of Local Order of Conditions, Public Hearing**  
**Map 21, Block 288, Lot 1**  
**DEP File #81-991**  
***(Construction of Single-family home)***

*On a motion made by Commissioner Merlino, seconded by Commissioner Dowd, the Commission voted 4-0-0 to reopen the public hearing.*

Attorney David Kelly addressed the Commission. Also present was Scott Arnold, P.E., Site Engineer.

Attorney Kelly stated this is a continued public hearing which was continued in January to allow the Commission to have a site visit. He provided a history of the site. State and local orders were issued in 2007 and there was an appeal to the state. There was an appeal to the Superior Court on the local orders and the case was dismissed with prejudice with no ability to appeal. The site was then available for development and sale. Due to economic downturn the state legislature voted to extend permits and this permit fell within that range. The permit was set to expire in February of 2015 and they filed to extend that order. The property is owned by the heirs of the developer of the subdivision which was developed 40 years ago. The current owners are not builders and they have a buyer and will be closing on June 30. He asked for another extension of the existing permit, if this is granted they have a contract to sell the land to someone who will build the home and comply with all the Commission's conditions that run with the land.

Mr. Arnold stated he visited the site and staked the corners of the foundation, the erosion control barrier, and the wetland line that was approved. He met with Ms. Schloss and reviewed the staking. Ms. Schloss stated she has no concerns with the staking.

Ms. Schloss stated in January they talked at length about the preconstruction conditions, so there is a lot to be done prior to construction. She stated this is a tight site and they need to see a planting plan prior to construction. They discussed potentially having a fence as part of the no disturb buffer. They discussed tree removal, as there are a lot of large trees being removed. She stated there is a dying tree and recommended possibly relocating it. Vice Chairman Tanner asked why they would want to lay down the dying tree. Ms. Schloss stated it would be good for the critters. Vice Chairman Tanner expressed concern that the potential applicant knows what they are facing with this property. Ms. Schloss stated they cannot change the order of conditions, they can only extend it, and it would be up to the applicant to convey the information.

Robert Cullinane, 12 Valley Road, an abutter to this property, stated there were two issues he brought up to the Commission in 2007. As the plan is currently drawn, a foundation cannot be put in that location as it is only 16 feet from the property line and there is a right of way that goes through the site with deeds and plans signed by the predecessor. He stated he would like the Commission to postpone a decision until June 3 so he can meet with the applicant.

Attorney Kelly stated he is not interested in discussing any issues with Mr. Cullinane. Ms. Schloss stated she has spoken with Jeff Richards of the Building Department, and Jim Clark of the Planning Department, regarding this property. She stated Jeff Richards indicated the property is tight but they have many ways of dealing with a tight area and he felt it could be constructed as shown, however, the Building Department will be looking at this when they review the building permit. She stated she agrees the site is tight, but they would have to have substantially new information not to extend the permit.

Vice Chairman Tanner stated he understands Mr. Cullinane's position but their jurisdiction is Conservation. He recommended Mr. Cullinane do whatever work he needs to do outside of Conservation.

*On a motion made by Commissioner Merlino, seconded by Commissioner Loring, the Commission voted 4-0-0 to grant an extension for one year.*



**Sherrick's Farm Subdivision – Review of Submittals for Certificate of Compliance****Richard Burns****DEP File #81-788*****(Subdivision roadway, wetland crossing, stormwater basin)***

Scott Arnold, P.E., and Richard Burns addressed the Commission.

Mr. Arnold stated they have provided the Commission with correspondence and plans that have been submitted on Sherrick's Farm subdivision. He provided a letter dated May 3, 2015, and two as-built plans, one of the detention basin and one of the wetland crossing that was part of the construction of the subdivision. He reviewed the items in Ms. Schloss' March 6 letter. Mr. Burns has agreed to remove and properly dispose of all trash and vegetation from the site and remove all trees and brush, including stumps and root masses, from the basin and top of berm. He stated at the time of construction there was a revision to the basin that was proposed, which was a perforated sub drain at the outlet structure, however, they are not sure if this was done. Mr. Burns is going to dig and see if this was done and if it was not he will make this revision. After the removal of the trees, stumps, and root masses, the basin bottom and slopes will be smoothed by hand and hydro seeded.

Mr. Arnold stated they have added the wetland flags and provided an as-built survey of the wetland crossing that shows the horizontal and vertical location of the culverts. The original wetland boundary is shown on the plan, as well as the area of wetland fill that was originally proposed. There was a field change that was made to the shape of the basin because of ledge and a lot of slopes are steeper than 3:1. The basin did encroach into the wetland that was originally flagged. He stated if they were to hold the wetland line the storage of the basin would have been smaller than it is today. He assumes that is what was decided at that time relative to the basin. Vice Chairman Tanner stated it appears the storage is equal to what it would have been if it was done with the regular configuration.

Ms. Schloss recommended conferring with DPW to ensure the berm is adequate. Mr. Arnold stated the original plan was to have an earthen berm and they recommended a riprap berm instead, which was constructed. Ms. Schloss stated when they visited the site in September and November they noted there were still sediments so she recommended the sediments be removed. She stated Jay Donovan of the DPW/Engineering Division, wants 4 inches of loam and seeding. She would like to have an erosion control blanket on the steep sides so the seeding will stick. Because the work is being conducted on an active basin, there has to be consideration of how they are going to ensure they are not creating a slug of sediment getting into the outlet control during storm events, and asked for a small narrative of how this will be done. She recommended allowing a few months of growth before issuing the Certificate of Compliance. She also recommended the Commission respond to Mr. Arnold's letter indicating what they need to do so they can move forward.

Vice Chairman Tanner suggested they wait until Ms. Schloss has spoken with Engineering before proceeding. He stated he would like the work to be done this spring. He asked that the letter be sent prior to the next meeting on June 3 so if there is any response from DPW they will have it for that meeting.

**Compliance/Enforcement**

Ms. Schloss stated she met regarding 37 Todd Lane and reviewed the location of the plantings. She has not heard from the EPA regarding Weymouth Salvage and will follow-up with them. She stated she and Chairman DeGabriele visited the site last month and the situation is not good.

**Other Business**

Ms. Schloss stated the stream on the Braintree side of Weymouth Landing has been opened up and there is a proposal to demolish the old Chair Fair building, which the stream runs under. They would be doing demolition within 100 feet of the stream. She does not think they have to file a Notice of Intent, but could ask for a Request for Determination, which would be a public hearing. She stated the town is under obligation to daylight part of the stream and the MBTA has provided mitigation to fund this work. The town is negotiating with Mr. Delegas, the property owner, to provide the property to do this. Ms. Schloss recommended filing a Request for Determination and the Commission was in agreement.

**CPC Update**

Commissioner Loring stated he was not able to attend the meeting so there is nothing to report.

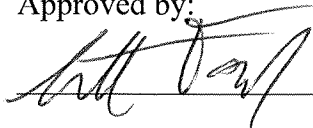
**Adjournment:**

*On a motion made by Commissioner Loring, seconded by Commissioner Merlino, the Commission voted 4-0-0 to adjourn at 10: 27 p.m.*

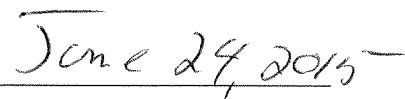
Respectfully submitted by,

Patricia McDonnell  
Recording Secretary

Approved by:



Scott Dowd, Clerk



Date