

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

**Wednesday, September 9, 2015, 7:00 p.m.
Council Chambers, Town Hall, 75 Middle Street, Weymouth, MA**

Present: Steve DeGabriele, Chairman
Tom Tanner, Vice Chairman
Scott Dowd, Commissioner and Clerk
George Loring, Commissioner

Also Present: Mary Ellen Schloss, Conservation Administrator

Chairman DeGabriele called the September 9, 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 July 22, 2015 were reviewed.

On a motion made by Commissioner Tanner, seconded by Commissioner Dowd, the Commission voted 4-0-0 to approve the minutes from the July 22, 2015 meeting.

The minutes of August 12, 2015 were reviewed.

On a motion made by Commissioner Tanner, seconded by Commissioner Dowd, the Commission voted 4-0-0 to approve the minutes from the August 12, 2015 meeting.

**Great Esker Park Culvert Replacement
Request for Partial Certificate of Compliance
MWRA
Map 8, Block 14, Lot 1
DEP File #81-1150**

Ms. Schloss stated she met with representatives from the MWRA on site and they clarified their position. They have not filed for the Partial Certificate of Compliance. They have decided they will come in for a Final Certificate of Compliance and will decline the Partial Certificate of Compliance.

**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**

Chairman DeGabriele announced the applicant has requested to continue this hearing to the Commission's October 14, 2015 meeting.

Randolph Street, Notice of Intent, Public Hearing
Robert Maynard
Map 56, Block 614, Lot 18
DEP File #Pending

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

Scott Arnold, Engineer, addressed the Commission. Present with him was Robert Maynard, the applicant. Mr. Arnold stated they are proposing to construct a single family dwelling on a vacant lot. The wetland resource areas were identified and delineated by Brad Holmes from Environmental Consulting & Restoration. His report has been included in the Notice of Intent. The property contains a Bordering Vegetative Wetland which is shown on the plan. There are no vernal pools.

Mr. Arnold provided an overview of the plan. There is 120 feet of frontage on Randolph Street. There is a stone wall along the front and partially along the southerly and northerly boundaries. Topography slopes down from Randolph Street to the wetland boundary. There is a sewer easement that runs through the property. The house will be 30-35 feet off the street line, 30-35 feet from the southerly boundary, and about 17 feet off the northerly boundary. They are proposing a silt sock along the wetland boundary. This will be a colonial style dwelling with an attached garage on the northerly side with driveway onto Randolph Street. They are raising the grade in front to get positive drainage toward Randolph Street. This requires some filling in the rear, approximately six inches to one foot. The house will be hooked up to town water and sewer. They are proposing a deck on the westerly side of the building. They are proposing four infiltrators (plastic chambers in the ground) to collect runoff from downspouts. The front grade is 179, the existing ground is 176 to 177. The highest point of the lot is in the southeast corner and will remain natural, as much as possible. All disturbed areas will be treated with loam and seed for stabilization.

Ms. Schloss provided the Commission a sketch she received from Mr. Maynard that shows trees greater than six inches, indicating species. Mr. Maynard stated they will try to retain the trees on the southeast side. Chairman DeGabriele asked about the slope from the house to the street. Mr. Arnold stated there will be a 7 inch rise from the street to the garage slab and they will have to remove that portion of stone wall. Chairman DeGabriele asked about the significant mature trees on the property and indicated he would like to save as many trees as possible. Mr. Maynard proposed saving five hemlocks in the front corner and the large oak tree. Chairman DeGabriele asked if the proposed deck will be constructed on Sonotubes. Mr. Arnold stated the deck will be raised about six to seven feet on Sonotubes. Chairman DeGabriele asked for a demarcation of the 25 foot buffer. Mr. Maynard stated that is already on the plan. Chairman DeGabriele requested conservation markers be installed and Mr. Maynard was in agreement.

Commissioner Dowd asked if the house is at the minimum setback of 18 feet. Mr. Arnold responded the house is set back 30 feet, in order to align it with the other houses in the area. And to allow for a longer driveway.

Commissioner Tanner asked if the proposed stairway off the deck can be moved to run along the side of the building so they are not so close to the 25 foot buffer. He stated a 16 x 12 foot deck would provide the same square footage and provide additional room for the 25 foot buffer. Mr. Maynard was in agreement with this recommendation.

Ms. Schloss asked if there is public drainage on Randolph Street and where the water from the driveway will go. Mr. Arnold stated it goes to the end of the property and drops off into the neighbor's yard. She expressed concern that the flow be absorbed in the lawn, rather than the street where there is no real drainage. Commissioner Tanner stated the driveway will not hold much water based on its size. Mr. Maynard stated the driveway will have a 2 inch crown to direct water toward each side.

Chairman DeGabriele opened the hearing up for public comment.

Carrie McLean, 615 Randolph Street, who is an abutter, stated she shares concern with water as there are no drains in that area.

Jeffrey McLean, 615 Randolph Street, stated all the red pines in the area have a blight and are dying. He stated all the runoff in the area goes down the street into the reservoir.

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

On a motion made by Commissioner Tanner, seconded by Commissioner Loring, the Commission voted 4-0-0 to issue an Order of Conditions with general and special conditions discussed this evening.

**Alexan at Arbor Hill, Continued Discussion of Vernal Pool Impacts
Burkball Street
DEP File #81-1046**

Adam Brodsky, Environmental Attorney, addressed the Commission. Present with him was Tom Godfrey of Bristol Bros.

Attorney Brodsky stated they have revised the Operations and Maintenance plan after conferring with Ms. Schloss. They are asking that the Commission approve the revisions so they can proceed with work on the site. He stated they are not seeking to amend the Order of Conditions, as the resource areas are locked in for the duration of the permit. He stated the question of whether the resource areas were vernal pools was extensively studied at the time of permitting, and in 1999 and 2008 the wetlands were studied and it was determined that they did not have the characteristics of a vernal pool. He indicated these studies were peer reviewed by the Town.

Tom Godfrey addressed the Commission. He stated they added a new section to the existing Operation and Maintenance Plan previously approved by the Commission and have incorporated Ms. Schloss' recommendations. He reviewed the changes section by section. Construction period runoff will be directed away from Wetland C. Construction sequencing and blasting around Wetland C is already incorporated in the study. Conversion from sediment basin to permanent basin is in the existing Order and when this takes place they will come before the Commission. Ms. Schloss clarified this is a standard DEP condition, not a special condition. There are four milestone dates when the Commission can hire a peer review consultant at the applicant's cost, which is also in the existing Order. Post construction monitoring for pocket wetland/detention basin 1 has been added to the plan in Section IV B. Additional monitoring for Wetland C recommended by Ms. Schloss has been incorporated. A three-year monitoring period of vernal pool C during

breeding season has also been incorporated, and requirements for erosion controls on the west side of Burkhall Street will be complied with.

Commissioner Dowd stated it is unfortunate that they ended up here and this has been a learning experience. He stated there were no site visits during amphibian breeding season and until Ms. Schloss visited the site this went unnoticed. He stated this is an affirmation that the Commission has to be diligent.

Chairman DeGabriele stated the goal was to come to a mutually agreeable path. He stated the Commission was operating within its authority based on new information that became available and their goal is to protect the resource.

Ms. Schloss stated she appreciated the incorporation of items into the Operation and Maintenance Plan. She asked how the basin will be constructed. Mr. Godfrey stated the existing topography has ledge on either side and an electrical easement. The outer most end will be bermed and that is where the outlet structure is proposed. It will be the same shape, size, and form as the permanent basin.

Ms. Schloss asked if they would be constructing the final outlet structure at the same time they are building the temporary sediment basin. Mr. Godfrey stated no, the permanent outlet structure will not be installed right away, but if it were, it would be designed not to discharge water.

Attorney Brodsky asked that the Commission vote to approve the changes, and allow them to proceed with work on the west side of Burkhall Street.

On a motion made by Commissioner Tanner, seconded by Commissioner Loring, the Commission voted 3-0-1 to accept the proposed changes to the Operation and Maintenance Plan and to instruct Ms. Schloss to issue a letter stating they can move forward with construction (Commissioner Dowd abstained).

Essex Heights Subdivision, Discussion
F.X. Messina Enterprises
Essex Heights Drive, Concannon Circle
DEP File #81-0308

Ms. Schloss provided background information on this project. She stated there are several Orders of Condition, the most critical being from April 1986, for construction of a subdivision off Essex Street near Whitman's Pond. She stated there are approximately 34 homes in the subdivision. This was constructed by FX Messina but never accepted by the Town, and maintenance remains with the developer. This has never been maintained so they need to discuss how to maintain the basin and have this subdivision accepted by the Town. She stated there were wetlands filled to construct Lot 8. The Commission originally denied construction on this lot, the developer came back with mitigation, and the Commission allowed an Order of Conditions. She stated the house was then built but none of the mitigation was ever done.

Ms. Schloss stated she began corresponding with FX Messina in 2012 and met on site with Robert Ingram, FX Messina's consultant, and Jim McGrath, Weymouth's Engineer, in March 2013. She never received a response in writing to her 2012 letter. All that has happened since was a request from 2014 to begin clearing the basin. She recommended the Commission weigh in on this matter.

Robert Ingram, Wetland Scientist, working for FX Messina, addressed the Commission. He stated there has been no work done on the detention area. He stated the biggest issue is drainage on Lot 6. Ms. Schloss stated the 12" pipe is clogged and floods the easement and yards.

Chairman DeGabriele asked if it is FX Messina's intent to deal with all the issues. Mr. Ingram stated the main issue is to get the detention basin into acceptable shape for the Town. Chairman DeGabriele stated there is a replication area on Lot 8 that was supposed to be built and was not. He recommended going through the Orders of Condition issued by the Conservation Commission and indicating what the issues are, what was done and what was not done, rather than working on this in little pieces. He stated the applicant could file a new Notice of Intent, or the Commission could issue an Order to require a comparison be done between the approved plan and Order of Conditions versus the current conditions, with recommendations to move forward.

Ms. Schloss stated some things may be time sensitive, such as treating the invasives in the basin, which is typically done in September. Chairman DeGabriele stated he would like to put the burden on the applicant to do the analysis. Mr. Ingram stated the invasives should be treated now and the outlets may not be at the proper elevation.

Commissioner Tanner recommended extending the 30 inch pipe to where the 12 inch outfall is currently. Mr. Ingram stated there is a sewer easement in that location and there may not be clearance. Ms. Schloss stated Jim McGrath recommended two 12" pipes side by side, or installation of a shallow box culvert. She stated another alternative would be an open swale, which was the original plan.

Chairman DeGabriele emphasized he would like to put the burden on the applicant to address these issues in a comprehensive way. They could request this in a letter, however, the last time there was no response; an Order could state that the analysis be provided by a date certain.

Commissioner Tanner asked how long it would take for Mr. Ingram to go back to the drawing board and provide information to the Commission. Mr. Ingram stated it would take three to four weeks if FX Messina provides approval.

Chairman DeGabriele recommended turning the 2012 letter into an Enforcement Order. Ms. Schloss was in agreement.

Commissioner Tanner recommended a letter be issued to authorize removal of the invasives. Ms. Schloss stated this area is so overgrown that other material may have to be removed to access the invasives and she does not want to destabilize the area.

Ms. Schloss asked when the Commission would like to receive the information from FX Messina. It was decided to allow one month from the issuance of the Enforcement Order.

On a motion made by Commissioner Dowd, seconded by Commissioner Loring, the Commission voted 4-0-0 to have the Conservation Agent prepare and issue an Enforcement Order regarding this matter.

Other Business

Ms. Schloss indicated there was no other business to discuss.

CPC Update/Conservation Report

Ms. Schloss stated the Town received \$50,000 from the Division of Marine Fisheries to repair the flood gate at Jackson Square. The designer has come back to the Town stating they have expended more money than planned and they need an additional \$12,000. She spoke to Jim Clarke about having CPC absorb the cost. She is going to prepare a request for the next CPC meeting. Chairman DeGabriele stated they had discussed the idea of CPC funding restoration of the bank at the Kibby property and he recommended requesting both projects.

Ms. Schloss reviewed the Conservation Administrator's Report. She stated the town has hired a part-time consultant, Brooke Monroe, who is the Conservation Agent in Carver, to help with inspections. She reported the Planning Department is issuing an RFP for the daylighting project in Weymouth Landing.

Chairman DeGabriele stated he would like to set up a meeting to review the list (prepared by Pat Fitzgerald, Conservation Clerk) of outstanding Orders of Condition from the past five years.

Adjournment:

On a motion made by Commissioner Loring, seconded by Commissioner Dowd, the Commission voted 4-0-0 to adjourn at 9:15 p.m.

Respectfully submitted by,

Patricia McDonnell
Recording Secretary

Approved by:


Scott Dowd, Clerk


Date