

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

**Wednesday, October 21, 2015, 7:00 p.m.  
Council Chambers, Town Hall, 75 Middle Street, Weymouth, MA**

**Present:** Tom Tanner, Vice Chairman  
Scott Dowd, Commissioner and Clerk  
John Reilly, Commissioner

**Not Present:** Steve DeGabriele, Chairman  
George Loring, Commissioner

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

Vice Chairman Tanner called the October 21, 2015 Commission meeting to order at 7:00 p.m. in the Council Chambers, Town Hall, 75 Middle Street, Weymouth, MA.

**Approval of Minutes:**

Approval of the minutes of September 9, 2015 was postponed until the next meeting due to lack of quorum of members who were present at that meeting.

**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**

Vice Chairman Tanner announced the applicant has requested to continue this hearing to the Commission's November 18, 2015 meeting.

**35 Rockway Avenue, Request for Certificate of Compliance, Local Only Order of Conditions  
(Formerly 25 Rockway Avenue)  
Rockway Associates, LLC  
Map 37, Block 465, Lots 24 & 27  
*Apartment Building***

Ms. Schloss stated the proponent will not be present. She provided pictures from the site, which has been hydroseeded and sodded. She stated there is still a small amount of reseeded to be done, which is scheduled to be completed this Friday (10/23/2015). She stated this is a Final Certificate of Compliance request and all the work has been done.

*On a motion made by Commissioner Reilly, seconded by Commissioner Dowd, the Commission voted 3-0-0 to approve the Final Certificate of Compliance for 35 Rockway Avenue.*

**Boston Gas, d/b/a/ National Grid, Request for Certificate of Compliance**  
**Col. Lovell's and Queen Anne's Gate Apartments**  
**Map 35, Block 408, Lots 1 & 5**  
**Map 31, Block 406, Lot 16 and Block 408, Lot 6**  
**DEP File #81-1149**  
***Gas Line Installation***

Ms. Schloss stated the work has been completed. At the preconstruction site inspection she was concerned that the catch basins were not being cleaned. The property manager has now cleaned the catch basins and created a routine maintenance schedule. She recommended the Commission issue a Final Certificate of Compliance.

*On a motion made by Commissioner Dowd, seconded by Commissioner Reilly, the Commission voted 3-0-0 to approve the Final Certificate of Compliance for Boston Gas, Col. Lovell's and Queen Anne's Gate Apartments.*

**Dandelion Lane, Request for Final Certificate of Compliance**  
**Mento Homes, Inc.**  
**Map 48, Block 509, Lots 16, 20, 21, & 22**  
**DEP File #81-1145**  
***Subdivision Roadway and Utilities***

Dan Mento addressed the Commission. Ms. Schloss stated she conducted a site visit and has contacted the DPW, who have no concerns. She stated that the subdivision roadway and utilities include only a minor amount of land within conservation jurisdiction, and recommended the Commission issue a Final Certificate of Compliance.

*On a motion made by Commissioner Dowd, seconded by Commissioner Reilly, the Commission voted 3-0-0 to approve the Final Certificate of Compliance for Dandelion Lane, Mento Homes, Inc.*

**29 Dandelion Lane, Request for Certificate of Compliance**  
**Mento Homes, Inc.**  
**Map 48, Block 509, Lot 22**  
**DEP File#81-1147**  
***Single Family Home***

Dan Mento addressed the Commission. Ms. Schloss stated a site walk was conducted. This is the last home on one of four lots. She stated everything is in order, the seed has taken and plantings have been done. A fence has been installed and signage is in place. She recommended the Commission issue a Final Certificate of Compliance.

*On a motion made by Commissioner Dowd, seconded by Commissioner Reilly, the Commission voted 3-0-0 to approve the Final Certificate of Compliance for 29 Dandelion Lane, Mento Homes, Inc.*

**1255 Main Street, Request for Partial Certificate of Compliance**  
**Bike Realty**  
**Map 53, Block 593, Lots 71 & 7**  
**DEP File #81-1158**  
***Dunkin' Donuts Drive-Thru***

Joe Murray of Bike Realty and Brian Donohoe of Goldman Environmental addressed the Commission. Ms. Schloss stated this is a request for a Partial Certificate of Compliance because there will be a monitoring period for the stormwater wetland. She stated Mr. Donohoe had been keeping her updated during construction, and they met on site several times. There were minor changes that had to be made on the slope and riprap installed.

Mr. Donohoe provided photographs of the pre and post conditions on the site. Everything was done according to plan with the exception that they had to raise the grade in the parking lot at the drive-thru by 10 inches due to inside architectural conditions affecting floor height. They had to make the slope to the stream steeper so they had to put riprap on it. In the front of the property there was an infiltration basin and they uncovered a rock retaining wall which they left in place and put in a small stone spillway. They expected to plant a pin oak in place of the burning bushes, however, given the pending widening of Route 18, the tree would have to be located on the opposite side of the infiltration basin. There may not be enough room to plant the tree on this side, and they could not locate one small enough. They have left the native American elms in this area. Mr. Donohoe stated all the work is completed except for monitoring the wetland.

Commissioner Tanner asked about the loading dock. Mr. Murray stated they removed the existing loading dock and rebuilt it so it only projects about 4 feet from the building and is in alignment with the stairs. Ms. Schloss stated she got an email from the project team working on Route 18 and they may come in at some point saying they need grading adjustments at the location of the basin at Route 18.

Ms. Schloss stated there is a two year monitoring period required and this will not be ready for a Final Certificate of Compliance until the fall of 2017. This will ensure the system works and there is no erosion. She stated they will expect a monitoring report at the end of next year, and perhaps will discuss the tree planting in the spring. They have an operation and maintenance plan which has been discussed with Mr. Murray.

*On a motion made by Commissioner Dowd, seconded by Commissioner Reilly, the Commission voted 3-0-0 to approve the Partial Certificate of Compliance for 1255 Main Street.*

**55 Davids Island Road, Request for Determination of Applicability, Public Hearing**  
**Kathy Harran**  
**Map 5, Block 13, Lot 38**  
***Construct Addition in Place of Existing Deck***

Kathleen Harran addressed the Commission. She stated she would like to frame in the area over an existing elevated wooden deck to expand a bedroom. Commissioner Tanner asked if she has provided plans to the building inspector, as the beams may not be large enough. She stated the builder is addressing this, along with new footings. She stated the footprint will be the same as

the existing footprint. Commissioner Dowd asked when the deck was built. She stated she moved into the house in June of 2014 and the house was built in 1953, she does not know when the deck was built.

Ms. Schloss recommended the Commission grant a Negative 2 Determination of Applicability, as this project is within the riverfront, but is not altering the riverfront. She advised Ms. Harran that if they dig a footing they would want to backfill in one day. If the footings are open for more than one day they would have to take measures to protect the area.

*On a motion made by Commissioner Dowd, seconded by Commissioner Reilly, the Commission voted 3-0-0 to issue a Negative 2 Determination of Applicability.*

**Castle Storage, Request for Extension/Partial Certificate of Compliance  
Local Only Order of Conditions  
Flynn Gar LLC  
186 Main Street  
Map 29, Block 375, Lot 2**

David Kelly of Kelly Engineering Group, and Mike Gardner, addressed the Commission. Mr. Kelly stated this project relates to construction of a storage facility. The Commission determined there is a vernal pool under local ordinance. Work is ongoing so they are requesting the Commission extend the Order of Conditions to give them time to finish the project.

Ms. Schloss stated she has visited the site many times. The order expires on October 26, 2015 and they are only allowed to extend the order for one year. There is a requirement for a three year monitoring period with this project so this will have to be kept open during the monitoring period.

*On a motion made by Commissioner Reilly, seconded by Commissioner Dowd, the Commission voted 3-0-0 to extend the Order of Conditions by one year.*

David Kelly stated the project is ongoing and is not quite finished. There are items that remain to be done and the push is to get the building ready for occupancy. The final pavement, striping, and berms are not in. The landscaping is not fully established, and there is ongoing finish work. Mr. Gardner would like to occupy the building as soon as possible. There is a condition that a Partial Certificate of Compliance be approved before an occupancy certificate is ordered so they are requesting this be approved.

Commissioner Tanner asked about parking. Mr. Kelly stated there will be approximately 20 parking spaces, which is required by the building inspector, although they may not need that many spaces.

Ms. Schloss stated she has visited the site and created a punch list. Cleanout of drainage structures will be done after paving. Areas have been seeded and they are waiting for the grass to come in. She asked when they will install the fencing, as she would like agreement of all parties relative to the location of the fencing. Mr. Kelly stated the fence would be installed in the spring. They will stake the fence before it is installed and will meet with Ms. Schloss prior to installation.

Ms. Schloss stated she noted a little erosion where the autos are stored and she would like them to keep an eye on this. She stated they did respond to a recent incident and erosion control measures were taken. She asked the Commission to give her the authority to sign the Certificate of Occupancy if the Commission votes to issue this. It will then be held until she can check conditions on site. She stated erosion controls typically are removed when an area is stabilized and she would like to leave them in place until everything is completed. She stated with issuance of a Partial Certificate of Compliance the operation and maintenance plan would have to begin. She confirmed there is a three year monitoring period for the vernal pool restoration. Conservation will be conducting periodic inspections of the drainage outfall and if erosion is occurring adjustments may have to be made.

*On a motion made by Commissioner Dowd, seconded by Commissioner Reilly, the Commission voted 3-0-0 to issue a Partial Certificate of Compliance for Castle Storage.*

**42 Tanner Terrace, Request for Determination of Applicability, Public Hearing**  
**Timothy Mills**  
**Map 64, Block 636, Lot 58**  
**Shed**

Timothy Mills addressed the Commission. He stated he would like to build a 12' x 20' shed behind the existing lawn area. It will be on a precast footing four feet tall. The shed will be off the ground so runoff will be the same as it is today. He stated he will feather wood chips around the perimeter of the shed. He will put the footings in during the next couple of weeks.

Commissioner Tanner asked about boulders on the property. Mr. Mills stated they removed the boulders not realizing how large they were. They are going to put one back in place and move one to the side. Ms. Schloss stated she is happy with the location of the shed and there is a large undisturbed buffer behind this area.

*On a motion made by Commissioner Dowd, seconded by Commissioner Reilly, the Commission voted 3-0-0 to issue a Negative 3 Determination.*

**1 Woodside Path, Request for Determination of Applicability, Public Hearing**  
**Dale R. Lathrop**  
**Map 34, Block 434, Lot 25**  
**Addition**

*On a motion made by Commissioner Dowd, seconded by Commissioner Reilly, the Commission voted 3-0-0 to open the public hearing.*

Dale Lathrop addressed the Commission. He stated they want to put a small addition on the northeast portion of the house. It is opposite the wetlands, which are 54 to 55 feet away. There is an existing wall which will protect runoff. The addition will be on four Sonotubes. The addition will be one-story with a master bedroom and bath. Commissioner Tanner suggested Mr. Lathrop go to the building inspector to discuss this because it may require a slab. Ms. Schloss stated the slab will require more excavation. She stated the Commission's determination

would have to be written to allow either Sonotubes or a slab. Commissioner Dowd suggested using broad orders to address erosion control.

There was no one present from the public who wished to speak.

*On a motion made by Commissioner Reilly, seconded by Commissioner Dowd, the Commission voted 3-0-0 to close the public hearing.*

*On a motion made by Commissioner Dowd, seconded by Commissioner Reilly, the Commission voted 3-0-0 to issue a Negative 2 Determination.*

**1294, 1296, and 1300 Washington Street, Request for Minor Modification**

**Stephen Zeboski**

**Map 35, Block 407, Lots 12 & 36**

**DEP File #81-1116**

***Request to Add Artesian Well***

Stephen Zeboski addressed the Commission. He stated he is requesting a minor modification to the Order of Conditions as he would like to put in an artesian well for irrigation. The Commission reviewed photographs. The well would be installed in the right front of the building in the rear and he will install a barrier around it so no one hits it. Commissioner Tanner asked if the pump is going to have a concrete berm. Mr. Zeboski stated he will add a landscape wall in the area, and the electricity service is right beside the well location.

Ms. Schloss stated they would want to know if there is any impact to the lower wetland. She stated the amount of pumping will be minimal and will feed back into the ground. She stated she is in favor of this minor modification request.

Ms. Schloss asked about the status of the overall project. Mr. Zeboski stated he is hoping to have the paving and hydroseeding completed before winter. Ms. Schloss asked that he address some of the erosion controls which are looking worn.

*On a motion made by Commissioner Dowd, seconded by Commissioner Reilly, the Commission voted 3-0-0 to approve the minor modification.*

**Brewster Ambulance, Notice of Intent, Public Hearing**

**Brewster Main Street LLC**

**25 Main Street**

**Map 29, Block 327, Lots 24 & 35**

**DEP File #81-1167**

***Demolition and Rebuild of Commercial Building***

*On a motion made by Commissioner Reilly, seconded by Commissioner Dowd, the Commission voted 3-0-0 to open the public hearing.*

Brian Taylor of Stenbeck and Taylor, Gus Raposo, consulting engineer, and George Brewster addressed the Commission. This project is the construction of a Brewster Ambulance headquarters. All work is within the buffer zone and most of the site is impervious surface.

There will be no work done to impact the residential area. There is currently no treatment or attenuation of stormwater runoff from the site. Both curb cuts drain unimpeded to Route 18. They are proposing a 30,000 square foot building with inside and outside vehicle storage areas. There will be no disturbance in the residential zone. They will super elevate the parking areas, creating a bowl to catch runoff around the rain garden area. Roof runoff will be gathered and there will be subsurface infiltration. Outflow will feed the BVW via a 6-inch pipe. They will only have one curb cut on the property, eliminating the one closest to the intersection. There will be two self-contained fuel tanks on site on ground level, with a pad which is constructed to contain any spills.

Commissioner Tanner asked about the construction of the rain garden. Mr. Taylor showed the Commission the landscape architect's plan. During peak events, the rain gardens will discharge into the Route 18 drainage system.

The proposed building will be office space on the front part of the second floor. There are code compliant entrances and egresses on the building and 50 internal parking spaces. The exterior of the building will be built with precast concrete and glass.

Ms. Schloss asked about the washing area for vehicles. Mr. Taylor stated there will be floor drains with a self-contained tank and the water is discharged into the sewer system. Mr. Brewster stated they may have a recycled water system if site conditions allow. Ms. Schloss confirmed this will not be going into the rain garden. She stated she met on site with Mr. Raposo and Mr. Taylor. She also discussed this project, which will have to meet all pertinent codes, with the Health Department and Fire Department. She noticed there was preexisting debris in the isolated wetland and on the east side near the property boundary. She asked that this be removed as part of the project. She stated there is invasive Japanese knotweed and she would like to ensure this is not spread when work is being done in the area. She noted some of the wetlands flagging had come down and she would like that replaced. She stated she would like to have one to one-and-a-half years for monitoring.

There was no one present from the public who wished to speak.

Ms. Schloss stated this is a good plan and it is more favorable than existing conditions. She stated she will include standard conditions and would like to refer back to all the plans and reference the holding tank, debris removal, reflagging of wetlands, and two growing seasons (i.e. spring and fall) monitoring period.

*On a motion made by Commissioner Reilly, seconded by Commissioner Dowd, the Commission voted 3-0-0 to close the public hearing.*

*On a motion made by Commissioner Reilly, seconded by Commissioner Dowd, the Commission voted 3-0-0 to issue an Order of Conditions with the standard conditions as well as special conditions discussed.*

**210 Commercial Street, Violation Hearing**  
**Ronald Eaton**  
*Dumping Onto River Bank*

Mr. Eaton was not present for this discussion. Ms. Schloss provided the Commission photographs of the site from the first day, and recent photographs with most of the material removed. She stated this work is partially complete. Mr. Eaton, who is not the property owner, but rents the property, told her the wall was falling down. This is a private seawall owned by the property owner, and does not appear to be an impending erosion danger. Mr. Eaton told her he used the bricks and stone dust to stabilize the wall.

Commissioner Tanner suggested they reschedule this discussion to the November 18 meeting. If the site is not cleaned up by then they will issue an enforcement order.

Commissioner Tanner recommended that going forward Ms. Schloss tell all applicants to be at the Commission meetings prior to 8:30 p.m., regardless of where they fall on the agenda.

**Other Business**

Ms. Schloss updated the Commission on Alexan at Arbor Hill. She stated they are addressing the Notice of Violation of sediment releases and will be doing significant work in the next few weeks.

Ms. Schloss reported the owner of 14 St. Margaret Street has requested to remove a large oak tree which is 36 inches and is within 15 feet of the edge of the pond. She feels the whole tree does not need to be removed. She stated there are branches that are clearly dead and can be pruned. She will advise the owner if they want to remove the tree they have to come before the Commission.


**Adjournment:**

*On a motion made by Commissioner Reilly, seconded by Commissioner Dowd, the Commission voted 3-0-0 to adjourn at 9:10 p.m.*

Respectfully submitted by,

Patricia McDonnell  
Recording Secretary

Approved by:

  
Scott Dowd, Clerk

  
Date