

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

**Wednesday, February 10, 2016, 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  
John Reilly, Commissioner

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

Chairman DeGabriele called the February 10, 2016 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 December 9, 2015 were reviewed. Chairman DeGabriele recommended one wording change.

*On a motion made by Commissioner Tanner, seconded by Commissioner Dowd, the Commission voted 5-0-0 to approve the minutes from the December 9, 2015 meeting as amended.*

**77 Jaffrey Street, Request for Certificate of Compliance**

**Michael Scheffler  
Map 17, Block 177, Lot 14  
DEP File #81-1115**

Ms. Schloss stated that work was done on the front of the property but the owners decided not to construct the rear addition, however, the plantings in the back were completed. She conducted a site visit and everything looks fine. She recommended issuing a Final Certificate of Compliance.

*On a motion made by Commissioner Reilly, seconded by Commissioner Loring, the Commission voted 5-0-0 to issue a Final Certificate of Compliance.*

**30 Sea Captain's Way, Request for Determination of Applicability, Public Hearing**

**Timothy Condon  
Map 62, Block 642, Lot 11  
Pool and Deck**

*On a motion made by Commissioner Loring, seconded by Commissioner Reilly, the Commission voted 5-0-0 to open the public hearing.*

Timothy Condon addressed the Commission. He provided Ms. Schloss with abutter notices. He stated they would like to install a 20 foot round above-ground swimming pool with a 5' x 10' deck with a ladder and lock. He stated the yard is not fenced, but the height of the pool is above the requirements for fencing under Massachusetts law.

Chairman DeGabriele stated this is close to the 25 foot no disturb zone and there is an existing shed within that zone. He asked what the land is like in that location. Mr. Condon stated there is grass in that area which goes behind the shed to the wetlands. He stated he tried to use the other side of the property but there is a sewer pipe on that side with an easement. Commissioner Dowd asked what type of filter will be used. Mr. Condon stated he will be using a cartridge filter. Ms. Schloss stated the cartridge filter is good as it would not require backwash. She stated there are standard conditions about construction and long-term management, and they do not want any discharge of water into the wetland. She recommended issuing a Negative 3 Determination.

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

*On a motion made by Commissioner Loring, seconded by Commissioner Reilly, the Commission voted 5-0-0 to close the public hearing.*

*On a motion made by Commissioner Tanner, seconded by Commissioner Reilly, the Commission voted 5-0-0 to issue a Negative 3 Determination.*

**Boston Gas, Request for Determination of Applicability, Public Hearing**  
**65 Randolph Street**  
**Map 49, Block 509, Lot 7**  
***Gas Line Extension***

*On a motion made by Commissioner Loring, seconded by Commissioner Tanner, the Commission voted 5-0-0 to open the public hearing.*

Amanda Crouch-Smith addressed the Commission on behalf of Boston Gas, d/b/a National Grid. She stated the homeowner is seeking to connect into the gas line. They are requesting an approximately 110 linear foot extension of the gas line within the roadway and 30 feet up the driveway. A portion of the work will occur within the outer limits of the buffer zone. She stated the impacts are fairly minimal and erosion controls will be installed.

Chairman DeGabriele asked for the depth of the culvert. Ms. Crouch-Smith stated typically with these filings they will work with DPW to formulate plans or details to accommodate the culvert. Chairman DeGabriele asked how long the installation will take and how long the trench will be open. Ms. Crouch-Smith stated the work will take approximately two days and no portion of the trench is allowed to be open at the end of the work day under the Wetlands Protection Act. She stated erosion controls, which will be a mulch filter sock, would extend along the length of the south side, and loop around the culvert crossing. Commissioner Tanner asked if the neighboring houses will have the ability to hook into the gas line. Ms. Crouch-Smith stated no one beyond this property has requested to hookup.

Ms. Schloss stated there is a drain line, the culvert, and a sewer easement, so the applicant would need to know the location of utilities prior to installing the gas line. Ms. Crouch-Smith stated this will be worked out with DPW. Chairman DeGabriele expressed concern that when utility projects come in work is proposed to be decided in the field. He recommended the Commission specify the line be installed above the culvert. Commissioner Reilly asked if there is a gas line coming in from the other direction from Forest Street. Ms. Crouch-Smith stated she is not aware of other gas lines, she was just given this project to permit. Commissioner Reilly stated if the line came down Forest Street the culvert would not be a concern. Commissioner Tanner stated the main may not be the same size in that location. He suggested if they have to ride above the culvert and there is not a two foot clearance that it be plated. He also suggested only approving installation above the culvert, and that the applicant would have to come back before the Commission if this is not possible. Ms. Schloss stated in prior projects they have included a condition that updated plans be submitted before the start of work. The Commission was in agreement with this approach.

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

*On a motion made by Commissioner Dowd, seconded by Commissioner Tanner, the Commission voted 5-0-0 to close the public hearing.*

*On a motion made by Commissioner Reilly, seconded by Commissioner Dowd, the Commission voted 5-0-0 to issue a Negative 2 Determination with conditions discussed this evening.*

**Longwood Road, Local Order of Conditions Extension Request, Public Hearing**  
**Sandy Gustafson**  
**Map 21, Block 288, Lot 1**  
**DEP File#81-991**  
*Single Family Home*

*On a motion made by Commissioner Loring, seconded by Commissioner Reilly, the Commission voted 5-0-0 to open the public hearing.*

Attorney David Kelly addressed the Commission. He provided Ms. Schloss abutter notices. He stated they were before the Commission a year ago asking for an extension, as there was a purchase and sale agreement on the property. The prospective buyer attended all the hearings and was prepared to move forward with the project and the extension was granted. The applicant met with DPW about the approval of the drainage system and then walked away from the deal. The property went back on the market and they now have another buyer who has met with DPW and worked out a plan the DPW will approve. He stated he is asking for another one year extension to allow the buyer to purchase the property. He provided emails from the prospective buyer, his attorney, and DPW showing the progress that has been made on approval of the drainage system. DPW has designated the new dwelling as 94 Longwood Road, satisfying Condition 20.

Chairman DeGabriele asked if there are any problems with compliance with the other conditions. Attorney Kelly stated he sees no other issues. He stated the new buyer would be responsible for compliance with the conditions and is willing to move forward.

Ms. Schloss stated she has spoken with Jay Donovan from Engineering and he explained their concerns with maintenance of the swale. DPW does not want to assume maintenance and would like the homeowner to be responsible, and the easement agreement will require this. She stated the Commission's Order of Conditions does not require this, but should probably ensure that this be maintained in the long-term. She stated DPW will maintain the catch basin in the roadway.

Chairman DeGabriele stated if maintenance of the swale is in the DPW agreement then DPW will be responsible for ensuring this work is done, rather than amending the Order of Conditions. Chairman DeGabriele asked Mr. McCarthy, the potential buyer, if he is familiar with the Order of Conditions. Mr. McCarthy stated yes, his attorney has reviewed everything, and Condition #20 would be covered by the DPW agreement. Ms. Schloss stated the Conservation Commission would like to see a post and rail fence to demarcate the conservation area, putting conservation signs on the fence, which is a more effective method. Mr. McCarthy stated this is not a problem.

Chairman DeGabriele opened the hearing up for public comment.

Joanne Rose, 88 Gale Road, stated she did not receive a notification letter and she abuts the same waterway. She stated she cleans the woods and tries to keep the waterways flowing. She stated there is a bad mosquito problem in the area. She asked if the owner will have to remove debris from the water to keep the water flowing if the wind blows something down into the water. Chairman DeGabriele stated it is the owner's responsibility to maintain erosion controls. She asked if that can be a condition. She raised concern about water flowing down the hill and into her yard and basement, since they paved her road and removed the curbing. Chairman DeGabriele stated the DPW would have to answer that question.

Simon Alley, 80 Longwood Road, stated he has lived there 56 years and no one has ever looked at that piece of property. He stated the builder at that time felt the land was worthless, now 56 years later there will be building. He asked where the construction trucks will park, and bring things in.

Joanne Rose expressed concern with erosion and slumping of the slope adjacent to the wetlands and stream. Chairman DeGabriele stated what is built has to be done in accordance with the conditions, and if anything is not complied with the Commission can require the applicant to correct the problem. She asked who is responsible for damage to older homes in the area if there is damage from construction. Chairman DeGabriele stated the homeowner would have to take action on their own. She stated this is not a place to put a house.

Mish McCarthy, 289 Essex Street, stated she reviewed the plans a year ago. She is concerned that there was a very wet spring this year due to snow melt and there was a great deal of water right into the time building would have started. She does not remember seeing anything about a spot check before building goes ahead. She stated there may be issues if there is another spring like that. Ms. Schloss stated they always do a preconstruction review before construction starts. Before pouring a foundation they would have to dewater and they will deal with the conditions as they are at the time.

*On a motion made by Commissioner Tanner, seconded by Commissioner Reilly, the Commission voted 5-0-0 to close the public hearing.*

*On a motion made by Commissioner Tanner, seconded by Commissioner Reilly, the Commission voted 5-0-0 to grant a one year extension to the Order of Conditions from February 21, 2016 through February 21, 2017.*

**1119 Front Street, Notice of Intent, Public Hearing**  
**Thomas Nutley**  
**Map 41, Block 489, Lot 7**  
**DEP File #81-1169**  
**3-lot Subdivision**

*On a motion made by Commissioner Loring, seconded by Commissioner Tanner, the Commission voted 5-0-0 to open the public hearing.*

Frederick Geisel of Civil Environmental Consultants addressed the Commission. He stated they had hoped to visit the site with Ms. Schloss but were unable with the recent snowstorms. He stated this is a three lot subdivision, each lot containing a triplex building, side-by-side, two stories, with garage and parking outside the garage. The project has been before the Planning Board for a year and received Final Approval and Conditions of Approval for Definitive Subdivision on January 19, 2016. He stated there is a detention area designed to be able to be converted and included as part of the state's stormwater facility they are proposing as part of the widening of Route 18.

Mr. Geisel stated the delineation of the wetlands has been approved. He reviewed the area on the plan. He stated they surveyed the area and located the wetland flags and feel confident in these locations. He stated all work would be done upland. There will be a wall to maintain drainage on their property, which will be 6.5 feet tall at some locations and will wrap to the end of the property. The wall is constructed of interlocking blocks. He stated they will not disturb the wetlands while installing the wall. He proposed restoration work be a riparian planting. He stated all roof runoff would be infiltrated with dry wells on the property. The only thing going to the detention area would be from the driveway and the roadway.

Commissioner Tanner asked what the zoning is for the property. Mr. Geisel stated this is zoned residential. Chairman DeGabriele asked about tree removal. Mr. Geisel reviewed the plan and the trees to be removed. He stated there will be four trees within the buffer zone, approximately 25 trees in total. He stated they can certainly replace any trees that the Commission requires.

Mr. Geisel stated Ms. Schloss had some concerns which he will respond to in a letter. He stated having the wall with the fence is a good way of delineating the buffer zone. He stated they will show on the plan that there will be room for erosion control outside the wall. He stated they will be using siltation fencing and straw wattles for erosion control. They extended the discharge pipe beyond the 25 foot disturb zone to tie into the state project. If the state relocates their project this location can be changed. He stated there will be two snow storage areas, but one can be removed. He stated the Planning Board made a condition that for anything more than a four inch storm the snow would have to be removed from the site. He stated regarding stormwater they

will not be increasing any flooding downstream. Commissioner Tanner asked if the fence is located on top of the wall. Mr. Geisel stated the fence is on top of the wall and secured by pressure treated wooden posts going into the top of the wall. The fence would be a minimum of three feet to meet OSHA standards.

Ms. Schloss provided copies of a plan submitted by MassDOT's consultant for the Route 18 widening project, showing the MassDOT stormwater basin as originally proposed and another with the basin moved to make room for the proposed basin for 1119 Front Street. MassDOT has not yet initiated the land takings and it appears that they do not want to incorporate the private basin into the state basin.

Mr. Geisel stated they met with the neighbor and they have proposed installing a drain inlet and easement to tie into their manhole so his property would not have water issues. He stated they will also try to save as many trees as possible along the property line.

Ms. Schloss provided the Commission her comments, along with DPW comments. She stated they will need a revised O & M plan. She suggested setting up a site visit.

Chairman DeGabriele opened the hearing up for public comment.

Victor Vernon, 1109 Front Street, stated he agreed to have a drain installed, as any water runs down their property line and comes out opposite his barn, where they are building up their property. He would like to see numbers so the outflow pipe matches. He stated he would like to be at the site visit if possible and indicated the Commission can use his driveway for the site visit, as it is easier to approach the property.

Chairman DeGabriele recommended continuing this hearing to the Commission's March meeting. They tentatively scheduled a visit for February 29, 2016 at 10:00 a.m.

*On a motion made by Commissioner Tanner, seconded by Commissioner Reilly, the Commission voted 5-0-0 to continue the public hearing.*

**Weathervane Golf Course Development & the Village at Weathervane, Discussion  
Status of Compliance with 7/31/13 Enforcement Order  
DEP File #81-756 & 81-963**

Ms. Schloss stated she met with Carl Erickson and Steve McCarthy from Bristol Bros. Development Corp. and there are several issues related to the 2013 Enforcement Order. Still outstanding is water quality monitoring. Ms. Schloss stated the Commission may need to hire a peer reviewer to look at this information. Chairman DeGabriele stated there were things that were not done that should have been done, and the Commission has to consider how to move forward.

Carl Erickson addressed the Commission. He stated water quality testing was not being done consistently according to the plan. He proposed for 2016 they engage CHA to do sampling and review existing data. After this is done perhaps a different sampling protocol could be recommended. Chairman DeGabriele asked if the Commission needs a peer reviewer to review

this data. Ms. Schloss stated the Health Department has offered to assist her in reviewing the data. She would like professional eyes on this to look at the protocol. If sampling is being modified a professional may have to review this. Chairman DeGabriele recommended having the option of hiring a peer reviewer if necessary. Ms. Schloss stated long-term sampling is based on the results of baseline testing, so after this year they will be entering the long-term testing and a decision will have to be made for this monitoring.

Chairman DeGabriele stated someone has to make a conclusion based on the data and make a recommendation to the Commission. Mr. Erickson stated the burden would be on them to come back to the Commission if they want to change the protocol. Until that time, they continue under the existing program. Chairman DeGabriele asked if there is a need to make up for a couple of rounds of baseline sampling. Ms. Schloss stated baseline sampling was done, except for one sample at one surface water station, so the baseline should be fine.

Chairman DeGabriele stated he is disappointed with how often things are falling through the cracks, and it should not fall on Ms. Schloss to point this out.

Ms. Schloss stated there is a large turf management plan that was part of the Notice of Intent, however, they have not seen the shorter document that was required under the Order of Conditions. She stated they need to make sure they are sampling for the chemicals that are in use on the golf course and the turf management plan needs to specify what these are. She wants to make sure that there is no herbicide or pesticide use within the 25 foot buffer. Mr. Erickson stated an easy to follow shorter version was started but not completed. He stated the course supervisor needs to complete this. They are using practices that need to be put to paper. Chairman DeGabriele stated an Enforcement Order will be issued on this and asked Mr. Erickson to provide a date that this can be completed. Commissioner Tanner recommended April 1 as a deadline so it is in place before the season begins on April 15.

Ms. Schloss stated a revised flyover plan was required to be submitted under the Enforcement Order, and there is more cutting being done in wetlands so this needs to be revised. The Commission agreed this should be done by April 1 as well.

Ms. Schloss stated the diversion of wetland flow into irrigation pond 4 was noted by peer review in 2013. Chairman DeGabriele recommended putting a cap on the pipe so the higher flow would discharge into irrigation pond 4. He stated a permanent approach is needed.

Ms. Schloss stated the Ben Hogan Landing unit 13 and 14 encroachment issue needs to be addressed. She stated in 2013 they noted there was encroachment, which still exists. Mr. Erickson stated they discussed with Ms. Schloss putting up a placard and 25 foot buffer markers and planting junipers so the lawn is not mowed. Chairman DeGabriele asked if it is possible to do a post and rail fence in that location with conservation markers on it. Mr. Erickson stated he would like to look at the area with the 25 foot stakes. The Commission was in favor of staking this first, and then determining an approach.

**Weathervane Golf Course Development & the Village at Weathervane  
Request for Partial Certificate of Compliance  
Bristol Bros. Development Corp.  
45 Weathervane Drive, and 16, 17, 18, 20 & 23 Golden Bear Lane  
Map 51, Block 576  
DEP File #81-756 & 81-963**

Ms. Schloss stated the plan for 20 Golden Bear Lane (Unit 25) shows the 25 foot no-disturb line at the back of the house, but the lawn extends 12 feet on one side and 16 feet on the other side, and similar situations exist on other lots. She provided photos for the Commission to review. She stated they will have to look at this in the field.

Mr. Erickson stated 45 Weathervane's final landscaping has not been done.

Ms. Schloss stated offsite mitigation needs to be reviewed. She provided a draft scope of work that was discussed with Mr. Erickson today. Mr. Erickson stated this is a great package. He stated they need to go in there and take GPS points to determine what existing trails are there, which need to be developed, and which need to be abandoned. He stated they can do a map similar to the one for Bear Cove Park. Chairman DeGabriele asked procedurally will they be submitting a proposal, or working with the draft. Ms. Schloss stated they would want to formalize the scope of work. Mr. Erickson stated they would like to walk this area and get an idea of the scope, and picking up the GPS points would help with this. Chairman DeGabriele proposed that Bristol Bros. come back with a plan and recommendations of what they feel they can do.

Chairman DeGabriele recommended voting to authorize Ms. Schloss to issue an Enforcement Order, and determine when to issue it. Commissioner Tanner stated they could just evaluate this at the March 9 Commission meeting.

*On a motion made by Commissioner Reilly, seconded by Commissioner Dowd, the Commission voted 5-0-0 to authorize Ms. Schloss to prepare an Enforcement Order to address compliance issues discussed this evening.*

*On a motion made by Commissioner Reilly, seconded by Commissioner Tanner, the Commission voted 5-0-0 to table issues for Partial Certificate of Compliance.*

### **Other Business**

Ms. Schloss stated the Herring Run pool will be cleaned tomorrow. Funding will be used from mitigation provided by the MWRA eight years ago. She stated the DPW will be doing the work.

Chairman DeGabriele asked about the status of Alexan at Arbor Hill. Ms. Schloss stated on the east side there is a sediment basin taking the runoff before it is discharged to the wetland. The size is not adequate and is discharging turbid water to the wetland during heavy rain events. She discussed this with Mr. Erickson and would like to have their engineer address this and come up with a plan. Commissioner Tanner asked her to call tomorrow and state that the Commission is concerned about addressing this right away. Chairman DeGabriele recommended issuing an



order stating they need to have an engineering analysis of this situation. He stated they have already received a Notice of Violation and issuing an order enforces that this is a serious situation. Ms. Schloss agreed with this recommendation. She stated there are some buffer zones to resource areas that were not flagged on the west side and she will be sending them a letter.

*On a motion made by Commissioner Reilly, seconded by Commissioner Loring, the Commission voted 5-0-0 to authorize Ms. Schloss to issue an Order of Enforcement for Alexan at Arbor Hill regarding the stormwater problem.*

### **Conservation Report**

Ms. Schloss announced they are receiving \$100,000 from the state for Whitman's Pond. Representative Jamie Murphy indicated they should hear from DCR next week. She stated this is for the long-term care of Whitman's Pond. This will be discussed with the Mayor and will probably be focused on the weed problem.

### **Adjournment:**

*On a motion made by Commissioner Loring, seconded by Commissioner Dowd, the Commission voted 5-0-0 to adjourn at 10:20 p.m.*

Respectfully submitted by,

Patricia McDonnell  
Recording Secretary

Approved by:

  
Scott Dowd, Clerk

05/25/16  
Date