

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

**Wednesday, March 9, 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 March 9, 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 January 13, 2016 were reviewed. Chairman DeGabriele made two amendments.

*On a motion made by Commissioner Reilly, seconded by Commissioner Dowd, the Commission voted 4-0-1 to approve the minutes from the January 13, 2016 meeting as amended (Commissioner Loring abstained).*

**38 Greenwood Avenue, Request for Modification**

**Aldon Electric**

**Map 25, Block 335, Lot 5**

**DEP File #81-1156**

***Storage Building***

Greg Tansey addressed the Commission. He stated they would like to modify an existing Order of Conditions. They are expanding the building six feet toward the existing building, and will not be any closer to the wetland. There is a long-term operational benefit, as the extra square footage will help the operation run more efficiently and smoothly, and will keep the yard in a more neat and orderly condition with everything under a closed roof. The plan still complies with DEP regulations. He stated they would like a letter from the Commission stating all the conditions would remain in effect, with the exception that the structure be allowed to expand as referenced in the current plan.

Ms. Schloss stated she is comfortable with this plan.

*On a motion made by Commissioner Tanner, seconded by Commissioner Reilly, the Commission voted 5-0-0 to issue a Modification for 38 Greenwood Avenue.*

**1294 Washington Street, Request for Certificate of Compliance****Steve Zeboski****Map 35, Block 407, Lot 36 & Block 408, Lot 12****DEP File #81-1116*****3-lot Multi-Family Subdivision***

Shawn Hardy, Engineer, and Steve Zeboski addressed the Commission. Mr. Hardy stated the site has been built, the drainage is in place, and the houses are built. Final pavement and lawn areas have not been completed. He stated the subsurface chamber layout is different than proposed and this was discussed with Ms. Schloss and the DPW. They encountered ledge during construction and this created spacing between the chambers, causing the chamber to increase by seven feet and be situated closer to the resource area. Also, during construction a catch basin and piping to handle the paved area adjacent to #1300 Washington Street was not installed due to error by the contractor.

Mr. Hardy visited the site after a February rain storm and the runoff tends to collect on the unpaved area in front of #1300 Washington Street. He calculated that slightly under 25% is not going to the infiltration system at the rear of the property. He asked if the 80% can be achieved in the small lawn area rather than digging up the parking lot and installing the catch basin and piping. He acknowledged something has to be done to ensure the TSS removal. Commissioner Tanner asked if the area has been tested to see if there is ledge in the grass area. Mr. Hardy stated he is comfortable they will get an area to achieve this. Commissioner Tanner asked how they will rectify the top if they remove 8 inches and hit something hard. Mr. Hardy stated if they do a properly sized forebay it will only be a half inch of rainfall volume and would only have to be a couple of inches deep.

Ms. Schloss stated she would want a proposal in writing. Mr. Hardy stated he envisions a grass swale. Ms. Schloss stated she would want more information and she would have to look at the stormwater management standards to look at the average.

Chairman DeGabriele stated he is troubled that the catch basin was not installed. He stated the Commission approved that design and he thinks they should install what the Commission approved originally. Commissioner Dowd agreed that the catch basin should be installed. Chairman DeGabriele stated the water was supposed to be directed back to the chamber system and not go out onto Washington Street. He stated they expect what was approved is what should be built and if they propose something else he would not support it. Commissioner Loring asked if the parking area is higher than the street. Mr. Hardy responded it is, and is sloped off to the side so there is no excess water going to Washington Street. Commissioner Loring stated the catch basin was important to keep water from Washington Street. Commissioner Tanner asked where the catch basin will drain to. Chairman DeGabriele stated to the rear of the property. Commissioner Tanner asked how long the pipe from the catch basin would be. Mr. Hardy stated 50 to 60 feet. Commissioner Reilly suggested they go back to see what they can do to comply with the original plan and if not feasible come back with an alternate plan.

Mr. Hardy asked if they can get a Partial Certificate of Compliance, since this is technically three lots. Ms. Schloss stated they would have to know if the two lots are in compliance with the Order of Conditions. Mr. Hardy asked whether they could get occupancy on the back left house.

Ms. Schloss stated there are some outstanding items needed and they could issue a Partial Certificate of Compliance for that one lot. She stated she has confusion on lot numbers and needs to match up the addresses with the actual parcel numbers as they exist. She stated they would need deed information.

Mr. Hardy stated this property never changed hands, a subdivision plan was filed with the Registry of Deeds because nothing was sold by Mr. Zeboski, so he still owns the whole thing. Ms. Schloss stated the as built plan does not show the 100 foot buffer or wetland flags, and the grass has not taken and they would want that stabilized. Mr. Hardy asked if they could just allow occupancy without issuing a Partial Certificate of Compliance. Commissioner Reilly asked if they could come back in a month with more information before the Commission makes a decision. Chairman DeGabriele stated it would be cleaner if they table this for a month when they might be in a better condition to make a decision. The Commission was in agreement to allow occupancy of 1296 Washington Street and not issue a Partial Certificate of Compliance.

Commissioner Tanner asked if the Building Inspector will provide an occupancy permit without a Partial Certificate of Compliance. Ms. Schloss responded that he would.

*On a motion made by Commissioner Tanner, seconded by Commissioner Reilly, the Commission voted 5-0-0 to authorize Ms. Schloss to sign an occupancy permit for 1296 Washington Street.*

Chairman DeGabriele stated he reviewed the draft Operation and Maintenance statement which was not very clear. He stated he would like the plan to be more detailed. Mr. Hardy stated there was an Operations and Maintenance plan that was approved and they will work together and clarify this document.

### **1119 Front Street, Notice of Intent, Continued Public Hearing**

**Thomas Nutley**

**Map 41, Block 489, Lot 7**

**DEP File #81-1169**

***3-Lot Multi-Family Subdivision***

Frederick Geisel of Civil Environmental Consultants addressed the Commission. Also present was Thomas Nutley. Mr. Geisel reviewed the original plan submittal. He stated the Commission has received copies of these plans. He stated the wetland locations have been staked, as was noted on the site visit. Ms. Schloss had asked them to refresh the wetlands flags, which has been done. He stated they re-delineated wetlands on the southern portion of the property as the flags had not been established. One flag was moved nine feet closer to the property, creating a new 25 foot and 100 foot buffer zone for the property. This required them to angle their wall to keep it out of the 25-foot no-disturb zone.

Mr. Geisel stated they have revised the outlet structure beyond the 25 foot no disturb zone with a riprap area in order to fully drain the detention area. They revised the location of the area drain and added an easement at 1109 Front Street and have removed snow storage areas from within the 100 foot buffer zone. He stated the Planning Board requires that snow from anything more than a four inch snow storm has to be removed from the site. The detention pond will be seeded with Pearls Ultra Low Maintenance seed. This only needs to be mowed once or twice a year at

the most, covers well and needs no maintenance. They have added detail for emergency overflow for the detention pond. Catch basins will be cleaned twice a year minimum. The area drain at the neighbor's property will also be pumped and they have an easement to allow them to maintain this. The homeowners association will be responsible for all the maintenance, mowing all grass, maintaining the plantings on the property, snow plowing, and overall maintenance of the stormwater facilities.

Mr. Geisel stated he requested a waiver from the five foot relief from the 25 foot no disturb zone for any incidental disturbance of the area.

Chairman DeGabriele stated the site visit was helpful. He stated the revisions to the plan all make sense. He asked if the actual request for the temporary waiver language needs to be clarified. Mr. Geisel stated this is for the siltation fence in this area. There might be disturbance in pulling out vegetation when installing the wall, but the wall will be outside the no-disturb area. Chairman DeGabriele asked if there should be signs in the cul-de-sac area that say no dumping of snow. Mr. Geisel stated he has signs for another project that say no dumping of snow, grass clippings, leaves etc. subject to fine. Chairman DeGabriele stated the snow removal restriction should be in the homeowner association documents. Mr. Geisel stated the Order of Conditions are in perpetuity and would be included in the homeowner association's documentation.

Commissioner Loring asked about the drainage at 1109 Front Street and whether there is a contingency if that does not work as designed and the neighbor gets water in his garage or basement. Mr. Geisel stated they surveyed the property and they set their grade a half foot lower than his grade so water would run around the garage. There will have to be minor regrading done to get everything to flow. He stated there is an easement and they are maintaining it so he does not feel it will not flow. Commissioner Loring stated he wanted to go on record as having a concern.

Ms. Schloss asked if it makes sense to have the fence on the wall high enough that it cannot be dumped over. Mr. Geisel stated this is a split rail fence. Chairman DeGabriele felt the height was fine and that signage would be adequate. Ms. Schloss asked about the grading in the snow storage area and where the water is flowing. Mr. Geisel stated the elevation of the property line is 152 and the water from melting will go to the detention pond. Ms. Schloss stated DEP standards call for storage of snow on a paved surface, but this area is outside the Commission's jurisdiction.

Ms. Schloss recommended putting into the order a planting plan. She stated her main concern is knowing the homeowners association is aware of what to do. She asked that a probable yearly cost estimate be include in the homeowners association documents.

Chairman DeGabriele opened the hearing up for public comment.

Victor Bernan of 1109 Front Street stated he hopes the proposed drainage will work, and if it does not work they will have to come back.

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

Ms. Schloss outlined the conditions, which include a waiver for temporary relief, signs, and providing species and proposed density for plants in areas disturbed. A new Operation and Maintenance plan 30 days prior to the request for Certificate of Compliance is required. The Commission should receive a copy of the homeowner association documents. She stated she would like notification at the time they install the Stormceptor.

*On a motion made by Commissioner Dowd, seconded by Commissioner Loring, the Commission voted 5-0-0 to issue an Order of Conditions, with general conditions and special conditions discussed this evening.*

*On a motion made by Commissioner Reilly, seconded by Commissioner Loring, the Commission voted 5-0-0 to issue a waiver to allow a five foot temporary construction limit of work zone within the 25-foot no-disturb area.*

**Weathervane Golf Course Development & the Village at Weathervane,  
Request for Extension of Order of Conditions, Public Hearing  
Bristol Brothers. Development Corp.  
Off Weathervane Drive  
Map 51, Blocks 535, 574, 576  
DEP File #81-756 & 81-963**

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

Carl Erickson provided abutter notices. Also present were Steve McCarthy, James Bristol, and Mike West.

Mr. Erickson stated they would like to extend the Order of Conditions so they can complete some unfinished work. Chairman DeGabriele asked if they anticipate being done by the end of the year if the extension is granted. James Bristol stated they should be close, as the steel is on the way for the clubhouse.

*On a motion made by Commissioner Reilly, seconded by Commissioner Tanner, 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 one year extension of the Order of Conditions from March 24, 2016 to March 24, 2017.*

**Weathervane Golf Course Development & the Village at Weathervane  
Status of Compliance with 7/31/2013 Enforcement Order  
Review of Draft Enforcement Order to be Issued  
DEP File #81-756 & 81-963**

Chairman DeGabriele stated a draft enforcement order has been created and the intent is to set out a timeframe and deliverables for items not addressed. Ms. Schloss stated a timeline of

deliverables has been provided to the Commission. Chairman DeGabriele stated there are five pages of items being ordered and he could provide time for the Commissioners to read them and make comments. He stated he is ready to move forward at this point. Time was given for the Commission to review the information.

Commissioner Tanner asked if there is a timetable that cannot be reached by Bristol Brothers. Carl Erickson stated the largest item is the offsite mitigation. They will be doing a site walk on March 18. He stated if they can meet their deliverables they are anxious to move this forward. Commissioner Reilly asked if there is anything in the order that is insurmountable to meet. Mr. Erickson stated they would ask for a couple of subtle changes. He stated he would like to conduct the monitoring of the existing planting with the superintendent, rather than using an outside consultant. Ms. Schloss stated that this should be fine.

Mr. Erickson stated they are going to flag the area of encroachment at Ben Hogan, along with Ms. Schloss. They would like to relocate roof drains, rather than remove them. Ms. Schloss stated she was fine with this option. Mr. Erickson asked if documents that are to be routed to town departments, boards, and community groups could be sent to the Commission, who would then be responsible for forwarding these documents.

Mr. Erickson stated the language regarding the diversion to irrigation pond four changed quite a bit from what had been discussed earlier. They would like to put a partial cap on it and some flow would go to the irrigation pond. He would still confirm elevations but would like to catch some of the peak flow. Chairman DeGabriele stated the issue is the downgradient resource area being water starved. He stated the full capping was intended to be a temporary measure until they could have a third party review and get a better understanding of the entire system. Ms. Schloss stated she does not understand how much water is not getting into the wetland. Chairman DeGabriele stated they want to take a system-wide view of what is going on there. He stated in the interim water was being diverted and they will not allow that diversion until they have a better understanding of the system by retaining a third party.

Mr. Erickson provided an overview of the overall plan.

James Bristol stated the main concern is the quality of the wetlands. He stated that if Don Schall provided an opinion on the condition of the wetland and whether it is thriving or starving, they would be happy to cap it if that was the recommendation. Chairman DeGabriele stated it would be fine if they want to submit additional information about the wetland and the impact with diversion and recommendations on how it should be operating on a permanent basis. Ms. Schloss stated it would be useful to have an explanation of why the water was diverted, as they never got a good description of this deviation.

Regarding the Enforcement Order discussion of off-site mitigation, Mr. Erickson stated they mutually dropped pursuing the trail behind the Ralph Talbot School because of long-term maintenance issues. Ms. Schloss stated if he has language he is more comfortable with he can submit it to her.

Commissioner Tanner stated he is not prepared to vote this evening. Ms. Schloss asked if they waited on the vote could they still move forward on the dates provided between now and the next

meeting. Commissioner Reilly stated since Bristol Brothers is willing to move forward, he would move to table this until the next meeting, with the understanding they will move forward and hit the target dates.

*On a motion made by Commissioner Reilly, seconded by Commissioner Tanner, the Commission voted 5-0-0 to table this until the next Commission meeting, with the understanding that Bristol Brothers will move forward and hit the target dates.*

### **Alexan at Arbor Hill**

#### **Bristol Brothers Development**

- **Ratification of Enforcement Order Re: Construction Period Stormwater Management**
- **Discussion of Response to Enforcement Order**

**Block 467, Lots 2 & 3; Block 469, Lots 2,21,22,23**

**DEP File #81-1046**

*Multifamily Development Off Burkhall Street*

John Perry of Gale Associates addressed the Commission. Present with him was Steve McCarthy. Mr. Perry stated they were given an Enforcement Order regarding sediment. They issued a letter last week and met on site with Ms. Schloss today.

Chairman DeGabriele read from the Enforcement Order. He stated he wanted to be clear about what the order required and to go on record that the response that was received from Gale Engineering was both inconsistent, inaccurate, and deficient in responding to the order. He stated there are many inaccuracies and deficiencies in the submittal. He stated he wants to be on record saying that Bristol Brothers did not comply fully with the March 1 order and the Commission is considering a second order. He emphasized the purpose of the first order was concern about significant opportunity for turbidity to go into the resource area as a result of inadequate controls at the facility. He stated the compliance date has passed and they have to contemplate a second order to do the things that should have been done in response to the first submittal. He stated he is frustrated at how many times the Commission has had to address the onsite conditions at this site.

Mr. Perry stated that after the site visit today he will acknowledge that the letter could be revised. He stated they did discuss capacity of the basin, and measures that could be implemented. Mr. Perry provided some photos from the site to help to visualize the area. He stated the capacity of basin 7 is larger than required and they feel it is not a capacity issue, but a sedimentation issue. He stated they propose to stabilize the construction road, and there are pocket areas on the site that were created and they propose maintaining those and as construction progresses build those pocket areas as well. He stated a lot of ledge is being exposed and soil is being moved and stockpiled and as they get to the cleaner ledge the soil will be less silty, which should help improve the situation.

Chairman DeGabriele stated the basin is supposed to be twice as long as wide, and this one is not. Mr. Perry stated beyond the slope they installed a drop manhole to reduce velocity and installed a plunge pool and excavated material out, put crushed stone and riprap on top with two rolls of composite filter sock and hay bales.

Chairman DeGabriele stated the report indicated the drainage system was clogged. Mr. Perry stated this apparently is not the case and the outlet fabric is functioning well. He proposed putting in a floating outlet to drain water from the top. He stated there is a pump on a buoy now. He stated based on grades you cannot have a gravity fed system.

Chairman DeGabriele asked what rain event this system can hold prior to discharge. Mr. Perry stated a 2 inch rain event from the top of the sump to the top of the basin. Below the sump it can handle additional. Chairman DeGabriele stated the Commission requested that it be designed to handle reasonably foreseeable rain events. He stated in the spring and fall they can have greater than 2 inch rain events. He asked if it will overflow. Mr. Perry stated in recent high rain events the system handled this. He stated with a 100 year storm event they could have overflow.

Chairman DeGabriele expressed frustration that they did not come in to the Commission to tell them this is not functioning and that it was left up to the Commission to issue an order. He stated he hopes they will get enough information to know what to anticipate from the system with certain rain events. Chairman DeGabriele stated there is a stormwater pipe from the paved area which discharges fairly clean water over soil and puts turbid water into the basin. Mr. Perry stated this was discussed today and they were hoping to try to isolate that in its own settling area and pump the clean water. He stated they may have to move that pipe to where the Downstream Defender until will be installed as construction progresses.

Chairman DeGabriele stated the remedy for noncompliance is to bring forward alternative proposals. He asked for something in writing that the Commission can look at and understand and try to set some milestones to get this system in better shape. He stated if this does overflow it is another direct environmental violation and warrants a penalty. He stated the goal is to fix the system so it works, but it has to be done soon. Mr. Perry stated the difficult part is there is no prescribed measure to quantify turbidity.

Chairman DeGabriele stated it is Gale Engineering's responsibility to provide the Commission with information on how the system is going to work. He stated otherwise they are asking the Commission to say this might work or it might not work. He stated the only other option they have is to say Bristol Brothers is going to have to hire a third party engineer. He stated it is time to do better and he expects Gale Engineering and Bristol Brothers to come in with a representation of how this system is going to work. He proposed Gale Engineering put something in writing as soon as possible. He stated they are in noncompliance with the order at this point.

Ms. Schloss stated the Commission needs to vote to ratify the original order. She would like to approve some of these measures so they can begin as soon as possible.

*On a motion made by Commissioner Loring, seconded by Commissioner Dowd, the Commission voted 5-0-0 to ratify the Enforcement Order issued February 2016.*

### **Other Business**

Ms. Schloss stated she will schedule a discussion of the outstanding Orders of Condition for the next meeting. Chairman DeGabriele stated once a quarter is fine for this discussion.



## Conservation Report

Ms. Schloss stated the Commission cannot use the Council Chambers for the second meeting in April, or in May and June. She did schedule McCullough, but the meeting will have to start at 6:00 p.m. She stated they may need another location for May 11 and asked if the Commission would like to try Fogg Library. The Commission was in agreement with this suggestion. Commissioner Tanner suggested trying to get Fogg Library for all three meetings.

Ms. Schloss asked if they would like to schedule the Algonquin Gas discussion for the April 13 Commission meeting. Commissioner Reilly stated they should use the auditorium at East Junior High School for the Algonquin Gas meeting due to the expected audience size. Ms. Schloss asked if the Commission would like to schedule a separate meeting for that agenda item. She stated she could look at getting Abigail Adams School for the next two meetings. Commissioner Dowd stated this meeting is only symbolic, as the Commission does not have any say in this project. Ms. Schloss stated the local government can provide comments but it is a federal project. Discussion was held on how to handle the Algonquin gas meeting, relative to their scope of responsibility. Commissioner Tanner suggested touching base with the town on what to do to get ready for the next meeting. Chairman DeGabriele stated if they do anticipate a crowd they should schedule a special meeting. Ms. Schloss stated she is waiting for legal counsel to provide information in order to schedule the Algonquin meeting. April 13 is the next scheduled Commission meeting, and then April 27 could be reserved for Algonquin Gas.

Ms. Schloss announced that Southfield has come up with two potential rezoning proposals to rezone part of their land to R1, allowing the construction of single family homes at the end of White Street to create a cul-de-sac.

Ms. Schloss stated MACC has a wetland brochure which can be handed out to people and for \$15.00 they will provide 100 brochures. She requested authorization to purchase these brochures.

*On a motion made by Commissioner Reilly, seconded by Commissioner Tanner, the Commission voted 5-0-0 to approve the purchase of MACC brochures.*

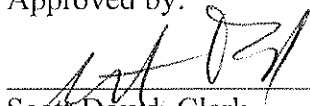
### Adjournment:

*On a motion made by Commissioner Loring, seconded by Commissioner Dowd, the Commission voted 5-0-0 to adjourn at 10:00 p.m.*

Respectfully submitted by,

Patricia McDonnell  
Recording Secretary

Approved by:

  
Scott Dowd, Clerk

  
Date