

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

**Wednesday, May 11, 2016, 6:00 p.m.
Fogg Branch Library, Room 1, 1 Columbian Square, Weymouth, MA**

Present: Steve DeGabriele, Chairman
Tom Tanner, Vice Chairman
George Loring, Commissioner
John Reilly, Commissioner

Not Present: Scott Dowd, Commissioner and Clerk

Also Present: Mary Ellen Schloss, Conservation Administrator

Chairman DeGabriele called the May 11, 2016 Commission meeting to order at 6:00 p.m. in Room 1, Fogg Branch Library, 1 Columbian Square, Weymouth, MA.

Approval of Minutes:

The minutes of March 9, 2016 were reviewed.

On a motion made by Commissioner Tanner, seconded by Commissioner Reilly, the Commission voted 4-0-0 to approve the March 9, 2016 minutes.

Both the February 10 and March 9, 2016 minutes were tabled until the next meeting, as Commissioner (Clerk) Dowd was not present for signature.

363 Neck Street, Request for Minor Modification

Patricia Sullivan

Map 5, Block 13, Lot 21

DEP File #81-1136

Replace pool and retaining wall with patio

Patricia Sullivan addressed the Commission. She stated they would like to modify an existing Order of Conditions by eliminating the pool and retaining wall and now only want to level part of the yard for a patio. She said they will be using pea stone under the deck and as a border at the back of the patio. The only other change is to go past the wall, into the 25-foot buffer, by about 5 feet, to lessen the steep slope.

Ms. Sullivan told the Commission that when the Town of Weymouth put in a nearby sewer they left piles of asphalt behind and she has someone who will hand-dig it out, instead of using an excavator.

Cmmr. DeGabriele asked if the lawn extends into the wetland. Ms. Schloss replied that it does.

Cmmr. DeGabriele explained to the applicant that, if they decide to do some plantings, any plantings along the edge of the lawn would help to mark the wetland. He added that this is a request and not a requirement.

Cmmrs. Tanner and DeGabriele stated that removing the asphalt would be a big plus.

On a motion made by Commissioner Tanner, seconded by Commissioner Reilly, the Commission voted 4-0-0 to approve the Minor Modification for 363 Neck Street.

1294-1300 Washington Street, Request for Minor Modification

Steve Zeboski

Map 35, Block 407, Lot 36, 72 & 73 (formerly Block 407, Lot 36 & Block 408, Lot 12)

DEP File #81-1116

Stormwater design modification 1300 Washington Street

Shawn Hardy, Engineer, and applicant Steve Zeboski appeared before the Commission. Mr. Hardy told the Commission that a catch basin in the parking lot at 1300 Washington St. had been inadvertently omitted. He said there is a pipe there, but it is higher than the driveway elevation. He explained that they did a test pit next to the parking area at #1300 and found that they could site a small detention basin here to treat the paved area. Fill would have to be removed down to 3 ½ feet; they will put back some sandy material on top of that. He also said that detention basin is sized for the water quality volume, to meet recharge volume requirement, and also meets total suspended solids (TSS) removal for the site, which means all impervious areas are being treated. The driveway stormwater will be going to this detention basin. It is 400 sq. feet of land area and only .5 feet deep, so it receives only small flows. It will just need mowing as part of regular maintenance.

Ms. Schloss said Jay Donovan, Weymouth Engineering, said the changes seem reasonable and straight forward, he recommended they put some rip-rap at the forebay entrance and at the outlet to eliminate any chance of erosion.

Mr. Hardy said he knows it needs to be mowed twice before they can request a Certificate of Compliance (COC). He said he can probably drop off a plan to the office "next week".

On a motion made by Commissioner Tanner, seconded by Commissioner Reilly, the Commission voted 4-0-0 to approve the Minor Modification for 1296-1300 Washington Street, subject to receipt of a revised plan.

Mr. Zeboski asked if people can move in now instead of waiting two months.

Cmmr. DeGabriele said he is comfortable issuing a Partial Occupancy Permit.

Ms. Schloss said they can get a temporary Certificate of Occupancy from the Building Dept. and then can apply for a Final COC when the work is all done.

Meredith Woods - Request for Extension of Order of Conditions, Public Hearing
Meredith Woods, LLC
Map 21, Blocks 284, Lot 4 & 28-37 and Block 285, Lots 3 & 129-142
DEP File #81-1025
21-lot subdivision with 17.6 acres of open space

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

Carl Erickson of Bristol Brothers Development and Steve McCarthy of J.F. Price Co. were present.

Mr. Erickson gave an update of the project:

- He said on May 9th, he and Ms. Schloss did a site walk focusing on mitigation plantings and the overall drainage system and they provided a year-end environmental report. The environmental monitor continues to inspect the buffer plantings and continues to remove and chemically treat the knotweed from the backs of Lots 16, 17 and 18. He said there was less knotweed there than before and they seem to be making progress with it. They plan on doing another treatment at the end of May.
- Regarding the drainage he said they are continuing to use the silt sacks to capture sediment, the recommended eliminator hoods have been installed on 4 of the 6 catch basins and the remaining two will be installed in a week or so. They continue to place berms around the catch basins to direct water into them.
- Forebay: they have removed some sediment and aerated the basin area as recommended by the consultants to maintain infiltration characteristics.
- Lots 1-4: the gentle swale in the rear is still functioning as intended.
- Open Space: the Planning Board recommended that they *not* do a deed, so they will probably do a Conservation Restriction in perpetuity instead.

Mr. Erickson asked for one year extension of the Order of Conditions (OOC).

Ms. Schloss said there have been some neighbors dumping yard waste in back; Mr. Erickson said he will do a general “no dumping” notice.

Ms. Schloss also asked about a hose draining into the forebay; Mr. Erickson said he would speak to the homeowner at Lot 7.

Ms. Schloss said she thinks more plantings are necessary and a plant count is needed.

Mr. Erickson said the environmental monitor's May 3rd report will be emailed. He added that the environmental monitor said more seeding is needed on the 17 and 18 area. He said a plant count can probably be done within two weeks.

Cmmr. DeGabriele said a current conditions report is needed along with a recommendation for additional plantings.

Ms. Schloss recommended the extension.

There were no public comments.

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

On a motion made by Commissioner Reilly, seconded by Commissioner Tanner, the Commission voted 4-0-0 to issue a one year extension of the Order of Conditions with a cover letter and punch list.

798 Middle Street, Request for Determination of Applicability - Public Hearing

Jan Hanzl

Map 33, Block 430, Lot 8

Addition to single-family home

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

Ms. Schloss told the Commission she did a site visit. She received the white abutter notification slips, but not the green cards as none have been received yet, per Mr. Hanzl.

Mr. Hanzl addressed the Commission saying there is already a one-story addition behind his house. He wants to tear down a 3-season porch and put in a 4 ft. foundation. He wants to build a 14.5x22' addition. He said there will be a master bedroom and master bath on the first floor and an in-law apartment in the basement.

Cmmr. DeGabriele said he understood that the wetlands delineation and some of the current grass area extends into the wetlands and the plan shows hay bales inside the 25-foot no-disturb, explaining that encroachment into the wetland can't be allowed. He told the applicant the hay bales could be moved closer to the house. He then asked what would become of the excavated soil. Mr. Hanzl replied it would be removed from the site.

Ms. Schloss said that David Gorden, Wetland Scientist, said he can put together a proposed planting plan that would straddle the wetland line, if the applicant is willing. Cmmr. DeGabriele said the plantings could be pulled back a little to protect the buffer area.

Mr. Hanzl said he would submit a planting plan. It was suggested it be received before construction begins so the Commission will know where the hay bales will be situated.

Ms. Schloss told Mr. Hanzl that it would be a good idea to move the erosion controls up to the downgradient/wetland side of the concrete block wall, from end to end.

There were no public comments.

Ms. Schloss told Mr. Hanzl that the Determination of Applicability (DOA) will be issued after receipt of the planting plan.

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

On a motion made by Commissioner Tanner, seconded by Commissioner Reilly, the Commission voted 4-0-0 to issue a Determination of Applicability after receipt of the planting plan.

Ms. Schloss added that if the planting plan is received within three weeks it can be referred to in the DOA.

All-Make Auto Care – Violation Hearing
11 Water Street
Marian Dorosz, MD Auto Repair LLC
Map 23, Block 306, Lot 9
Discharge of hazardous materials to Herring Brook

Cmmr. Loring stated that he is friends with Mr. Dorosz and that he would participate in deliberations and remain impartial.

Appearing before the Commission were owner, Marian Dorosz, and Atty. Kevin Burke of Hingham.

Ms. Schloss explained that she was contacted by Matt Brennan of the Weymouth Health Dept. on April 29th. He told her that there had been a neighbor complaint that some anti-freeze had leaked onto the parking lot from a car left overnight and, when discovered, was washed off the site by an employee. Ms. Schloss said the anti-freeze was washed under the dumpster and into the Herring Run, then Speedy Dry was applied. She said she did a site walk with Dan McCormack, Health Dept. Director, Mr. Dorosz and Atty. Burke on May 9th. She noted that there is an open grate between All-Make and the Weymouth Housing Authority. She also said that anything that flows from the site into the street goes into a catch basin and then into the Herring Run.

Cmmr. DeGabriele explained the Commission's interest is in the potential pathways for pollutants to get into this very sensitive environment.

Atty. Burke opened his comments by stating he wanted to make sure that this is a civil violation. Cmmr. DeGabriele said he is primarily concerned with solutions.

Atty. Burke began by saying that Mr. Dorosz had been at that location 22 years and this is the first time he is aware that he has been before the Commission for any violation. He said Mr. Dorosz respects the Herring Run. He explained it is a motor vehicle and truck repair shop that has a drainage system with an oil separator that was tested and cleaned a few years ago for the purpose of separating oils – at a cost of \$4,000. He added that spills of any magnitude are taken care of with Speedy Dry and disposable, oil absorbent pads.

Atty. Burke told the Commission that ‘no one in this room’ was at the shop on April 29th when the fluid (he said they are not certain what type of the fluid) was flowing outside the building. He said they do use a bio-degradable product that is green, and so they did not know if the spilled material was anti-freeze.

Cmmr. DeGabriele asked if they store virgin or waste oils. Atty. Burke said virgin oils are in drums kept outside; waste oil space heater has been purchased to heat the building and, per Mr. Dorosz, Clean Harbors picks up what can’t be burned. He said nothing is stored outside.

Mr. Dorosz confirmed that the waste oil space heater has a DEP permit.

Atty. Burke said they are proposing for future spills:

- Retrain employees and prepare an instructional guide for spills.
- Keep an instruction guide near key areas where materials might leak.
- Build a 4”- 6” berm to prevent spill run off into the Herring Run.

Regarding the open grate, it is actually on Housing Authority property so it was decided that the Housing Authority will be contacted to get their permission for a berm to be built around the grate; All-Make Auto has offered to pay for it.

It was agreed a temporary berm is not needed prior to the installation of the final berm (after the fish have stopped running).

Cmmr. DeGabriele instructed Mr. Dorosz to contact Ms. Schloss when the employee training is done and to provide the Commission with a copy of the training guide. Atty. Burke offered to provide a preliminary draft to the administrator for comments.

Cmmr. DeGabriele suggested the information gathered at this evening’s Violation Hearing be put in writing for purpose of memorializing the proceedings.

On a motion made by Commissioner Tanner, seconded by Commissioner Reilly, the Commission voted 4-0-0 to proceed as noted.

Other Business

Alexan at Arbor Hill Update

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

DEP File #81-1046

Multifamily Development off Burkhall Street

Appearing before the Commission were Carl Erickson of Bristol Bros. Development and Steve McCarthy of J.F. Price Company.

Mr. Erickson said they are continuing to manage the site:

- The blasting work is starting and will help to create natural filtering of runoff.
- They will pull back the discharge pipe from Wisteria Point.
- They need to start blasting to get the sloping they need to add 10,500 cu. ft. in storage volume so, along with storage they had before, it will handle a 2.5" rain event.

Mr. McCarthy said the water is running really clear; Cmmr. DeGabriele added that the week's rain was light and accumulated over time.

Ms. Schloss asked what is temporary, and what is permanent (change in design).

Mr. McCarthy said the wall is temporary right now, but could work well permanently. Mr. Erickson added that it is needed now for volume storage.

Cmmr. DeGabriele stated as long as it's understood it is temporary; Mr. Erickson said they would make a formal request if they prefer to keep it permanently.

Mr. Erickson said he will provide the construction sequence and operational parameters/procedures and Gale Assoc. will give a statement on the capacity of the system. It was also agreed to provide procedures for dealing with a rain event greater than 2.5" and information on the side slope stabilization "probably next week".

Cmmr. DeGabriele said this will be put on the June 8th agenda and requested that the engineer also be present.

Spectra Pennsylvania Explosion

Cmmr. Reilly spoke about the recent explosion and asked about the 30-60 minutes it takes for monitoring from Houston. Cmmr. DeGabriele asked that Spectra be informed that they need to be prepared to discuss both matters at the May 25th meeting.

129 Fort Point Road

Ms. Schloss informed the Commission that when an old file was being reviewed it was determined that what should have been a Complete Certificate of Compliance was issued as a "Partial". The Commission agreed to sign the corrected COC.

Herring Update

Cmmr. Loring said that, fortunately, the herring stopped running during the All-Make spill. He said close to 250,000 herring have come up the ladders so far and remarked that a river otter was spotted behind Niko's Restaurant.

Algonquin Public comments

Ms. Schloss told the Commissioners that copies of public comments received, regarding the compressor station, are being emailed to Rick Paquette, TRC.

Conservation Report

9 Oliver Road

Ms. Schloss reported that there is going to be a tear-down and rebuild of a single family home coming before Con Comm. She said there is 25-foot buffer zone that is overgrown and she is putting a memo together for the Zoning Board of Appeals.


Adjournment:

On a motion made by Commissioner Loring, seconded by Commissioner Reilly, the Commission voted 4-0-0 to adjourn at 8:30 p.m.

Respectfully submitted by,

Patricia Fitzgerald
Recording Secretary

Approved by:



Scott Dowd, Clerk

08/17/16
Date