

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

**Wednesday, July 13, 2016, 6:30 p.m.
Council Chambers, Town Hall, 75 Middle St., Weymouth, MA**

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

Also Present: Mary Ellen Schloss, Conservation Administrator

Chairman DeGabriele called the July 13, 2016 Commission meeting to order at 6:30 p.m. in Council Chambers at Town Hall, 75 Middle Street, Weymouth, MA.

Approval of Minutes:

The minutes of April 6 and May 25, 2016 were reviewed. Chairman DeGabriele recommended some wording changes on both sets of minutes.

On a motion made by Cmmr. Tanner, seconded by Cmmr. Reilly, the Commission voted 5-0-0 to approve the minutes from the April 6 and May 25, 2016 meetings, as amended.

Alexan at Arbor Hill - Discussion

Bristol Brothers Development Corp.

Discussion of Response to Enforcement Order

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

DEP File # 81-1046

Construction-period stormwater management (Response to Enforcement Order)

The applicant requested a continuance to the August 17th meeting.

On a motion made by Cmmr. Tanner, seconded by Cmmr. Reilly, the Commission voted 5-0-0 to continue the discussion to Aug. 17, 2016.

100 Essex Street, Request for Extension of Order of Conditions, Public Hearing

William Kosonen

Map 25, Block 331 Lot 2

DEP File # 81-1124

Regrading, construction of retaining wall, driveway expansion

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

Ms. Schloss said she was in receipt of the abutter notices.

Mr. Kosonen told the Commission he fully intends to finish the project within the one-year extension period.

There were no public comments or questions.

On a motion made by Cmmr. Loring, seconded by Cmmr. Dowd, the Commission voted 5-0-0 to close the public hearing.

On a motion made by Cmmr. Loring, seconded by Cmmr. Tanner, the Commission voted 5-0-0 to approve the OOC Extension.

97 Evans Street – Request for a Determination of Applicability, Public Hearing

Mark Lonergan & Carla Myers

Map 6, Block 76, Lot 12

Reconstruction of retaining walls, regrading within Riverfront Area

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

Mr. Lonergan turned in the abutter cards. He told the Commission he is rehabilitating his back yard. He is removing a chain-link fence and a shed, replacing two retaining walls, removing one stockade fence, replacing another stockade fence, and has some regrading and replanting to do.

Mr. Lonergan said that, after its removal, nothing will be going where the shed is now and the height of the new fence will be less than 6 feet (the same as there presently). They will be stabilizing the area this fall.

Public Comments:

Karl Wood of 101 Evans Street asked about the chain-link fence between his and the applicants' properties and was told it wasn't being removed.

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

On a motion made by Cmmr. Tanner, seconded by Cmmr. Reilly, the Commission voted 5-0-0 to issue a Negative 2 Determination.

Town of Weymouth, Great Esker Trail Extension to Wharf St. – Notice of Intent, Public Hearing

87 Wharf Street

Map 19; Block 172, Lot 2 & Block 173, Lot 1

DEP File # 81-1176

Continue Great Esker Park trail southerly through landfill

On a motion made by Cmmr. Loring, seconded by Cmmr. Dowd the Commission voted 5-0-0 to open the public hearing.

Appearing before the Commission were Paul Costello, PE, and Paul Southwick of Design Consultants, and Danielle Desilets, Kyle Zick Architecture.

Mr. Costello addressed the Commission explaining that:

- The landfill closed in 1999.
- It had full compliance with the Dept. of Environmental Protection (DEP).
- There is a 30-year requirement for monitoring and maintenance of the landfill gas, surface water, water quality, drainage structures, and integrity of the cap.
- The cap consists of 12” topsoil, 12” sand and a 40-millimeter plastic liner. Under that is 18” of clay.
- The gravel perimeter road was permitted for maintenance access.
- There is erosion of the slope and the soil has decreased a couple of inches; there may be failure and the slope could be lost.
- The project will include a lower trail (the perimeter road which will be returned to 1999 conditions) and an upper trail which will be paved with an ADA compliant asphalt.
- The DEP ‘Post-Closure Use’ application has been submitted.
- Extensive gas testing has been done; each gas vent will be raised 5 feet.
- In the 200 ft. Riverfront Area, they will build a paved, over-look area 12 ft. wide with a 25 ft. radius.

Ms. Desilets then spoke:

- Gravel will be walkable and drivable for maintenance vehicles.
- Six (6) parking spaces will be created next to the animal shelter.
- There will be two small gates for trail access.
- One gate will be wide enough to allow access for National Grid power line maintenance.
- Two benches and a small interpretive panel will be provided at the look-out point.

Cmmr. Dowd commented that it would be nice if some areas could be preserved for wildlife by putting up a barrier of some kind.

Mr. Costello said that DEP has a general policy to allow only grass on a capped landfill. He said that DEP determines if shrubs will be allowed on a closed landfill. He added that they can go back to DEP, in the future, about the shrubs.

Cmmr. Loring asked about vehicle access, particularly by the incinerator fence.

Ms. Costello said that DEP requires a fence as part of the regulations but they will have someone out to check on it.

Cmmr. Reilly asked if there were any plans to remove the cap; Mr. Costello said no, they are trying to prevent exposure of the liner.

Cmmr. Tanner asked if the 30 year's monitoring period will start over again with this project; Mr. Costello said the 30-year period began when the landfill closed.

Cmmr. Tanner then asked how this project fits into the town's long range plans and how it is being funded.

Robert Luongo, Weymouth Planning Director, responded that this project fits in perfectly with the town's Master Plan for open space, and Mayor Hedlund is very supportive.

Nick Bulens, Grant Writer, said a Land and Water Conservation Fund grant was received. That money comes from oil company royalties and is intended to preserve natural resources. This project meets 3 of the 4 goals established by the Massachusetts Statewide Comprehensive Outdoor Recreation Plan:

- Trails
- Trails people can access from their homes or public transit, and
- Trails next to water resources

Nick said \$375,000.00 was budgeted for design and construction. The town needs to pay for 50%, which is coming from Community Preservation Act (CPA) funds; it is the CPA portion that is being reimbursed by the grant.

Chairman DeGabriele said he thinks it's a good project.

Ms. Schloss commented that the Notice of Intent has been revised, but there are a few items the plan and OOC should include:

- All numbered wetland flags should be shown on the plan.
- Plan should indicate that work is occurring in Land Subject to Coastal Storm Flowage, up to 16,300 sq. ft., just to indicate the town has authorized work in that area.
- There will be no widening of the access road.

There were no public comments or questions.

On a motion made by Cmmr. Loring, seconded by Cmmr. Dowd, the Commission voted 5-0-0 to close the public hearing.

Ms. Schloss asked if the catch basin and trail maintenance will be part of the operation and maintenance (O&M) plan.

Mr. Costello said that this would be incorporated into the landfill drainage maintenance.

Ms. Schloss said it would be good to get the Certificate of Compliance (COC) for the landfill closure issued but, before that can happen, the new OOC needs to mention that the incinerator does not need to be transferred to Conservation. Mr. Costello agreed. He also confirmed that an as-built plan will be done upon project completion.

Chairman DeGabriele suggested that the plan includes the rock material to be used and to specify the larger stones that will be used to stabilize the slope; he was told those items will be included.

Regarding the roadway drainage pipes that need to be repaired; Mr. Costello said he would see that these are fixed.

Ms. Schloss also stated that she typically receives a construction sequence.

On a motion made by Cmmr. Tanner, seconded by Cmmr. Reilly, the Commission voted 5-0-0 to issue the Order of Conditions, with conditions discussed.

60 Brewster Road - Notice of Intent, Public Hearing

Angel Montanez, Jr.

Map 10, Block 82, Lot 12

DEP File # 81-1177

Raze and rebuild single family home

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

Ms. Schloss confirmed receipt of abutter notification information.

Mr. Montanez explained he is proposing to raze his older home and to relocate his new home at the rear of the property. He will be taking down the large tree at the front of the property.

Chairman DeGabriele expressed concern that the relocation of the house and removal of a very mature tree did not seem to be a benefit to the environment.

Public Comments:

Sandra Peters, North Weymouth Civic Association, supports the improvement to the property and exposing the view to the public.

On a motion made by Cmmr. Tanner, seconded by Cmmr. Loring, the Commission voted 5-0-0 to close the public hearing.

Mr. Montanez agreed to plant another oak tree, 8 ft. in height, and to provide an as-built plan when the Certificate of Compliance is requested.

On a motion made by Cmmr. Tanner, seconded by Cmmr. Loring, the Commission voted 4-1-0 to issue an Order of Conditions with conditions discussed. Chairman DeGabriele was opposed.

65 Thicket Street - Notice of Intent, Public Hearing
Liberty Realty Development, Inc.
Map 61, Block 635, Lot 18
DEP File # 81-1175
Single family home

On a motion made by Cmmr. Loring, seconded by Cmmr. Dowd, the Commission voted 5-0-0 to open the public hearing.

Appearing before the Commission were Adam Brodsky, Bob Gabriel and son Sean Gabriel, and Cameron Larson, PWS, Environmental Consulting and Restoration, LLC.

Ms. Schloss provided Commissioners with a copy of the revised landscape plan.

Mr. Brodsky said this is a 25,584 sq. ft. undeveloped lot. He said they are proposing a driveway and garage, a 2-story house, 40' x 26' and utilities. He said they will be implementing a rain garden by the driveway, at Ms. Schloss' suggestion and even though a stormwater management plan is not required for a single-family home they will provide one.

He stated there are no wetlands and no evidence of alterations. They have done groundwater soil and on-site wetland soil testing. They are not concerned with high groundwater but, if it should be encountered when they dig the foundation, they will provide de-watering if necessary.

Cameron Larson, ECR, said they found no problems with LEC's line. He said the soil is newer and ponding can occur, as it is a low point. They found upland vegetation and they will be keeping to the 25 ft. Buffer Zone. They found no evidence of alterations.

Chairman DeGabriele mentioned the property seems almost 'gully-like' and said the neighbors are concerned about water flow to the low spot on their (the neighbor's) property.

Mr. Brodsky stated that the rain garden will act as a natural filter, there is little water getting into the 25 ft. Buffer Zone and there isn't a lot of pavement.

Bob Gabriel said that the low point is higher than the catch basin from Burns Way, which is two ft. lower.

Mr. Brodsky said there is no evidence of groundwater; Mr. Larson, ECR said they went down 20" and found no evidence of staining, and did not see water lines on trees.

There were no public comments or questions.

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

Regarding the planting plan, Mr. Brodsky said he will coordinate the planting of the trees with Ms. Schloss, who asked that trees that are staying be marked with a different color of ribbon.

On a motion made by Cmmr. Reilly, seconded by Cmmr. Tanner, the Commission voted 5-0-0 to issue an Order of Conditions with special conditions discussed.

Weymouth Club - Notice of Intent, Public Hearing

0 Finnell Drive

Map 36, Block 452, Lot 12

DEP File # 81-1179

Expand parking area, wetland fill and wetland replication

On a motion made by Cmmr. Reilly, seconded by Cmmr. Tanner, the Commission voted 5-0-0 to open the public hearing.

Appearing before the Commission were Atty. Greg Galvin, owner/applicant Steve Goldman, Michael Joyce, PE, Joyce Consulting Group, and John Zimmer, PWS, South River Environmental. Atty. Galvin presented the abutter cards to Ms. Schloss.

Mr. Galvin explained that the parking area currently being used has been sold and, therefore, needs to be replaced. He said the applicant would like to extend the culvert that is in place and reconfigure the property line along the Finnell Drive extension.

Mr. Joyce said the paved area adjacent to the employee parking is, in the wet season, a large wetland and the catch basin directs water under the driveway toward the drainage swale along the back property line. He said the existing wetland line was delineated by Mr. Zimmer.

Mr. Joyce said they want to extend the existing drainage pipe about 100 ft. so it is in line with the parking, and will become 1,300 sq. ft. of wetland area. He said they will provide mitigation. He said there had been previous wetland restoration but the vegetation never took hold and the area reverted back to what it had been. He said they will provide a total of 7,500 sq. ft. of wetland replication; 5,000 will be 1:1 for the restoration unsuccessfully created in 1998 and 2,500 will be 2:1 for the area being filled. The proposed parking area will have its own stormwater management system.

Mr. Zimmer explained the replication work to be done:

- The existing wetland is basically a wet shrub area.
- There is a significant slope that goes down to the existing channel to access the hydrology.
- Behind the existing parking lot there is easy access for construction equipment.
- There are several areas of fill to be removed.
- Existing canopy will minimize potential for invasive species to colonize the replication area.
- They will excavate down to groundwater and bring in organic soil if needed.
- They will regrade and replant to reach 75-80% coverage wetland species.

- They want to establish a hydraulic connection to existing wetlands to pick up some of the overflow, increasing stormwater storage volume.

Mr. Zimmer confirmed for Chairman DeGabriele that the additional stormwater capacity would still be compatible with the trees in that area.

Cmmr. Tanner asked if the new parking area will have a built-in drain; Mr. Joyce said yes, and the additional runoff will be directed to the 15 infiltration chambers.

Cmmr. Dowd asked about the increase in the number of parking spaces and was told that about (25) would be lost and there would be a gain of (42). He then asked if the additional spaces would be enough and was told no. Mr. Galvin said they are working on another project before BZA which will increase parking, but he's not sure about the number of parking spaces.

Mr. Zimmer mentioned that the forebays are now working properly and are actually bigger than need be.

Cmmr. Loring asked about the former replication area; Mr. Zimmer said it was established but it has been disturbed. He said they will try to maintain it and will get the hydrology right.

There were no public comments or questions.

Mr. Joyce said they are now saving three large trees and the replication area will be reduced to 6,700 sq. feet. Ms. Schloss said she would like to see it on a plan.

Ms. Schloss said because the DEP File number has not been received, they can't close the hearing at this time.

Ms. Schloss reviewed items she would like provided on the plan revision.

Mr. Joyce said the revised plan can be provided before August 17th; Mr. Galvin said they are still waiting on the engineering plan so they can try to make the August BZA meeting.

Mr. Zimmer said they are hoping to get this done this growing season.

On a motion made by Cmmr. Reilly, seconded by Cmmr. Tanner, the Commission voted 5-0-0 to continue the public hearing to August 17, 2016.

Weymouth Club – Request for Certificate of Compliance
75 Finnell Drive
Map 36, Block 452, Lot 5
DEP File # 81-1065
Wetland restoration required by Enforcement Order

Mr. Joyce said this 7,000 sq. ft. restoration project was constructed in 2010. John Zimmer submitted reports for the next couple of years after that, with his last report being done October 2014; no further monitoring was required.

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

67 Regatta Road - Notice of Intent, Public Hearing

Carmen Mariano

Map 2, Block 12, Lot 16

DEP File # 81-1171

Vista pruning & vegetation management

On a motion made by Cmmr. Loring, seconded by Cmmr. Dowd, the Commission voted 5-0-0 to open the public hearing.

Appearing before the Commission were Paul Shea, and Mr. and Mrs. Mariano. Mr. Shea submitted the abutter cards.

Mr. Shea explained that originally the project included stairs. The coastal bank is steep and heavily vegetated, including a number of large invasive trees. He said they are working with Darryl Rappaport from Bartlett Tree and the plan is to increase the views of the ocean from the pool area. At the top of the coastal bank is the pool and retaining wall.

Mr. Shea said that, on town property, they would like to:

- Reduce the height of the sumac, etc., to about one foot above the wall.
- Do some minor trimming of Norway maples.
- Make a "V" cut in the trees to improve the view.
- Remove dead apple tree towards bottom of bank.
- Remove (2) black cherry trees.
- Cut all oriental bittersweet to ground level.

Ms. Schloss suggested they plant beach grass and then asked if they plan to remove all cut debris by hauling it back up the slope.

Mr. Shea it had been suggested that they use a wide track Bobcat on the beach.

Ms. Schloss said DPW is concerned with the vehicle getting stuck.

Chairman DeGabriele asked about ongoing maintenance.

Mr. Shea said vista pruning will grow back and they were hoping they could request a five-year period; they know it will take longer than the usual permit period of three years.

Chairman DeGabriele said he would like to understand the period maintenance, adding there isn't a narrative explaining it.

Mr. Shea offered to provide a document that can be attached to the OOC.

Cmmr. Dowd and Chairman DeGabriele explained that for the project to be approved there needs to be an improvement, or net benefit, to the site and that would need to be explained (in their submittal) in a lot more detail.

Public Comments:

Becky Haugh, District 1 Councilor said she applauded the applicant for spending their own money to make town improvements. She said she saw DPW on the beach and thinks it's impossible to pull all the removed growth up the hill.

Chairman DeGabriele said he does not feel comfortable with the five-year OOC and does not think the Commission has enough information to make a decision. He wants to check with DPW to see if a Bobcat is the way to go and wants ongoing maintenance plans included in the documents.

Mr. Luongo, Planning Director, said the town is working on a Request for Proposal for the waterfront walkway to connect Lane and Wessagussett Beaches. He also said they are looking into the coastal bank management study and adding a long-term maintenance plan to it.

Mr. Luongo said the town is trying to get Community Preservation Act (CPA) approval to fund the proposal review. He said he would prefer that the town maintain the slope and asked that the town be allowed to look into it.

Ms. Schloss said the DPW is concerned with beach access via vehicles and there has been discussion of waiting until after Labor Day to do this work.

Ms. Schloss asked about soil erosion and open area after trees and canopy removed.

Mr. Shea said, regarding erosion, the apple tree removal would have no impact and the roots will be left from the cherry trees.

Cmmr. Dowd asked if invasives could be removed and replaced with native plantings.

Mr. Shea said they would like to see it returned to what was there originally.

On a motion made by Cmmr. Reilly, seconded by Cmmr. Tanner, the Commission voted 5-0-0 to continue the public hearing to August 17, 2016.

487 Broad St. (Lots B1 & B2) – Violation Hearing, continued

John Lamparelli, K.M.L. LLC

Map 22, Block 291, Lots 29 & 7

DEP File # 81-1159 & 81-1160

Began work, cleared property without recording OOC or installing erosion controls, etc.

No one was present for the 487 Broad Street violation hearing.

Chairman DeGabriele suggested the applicant be contacted and reminded that no work can be done until a plan is submitted and about the possibility of fines being imposed.

70 Birchbrow Ave. – Violation Hearing
Ashley Parow & Jim Burns
Map 6, Block 55, Lot 7
Tree cutting on coastal bank

Appearing before the Commission were Ashley Parow and Jim Burns.

Ms. Schloss explained that there were mature trees cut in a protected resource area at the rear of 70 Birchbrow Avenue, which now makes the area vulnerable to erosion. She said there isn't much tree coverage there now, but there really wasn't much of it last year, either.

Chairman DeGabriele said a plan for restoration to stabilize the bank will need to be submitted, adding that it usually requires a professional to make that determination. He said he would like to see a plan before the August meeting.

64 Birchbrow Ave. – Violation Hearing
John Meagher
Map 6, Block 55, Lot 8
Unauthorized activity on coastal bank

Mr. Meagher explained to the Commission that, two years ago, a dumping of snow sand and salt, 2-stories high, was not taken care of by DPW as promised. He said a landscaper told him he could use wood chips to fill in the area, which he got from a man that had cut down trees. He stated, he did not take down any trees.

Chairman DeGabriele said there is erosion going on and plantings need to be done; a professional can suggest which plants. He suggested that perhaps he could work with his neighbor and both use the same landscape professional. He explained that penalties can be imposed if the work is not done. He said that if a plan can be provided before the August meeting Mr. Meagher can come back at that time.

9 Oliver Road - Notice of Intent, Public Hearing
John & Kathleen Conway
Map 30, Block 386, Lot 15
DEP File # 81-1178
Raze and rebuild single family home

On a motion made by Cmmr. Tanner, seconded by Cmmr. Reilly, the Commission voted 5-0-0 to open the public hearing.

Appearing before the Commission were John and Kathleen Conway and Brian Taylor of Stenbeck and Taylor, Inc.

Mr. Taylor explained the project saying that:

- It is a vegetated wetland of 249 sq. feet.
- Trees need to be removed (shown on the plan).
- Poison oak and poison ivy are present.
- They want to raze the house and “shed”.
- They left 15 ft. of lawn at the pond edge for views, and added plantings along the shoreline.
- They want to use a machine to clear and grade the site.
- They will remove debris between the erosion control line and the wetlands and will minimize disturbance and reseed disturbed areas with a conservation seed mix.
- There will be no dock or boat.

Public comments:

Daniel Zahn, of 55 Seaver Road, said he was in favor of the project.

Arthur Mathews, District Four Town Councilor, told the Commission that this house has been vacant for 20 years. People have broken in, rubbish has been thrown around the property and he is in favor of the project.

Christine Zahn, 55 Seaver Road, said people have broken in and she has been afraid of someone setting fire to the house. She thinks this is wonderful.

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

On a motion made by Cmmr. Tanner, seconded by Cmmr. Dowd, the Commission voted 5-0-0 to issue a standard Order of Conditions referring to the plan.

Other Business

Vote to release Executive Session minutes of June 11, 2014

On a motion made by Cmmr. Tanner, seconded by Cmmr. Dowd, the Commission voted 4-0-1 to release the minutes from the June 11, 2014 Executive Session. Cmmr. Reilly abstained.

Appeal to DEP of OOC Denial, Algonquin Gas Transmission, DEP File # 81-1170

Ms. Schloss is working on a letter to DEP to explain to them that Con Comm did not make an error in issuing a denial to Algonquin Gas Transmission, DEP File # 81-1170.

Lovell Field will be on 8/17/16 agenda

Mayor Hedlund wants to discuss the conceptual plan for Lovell Field.

Eversource Violation

Ms. Schloss said that Con Comm was notified six years ago that road work was being requested on the Right-of-Way by Cranberry Pond. On July 12, 2016, about fifty trucks were out there building the road, and they crossed over an intermittent stream which their 2010 plan said they would stay away from. She said she will be meeting with Eversource on July 14, 2016 to discuss this.

CPC Update

Cmmr. Loring had nothing to report.

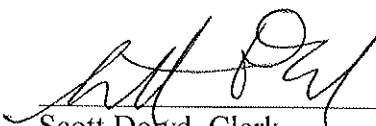
Adjournment:

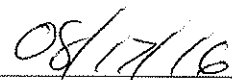
On a motion made by Cmmr. Loring, seconded by Cmmr. Reilly, the Commission voted 5-0-0 to adjourn at 11:05 p.m.

Respectfully submitted by,

Patricia Fitzgerald
Recording Secretary

Approved by:


Scott Dowd, Clerk


Date