

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

**Wednesday, September 14, 2016, 7:00 p.m.  
Council Chambers, Town Hall, 75 Middle St., Weymouth, MA**

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

**Not Present:** John Reilly, Commissioner

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

Chairman DeGabriele called the Sept. 14, 2016 Conservation Commission meeting to order at 7:00 p.m. in Council Chambers at Town Hall, 75 Middle Street, Weymouth, MA.

**Approval of Minutes:**

The minutes of August 17, 2016 were reviewed. Chairman DeGabriele recommended some wording changes.

*On a motion made by Cmmr. Dowd, seconded by Cmmr. Tanner, the Commission voted 4-0-0 to approve the minutes as amended.*

**234 King Philip Street – Orders of Condition Extension Request, Public Hearing  
Roy V. Nelson & Sons, Inc.  
Map 486, Block 508, Lot 10  
DEP File # 81-1055**

***Single family house; access driveway with wetland fill and replication***

*On a motion made by Cmmr. Loring, seconded by Cmmr. Dowd, the Commission voted 4-0-0 to open the public hearing.*

Appearing before the Commission were Al Trakimas of SITEC and Brian Nelson, owner, requesting a 1-year extension to the OOC. National Grid needs to install three telephone poles to allow them to finish paving the driveway. A preliminary as-built was submitted.

Ms. Schloss said that she is in favor of the extension; the replication area looks good and the invasive purple loosestrife can continue to be cut. She then told the applicants that the cross culvert to King Philip Street is perched above-grade, rather than imbedded, and asked if it could be built up to grade.

Mr. Trakimas said yes.



There were no public comments.

*On a motion made by Cmmr. Loring, seconded by Cmmr. Dowd, the Commission voted 4-0-0 to close the public hearing.*

*On a motion made by Cmmr. Tanner, seconded by Cmmr. Dowd, the Commission voted 4-0-0 to issue a one-year Extension Order.*

**3 Canacum Road – Request for Minor Modification (to Expand Platform)**

**Peter Barlow**

**Map 3, Block 1, Lot 8**

**DEP File #81-1163**

***Tear down/rebuild single-family house; stairs and platform on coastal bank***

*On a motion made by Cmmr. Dowd, seconded by Cmmr. Tanner, the Commission voted 4-0-0 to open the public hearing.*

Appearing before the Commission was Paul Brogna, Seacoast Engineering Co. requesting a minor modification on a stairway and platform down the coastal bank. Mr. Brogna explained:

- Existing stairway is 3.5' x 25'
- Existing platform is 5.9' x 12.7'
- Widen platform from 5.9' to 7.5'
- Platform will still have 4 legs attached to armored wall
- There will be no impact to resource area
- Time for building the house is uncertain

Ms. Schloss said the Engineering Dept. wants to be sure that the rip-rap and stone revetment are not disturbed.

*On a motion made by Cmmr. Tanner, seconded by Cmmr. Dowd, the Commission voted 4-0-0 to approve the minor modification.*

**67 Regatta Road - Notice of Intent, Public Hearing, continued**

**Carmen Mariano**

**Map 2, Block 12, Lot 16**

**DEP File # 81-1171**

***Vista pruning & vegetation management***

Appearing before the Commission were Paul Shea, PWS, and Mr. and Mrs. Mariano.

Mr. Shea said he looked at the email from Rebecca Haney, Coastal Zone Management (CZM), who reviewed plans and submittals. He said that Ms. Haney's Sept 1<sup>st</sup> email expressed that she:



- Feels the concept is good
- Agrees with the removal and future monitoring of Norway maples
- Supports monitoring all work areas
- Re. the multi-flora rose and sumac to be cut one foot below top of retaining wall at the top of the bank, Ms. Haney said she would like to see those two species removed and replaced with low-growing native species that will not require pruning.
- Agrees with choice of American beach grass, seaside golden rod, bearberry, beach plum, Virginia rose
- Wants rosa rugosa removed from planting plan

Sequence of work:

October: (3) Norway Maples, (2) black cherry and (1) dead apple tree to be flush cut and roots left in place.

November: Planting and cultivating of new species.

May – July: control sumac and bittersweet

July 2019: Final report (annual or bi-annual)

Ms. Schloss said there was an internal meeting to get town officials' feedback on the removal of Norway maple trees and changes to the basic vegetation scheme, the issue with the financial cap in regards to replanting and long term management, and monitoring of Norway maples' regrowth. She said they are in agreement with the plan but not with placing a financial cap on the work.

Chairman DeGabriele stated that the coastal bank opposite the house is approximately 5500 sq. ft. He expressed concern that if only 25-50% of the bank is to be planted with native species, that would leave 50% invasives still there and it would only be a matter of time before they took over the area again.

Mr. Shea responded that properties to the east and west have invasives. He said they plan to take out the Norway maples and bittersweet and then cut and treat the bittersweet all through the bank. They have also added another section of square footage for native species planting.

Cmmr. Dowd said he would like to see them attempt complete eradication of the invasives.

Mr. Shea said they will:

1. Remove the Norway maples
2. Remove the bittersweet (cut and apply herbicide) all through the coastal bank; this will expose any native species (vines can't be removed until dead in a couple of months)
3. Remove sumac and multi-flora rose at top of bank
4. Native shrubs will be planted at top of bank

Mr. Shea went on to say that plants will be planted in clusters and commented that the invasives will be a battle, as Norway maple, bittersweet and multi-flora roses will try to come back.

*Public Comments:*

Rand Currier of 35 Regatta Road said he fully supports the project.



Cmmr. Dowd commented that along the coast there is an ongoing plan to suppress invasives and asked if removing the sumac would create a stability issue.

Mr. Shea suggested putting down jute netting to stabilize the bank.

Chairman DeGabriele recapped the items mentioned to be included in the Orders of Condition:

- Remove the trees discussed and plant natives in that area
- Remove multi-flora roses and sumac from property line to property line, and from top of bank down a 20 foot section.
- Use plants recommended by Coastal Zone Management
- 100% eradication of invasives
- Maintain slope stability by appropriate means, including netting, grasses and plants

Mr. Mariano said he is comfortable with the concept but not comfortable with an unknown cost.

The applicants took a short recess for private discussion.

Upon their return, Chairman DeGabriele explained that the Commission can't cap the amount to be spent to consider the job completed.

Additional discussion regarding particulars of the project continued:

- Ms. Schloss asked if the Norway maple tree stumps will be treated to prevent re-growth; Mr. Shea said yes.
- Ms. Schloss said the type of herbicide will need to be specified.
- As in all Orders of Condition (OOC), debris will need to be removed. Removal will include the staircase, metal railing and wooden stringers (above-ground components).

Bob Luongo, Planning Director, came forward to say that, regarding the stairs, the town would not want the footings or anything in the embankment removed that would affect the integrity of the embankment. He added that the town is looking at the feasibility of constructing a public boardwalk at the base of the embankment, to connect Lane Beach to Wessagussett Beach, and restoring the coastal embankment.

Mrs. Mariano wanted it known that they did not want their project to set a precedent that would require any neighbors to remove their stairs. Mrs. Mariano asked if the stair removal would be part of the OOC, and not part of their submittal, and was told yes.

Cmmr. Tanner explained that the stairs are being asked to be removed because, as they are unusable, they are being classified as debris.

It was agreed to continue the discussion of the Order of Conditions to Sept. 28<sup>th</sup>. Anything else that is needed from the applicant will also be included in the OOC.

*On a motion made by Cmmr. Dowd, seconded by Cmmr. Tanner, the Commission voted 4-0-0 to close the public hearing.*





*On a motion made by Cmmr. Dowd, seconded by Cmmr. Tanner, the Commission voted 4-0-0 to approve the Order of Conditions with conditions discussed, and to continue discussion of conditions to the 9/28/16 meeting.*

**35 Regatta Road – Monitoring Report relative to 2007 & 2012 Enforcement Orders**  
**Rand Currier**  
**Map 2, Block 433, Lot 4**  
***Unauthorized cutting on coastal bank***

Appearing before the Commission were owner Rand Currier and Mark Manganello, Wetland Scientist, LEC Environmental Consultants, Inc.

Mr. Manganello explained that the 2012 restoration order required a monitoring report at the end of each growing season. He said the coastal vegetation management has been successful and this fall marks the end of the five-year monitoring period.

Ms. Schloss told the Commission that the last report recommended removal of a Norway maple this year, and asked if there was a need to continue monitoring and maintenance.

Mr. Manganello said he thought maintenance should continue as is:

- Continue to prune the multi-flora roses
- Continue to maintain plant spacing
- Weed wack and maintain invasives on an annual basis
- No new plantings needed

Ms. Schloss explained that town officials have discussed the larger issue of how to authorize ongoing private maintenance of the town-owned coastal bank. The Town Solicitor is recommending an OOC that can be kept alive through extensions.

Mr. Manganello asked if they could talk to legal counsel about this new mechanism. He is hoping the Commission might consider a five-year OOC with extensions of 3-5 years.

Ms. Schloss said that the weed wacking can't be done until after Oct. 15<sup>th</sup>. She said they are trying to get a better handle on coastal management.

Ms. Schloss then brought up the stairs to the beach that were built at 35 Regatta Road; the Commission did not authorize this work and for which (she does not think) a building permit was issued.

Mr. Currier said his lawyer found in the deed that the owner has the right to maintain stairs and that the town said to build them.

Ms. Schloss said the solicitor said that the rights to the beach were expunged when the town took the beach; the deed is incorrect.



Chairman DeGabriele said the town has the right to require that the stairs be removed, but Con Comm is not asking for that at this time – he prefers the attorneys take care of it.

Mr. Luongo said he would like to see invasives controlled and he appreciates the homeowner investing his own money. He will talk to the Town Solicitor in regards to discussing the mechanism for long term maintenance and the stairs.

Ms. Schloss approved removal of a Norway maple.

It was agreed that this discussion will be continued.

**Weymouth Club - Notice of Intent, Public Hearing, continued**

**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. Loring, seconded by Cmmr. Dowd, the Commission voted 4-0-0 to re-open the public hearing.*

Appearing before the Commission were Atty. Greg Galvin, owner Steven Goldman, and Michael Joyce, PE with Joyce Consulting Group.

Mr. Galvin said at the August site visit, there was discussion about modifications to the replication area.

Mr. Joyce explained the scope of modifications:

- Wetland replication area has been reduced from 8500 sq. ft. to 2700 sq. ft. (still provides 2:1 replication for wetland fill).
- 100 ft. of drainage swale will be built between 2 parking areas
- Proposing plantings along the swale to the parking areas and tennis bubble (to offset reduction in replication area)
- Performed test pit; they've estimated where seasonal high groundwater is
- DPW asked that outfall from infiltration system be directed to the forebay and detention basin
- Stormwater infiltration system still complies with Mass DEP handbook
- Revised planting plan was submitted but they'll provide more information
- Proposed 100 ft. wall along the swale removed due to decrease in replication area

Atty. Galvin said the Zoning Board of Appeals (ZBA) has approved this plan.

Mr. Joyce said that they will be making the following revisions based on comments by Jay Donovan in the Weymouth Engineering Division:

- 16 infiltration chambers instead of 15



- 18” of stone instead of 12”
- 44% TSS (total suspended solids) removal prior to infiltration

Mr. Joyce explained that they can create an isolator row (filter fabric below the chamber but above the stone) to carry over and discharge into the next chamber. He said this can provide additional pretreatment.

Ms. Schloss said she would like to see a set of plans before issuing an order.

There were no public comments.

Ms. Schloss said, regarding the replication plan, the order will include:

- Buffer Zone invasive species:
  - a. Japanese knotweed next to tennis bubble needs to be eradicated, treated, and monitored
  - b. Wants invasive management monitoring plan from John Zimmer before OOC issued
- Wants Japanese knotweed by detention basin treated
- Revised planting plan
- Invasive species management and monitoring plan
- Infiltrator row
- 3-year monitoring period for wetland area
- Mark trees to be saved and apply protective wrapping
- Use measures to not spread invasives
- Performance or cash bond required for wetland replication: need cost estimate
- Planting schedule
- Replication work before or concurrent with parking lot

Mr. Joyce said he wants to see if the replication soil is suitable for fill.

*On a motion made by Cmmr. Dowd, seconded by Cmmr. Tanner, the Commission voted 4-0-0 to close the public hearing.*

*On a motion made by Cmmr. Tanner, seconded by Cmmr. Dowd, the Commission voted 4-0-0 to issue the Order of Conditions with conditions mentioned.*

*Commission took a 5 minute break.*

**0 Back River Road - Notice of Intent, Public Hearing**

**Mildred Bowler**

**Map 2, Block 3, Lot 19 & 20**

**DEP File # 81-1182**

***Floating dock/pier***

*On a motion made by Cmmr. Tanner, seconded by Cmmr. Loring, the Commission voted 4-0-0 to open the public hearing.*



Appearing before the Commission were Adam Brodsky, Environmental Attorney, Jane Bowler daughter of owner (Margaret Bowler) of 105 River Street and Jack Gillon, owner 111 River Street, and project engineer. Both parties co-own the project location.

Atty. Brodsky said the float fell into disrepair in the 1970's. The owners are requesting a permanent licensed structure. They are proposing a 20 ft. long aluminum gangway, a 6' x 36' pier, and (1) section of 6'x60' float. They would like to reuse the existing float. He said 117 River St. has a series of anchored floats that aren't licensed. The DEP requires pier be perpendicular to shoreline. This created conflict with Ms. Connell's floats. Ms. Connell has since obtained a 10A from the Harbor Master.

Atty. Brodsky said that Ms. Bowler has received her annual 10A from the Harbor Master and all applications have been filed with applicable agencies.

The proposal for the floating dock/pier was explained:

- Will angle the pier further to the west
- They will avoid putting pilings in saltmarsh
- 18" skids proposed to keep floats off the bottom at low tide
- Will use 3 piles plus 3 piles with float stops to hold the float above substrate
- Pile driving machine could have rubber tires
- No shellfish seen but will relocate if needed
- Will use Green Heart for pilings
- Pilings will have a float on a metal collar so never rest on the bottom
- Will use pressure treated lumber for decking
- Will prepare decking with beveled edge to provide more light
- Providing minimum sized float
- Will be built from shore; no access from the water

Ms. Schloss said she would like to see swamp mats used if heavy machinery is proposed for use over the salt marsh, and does not want any cross-over during saltmarsh growing season.

*Public Comments:*

Deborah Connell, 117 River Street, said she would like to see the plans and wants to know what will happen to her mooring blocks when piles are driven. She said this project is affecting her property and Mr. Halpin's (0 and 135 River Street).

Ms. Schloss said the applicants need to come back before the Commission if anything changes as a result of conditions in the other permits being sought.

Ms. Schloss also said the Harbor Master confirmed that the chains for Ms. Connell's floats should not extend beyond her Ms. Connell's property.

*On a motion made by Cmmr. Tanner, seconded by Cmmr. Dowd, the Commission voted 4-0-0 to close the public hearing.*





Ms. Schloss said the revised plan will include:

- 18 foot span instead of 24 foot
- ¾" deck board spacing on the pier where it crosses salt marsh

*On a motion made by Cmmr. Tanner, seconded by Cmmr. Dowd, the Commission voted 4-0-0 to issue the Order of Conditions with conditions discussed.*

**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.***

Appearing before the Commission were Brad Holmes, P.W.S., Environmental Consulting & Restoration, and John Lamparelli, owner.

Mr. Holmes said he has prepared a restoration plan to replace the trees in the Buffer Zone. He said work won't be done before the end of October or November, or not until the spring.

Chairman DeGabriele stated that the plants need to be done before the construction - fall 2016 but no later than spring 2017.

Chairman DeGabriele asked if the fine imposed on Mr. Lamparelli at the August meeting had been sent to him. Ms. Schloss said he was aware of it and it would be sent out shortly.

*On a motion made by Cmmr. Loring, seconded by Cmmr. Dowd, the Commission voted 4-0-0 to issue an Enforcement Order to accept the restoration plan to be done fall of 2016, or spring of 2017, and to send out the fine of \$50.00.*

**210 Commercial Street- Discuss Close out of Enforcement Order**

**Ron Eaton**

**Map 16, Block 199, Lot 8**

**Unauthorized activity on Fore River Coastal Bank**

Ms. Schloss told the Commissioners that she was out to the site Aug. 23<sup>rd</sup> and the remaining material (brick and concrete) has been removed from the bank.

Ms. Schloss will ask the Town Solicitor about setting up negotiations to accept a reduction in the fine amount (instead of the \$2800.00 originally imposed).

Chairman DeGabriele said a lower amount was okay, provided there is full compliance.



**Algonquin Gas Compressor Station  
Discussion regarding Superseding Order of Conditions (SOC)  
DEP File # 81-1170**

Chairman DeGabriele explained that the DEP issued a SOC on the project with conditions, but they did not respond to Con Comm's letter or the OOC Denial's Findings regarding the risk to wetland resource areas. He thinks the Commission should appeal the SOC because the Commission's reasons for denial were not addressed.

Ms. Schloss said the town's special counsel said the de novo appeal can include new evidence and needs to be filed in one week (by Sept. 21<sup>st</sup>). Counsel also said that Con Comm will want to have experts to file submitted testimonies.

Cmmr. Tanner said he would like to be included in any meetings on this matter.

Chairman DeGabriele suggested that the 200-hour limit on Commission member's donated yearly time may want to be looked at as this filing may take many more hours than that.

Cmmr. Tanner said he wants any new accidents to be included in the de novo appeal.

*On a motion made by Cmmr. Tanner, seconded by Cmmr. Dowd, the Commission voted 4-0-0 to authorize Administrator Schloss and Chairman DeGabriele to go forward with the appeal to DEP regarding the Superseding Order of Conditions for the Compressor Station.*

**Other Business**

- Lovell Field: Notice of Intent was handed out.
- 21 Woodbine: Ms. Schloss sent a Notice of Violation to Mr. Williams as he built the wall without the preconstruction notification. She said the wall seems to be okay but an as-built plan is needed to determine compliance. The mitigation plants were not planted according to the approved plan and they have died. Ms. Schloss said she will send Mr. Williams an Enforcement Order.

**Adjournment:**

*On a motion made by Cmmr. Loring, seconded by Cmmr. Dowd, the Commission voted 4-0-0 to adjourn at 11:00 p.m.*

Respectfully submitted by,

Patricia Fitzgerald  
Recording Secretary

Approved by:

  
Scott Dowd, Clerk

  
Date

