

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

**Wednesday, October 12, 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  
John Reilly, Commissioner

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

Chairman DeGabriele called the Oct. 12, 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 Sept. 14, 2016 were reviewed; Chairman DeGabriele recommended some wording changes.

*On a motion made by Cmmr. Reilly, seconded by Cmmr. Tanner, the Commission voted 5-0-0 to approve the Sept. 14, 2016 minutes, as amended.*

**363 Neck St. – Request for Final Certificate of Compliance**

**Patricia Sullivan**

**Map 5, Block 13, Lot 21**

**DEP File # 81-1136**

***Driveway and Patio***

Ms. Schloss said she made a site visit on Oct. 11<sup>th</sup> to view the patio and was comfortable with issuing the Certificate of Compliance (COC).

*On a motion made by Cmmr. Tanner, seconded by Cmmr. Reilly, the Commission voted 5-0-0 to approve the Final Certificate of Compliance.*

**1294, 1296 and 1300 Washington St. - Request for Final Certificate of Compliance**  
**Stephen Zeboski**  
**Map 35, Block 407, Lots 36, 72 & 73 (formerly Block 407, Lot 36 & Block 408, Lot 12)**  
**DEP File # 81-1116**  
*3-lot multi-family subdivision*

Shawn Hardy came before the Commission to request a Certificate of Compliance. He explained to the members that some of the work done on the project needed to be corrected (detention basin forebay). Those items have been taken care of - the regrading has been done, the stones replaced, and the as-built has been submitted. He said those things that still need doing (catch basin fabric, silt sock removal) will be addressed; the landscapers have removed their debris.

Ms. Schloss said the remainder of final paving still needs to be done.

Mr. Hardy said they will remove the erosion controls, finish paving, and put in a Cape Cod berm just where the catch basin is.

Ms. Schloss stated that the Order of Conditions (with sub-divided lots) was not recorded correctly; Mr. Hardy said that would need to be taken care of by the attorney.

*On a motion made by Cmmr. Tanner, seconded by Cmmr. Reilly, the Commission voted 5-0-0 to approve the Final Certificate of Compliance but release is pending installation of the berm, final paving and confirmation that the OOC has been properly recorded.*

**60 Hill St. – After-the-Fact Notice of Intent – Public Hearing**  
**Richard Dragone**  
**Map 19, Block 261, Lot 15**  
**DEP File # 81-1185**  
*A-T-F wall; addition to SF home*

*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 was Shawn Hardy, P.E.; abutter cards were submitted.

Mr. Hardy explained that there was a retaining wall built within the 25 ft. no-touch and they will have to move it back 6 ft. to get it outside of the 25 ft. area. Also part of the filing is a 15 ft. addition at the rear of the property, 80.5 ft. from the wetlands. They are proposing that the wall be pulled back, with erosion controls behind it, and to reseed the area. They are proposing to use geotechnical tie backs, later adding that the geotechnical grid will help the wall that is falling down. The work will be done this year.

Ms. Schloss said the erosion controls should be between the disturbed area and the wetlands. She also cautioned about disturbing the rampant Japanese knotweed that is there.

Mr. Dragone said they have a building permit and they will not need to move the shed.

There were no public comments.

*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. Reilly, seconded by Cmmr. Tanner, the Commission voted 5-0-0 to issue an After-the-Fact Order of Conditions with conditions mentioned.*

**Alexan at Arbor Hill – Request for Minor Modification, Detention Basins 2A & 2B  
Bristol Bros. Development Corp.  
Block 467, Lots 2 & 3; Block 469, Lots 2, 21, 22 & 23  
DEP File # 81-1046**

Appearing before the Commission were Steve McCarthy and James Bristol, III, of Bristol Brothers Development, and Tom French of Gale Associates.

Mr. French said siltation control basin dimensions were adjusted to work with the natural topography. The sediment basins (with the weir) will be converted into the permanent detention basins. He said calculations were approved by town Engineering and they meet the standards and perform as designed.

Ms. Schloss said this minor modification is for the addition of a weir wall and adjustments to dimensions. She explained that this vote is to confirm that these changes are acceptable to the final plan. She said this will modify the original set of plans (plan pages to be replaced will need to be specified) and is comfortable with the modification.

Ms. Schloss told the applicants that the Enforcement Order can be closed out once the as-built plan for the construction period sediment basins is received.

*On a motion made by Cmmr. Tanner, seconded by Cmmr. Reilly, the Commission voted 5-0-0 to approve the minor modification.*

**Jacobs Lane:**

- a. Request for Extension of the Orders of Condition – Public Hearing**
- b. Request for Minor Modification - Discussion**

**Bristol Bros. Development Corp.  
Map 27, Block 352, Lots 55 & 54  
DEP File #s 81-1123 (Lot 54) & 81-1127 (Lot 55)  
2 single-family homes**

*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 Steve McCarthy and James Bristol, III, of Bristol Brothers Development.

Mr. Bristol explained that they are requesting a one-year extension because the houses aren't constructed yet. They believe they will finish the houses within the one-year extension period. Mr. Bristol referred to the plans submitted by Gabe Crocker, PE, showing a requested modification in the site layout and grading for both lots. Impervious area is not increased.

Mr. McCarthy said the Meredith Woods protocol will be used to handle the Japanese knotweed. He said they will try to eradicate the knotweed as best they can.

Ms. Schloss stated that the erosion controls may need to be modified so the water from the drain outlet does not back up into the construction area.

*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. Tanner, seconded by Cmmr. Reilly, the Commission voted 5-0-0 to approve one-year OOC Extensions for DEP File # 81-1123 and DEP File # 81-1127 to October 2, 2017.*

*On a motion made by Cmmr. Reilly, seconded by Cmmr. Tanner, the Commission voted 5-0-0 to approve the minor modification.*

*The following discussion was moved up in the agenda.*

## **21 Woodbine Road – Ratification of Enforcement Order**

**Henry Williams**

**Map 30, Block 391, Lot 18**

**DEP File # 81-1078 and Local Order**

***Non-compliance with OOC and SOC***

No one from 21 Woodbine Road attended the meeting.

Ms. Schloss corrected the expiration date of the OOC for 81-1078; the OOC is not due to expire until February, 2019.

Ms. Schloss explained to the Commissioners that:

- The E.O. was issued because the applicants did not do anything they should have done
- She received an email from Christine Williams on Oct. 12<sup>th</sup> that said the buttonbushes have been purchased and will be planted the weekend of 10/15/16.
- A message has been left for the consultant, Brooke Monroe, Environmental Professional
- The Ch. 91 License has not been received in the Conservation office.
- The as-built for the wall has not been received.

It was agreed that if a Cease and Desist order is sent to the owners, it will include “failure to comply may lead to appropriate action, which could include penalties”.

*On a motion made by Cmmr. Loring, seconded by Cmmr. Dowd, the Commission voted 5-0-0 to ratify the Enforcement Order and to issue a Cease and Desist order if the applicant doesn't follow the plan.*

**Lovell Playground Renovation – Discuss Order of Conditions  
Town of Weymouth  
1250 Commercial Street  
Map 23, Block 253, Lot 26  
DEP File # 81-1184**

Appearing before the Commission were Steve Reilly and John MacLeod, Town of Weymouth.

Ms. Schloss said the additions to the newest OOC revision are mostly relative to the construction period.

Pre-Construction Conditions:

- Time of Year (TOY): which areas will not be worked on during TOY restriction.
- Storm Water Pollution Prevention Plan (SWPPP): Activitas put draft plan together; Ms. Schloss wants it submitted to Con Com before being finalized.

Chairman DeGabriele said the OOC should include that any treatment (including flocculants) needs approval.

Chairman DeGabriele asked if the OOC could include a recommendation that the Commission pursue, with the manufacturer, additional testing of the infill material.

Regarding wet-weather water quality monitoring protocol, Ms. Schloss said that in an internal meeting it was requested that the ambient wet-weather water quality monitoring (e.g., at the fish ladder and the storm drain outfall on the opposite side of the river) be separated from the field runoff monitoring.

Chairman DeGabriele suggested that water quality testing is not relatively expensive and is reasonable to ask for; it could be mitigation in order for the project to go forward. Cmmrs. Tanner and Reilly agreed.

Ms. Schloss said the OOC will include “first flush” testing of the field after construction.

Regarding revision to erosion control plans, Ms. Schloss said a sketch narrative should be obtained, and robust erosion controls will be needed between the river and the limit of heavy construction work.

Ms. Schloss said she will talk to the Dept. of Marine Fisheries to clarify their thoughts on TOY restrictions.

Post-construction monitoring of the Inner Riparian Zone restoration area will be conducted for a (3) year period and will be overseen by Mary Rimmer. In future years, maintenance of the restoration area could be coordinated with the Herring Run clean-up which happens on the first Saturday each April.

### **Other Business**

#### **Brick Grille demolition:**

There will be a joint meeting with Braintree on Nov. 16, 2016. Weymouth must file a Notice of Intent with Braintree.

#### **Violations, 64 and 70 Birchbrow Avenue:**

Mr. Meagher of 64 Birchbrow has hired a professional. Conservation seed mix has been put down and the wood chips have been removed. Mr. Meagher is anxious for a release from the Enforcement Order, but Chairman DeGabriele thinks it is too soon to issue it.

#### **Algonquin Gas Compressor Station**

#### **Discussion regarding Superseding Order of Conditions (SOC)**

#### **DEP File # 81-1170**

Ms. Schloss reported that:

- The town has hired expert air quality witnesses
- She and Chairman DeGabriele are attending the Feb. 17, 2017 DEP hearing
- A citizen's group has intervened

### **CPC Update**

Cmmr. Loring provided a written update on CPC projects.

### **Conservation Report**

#### **Smelt Brook Daylighting:**

Ms. Schloss said there will be a meeting Oct. 13<sup>th</sup> on the design of the Daylighting project; the designers, DEP and DMF will be in attendance.

#### **Iantosca Project, Weymouth Neck:**

There is a proposal for a 50-unit residential building at the end of Broad Reach. They intend to stay out of the 200-ft. Riverfront Area. There will be a meeting on Oct. 14<sup>th</sup> with Iantosca Brothers, Planning Director Bob Luongo, Conservation Administrator Mary Ellen Schloss and the Back River & Fore River Watershed Associations.

**Kibby Property Dedication:**

October 26<sup>th</sup> at 11am.

**Projects requested before winter:**

Thayer Academy Environmental Club is looking for a Sunday project in October or November.

**Reappointments**

Ms. Schloss spoke to Jeanne Savoy who will speak to the mayor about the reappointments of Chairman DeGabriele and Cmmr. Loring.

Cmmr. Reilly asked when his term is up. It was confirmed for him that it is June 30, 2017.


**Adjournment:**

*On a motion made by Cmmr. Loring, seconded by Cmmr. Tanner, the Commission voted 5-0-0 to adjourn at 9:00 p.m.*

Respectfully submitted by,

Patricia Fitzgerald  
Recording Secretary

Approved by:

  
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Scott Dowd, Clerk

  
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Date