

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

**Wednesday, November 16, 2016, 7:00 p.m.
M. McElroy Room, McCulloch Building, 182 Green 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 Nov. 16, 2016 Conservation Commission meeting to order at 7:00 p.m. in the Mary McElroy Room, McCulloch Building, 182 Green St., Weymouth, MA.

Approval of Minutes:

The minutes of Sept. 28, 2016 were reviewed.

On a motion made by Cmmr. Reilly, seconded by Cmmr. Loring, the Commission voted 5-0-0 to approve the Sept. 28, 2016 minutes, as written.

The minutes of Oct. 12, 2016 were reviewed; Chairman DeGabriele recommended a wording change.

On a motion made by Cmmr. Reilly, seconded by Cmmr. Dowd, the Commission voted 5-0-0 to approve the Oct. 12, 2016 minutes, as amended.

The following item was moved up on the agenda.

601 Randolph St. - Request for Final Certificate of Compliance

Paul Ruggiero - PDR Construction

Map 56, Block 614, Lot 18

DEP File # 81-1166

Single-family house

Ms. Schloss said she received a certification letter and an as-built plan from Tibbetts Engineering. She did a site visit on Nov. 14th and, even though there were a few minor deviations, the project looks good. She is comfortable with the issuance of 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.

**Brick Grille Building – Notice of Intent, Joint Public Hearing with Braintree
Town of Weymouth
4 Commercial Street
Map 2, Block 202, Lot 20
DEP File # 81-1188
*Demolition of Commercial Building***

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

In attendance, from the Town of Braintree Conservation Commission, were Heather Charles Lis, Chair, Commissioners Joyce Albrecht, Kevin Bears and Gail Feldman, and Kelly Phelan, Conservation Planner. The file number for this project in Braintree is 8-643 and the project site is 0 & 1-3 Commercial St.

Appearing before the Commission were Weymouth Planning Director Robert Luongo, Karlis Skulte, PE, EBI Consulting, and Thomas Liddy, PWS, Lucas Environmental. Mr. Liddy submitted the abutter notifications.

Mr. Luongo thanked the Braintree Commission members for conducting the joint meeting with Weymouth Conservation Commission.

Mr. Luongo explained that both Weymouth and Braintree have applied for grants for improvements to Weymouth Landing. The first phase of this project will be for the owner, Mr. Delegas, to demolish the Brick Grille building, which is mostly in Weymouth. The second phase of the project will be the daylighting of 150 ft. of Smelt Brook. He said that due to an impasse with the Papadopoulos family (owners of the Insurance/Barber Shop portion of the building) it is possible the river might need to be shifted more toward the Weymouth side. Following that work, the goal will be to obtain permitting for the construction of 15,000 sq. ft. of mixed use commercial space and 84 residential units. He stated that Mayor Hedlund feels that this Weymouth Landing project is of high priority.

Mr. Skulte told the Commissions that Smelt Brook runs under portions of the Brick Grille building and a portion of the Papadopoulos building; its culvert shares the Brick Grille and Insurance/Barber Shop foundations. He explained:

- There will be no work in the brook
- A polyvinyl cover will be used to prevent demolition debris from getting into the brook
- 5 ft. of slab foundation adjacent to the brook will be left in place; the rest will be demolished and taken off-site
- Basement level, below street grade, will be left in place
- Liner on top of rear decking will be left in place after demolition
- Preconstruction surveys will be taken
- Structural engineer will be on site during all critical demolition activities

Mr. Liddy said that Smelt Brook is diverted into a 96" culvert built by the Army Corp of Engineers (ACOE). ACOE also installed a 24" x 48" sluice gate that is open and directs water

into Smelt Brook during the smelt spawning period (March 1 – June 30). He said the brook flows under the Brick Grille and has a 40'-long culvert under the building with open wooden decking at the rear of the building. He explained that high tides will back up into the 72" culvert as far as the wooden decking. He said other resource areas include 100' Buffer Zone, 200' Riverfront Area, Land under Water, Inland Bank and Fish Run.

Mike Richardi of the Weymouth-Braintree Regional Recreation-Conservation District asked about the impact of high tide. Mr. Liddy said there will be no impact to the water course but time-of-year (TOY) restrictions will still be observed.

Cmmr. Tanner asked about the integrity of the walls after demolition. Mr. Skulte said the thickness of the walls will be determined during demolition and there will be a structural engineer on site.

Chairman DeGabriele asked who can shut down the project and was told that the contractor, structural engineer, the manager or supervisor of the project, and Weymouth Building Inspectors all have that authority.

Public comments:

Michael Lang, E. Braintree Civic Association Environmental Coordinator, asked what the status was with the Division of Marine Fisheries and asked about the walls (age, outward force and saturation).

Mr. Skulte said DMF had no comments on the demolition submission, other than regarding the daylighting. He then explained that the walls are made of mixed materials and are dry unless there is a rain event. He said, ideally, the daylighting will proceed at the same time as construction of the new building.

Jody Purdy Quinlan, Executive Director, Fore River Watershed Association, said she is glad to see the two towns hold a joint meeting and then asked what will happen if the wall does not hold up during demolition. She also asked if any old materials from the wall could be salvaged.

Mr. Skulte said the project plans can address a wall failure emergency. He added that they will consider salvaging materials as part of the daylighting phase.

Cmmr. Bears of Braintree asked what the work schedule would be.

Mr. Skulte said that the demolition will be done in late January or February, which will only take a few days.

The Weymouth and Braintree project conditions were discussed.

Chairman DeGabriele suggested some changes to the draft Weymouth conditions.

Cmmr. Feldman of Braintree asked for Braintree to be notified at start of work and post-work.

Regarding submittals to be provided with the Request for a Certificate of Compliance, Chairman DeGabriele said it would be good to have a report from the structural engineer submitted with the request.

Mr. Luongo mentioned the \$1.6 million MassWorks Smelt Brook daylighting grant (which has been approved since the meeting was held). He said he will ask if demolition can start soon after the Order of Conditions has been issued and the subsequent waiting period has been satisfied.

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

On a motion made by Cmmr. Reilly, seconded by Cmmr. Dowd, the Commission voted 5-0-0 to approve the Order of Conditions.

55 Woodrock Road - Request for Determination of Applicability, Public Hearing
National Grid
Map 35, Block 446, Lot 25
Installation of a Utility Pole

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

Appearing before the Commission was John Thomas, TRC, on behalf of applicant National Grid.

Mr. Thomas said this RDA is for the installation of a wooden utility pole within the 100-foot buffer zone to Bordering Vegetated Wetland, 200 ft. of Riverfront Area, and within Bordering Land Subject to Flooding. Due to closeness to the road, he sees no negative impact and assured the Commission that work would only take one day, the debris removed for pole installation will be used to back-fill the hole, and there will be no creosote treated poles used.

There were no public comments.

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. Reilly, the Commission voted 5-0-0 to issue a Negative 3 Determination.

Lovell Field Renovation – Discuss Stormwater Pollution Prevention Plan (SWPPP)
Town of Weymouth
Commercial & Broad Streets
Map 19, Block 253, Lots 26 & 27
DEP File # 81-1184

Appearing before the Commission were Meg Buczynski and Benjamin Gleason of Activitas, Inc. who discussed the project and its phasing. A revised plan and draft construction sequence were distributed.

- Staging off Broad St., mid-March, then erosion controls and sewer line under sediment basin
- Sediment basin:
 - a. 15' wide, 2.5' deep, 16.5' bottom elevation
 - b. Capacity: 2-year, 24-hour storm or 3600 cubic ft. per acre
- Stormwater will be discharged as far as possible from the fish ladder
- Will have infiltration through the basin and the grassed area
- After installation of drainage and stone in turf field area, remove sediment basin adjacent to turf field
- Turf field profile and turf anchor will begin in July and be done before school starts
- Install berm and hydro seed fall 2017
- Remove rest of sediment basin

Chairman DeGabriele asked if stormwater turbidity could be monitored.

Ms. Buczynski said she would need to think about it.

Regarding pumping out the sediment basins between storms, Ms. Buczynski said she would need to be told where the Commission wanted water to be pumped.

Ms. Buczynski said this will be going out to bid the beginning of January but she would like to receive comments before the bids come back. She said that DEP has 60 days to review the SWPPP.

72 Charles Street – Notice of Intent, Public Hearing
Ryder Development Corp.
Map 22, Block 292, Lot 31
DEP File # 81-1187
Multi-unit Residential Building

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

Appearing before the Commission were Al Trakimas, SITEC Environmental, and Ken Ryder, Ryder Development Corp. Abutter cards were submitted.

Mr. Trakimas stated that this location used to be a roofing garage company. He said they are separating the property into two lots and work will be in the rear of the lot. He said that Mr. Ryder has done clean-up of the site.

Mr. Trakimas explained their proposal:

- 12-unit apartment building
- Parking in front, using one common driveway
- Existing water and sewer on Humphrey Street
- More trees will be added to the perimeter
- Clean up and stabilize the slope and the 25 ft. no-disturb area
- Conservation mix will be used in upland area
- Infiltration of roof run-off will be added
- Suspended solids will be removed through treatment
- Project will meet stormwater standards

Chairman DeGabriele said that it looked like there had been some recent disturbance on the site, adding that this should not have occurred before the NOI was filed.

Mr. Trakimas said the new plan should be able to smooth out and lessen the fairly steep slopes, and confirmed there would only be one catch basin (at the back corner).

Block wall - they do not plan to extend the wall. Mr. Ryder said part of the foundation will be stepped down and they can set stone or rocks behind the dumpster.

Chairman DeGabriele asked about the asphalt debris on the slope within the 25-foot no-disturb zone. Mr. Ryder said they can pull it back, level and seed it, or do whatever the Commission directs.

Ms. Schloss reminded the applicant that slopes of greater than 3:1 need erosion control matting, and told them they will need to take precautions not to spread the Japanese knotweed growing on the slope.

There were no public comments.

On a motion made by Cmmr. Tanner, seconded by Cmmr. Scott, the Commission voted 5-0-0 to continue the public hearing to Dec. 14, 2016.

11 Water Street - Notice of Intent, Public Hearing

Marian Dorosz – All-Make Auto Care, Inc.

Map 23, Block 306, Lot 9

DEP File # 81-1186

Expand existing building, drainage improvements

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

Appearing before the Commission was Atty. Kevin Burke, owner/applicant Marian Dorosz and Michael Joyce, PE, of Joyce Consulting Group. Abutter certificates of mailing were submitted.

Mr. Joyce commented that the majority of the lot is in the flood zone (elevation 34.6). He said Herring Brook (culverted) runs through the front of property and the two main resource areas are the floodplain and Riverfront Area, adding there is no Riverfront Area in the culvert.

Mr. Joyce handed out revised plans and explained their proposal:

- A 16' x 32' addition on the front of the building which will require some fill in the floodplain
- A rain garden in the area closest to Herring Brook, will provide treatment of run-off and will offer compensatory storage
- About 500 sq. ft. of asphalt will be removed
- Riverbank erosion will be repaired and rip-rap added to rain garden outlet
- Fence along property line adjacent to stream to protect slope from debris

Chairman DeGabriele referenced DPW comment #2 regarding the structural integrity of the culvert and DPW's recommendation that structural analysis should be done before any permits are issued. The condition of the culvert was discussed as well as the responsibility for its maintenance and improvements.

Mr. Burke said:

- There will be no change in the use of the premises, except that work could be done inside the building
- He felt the culvert wasn't a wetland issue and not under Con Comm jurisdiction
- He has, or intends to, reach out to the Army Corps of Engineers to determine who is responsible for the culvert's maintenance and improvement

Chairman DeGabriele and Cmmr. Reilly said that if something catastrophic happened to the culvert it would affect the resource and would come under Conservation Commission jurisdiction.

Cmmr. Dowd said he is concerned about large, heavy vehicles passing over a migratory fish passage and stated that the culvert will continue to decline. He said he would like to see the structural engineering assessment speeded up so someone with an engineering background can confirm that this type of activity can take place, and a plan can be put in place to take care of any actions that are needed.

Ms. Schloss said she wanted to enter the 2013 MA DOT Diver's Inspection Report into the record. This report notes significant deterioration of the culvert. She stated that she, and other departments, have begun searching for when, and by whom, the culvert was extended.

Public comments:

Erin Murphy of Water St. remarked that during some winters she has seen snow plowed into the herring run and asked if this improvement will guarantee no more snow into the herring run.

Mr. Burke replied that the raised curbing to be installed will help prevent plowed snow from entering the river, and less plowing will be done.

Cmmr. Loring said, as Herring Warden, he would prefer to see the busses repaired in the building rather than outside.

Cmmr. Reilly commented that the NOI did not mention the culvert.

Mr. Dorosz said he was not looking for an increase in business, he just wants to be able to work inside, out of the weather.

Ms. Schloss said the hearing should not close until the Special Permit has been obtained or applied for; Mr. Burke said he would apply for one, if it is required.

On a motion made by Cmmr. Loring, seconded by Cmmr. Reilly, the Commission voted 5-0-0 to continue the public hearing to Dec. 14, 2016.

Other Business/Conservation Report

Algonquin Gas Compressor Station

Discussion regarding Superseding Order of Conditions (SOC)

DEP File # 81-1170

Chairman DeGabriele reported that, at the pre-hearing conference, DEP said it will not consider anything outside of wetland jurisdiction (e.g. explosions, air pollution and noise) and filed 1.) a motion against Weymouth Con Comm and 2.) to stay the proceeding. It was again mentioned by Algonquin that Federal Energy Regulatory Commission (FERC) certification supersedes everything.

Reappointments

Chairman DeGabriele asked if an answer had been received regarding his reappointment.

Ms. Schloss spoke to Jeanne Savoy who will speak to the mayor about the reappointments.

2017 Meeting Calendar: dates agreed to by all.

Ms. Schloss told the Commission that Target Technologies has agreed to do metal testing on the turf infill material proposed for Lovell Field.

Adjournment:

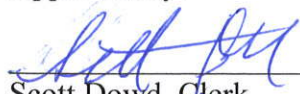
On a motion made by Cmmr. Loring, seconded by Cmmr. Reilly, the Commission voted 5-0-0 to adjourn at 10:47 p.m.

Respectfully submitted by,

Patricia Fitzgerald

Recording Secretary

Approved by:


Scott Dowd, Clerk

01/14/17
Date