

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

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

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

Not Present: George Loring, Commissioner

Also Present: Mary Ellen Schloss, Conservation Administrator

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

Approval of Minutes:

The minutes of Nov. 16, 2016 were reviewed; Chairman DeGabriele recommended two wording changes.

On a motion made by Cmmr. Reilly, seconded by Cmmr. Tanner, the Commission voted 4-0-0 to approve the Nov. 16, 2016 minutes, as amended.

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

Ms. Schloss told the Commission that she sent comments to Meg Buczynski of Activitas, Inc. and received back a revised plan and detailed memo. Ms. Schloss said she is comfortable with the revised plan that will be submitted to DEP, adding that if any comments are received from DEP, they can be incorporated into the final revision.

John MacLeod said that the bid will be going out on Jan. 5, 2017 and he was hopeful that any substantial DEP comments would be received before that date, but if not received by Jan. 5th, a bid addendum can go out, or the bid due date can be extended.

Chairman DeGabriele expressed that he was very pleased with the job Activitas did responding to Conservation comments. He said he is comfortable that Ms. Schloss can review incorporation

of any substantial DEP comments before the bid goes out and said the vote can be held on Jan. 11, 2017.

84-94 Broad Reach – Order of Resource Area Delineation – Discussion
East Bay at Weymouthport Corporation
Map 3, Block 1, Lot 1
DEP File # 81-1125

- 1) *Applicant's request to clarify local ORAD expiration date*
- 2) *Commission's 2014 request for remand of local ORAD*

Ms. Schloss told the Commission that Town Solicitor, Joseph Callanan, reviewed the case and provided his written opinion, which was distributed to the Commission. It is his opinion that the tolling date would be three years from the Norfolk Superior Court action, which would make the date January 8, 2018.

Ms. Schloss was given permission to email Atty. Callanan's memo to the applicant.

Ms. Schloss mentioned that the Conservation Commission supported remand of the matter back to the Commission for consideration of Eastbay's ANRAD under the local ordinance (Town of Weymouth's Reply to Eastbay's Motion to Dismiss for Lack of Standing, September 9, 2014). The case was dismissed and the remand did not happen. The Solicitor's memorandum provided an analysis of the local ordinance and concluded that the remand was not necessary.

Chairman DeGabriele agreed that the ordinance language is not clear relative to exemptions under the Wetlands Protection Act, and is open to interpretation. He also agreed with Atty. Callanan that the remand is no longer necessary and feels the Commission should support both of the Solicitor's positions.

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

Applicant requested that the hearing be continued to Jan. 11, 2017.

On a motion made by Cmmr. Tanner, seconded by Cmmr. Dowd, the Commission voted 4-0-0 to continue the public hearing to Jan. 11, 2017.

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

Appearing before the Commission were Atty. Kevin Burke and owner/applicant Marian Dorosz; Michael Joyce, PE, of Joyce Consulting Group was unable to attend.

Atty. Burke said the applicant received a comment letter from Ms. Schloss and additional time is needed to address the issues. He requested that the hearing be continued to Jan. 11, 2017.

Ms. Schloss said there were some issues she would like to discuss this evening:

Trees:

Atty. Burke agreed his applicant would do whatever the Commission requested: leave, remove, or remove and replace the trees on the riverbank.

Cmmr. Dowd said the trees, even though invasive, were providing shade and stabilizing the bank.

Roof run-off:

Ms. Schloss asked about roof run-off being diverted away from the rain garden and along the riverbank (into the vegetated area). She said she spoke to Mr. Joyce who said he prefers to discharge the rain water into the rip-rap area.

Ms. Schloss said she also asked Mr. Joyce if additional pavement run-off can be diverted to the rain garden (e.g., through a trench drain) and said they would continue to discuss it before the next meeting.

The culvert:

Ms. Schloss stated that the town had done extensive research into the responsibility of the culvert and they found a relative of a previous owner who said the prior owners had constructed it.

Chairman DeGabriele said he, and at least some of the Commissioners, think the culvert *can* collapse and that a structural analysis should be a condition of the Order of Conditions. That analysis would be submitted to the Building Dept. as well as Conservation, and Conservation would defer to the Building Dept. on follow up.

Atty. Burke said it is something they can consider, but it is a matter of cost. He feels this is not related to this submission to which Chairman DeGabriele disagreed.

Ms. Schloss said that this case is before the Board of Zoning Appeals. DPW Engineering and the Building Dept. both will likely be weighing in on the matter.

There were no public comments.

On a motion made by Cmmr. Tanner, seconded by Cmmr. Reilly, the Commission voted 4-0-0 to continue the public hearing to Jan. 11, 2017.

Atty. Burke said he would provide revised, full-sized (24" x 36") plans before the next meeting.

Other Business/Conservation – Administrator’s Report

•Lovell Field Infill and Stormwater Pollution Prevention Plan:

Ms. Schloss reported that John Giraud at Target Technologies had arranged for metal testing on the turf infill material proposed for Lovell Field. Sports Labs USA tested for lead, cadmium, copper, silver and zinc using an SPLP (Simulated Precipitation Leaching Procedure) test. This type of test indicates what might migrate from the fields over the long term. Results from the metals tested were below the EPA’s Recommended Aquatic Toxicity Criteria.

Chairman DeGabriele said it was good these tests were done so it can show that the Commission has confidence that it is highly unlikely that there will be a problem with long-term effects. He also thanked Ms. Schloss for working to get the tests done.

Ms. Schloss thanked all involved with the project for looking at alternative product options. She also said she would send a letter to Target Technologies, to acknowledge their efforts, and would provide a copy to the applicant.

•21 Woodbine Road, Update on Enforcement Order

The owner, Mr. Williams, built the retaining wall on Whitman’s Pond without coming to the Commission for a pre-construction meeting and did not build the wall, or the planting bed, to plan.

A copy of the Enforcement Order was sent to DEP. Ms. Schloss, DEP, Mr. Williams, his engineer and his wetland person, are meeting on site Dec. 23rd. The engineer told Ms. Schloss that he will get her the as-built plan before the site visit.

Chairman DeGabriele reminded the Commission that Mr. Williams had previously stated that he would build the wall ‘his way’ and that’s what he did. He said he thought Mr. Williams should be told to remove the non-compliant wall and the excess lawn fill, and build the project according to the approved plans, adding that the courts can force him to comply.

Retroactive fines were discussed.

•MACC letter regarding interstate gas pipelines:

The Mass. Association of Conservation Commissions has asked if Commissions are interested in signing onto a letter they are submitting to Governor Baker to oppose interstate gas pipelines in Massachusetts.

On a motion made by Cmmr. Reilly, seconded by Cmmr. Tanner, the Commission voted 4-0-0 to sign onto the MACC letter.

•186 Main Street Storage:

Ms. Schloss explained that the OOC has expired. There are some items still outstanding (e.g., fence installation) and several issues to be addressed (e.g., invasive species removal in the restoration area, etc.) The Commission concurred that they will raise these issues with the owner and discuss them when he appears for the OOC extension.

•Hydroraking of Whitman’s Pond is completed.

•67 Regatta Road:

The trees have been taken down and the erosion controls are installed. Ms. Schloss feels they did a good job of cleaning up the site.

•Norfolk County Mosquito Control (NCCMC):

NCCMC will be conducting an open water marsh management project at the Call Road marsh this winter, to help reduce the mosquito population.

•Weathervane water quality monitoring and Alexan vernal pool monitoring data have been received.

•Great Esker Park marsh:

DEP File # 81-1150; final monitoring report has been received and project is ready for a Final Certificate of Compliance.

•December 1st Climate Change Symposium:

Ms. Schloss said she learned what other towns are doing regarding their vulnerability to sea level rise and increased precipitation. Weymouth has not wrapped their head around this issue yet.

•Meeting Rooms:

Efforts are being made to continue meeting in Council Chambers.

Adjournment:

On a motion made by Cmmr. Tanner, seconded by Cmmr. Dowd, 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


Date