

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

**Wednesday, July 12, 2017, 7:00 p.m.
Town Hall, Council Chambers, 75 Middle St., Weymouth, MA**

Present: Thomas Tanner, Chairman
John Reilly, Vice-Chairman
Scott Dowd, Clerk
George Loring, Commissioner
Frank Singleton, Commissioner

Also Present: Mary Ellen Schloss, Conservation Administrator

Chairman Tanner called the July 12, 2017 Conservation Commission meeting to order at 7:00 p.m. in Town Hall, Council Chambers, 75 Middle St., Weymouth, MA.

Approval of Minutes

The minutes of June 1 and June 14, 2017 were reviewed and accepted as written.

On a motion made by Cmmr. Singleton, seconded by Cmmr. Loring, the Commission voted 5-0-0 to approve both sets of minutes.

**541, 549 & 555 Columbian Street - Request for Certificate of Compliance
FoxRock Properties, LLC
Map 40, Block 480, Lot 9
DEP File # 81-1183**

No one representing FoxRock Properties, LLC appeared before the Commission.

Ms. Schloss told the Commission that all is in order with this project, with only some minor items, such as seed in one small area, needing to be addressed. An as-built plan was received.

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

**Castle Storage, 186 Main St., – Local-only Notice of Intent, Public Hearing – Continued/
Michael Gardner, 186 Main LLC
Map 29, Block 375, Lot 2
*Existing structure expansion, drainage improvements***

Appearing before the Commission were David Kelly and David Mackwell, Kelly Engineering Group; owners, Michael Gardner, Sr. and Michael Gardner, Jr.; and Scott MacDonald, Castle Storage Facilities Manager.

Mr. Kelly went over a couple of remaining items regarding this project:

- Data has been provided for repositioning the subsurface stormwater management system further north and to the opposite side of building.
- Have been cooperating with Mr. DeLuca, owner of 208 Main St., in regards to their wet basement. A topographic survey revealed the possibility of running a storm drain, but their concern is that that may not resolve the problem. He said the average vernal pool elevation is at, or above, the basement slab elevation.
- Mr. Kelly doesn't feel that working with Mr. DeLuca should be part of the Order of Conditions.

Chairman Tanner said that it has been known that this project might go to court. He said if the applicant is willing to take that chance, and will continue to work with the DeLuca's, then he would ask the board to entertain an Order of Conditions.

The Commission discussed the draft condition, relative to the flooded basement issue, that Ms. Schloss had distributed to the Commission, the applicant, and Mr. DeLuca. Mr. Kelly said he was aware it is just a proposal and not a course of action to which they must adhere. He stated that his client does not agree with the draft condition.

Cmmr. Dowd asked if the unresolved flooding issue would be included in the Order of Conditions; Chairman Tanner confirmed it would not be included.

Public Comments:

Atty. Scott Golding, of Drohan, Tocchio & Morgan, representing Paul DeLuca, owner of 208 Main Street, addressed the Commission. He requested more time be given to allow engineers to work together to determine origination of flooding. He said his client did not want to appeal the Order of Conditions.

Mr. Michael Gardner, Sr. stated that, since the June 14th meeting, he has spent over \$13,000 working to determine the nature of the flooding issue at General Flooring. He said they are willing to work towards a resolution and believes they have acted honorably.

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

Ms. Schloss said the new Order of Conditions will be built upon the OOC created in 2012, with these additional items:

- Save 3 mature trees in sand filter/level spreader area
- Prior to construction, flag vernal pool boundary and maintain staking for duration of project
- Extra erosion controls (wire-backed silt fence) in area of sand filter/level spreader BMP
- Overflow catch basin to be raised a couple of inches (refer to Site Plan sheet number 5)
- Pave area around water quality unit and infiltration system to reduce fines and sediments
- Include a maintenance access gate to sand filter BMP
- Overflow from infiltration system to be directed to grass swale (DPW to approve this)
- No discharge of construction-period stormwater directly into vernal pool
- No spreading of Japanese knotweed infestation during construction
- Rewrite O&M plan to state that owner may only transfer responsibility to a tenant on the property if required conditions are followed

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

Request for Treatment, Whitman's Pond Vegetation Management Order of Conditions, Discussion

West Cove Whitman's Pond

Town of Weymouth, DPW

DEP File # 81-1041

Sonar (fluridone) herbicide treatment for control of invasive and nuisance vegetation

Appearing before the Commission were: Kenan Connell, DPW Director, Town Engineer Andrew "Chip" Fontaine, and Keith Gazaille, Regional Director and Senior Aquatic Biologist, Solitude Lake Management.

Ms. Schloss explained that the Order of Conditions requires the Commission to review proposed new techniques/applications/treatment areas.

Mr. Gazaille said up to three herbicide applications of SONAR (fluridone) will take 30-40 days, in total, and the results of the treatment will be known by September. He said this produces favorable results, especially with invasives.

Chairman Tanner asked if the first application kills the plant; Mr. Gazaille confirmed that it did and explained that the plant then decomposes.

Chairman Tanner asked if there would be adverse impact to the water should a need for water supply arise during applications.

Mr. Gazaille stated that the chemical in the water supply can't be more than 20 parts per billion (ppb), and they are anticipating 10-15 ppb with the treatment.

Ms. Schloss said the West Cove is shallow, covered with nuisance plants and nature wants to return it to swamp. She added that the town needs to set realistic goals for management of West Cove, for example keeping the boat ramp and some sections of the pond as open water, rather than trying to keep the entire West Cove free of vegetation. With regard to the main basin by the boat ramp, she said they used the Hydrorake in 2016 but there are still more lilies than she would like to see.

Mr. Connell said they have tried to consider all techniques and thinks this solution will develop into a better program.

Mr. Gazaille said he would keep Ms. Schloss updated with application information. He later said that they will collect samples (post applications) to watch concentration of degradation, adding that the PH is typically also tested at that time.

Cmmr. Dowd questioned why this chemical treatment is being used before they've tried the winter lake-level drawdown.

Ms. Schloss said analysis has concluded that winter drawdown would not be effective in West Cove, adding that she is still waiting for assessment reports from Princeton Hydro.

Cmmr. Loring said he has some reservations but if it is only West Cove, and it doesn't affect the rest of the pond, he is okay with it.

Sunset Automotive Service - Notice of Intent, Public Hearing

Robert Burke

195 Park Ave. West

Map 44, Block 485, Lot 4

DEP File # 81-1199

Remove and replace underground fuel tanks; gas dispensers and piping

Chairman Tanner recused himself from the hearing and turned the meeting over to Vice-Chairman John Reilly

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

Appearing before the Commission were Shawn Hardy, Hardy Engineering; Mark Manganello, Wetland Scientist, LEC Environmental Consultants, and owners, Robert Burke and Richard Currier.

Mr. Manganello explained that this service station began operations in 1928 and nearby wetland resources include Mill River and Bordering Vegetated Wetlands. He said the proposed project is to:

- Replace (1) 4,000 gallon and (2) 6,000 gallon single-walled underground fuel storage tanks with (1) 12,000 and (1) 10,000 double-walled gallon tanks for a net increase of

about 6,000 gallons of storage. He added that the state mandates that these single-walled tanks be replaced.

- Replace piping to dispensers, dispensers and concrete pads
- No vegetation will be cleared

Cmmr. Reilly asked if the old tank will need to be pumped out.

Mr. Manganello said the objective is for them to be empty.

Mr. Hardy said that, within the 25-foot no-disturb zone, the storage containers will be removed as well as the dumpster; these area will be restored. The dispenser pad is designed to hold 5 gallons if there is a fuel spill.

Public Comments:

Councilor Ed Harrington of District 5 in South Weymouth spoke. He said he has not received any objections to this project. He said he has been a customer of Sunset Sunoco since 1977 and they have a wonderful reputation. He supports this project.

Josephine Tanner of 169 Park Ave. West said they are wonderful neighbors and an icon in the town. She also supports this project.

Ms. Schloss said this is an important project. She stated that she has talked with the Fire Dept. and the Health Dept. and, even with the increase in storage capacity, there is still an overwhelming improvement.

Ms. Schloss made some suggestions:

- Where restoration of native species is desired, a conservation mix that contains a shrub component could be used.
- Remove debris in Buffer Zone
- Remove yard waste from area of wetland flag 17
- Asphalt, woody debris to be removed
- Concerned about Japanese knotweed

Mr. Manganello said he was okay with the requested seed mix. As far as getting rid of debris, he said it might be historic fill and suggested that it may be best to just remove surficial fill.

There were no public comments.

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

On a motion made by Cmmr. Singleton, seconded by Cmmr. Loring, the Commission voted 5-0-0 to approve the Order of Conditions with conditions discussed.

Extra Space Storage – Request for Notice of Intent, Public Hearing**1256 Washington Street****Map 35, Block 407, Lot 33****DEP File # 81-1198*****Building additions and stormwater management***

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

Appearing before the Commission was Jesse Johnson of Boehler Engineering.

Mr. Johnson submitted abutter cards and explained that the site is nearly six acres, but less than 2.7 acres is developed. He said the wetlands and Riverfront along the Plymouth River have been flagged.

Mr. Johnson said the project is being proposed as part of an effort to refresh all Extra Space Storage facilities throughout the country. He said work will include:

- Additions to be constructed on existing paved areas.
- Roof runoff from additions will be connected to new pipe and directed to the detention basin or vegetated swale.
- Perforated pipe will be placed underground to give water a chance to recharge.
- Runoff from addition on Pleasant St. side will be directed to back drainage swale (rather than creating new outfall as shown on proposed plan).
- Installation of secured fencing; this is accounted for in the disturbance.

Chairman Tanner asked about parking at the front of the building.

Mr. Johnson replied there would be minimal parking. He said they had to maintain a minimum of 24 ft. from the building for access. He said there would be no change to curb cuts and it would all be the same footprint.

Public Comments:

Linda Dougherty, of the Plymouth River condo complex, said she wanted to point out that, regarding the fenced area on the Pleasant Street side, there is currently no parking or activity there.

Mr. Johnson requested a continuance as this matter still has to go before the Zoning Board of Appeals.

On a motion made by Cmmr. Loring, seconded by Cmmr. Reilly, the Commission voted 5-0-0 to continue the hearing to August 9th.

27 Regatta Road – Enforcement Hearing**Christian Baker****Map 2, Block 12, Lot 22*****Unauthorized cutting of beach, dune & coastal bank; encroachment on town property***

Owner, Christian Baker, appeared before the Commission.

Mr. Baker stated that he has lived in Weymouth for 17 years and he bought the 27 Regatta Road property two years ago. He said that when he purchased the property, his deed stated that he had access to the beach.

Mr. Baker said the previous owners had had a staircase but it had fallen into disrepair. There was a gate opening in the fence and there was a pathway to the beach. He added that he has pictures of how the pathway looked when he moved in. He added 2x8's to the existing pathway to hold the sand and stabilize the bank.

Ms. Schloss gave a time line:

- 5/17/17: pictures show no stairs but brush had been cut.
- 5/23/17: meeting held between town officials and Regatta Road residents in regards to the Wessagussett/Lane Beach connection project. Mr. Baker attended this meeting where stairs, coastal bank management and town ownership were discussed. It was made clear that any work on town property would require coming before the Conservation Commission for approval.
- 6/12/17: stairs are in place and bank changes (by the western part of the beach) have been made.
- 6/14/17: Notice of Violation issued requiring owner to attend the 7/12 Violation Hearing and putting him on notice that an Enforcement Order could be issued requiring him to provide a plan for revegetation.

Ms. Schloss added that even if this was Mr. Baker's private property he would still need to come before Conservation before altering these wetland resource areas. She recommended that the stairs be removed and the area be revegetated with beach grass.

Chairman Tanner said he is not comfortable asking for the stairs to be removed at this time because, as part of the Lane Beach-Wessagussett Beach connection project, the town is looking at potential scenarios under which Regatta Road owners could cross town land to access the beach.

Ms. Schloss reminded the board members that the town took the coastal bank by eminent domain in 1967. *[Note: this was incorrectly stated; the land taking was in December, 1957.]*

Chairman Tanner and Cmmr. Reilly said they felt the violation hearing should be tabled until the town decides, as part of the beach connection project, what we want for a vegetation plan for the coastal bank and what we are going to allow for beach access over the coastal bank.

Mr. Baker asked for continued use of the stairs to access the beach in order to keep it clean.

On a motion made by Cmmr. Singleton, seconded by Cmmr. Reilly, the Commission voted 3-2-0 to keep the hearing in abeyance until the town has determined what will be allowed for private access over the coastal bank and what is recommended for vegetation management. Cmmrs. Loring and Dowd voted against.

The Commissioners unanimously agreed that the inflatable boat on the coastal bank should be removed and that there should be no more construction, and no further alteration of vegetation on the coastal bank. Nothing is allowed other than walking up and down the path.

There was some discussion of the alternatives the town was discussing for beach access over the coastal bank. Chairman Tanner requested that the Commission send a letter to the Town Solicitor, Joe Callanan, requesting a progress update.

Ms. Schloss stated that the Mayor and Solicitor Callanan held a recent meeting with Regatta Road residents and discussed six potential options relative to beach access. She stated that she would send Commissioners the list of options.

Ms. Schloss recommended that the Commission take further action if they notice any erosion of the beach/bank/coastal dune.

Cmmr. Singleton said that the Conservation Commission should have input into the town decision affecting coastal bank usage.

Chairman Tanner said the Commission should revisit the issue no later than its October 2017 meeting.

Other Business

CPC Report

Cmmr. Loring had nothing to report as there was no meeting.

Administrator's Conservation Report

Ms. Schloss did not provide a Conservation Report.

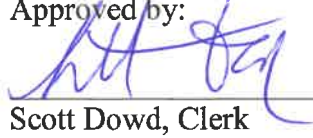
Adjournment

On a motion made by Cmmr. Loring, seconded by Cmmr. Reilly, the Commission voted 5-0-0 to adjourn at 9:17 p.m.

Respectfully submitted by,

Patricia Fitzgerald
Recording Secretary

Approved by:


Scott Dowd, Clerk


Date