

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

**Wednesday, March 8, 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 March 8, 2017 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 February 8, 2017 were reviewed. Cmmr. Loring had one wording correction.

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

Weathervane Golf Course Development & the Village at Weathervane –

Request for Extension of Orders of Condition (OOC), Public Hearing

Bristol Brothers Development Corp.

Map 51, Block 535, Lots 79 & 80; Block 574, Lot 4; Block 576, Lots 29-32; Block 608, Lots 2 & 12

DEP File # 81-756 & 81-963

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

No one present wished to discuss the project.

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

Ms. Schloss told the Commission that some items were still outstanding: on-site and off-site mitigation needs to be finished, and there is some on-going, long-term monitoring required by the OOC.

Chairman Tanner asked if extensions could be longer than one-year. Ms. Schloss said she would look in to it.

On a motion made by Cmmr. Reilly, seconded by Cmmr. Singleton, the Commission voted 5-0-0 to approve the Order of Conditions Extension for one year.

GND Realty Trust – Notice of Intent, Public Hearing
Weymouth Landing, “Brookpoint”
#4-#50 Commercial Street
Map 20, Block 202, Lots 13 & 17-21
DEP File # 81-1191
Construct Mixed Use Development

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

Jack O’Leary, SITEC Environmental, came before the board on behalf of GND Realty Trust. Abutter notices were submitted.

Mr. O’Leary said that this project will be part of the redevelopment of Weymouth Landing. He said that the Brick Grille has been demolished and explained that the large apartment building now under construction will be mostly in Braintree, with a small area in Weymouth. He explained that the NOI before them is for a 55,000 sq. ft., 4-story, mixed-use building, with stores, parking and residential units.

Resource areas:

- Smelt Brook, which is within Riverfront Area, flows through a 72” culvert. A 96” pipe (flood control conduit) directs overflow from Smelt Brook to Fore River.
- Land Under Water
- Bank
- Smelt Brook bank (the culvert) has a 100 ft. Buffer Zone.
- Land Subject To Flood, shown on FEMA map; (Mr. O’Leary stated that elevation 10 appears to be on other side of MBTA station, so the site does not actually flood.)

Water Management:

- Interior parking garage runoff goes into oil/water separator which is connected to the sewer.
- Drainage from the open “donut hole” area between the buildings goes to catch basin and connects to parking lot drainage.
- Some runoff will go towards landscaping and some to the drainage system.
- Roof drains will be connected to the storm drain network which runs to the ocean.

Miscellaneous:

- Impervious area won’t be increasing very much.
- Infiltration won’t be proposed due to limited space and poor soil conditions.

- Sediment controls will be placed at each catch basin.

Chairman Tanner asked for the catch basin depth; Mr. O'Leary replied 3 to 6 ft.

Bob Luongo, Planning Dept. Director, approached the Commission to say that there will, hopefully, be a joint meeting with Braintree on April 6, 2017 at which time EBI will present the daylighting plans. Mr. Luongo explained:

- The daylighting and the walkway had to be kept on the Weymouth side so as not to disturb the Papadopoulos property.
- The mayor is pursuing a \$1.6 million grant for daylighting.
- Project engineers think Weymouth Landing can handle the traffic but there will be some problems at Broad St. He said the Mayor has worked hard on this project and is going after a \$200,000 grant to manage traffic signals.
- He mentioned that the town parking will be done at the developer's expense and the town will create additional parking when the sewer lines are moved.

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

Proposed conditions were reviewed by Ms. Schloss:

- Granting easement for Smelt Brook daylighting.
- Entirety of the 100 ft. buffer to Smelt Brook bank to be shown on final and future plans.
- Five existing catch basins in the parking lot to be reviewed and replaced or retrofitted, as needed, so that all have deep sumps and hoods.
- As-built plans to show drain network in sufficient detail to trace drainage from the site to the outfall.
- Construction will be according to approved plans.

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

34 Lakeside Ave. - Request for Determination of Applicability, Public Hearing

Christine Kenney

Map 23, Block 302, Lot 27

Addition to Single-Family Home

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

Owner, Christine Kenney, appeared before the Commission. Abutter cards were submitted.

Ms. Kenney explained that they would like to put on a second story and extend the back of the house by 8 feet. The foundation is already there and the 8-ft. extension will not go to the end of the foundation.

Ms. Schloss said there would be no problem with the addition but there are issues concerning encroachments onto town property: the owners' fence is located on town property as is their shed, part of a fenced-in play area, and part of the yard.

The encroachment was discussed and it was decided that:

- The fence will remain as it is providing safety to a very steep slope.
- Native, shade tolerant shrubs and/or ground cover will be required to prevent debris from being sent over the fence.
- If any work done to the shed, it will be moved at that time; the Building Dept. will be notified of this condition.
- Current debris will be removed.

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. Loring, seconded by Cmmr. Reilly, the Commission voted 5-0-0 to issue a Negative 3 Determination with conditions mentioned.

Castle Storage, 186 Main St. – Local-only Notice of Intent, Public Hearing
Michael Gardner, 186 Main LLC
Map 29, Block 375, Lot 2
Existing Structure expansion

At the request of the applicant, this hearing has been continued to April 5, 2017.

On a motion made by Cmmr. Loring, seconded by Cmmr. Reilly, the Commission voted 5-0-0 to continue the public hearing to April 5, 2017.

6 Morningside Path – Notice of Intent, Public Hearing
Jessica Kelman
Map 26, Block 346, Lot 18
DEP File # 81-1190
Construct Single-family home

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

Appearing before the Commission were Brad Holmes, PWS, Environmental Consulting & Restoration, LLC, and the applicants, Jessica and Benjamin Kelman. Mr. Holmes turned in the Abutter cards.

Mr. Holmes said that in 1996 an Order of Conditions for re-construction was issued, but only the foundation was built. This project is partially within Conservation jurisdiction (within 100-foot buffer zone to (a) Inland Bank and (b) Bordering Vegetated Wetlands). Prior to beginning of work, erosion controls will be installed in order to protect 25-foot no-disturb zone.

Mr. Holmes provided additional project information:

- A lot of debris will be removed, off-site.
- A sketch showing a proposed deck was distributed. Mr. Holmes stated that it is smaller than the deck approved in 1996.
- Native species will be used to re-landscape.
- No trees will be removed in the no-disturb zone, just debris.
- Smaller saplings and the red maple in the old fill pile will be removed.
- Rotted timber wall will be removed.

Public comments:

Susan Symonds, 12 Morningside Path, 18 year resident

Ms. Symonds said her reason for appearing was to raise awareness of this beautiful spot. There is wildlife in the area and eagles have been visiting there since 2015.

Chris Whittemore and Jacquelyn Consalvi, 5 Morningside Path

Mr. Whittemore also expressed concern for wildlife and mentioned seeing several species.

Mr. Holmes stated that the property is not mapped for rare species.

Michael Burns, 18 Morningside Path

Asked how the wildlife will be affected.

Mr. Holmes explained that removing the Japanese knotweed will allow for native plant species.

Ms. Schloss said, regarding Morningside Path, she consulted with town counsel, Joe Callanan, and he wants to see the document (deed) showing who has rights to it. Because grading is shown across the full width of Morningside Path (a “paper street”) the applicant will likely need approval of the abutters (assuming they share rights to the paper street). Engineering will also need to approve the grading of Morningside Path. Preliminary comments indicate that the proposed grade may be too steep.

Chairman Tanner told the applicants that if someone has deeded rights to Whitman’s Pond, their access to it can’t be blocked.

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

Conditions were discussed:

- Infiltration will be needed; a dry well or drip strips will be provided. These should be shown on the Building Permit plan.
- Pervious “popcorn” pavement will be used, if needed.
- Driveway: come back before Commission if any changes are proposed to driveway.
- Show any driveway changes on Building Permit application.
- Put a berm at end of driveway to slow runoff.

- Cut, woody debris in the 25-foot No-Disturb will be removed and handled properly; they will leave the decomposing log.
- Hand-pull Japanese knotweed.
- Inspection needed before construction; flagging needs to be in place.
- Mark 25-ft. Buffer Zone
- Inspection needed before Certificate of Compliance can be issued.

Lastly, Ms. Schloss said she reached out to staff at Mass Audubon who said a house would not likely have a significantly impact on birds who use the area for feeding as long as the mature trees remain.

Chairman Tanner thanked the audience for the way they conducted themselves.

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

21 Woodbine Road, Violation Hearing – Continued

Henry Williams

Map 30, Block 391, Lot 18

Local-only OOC & DEP File # 81-1078

Noncompliant retaining wall on Whitman's Pond

Cmmr. Singleton, who was not present at the first 21 Woodbine Road hearing, recused himself from participating (he stayed in his seat to listen to the discussion).

Owners Henry and Christine Williams, along with George Collins, P.E., Collins Civil Engineering, came before the Commission as requested in regards to an Enforcement Order issued Feb. 13, 2017.

Mr. Collins said that four years ago the town denied the applicant an Order of Conditions (OOC) to replace an existing wall, but that DEP issued a Superseding OOC. The reason for the Enforcement Order is that the wall was built substantially differently from that which was permitted. He said Mr. Williams is hoping to keep the wall and remove one block, or make modifications that the Commission would find satisfactory. They did some investigation and found that it would cost them approximately \$15,000 for contractors and \$5,000 for permitting and construction oversight to rebuild the wall according to plan.

Cmmr. Dowd said what was built is the opposite of what was approved. Cmmr. Reilly said he has a real problem with someone being given a set of conditions and then not complying with them.

Ms. Schloss said the wall, to the east, is 10 feet longer than approved. There had been a natural bank and now 10 feet of bank has a wall on it. She said the low point on the wall is now 1 ½ ft. higher than it was previously and thinks two blocks, instead of one block, should be removed in that area to mimic original conditions. Ms. Schloss added that she wants to understand more about the location of the wall relative to the former cement bag footings and wants to know

whether the height of the planting bed and the soils used are in compliance with the approved plan. She added that something needs to be done to benefit the pond; the property can't be a walled fortress.

The owners stated that the footings/alterations for the new wall did not go beyond the existing footings/alterations for the old wall. They stated that the soil for the planting bed was specifically ordered to meet the specifications in the Order, and the height is correct.

Cmmr. Dowd stated that the face of the wall is a "desert" and he asked whether a bioengineered ecosystem could be added to the face of the wall. Ms. Schloss stated that they would have to hire a bioengineering expert if they are going to try to accomplish combining a bioengineering solution with the engineered wall.

Mr. Williams asked that the Commission continue the Violation Hearing for two months so they have enough time to research bioengineered solutions and consultants, although he added that they may want to come in next month to discuss alternatives.

Chairman Tanner commented that the Commission could continue the Violation Hearing for a period not to exceed two months. He reiterated that the Commission is going to want to see them offer more than just removal of one course of blocks.

On a motion made by Cmmr. Reilly, seconded by Cmmr. Loring, the Commission voted 4-0-1 (Cmmr. Singleton abstained) to continue the Violation Hearing for a period of no more than two months (to either the April 5th or May 3rd, 2017 meeting date).

Other Business/Conservation – Administrator's Report

- Mass. Environmental Trust: Town applying for grant for work at Iron Hill Park. Chairman Tanner will sign a letter of support.
- Algonquin Gas has filed a motion to vacate DEP's stay of the town's appeal. Oral arguments can be handled by Town Council, Joe Callanan.
- 271 Essex Street: A double garage with a room above, within a few feet of wetlands, has been built and Building Permit signed by the Building Dept. A discussion determined that it is necessary for the homeowner to 1) file an After-the-Fact Notice of Intent and 2) remove excavated material and fill from the wetlands now.
- 190 Lake Shore Drive: A room with a roof was built, without a Building Permit, within a couple of feet of the pond on the location of a former deck. Owner wants to convert it into 3-season room. After discussion, the Commission agreed that it was not likely they would allow this and concurred that Ms. Schloss should inform the owner.
- 211 Green Street: Big composting operation has extended their work area 30 ft. beyond where they were given permission. They will be sent a Violation Notice. Chairman Tanner said if they don't comply with what they are required to do, then send them an Enforcement Order.
- Brady's Package Store, 1516 Commercial Street: Mr. Brady wants to build an enclosure for returnables, within 50 ft. of the Herring Run, where he currently has large containers.

Cmmr. Loring suggested they provide infiltration and repair their driveway. They will be coming in with a Notice of Intent to show proposed improvements.

CPC Report

No meeting was held.

Conservation Report was handed out.

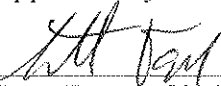
Adjournment

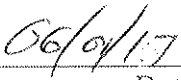
On a motion made by Cmmr. Loring, seconded by Cmmr. Reilly, the Commission voted 5-0-0 to adjourn at 10:15 p.m.

Respectfully submitted by,

Patricia Fitzgerald
Recording Secretary

Approved by:


Scott Dowd, Clerk


Date