

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

**Wednesday, May 3, 2017, 7:00 p.m.
McElroy Room, McCulloch Bldg., 182 Green St., Weymouth, MA**

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

Not Present: Scott Dowd, Clerk

Also Present: Mary Ellen Schloss, Conservation Administrator

Chairman Tanner called the May 3, 2017 Conservation Commission meeting to order at 7:00 p.m. in the McElroy Room of the McCulloch Bldg., 182 Green St., Weymouth, MA.

Approval of Minutes

The minutes of April 5, 2017 were reviewed and accepted.

On a motion made by Cmmr. Loring, seconded by Cmmr. Reilly, the Commission voted 4-0-0 to approve the minutes.

58 Tilden Road – Request for Partial Certificate of Compliance

SKM Title/Mass Bank & Trust Co.

Map 51, Block 539, Lot 37

DEP File # 81-53

Lot 18 of Sub-division

Ms. Schloss explained that the original Order of Conditions was issued in 1976. She recommended a Partial COC for Lot 18 *only* to be issued.

On a motion made by Cmmr. Reilly, seconded by Cmmr. Singleton, the Commission voted 4-0-0 to approve the Partial Certificate of Compliance for Lot 18 only.

Meredith Way - Request for Extension to Order of Conditions (OOC), Public Hearing

Bristol Bros. Development

Maps 21, 24 & 25, Block 284, Lots 4 & 28 – 37

Map 21, Block 285, Lots 3 & 129 - 142

DEP File # 81-1025

Expiration Date 5/16/2017

On a motion made by Cmmr. Singleton, seconded by Cmmr. Reilly, the Commission voted 4-0-0 to open the public hearing.

Appearing before the Commission was owner, James Bristol, III.

Chairman Tanner asked if the period of time for extensions could be increased to three years, instead of the current one-year period. Ms. Schloss said that it can be discussed under 'Other Business', adding that it must be approved by Town Council.

Mr. Bristol explained that:

- They are still dealing with invasive knotweed
- Some of their plantings have perished and need to be replaced
- Road was paved after being dug up by the gas company for trenching
- Six lots are left; he's hoping to close on all this year
- Believes this OOC Extension will be the last one needed

Ms. Schloss stated that the OOC requires:

- Two parcels be preserved in perpetuity for open space
- A covenant to preserve these parcels is being created by Town Council; these documents need to be recorded, with the deed, before the project is closed out
- Encroachment prevention is needed for the preserved open space (boulders, placards, markers)

No Public comments.

On a motion made by Cmmr. Reilly, seconded by Cmmr. Singleton, the Commission voted 4-0-0 to close the public hearing.

On a motion made by Cmmr. Singleton, seconded by Cmmr. Reilly, the Commission voted 4-0-0 to approve the Order of Conditions Extension to 5/16/2018.

11 Water Street - Notice of Intent, Public Hearing - Continued

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. Singleton, seconded by Cmmr. Reilly, the Commission voted 4-0-0 to continue the hearing to June 14th, per the applicant's request.

Castle Storage, 186 Main St., – Local-only Notice of Intent, Public Hearing - Continued

Michael Gardner, 186 Main LLC

Map 29, Block 375, Lot 2

Expand commercial storage facility; drainage improvements

Appearing before the Commission were David Mackwell, Kelly Engineering Group, Michael Gardner, Sr. and Michael Gardner, Jr.

Mr. Mackwell explained that the original building was planned for retail business, but as there were no takers, in 2014 they redesigned the building's usage to that of a storage facility and filed a new NOI. The proposed expansion will be 12,000 sq. ft. added to the existing 22,000 sq. ft. of space. He said the project has been approved by BZA. He then listed some benefits to be had from the proposed changes:

- Reduction in traffic and parking spaces needed
- Additional stormwater facilities will capture and treat an additional 28,000 sq. ft. of pavement
- Reduction in pavement
- Addition of green space

They will continue to implement the requirements of the prior Order of Conditions, including removal of invasive species and buffer zone planting in and around the vernal pool.

Ms. Schloss reported that a neighbor has complained about some flooding on their property.

Public Comments:

David DeLuca spoke on behalf of his brothers, Paul and Richard DeLuca. He said they are not opposed to the property being developed, but, recently, a very serious water problem has arisen. He said the vernal pool has been changed dramatically.

Paul DeLuca, owner of General Flooring at 208 Main Street, addressed the Commission. He said their building has a 16,000 sq. ft. basement that they have been using for their warehouse for the last 27 years and, since April 2017, it has completely flooded out and they have lost their warehouse. He said there was some floor weepage in the last few years but something happened in March; it rained, the ground froze, and when it thawed there was a huge surge of water. He said he isn't sure if it is being caused by the 186 Main St. project but would like some time to check into what is causing the basement flooding.

Mr. Gardner, Sr. said that, at this time of year, the vernal pool is higher than ever before, due to all the rain. He said the runoff is less now than with the two old buildings and there is less impervious surface now than there was before. He has already told Kelly Engineering to put in a new recharge system if it is the safest way to handle more runoff.

Paul DeLuca responded that in 2014 there was lots of rain and his basement did not take on any water, even though other basements did. He said the only thing that has changed is that trees are gone (that used to hold water) and he is asking for some time to find out what has changed.

Ms. Schloss said neither she, the Commission, nor Engineering has seen the package received from Mr. Mackwell, as it only arrived a few hours before the meeting. She went on to say that

when the project plans were first submitted there was some pavement that was not being treated per DEP stormwater standards. She had asked Mr. Mackwell to develop low impact ideas to handle the additional 8,000 sq. ft. of pavement. Ms. Schloss said she feels it is not prudent to make a decision tonight when the plan has not been reviewed.

Ms. Schloss expressed her thoughts on the project:

- Test pits are needed to confirm that soils are suitable and that there is a minimum two-foot high separation to ground water and ledge
- The catchment area needs to be documented
- Junk cars there and oil sheen has been seen; need to know what pollutants are present
- Need to make sure no more water is put in the vernal pool than goes there currently
- Commission needs to review new documents

Chairman Tanner asked about possible ways to address the vernal pool overflow:

- Can the vernal pool be provided with an outfall?
 - Is it possible for the water going towards the vernal pool to be banked and swaled?
- Mr. Mackwell said he would look into it.

Chairman Tanner stated that he did not want a junk yard at the end of the property.

Mr. Gardner, Jr. said he agreed “100%” and, as the tenant has been uncooperative about vacating, he has retained counsel to begin forcing the tenant to leave.

Mr. Gardner, Sr. said the project is coming together and is ready to go to bid in the next 7-10 days. He said he would make the site plans available to the DeLuca’s engineer and will do anything that responsible people should do.

Mr. David DeLuca asked for 60 days for Paul to find an engineer, adding that they will get together with the applicant in order to avoid an appeal.

On a motion made by Cmmr. Loring, seconded by Cmmr. Reilly, the Commission voted 4-0-0 to continue the hearing to June 14, 2017.

256 Commercial St. – Request for Determination of Applicability, Public Hearing

Stephanie Cheney

Map 16, Block 199, Lot 5

Complete 2-car garage on existing foundation

On a motion made by Cmmr. Reilly, seconded by Cmmr. Singleton, the Commission voted 4-0-0 to open the public hearing.

Owner Stephanie Cheney came before the Commission. She explained that she wants to build a wooden, one-story, two-car garage on existing foundation that was built in 1980.

Jeff Thayer, a neighbor of Ms. Cheney and developer of the condominium project, told the Commission that it was his drawings used for the foundation construction and it was only lack of funds that kept the garage from being completed. He has no objection to the proposed garage.

Ms. Schloss told Mr. Thayer that the original project, under DEP File # 81-181, was never closed out. She said she would need an as-built plan with the Request for a Certificate of Compliance for the COC to be issued.

On a motion made by Cmmr. Reilly, seconded by Cmmr. Singleton, the Commission voted 4-0-0 to close the public hearing.

Ms. Schloss told Ms. Cheney that they are presuming that the garage will be built on the existing foundation and that no excavation will be required. If this is not the case, then Ms. Cheney will need to contact the Conservation office.

On a motion made by Cmmr. Loring, seconded by Cmmr. Reilly, the Commission voted 4-0-0 to issue a Negative 3 Determination.

21 Woodbine Road, Violation Hearing – Continued

Henry Williams

Map 30, Block 391, Lot 18

Local-only Order of Conditions (OOC) & DEP File # 81-1078

Noncompliant retaining wall on Whitman's Pond

Owners Henry and Christine Williams came before the Commission as requested in regards to an Enforcement Order issued Feb. 13, 2017.

Chairman Tanner suggested that, in lieu of making adjustments to the wall, the Williams' keep the existing wall, cap it, create a slope of 5' to 6', and pay a fine. He said the slope needs to be planted and feels a \$2,000 fine is appropriate to act as a deterrent to others on the pond (who may think it is permissible to build a wall in a similar manner).

There was some discussion between the Williams and the Commission. Chairman Tanner clarified that the Commission should be providing direction on the plantings, and it was decided that the plantings should include shrubs that grow at or above the height of the nuisance Canada geese, and that only organic fertilizers should be used on the lawn. It was further clarified that the created slope and planting area would be at the rounded end of the "peninsula" and not encompass the full extent of the sides of the peninsula. Chairman Tanner expressed concern that people would be sitting on the wall; Mr. Williams confirmed that there would be a 3-foot fence along the wall.

Ms. Schloss said that she will issue a letter documenting the conditions required and levying the \$2,000 fine as a 21D noncriminal fine. She added that the Williams' planting plan needs to be submitted for review prior to planting.

Commissioners agreed that the fine should be paid before the plantings are installed and that the plantings could be installed during the spring or fall planting season, no later than October 1st, 2017.

Cmmr. Singleton suggested that, to avoid administrative burden of filing a 21D noncriminal fine, that the Williams be given until October 1, 2017 to pay the fine and install the plantings and that the 21D fine could be levied after that time if requirements were not fulfilled. Commissioners agreed.

On a motion made by Cmmr. Singleton, seconded by Cmmr. Reilly, the Commission voted 4-0-0 to close out the violation with conditions discussed.

Ms. Schloss reminded Mr. & Mrs. Williams that they need to check into Chapter 91 Licensing

Other Business

- Smelt Brook Daylighting: Ms. Schloss said the Braintree/Weymouth meeting is tentatively scheduled for June 1st in Braintree (provided the Notice of Intent is received by the May 19th due date).
- 9 Norton Street trees: Ms. Schloss said she talked to Ed Hansen, Certified Arborist, Hansen Landscape & Tree, who said the oak trees are compromised and could come down with heavy wind. This is a rental property and the owner would like to take them down.

On a motion made by Cmmr. Singleton, seconded by Cmmr. Loring, the Commission voted 4-0-0 to allow trees to be removed and to request salt-tolerant trees, of acceptable size, to be planted in their stead.

- *Chairman Tanner asked if the period of time for extensions could be increased to three years, instead of the current one-year period. Ms. Schloss said that the Commission can make a recommendation, adding that this would be an ordinance change and must be approved by Town Council.*

CPC Report

Cmmr. Loring reported on the April 6, 2017 meeting. Topics of discussion included:

- Working on Back River Trail
- Drawdown in 2017 is possible
- Herring Run: still looking for funds and permits are on-going
- Working on Puritan Road: still working on design
- Wessagussett Beach Connection: grant will soon be received
- Smelt Brook daylighting: meeting will be held soon

Administrator's Conservation Report

Ms. Schloss told the Commission:

- Weed Harvesting: Councilor Art Mathews has asked if weed harvesting in Whitman's Pond can be done before July 1st. All agreed to uphold the OOC date of July 1st, saying even that date can be too early (as it would have been in 2016).

- 2 Perkins Avenue: This was a tear down and rebuild. The rear of the property is in the 25-foot no disturb area and is planted with wild flowers. The new owners want a fence for their dog in the back yard adjacent to the pond and were told “not within 25 ft. no-disturb”. All agreed.
- Lovell Field: Going well. They hope to finish sewer bypass by May 5th. Construction sequence has changed: the stump dump was excavated first and there is a large depression that holds stormwater and so the separate stormwater basin was not constructed. All agreed it was okay for Ms. Schloss to approve changes to the Stormwater Pollution and Prevention Plan.
- Puritan Road: Town received their second Coastal Zone Management Coastal Resiliency Grant. Failed culvert on Puritan Road; day lighting project will be filed as an Ecological Restoration Project. Going through MEPA right now. Ch. 91 license may be needed. MEPA site visit May 18th.
- #136-138 Bridge Street, DEP File # 81-1152. Reviewed coastal bank restoration work with owner and their consultant, Woods Hole Group. Some vegetated work is needed on the bank (seeding/planting, invasives management).
- Compressor Station: Town comments on the Mass DEP’s draft air quality permit for the proposed Algonquin gas compressor station were handed out to Commissioners.

Adjournment

On a motion made by Cmmr. Loring, seconded by Cmmr. Reilly, the Commission voted 4-0-0 to adjourn at 9:15 p.m.

Respectfully submitted by,

Patricia Fitzgerald
Recording Secretary

Approved by:


Scott Dowd, Clerk


Date