

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

**Wednesday, June 14, 2017, 7:00 p.m.
McElroy Room, McCulloch Bldg., 182 Green St., Weymouth, MA**

Present: Thomas Tanner, Chairman
Scott Dowd, Clerk
George Loring, Commissioner
Frank Singleton, Commissioner

Not Present: John Reilly, Vice-Chairman

Also Present: Mary Ellen Schloss, Conservation Administrator

Chairman Tanner called the June 14, 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 May 3, 2017 were reviewed and accepted as written.

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

**Brewster Main Street, LLC - Request for Partial Certificate of Compliance
25 Main Street (Brewster Ambulance)
Map 29, Block 327, Lots 24 & 25
DEP File # 81-1167**

Appearing before the Commission was Richard Servant, PLS, of Stenbeck and Taylor, Inc.

Ms. Schloss told the Commission that this project, which utilized low-impact development techniques to retrofit an existing parking lot, has turned out beautifully. She explained that just a few things need to be done; one of the basins needs to be weeded, some herbaceous species and one shrub (that didn't make it) need to be replaced, and she wondered if the stability of the steep slopes might benefit by some added mulch. Overall she is very pleased and recommended a Partial COC as there is an ongoing condition that requires one year monitoring of rain gardens. She recommended that reports be submitted in the early fall of 2017 and in early May, 2018.

Ms. Schloss stated that if the applicant wished to change the snow storage area from gravel to pavement a minor modification request would be required.

Chairman Tanner suggested they leave that area graveled for this winter and revisit the situation in the spring after they see if the gravel can handle the snow. He further suggested that pervious "popcorn" asphalt be utilized in this area; all agreed.

On a motion made by Cmmr. Singleton, seconded by Cmmr. Dowd, the Commission voted 4-0-0 to approve the Partial Certificate of Compliance.

**Puritan Road Ecological Restoration Project – Notice of Intent, Public Hearing
Town of Weymouth, DPW
Map 8, Block 14, Lot 1; Map 14, Block 168, Lot 1 & Block 167, Lot 39
DEP File # 81-1195
*Stream Daylighting, culvert reconstruction***

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

Appearing before the Commission were: Stan Humphries, Sr. Coastal Geologist, LEC Environmental Consultants; Paul Jacques, Woodard and Curran; and Braydon Marot, Weymouth Engineering Dept.

Mr. Humphries explained the project. He said there is 165 ft. of underground culvert that links a tidal creek with the Back River. They want to remove the cover material and the culvert and then dredge for another 110 ft. of existing creek upstream. Work will be approximately 265 linear feet. By daylighting that section of culvert, it will provide an opportunity to replicate 3,375 feet of salt marsh in that section. He said there are three parcels involved - two are owned by the town and part of another parcel, at 136 Puritan Road, is privately owned. This area is within an Area of Critical Environmental Concern (ACEC) and wetlands affected by this project are Coastal Beach, Coastal Bank, Salt Marsh, Riverfront Area, and Land Subject to Coastal Storm Flowage. There are no mapped, endangered species habitats.

Mr. Humphries said the upper marsh area receives flow at high tide, but at low tide the creek is dry which creates the need for dredging the stream channel.

He explained that the primary structure that will replace the collapsed, 48” pipe will be a boxed culvert, 4’ wide x 8’ high.

He then mentioned the noticeable gravel downstream from the culvert, saying it is probably an accumulation of the gravel DPW has used to fill holes (for public safety). He suggested that this may continue until the culvert is installed, and felt removal of the gravel can wait until the end of the project as it is not impeding tidal flow. He also stated this project has no time-of-year (TOY) restriction.

Mr. Humphries also said the dredging would be contained to a width of 4 ft., the original width of the stream, and recommended that future dredging be part of the Order of Conditions.

Chairman Tanner asked who would be doing the monitoring.

Mr. Marot said DPW would do their best but they may need to bring on a consultant to assist with the monitoring.

Public comments:

Mr. Michael Trott, of 136 Puritan Road, said he is in favor of the project and he has given his permission for access to his property, to the point where they will have to move the gate over.

Ms. Schloss stated that this is a great project. She explained that the town has filed for a Chapter 91 License and a 401 Water Quality Certificate with the DEP. She said this Ecological Limited Project can't close until those permits are received and Conservation has seen any conditions the state may have.

Mr. Marot said he would check on the status of those permits. He also mentioned that the DPW is working through a \$3 million Coastal Zone Management grant and those funds need to be spent by July 1st. He also said they are working on a construction grant and if that grant is not obtained the construction sequence will change.

On a motion made by Cmmr. Singleton, seconded by Cmmr. Dowd, the Commission voted 4-0-0 to continue the hearing to August 9, 2017.

7 Woodside Path - Notice of Intent, Public Hearing

Shelley Newman

Map 34, Block 434, Lot 26

DEP File # 81-1197

Addition to existing single-family house

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

Appearing before the Commission were owners Shelley Newman and David Ross. Ms. Newman explained that they want to add two additions, totaling 1,600 sq. ft., onto the existing house. This will include rainwater handling. Ms. Newman said the plan originally submitted shows a footprint about 5 feet wider than the size that is now wanted.

Ms. Schloss said she reviewed the wetland line with Brad Holmes and is comfortable with the line as shown on the plan. She said no vegetation will be cut, the pond buffer will stay as is, and she is comfortable with the project.

Ms. Schloss explained the standard conditions for the project.

There were no public comments.

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

On a motion made by Cmmr. Singleton, seconded by Cmmr. Loring, the Commission voted 4-0-0 to approve the Order of Conditions.

573 Broad Street - Notice of Intent, Public Hearing
Weymouth Glen Condo Trust
Map 22, Block 292, Lot 24
DEP File # 81-1194
Irrigation well for condominium

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

Appearing before the Commission were Pat Carrara, Project Manager, P.M.P. Associates, LLC, and Lauren Ballard, First Service Residential, management company for Weymouth Glen Condominiums.

Mr. Carrara explained that this project is to replace a failing irrigation well, adjacent to the pump building, that provides water to Weymouth Glen Condos. He said the wetlands have been flagged and the proposed project is not near any property lines. To minimize site disturbance caused by the installation, they propose to locate the well inside a dewatering siltation basin. Filter fabric will be put down and it will be lined with hay bales and crushed stone. He stated it is a 1½" diameter screened point well.

Mr. Carrara said the wetlands sit on a 55 acre watershed and the wetland outlet goes under Broad Street; the water is being used to irrigate lawn areas. He said they are typical wetland soils (the rest is urban soil); it is not in a Zone II.

Chairman Tanner asked if they were capping the existing well. Mr. Carrara said yes, into the existing pump house.

Well use restrictions during drought conditions were discussed. Ms. Schloss said she will check with the Weymouth Health Dept., who has jurisdiction. Drought conditions, in regards to well usage, needs to be clarified.

Ms. Schloss commented that the pump house is about 6 ft. from the wetlands and said the Commission will have to waiver the setback to allow this well installation. She also mentioned that, during construction, it may be possible to use a dewatering bag along the edge of the grass strip by the parking lot.

Mr. Carrara suggested that the conditions include that the well company needs to be specific about how the well will be installed.

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

Special conditions were discussed; they will include:

- The well drilling company to provide additional information, as requested, prior to construction
- Commission to authorize a waiver for work in no-disturb zone

On a motion made by Cmmr. Singleton, seconded by Cmmr. Loring, the Commission voted 4-0-0 to grant a waiver to allow well installation within 25-foot no-disturb zone.

On a motion made by Cmmr. Singleton, seconded by Cmmr. Dowd, the Commission voted 4-0-0 to approve the Order of Conditions with conditions discussed.

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

Cmmr. Singleton is not participating in this hearing as he was not present for earlier meetings regarding 11 Water Street.

Appearing before the Commission were Atty. Kevin Burke and owner, Marian Dorosz.

Mr. Burke reported that Rivermoor Engineering has been hired and described the solution they have developed to reduce loads to the project culvert without actually working in the culvert.

- Strip parking lot pavement down to the cement (top of culvert)
- On top of the culvert will be a silicone padding. Install steel highway plates that will be anchored to new walls outside the culvert footprint
- Pave over the space to stabilize the culvert roof without working in the herring run

Mr. Burke said plans submitted to the Building Dept. will have to be signed off by the Inspector before a Building Permit will be issued.

Cmmr. Dowd asked if there is a contingency plan in the event of any damage to the culvert.

Mr. Burke said no, the load over the culvert will actually be reduced by this change.

Mr. Dorosz explained that the plate will be attached to the outer walls and will provide even more strength. He said there will be no vibrations because vehicles passing over will only be going 2-4 miles per hour.

Cmmr. Dowd asked who would be responsible for any collapse during excavation.

Ms. Schloss asked if Rivermoor could address the possibility of damage to the culvert during excavation.

Chairman Tanner said the responsibility for any culvert destabilization lies with the owner as this culvert is privately owned.

Mr. Burke said Mr. Dorosz will take before and after pictures.

On a motion made by Cmmr. Loring, seconded by Cmmr. Dowd, the Commission voted 3-0-1 to close the public hearing. Cmmr. Singleton abstained.

On a motion made by Cmmr. Loring, seconded by Cmmr. Dowd, the Commission voted 3-0-1 to approve the Order of Conditions to include conditions previously, and currently, discussed. Cmmr. Singleton abstained.

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 addressed the additional water quality benefits to the rear of the site:

- To enhance the area at the rear of the property that drains into the vernal pool:
 - New catch basin with deep sump
 - Water quality device
 - Sand filter
 - Level spreader device
- To address overflow from the infiltration system and silt/sand that travels to catch basin at the intersection of Winter St. and Mass Electric’s driveway:
 - Propose vegetated swales along the driveway
 - Raise overflow catch basins so they don’t accept flow
 - Will pave around new catch basin so doesn’t contribute sediments

Next, Mr. Kelly addressed comments made at the May 3rd meeting by Paul DeLuca and his brother, David DeLuca. He said he has provided them with all data and has received a response that seems to focus on the adjacent “pad” site that has not been proposed yet. He also said that the neighbor’s engineer assumes the roof run-off will end in the vernal pool at a quick rate but it actually is slowly infiltrated to the right of the building. He feels they have addressed all standards and no evidence shows impact to the neighbor’s property; any problems being experienced is more likely with Mr. DeLuca’s site than with the Castle Storage project.

Chairman Tanner asked if water could be sent toward the Bilodeau Water Treatment Plant at 95 Winter Street instead of going to the vernal pool.

Ms. Schloss said the vernal pool has been looking good the last few years, the watershed has not changed and she doesn’t recommend that they change the watershed to direct water away from the pool.

Public Comments:

Paul DeLuca, owner of General Flooring at 208 Main Street, addressed the Commission.

Mr. DeLuca said his basement has been dry up until 2 years ago. On April 6th his basement (16,000 sq. ft. warehouse) was under water; the vernal pool was ‘enormous’ and nearly reaching the building – something it had never done before. They pumped water out of the basement from 4/6/17 to 5/12/17; the pond/vernal pool level dropped and water into the basement stopped. 5/15 to 5/20 the pond still grew even though there was no rain. They pumped again until 6/2. It rained 6/4 – 6/6 and the pond grew and water came back. 6/10 no rain and the pond grew. Just stopped pumping again the day of the meeting, June 14th.

Dave Nyman, Mr. DeLuca’s engineer, said he’s been an environmental engineer for 40 years. He said he met with Mr. Gardner and Mr. Kelly and he has looked at Kelly Engineering’s data. He said he had some concerns about drainage and the boring information and asked if Kelly Engineering would look into them; he only received their response the day of the meeting. Regarding the vernal pool/pond, he feels water is appearing sooner than it should. He said he wants Con Comm to be sure that there is no alteration to the pond/vernal pool. There has been a loss of 13,000 sq. ft. of wooded area in a sensitive watershed.

Mr. Nyman said Paul DeLuca will grant an easement (somewhere where the vernal pool overflows) for a pipe to redirect water to Winter St., provided the applicant pays to put it in.

Chairman Tanner suggested an outlet on the vernal pool to DPW. They thought it would be a good solution, providing the town doesn’t have to pay for it.

Mr. Kelly asked if the Commission would be comfortable moving the infiltration system to the north based on the test pits conducted earlier this week; Ms. Schloss said yes.

On a motion made by Cmmr. Singleton, seconded by Cmmr. Loring, the Commission voted 4-0-0 to continue the hearing to July 12, 2017.

CPC Report

Cmmr. Loring provided a written report of the May 4, 2017 meeting.

Administrator’s Conservation Report

Ms. Schloss told the Commission:

- 67 Regatta Road did a great job with the coastal bank in back of their home. They are requesting to remove one additional Norway maple and plant additional beach grass. It was agreed that Ms. Schloss can work with the Mariano’s on this under the existing Order and there is no need for them to file an Amendment.
- A Municipal Vulnerability Preparedness program grant for \$25,000 has been awarded. Cmmr. Singleton will be the lead person.
- Enforcements:
 - 27 Regatta Road: a cease and desist letter has been sent regarding clearing of vegetation and construction of stairs on town owned property. A violation hearing will be scheduled for the July 12th meeting.

- 270 Middle Street: debris has been thrown into wetland in conjunction with construction of a patio. A Notice of Violation was issued.
- Weymouth Salvage is no longer operating a car salvage business.
- 94 Bridge Street had a long dock system that was approved by the Conservation Commission on condition that state and federal permits were received. These permits were never obtained. The Army Corps of Engineers told the owner, Colin Glynn, to take it down. Mr. Glynn partially demolished the floats and now there is Styrofoam all over the beach. Ms. Schloss recommended that the Commission issue an Enforcement Order requiring the owner to clean up the beach and properly dispose of all materials.

On a motion made by Cmmr. Singleton, seconded by Cmmr. Dowd, the Commission voted 4-0-0 to issue of an Enforcement Order for 94 Bridge Street.

Adjournment


On a motion made by Cmmr. Loring, seconded by Cmmr. Singleton, the Commission voted 4-0-0 to adjourn at 10:00 p.m.

Respectfully submitted by,

Patricia Fitzgerald
Recording Secretary

Approved by:


Scott Dowd, Clerk


Date