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

**Wednesday, August 9, 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 August 9, 2017 Conservation Commission meeting to order at 7:00 p.m. in the McElroy Room, McCulloch Bldg., 182 Green St., Weymouth, MA.

Approval of Minutes

The minutes of July 6 and July 12, 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 both sets of minutes.

Update from Solicitor Joe Callanan regarding the administration's position on encroachment onto town-owned coastal bank on Regatta Road.

Mr. Callanan said he was before the Commission regarding the town's desire to convey their position on illegal encroachment onto town-owned land. He said dialogue with the Regatta Road residents began with earlier meetings.

Mr. Callanan said that private residents "improving" public land and altering coastal bank is no different than anyone else who doesn't come before Conservation for permission.

Chairman Tanner asked if all structures need to be removed.

Mr. Callanan responded that the Mayor isn't interested in projects/improvements that have gone before, but in more recent activity. He said the deed received at a home-owner's closing may not describe the property accurately.

Chairman Tanner asked if structures need to be taken out or can they be left in place and not used. He said he wants to be consistent and compassionate and feels he needs more help from the administration.

Mr. Callanan replied that taking no action would be problematic for Conservation in doing their job and asked what would have been done had others destroyed vegetation. He suggested consistency with past rulings.

Cmmr. Singleton suggested the process be resumed in September so it can be completed by October's meeting; all agreed.

Ms. Schloss said she is still of the opinion that replanting should be required as cutting on coastal bank/dune/beach is not permitted.

On a motion made by Cmmr. Singleton, seconded by Cmmr. Dowd, the Commission voted 4-0-0 to continue the discussion to Sept. 13, 2017.

Puritan Road Ecological Restoration Project – Notice of Intent, Public Hearing-Continued
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

The applicant has requested this hearing be continued to 9/13/17.

On a motion made by Cmmr. Dowd, seconded by Cmmr. Singleton, the Commission voted 4-0-0 to continue the hearing to Sept. 13, 2017.

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

The applicant has requested this hearing be continued to 9/13/17.

On a motion made by Cmmr. Loring, seconded by Cmmr. Dowd, the Commission voted 4-0-0 to continue the hearing to Sept. 13, 2017.

Ms. Schloss informed the Commission that there will be storm water basin renovations, with lots of vegetation being cut, on the Pleasant St. side of 1256 Washington Street.

DPW Great Pond Dam – Notice of Intent, Public Hearing
Randolph Street
Map 48, Block 549, Lot 1
DEP File # 81-1202
Dam repairs including damcrest, spillway and Randolph St. culvert replacement

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 Greg Berube and Sarah Pierce of Pare Corp., and Ken Morse of the Weymouth Dept. of Public Works, Water/Sewer Dept. Superintendent. Certificates of mailing were submitted.

Mr. Berube said the Great Pond dam for the town's water supply was originally built around 1874. He said this project is to address long term settlement and erosion issues and the ability for the dam to pass storm water flows and to make the dam easier to maintain. He said the work will include regrading the crest of the dam, controlling dam vegetation, regrading the slope, putting down loam and seed on the street side and the crest, and removing/replacing pond rip-rap. Modifications will be made to the spillway, adding an emergency spillway to the east side. The existing stone culvert under Randolph St. will be replaced with a larger, precast, concrete box culvert and stone retaining walls will be pulled back from private property and put onto public land. The town will also be replacing catch basins with deep sump catch basins, replacing two water lines and a gas line, and replacing the sidewalk and fencing around the dam. He stated the primary focus is dam safety.

Chairman Tanner asked what will be the extent of their jurisdiction; Mr. Berube said the utilities on Randolph Street will be the limit.

Mr. Berube said the new slide gate system (aluminum with lifting mechanism) will allow the town to lower the water level before storms occur. He explained their schedule for completing the project by November, 2018 and said Randolph Street will be closed for 2-3 weeks (otherwise the project would take two years).

Cmmr. Loring asked if any mature trees would be coming out; Mr. Berube said only as needed and those removed would be replaced.

Ms. Schloss recommended the Order of Conditions include:

- Long-term maintenance of vegetation on the dam/embankments according to the Operation and Maintenance Plan
- Mature trees designated for removal will need to be reviewed

There were no Public Comments.

Ms. Schloss said the vote would be to approve this as a limited project and to waive the wildlife habitat evaluation typically required under state regulations if more than 50 feet of pond front is altered. A waiver is not required under local regulations because the project is for maintenance of an existing structure.

On a motion made by Cmmr. Loring, 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. Dowd, the Commission voted 4-0-0 to approve the Order of Conditions, incorporating the Draft Conditions and matters discussed.

302 Randolph St., – Notice of Intent, Public Hearing

Paul Mackintire

Map 52, Block 545, Lot 5

DEP File # 81-1200

Install lawn, clear brush

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 Brad Holmes, Environmental Consulting and Restoration, LLC, and applicant, Paul Mackintire. Mr. Holmes submitted abutter notifications.

Mr. Holmes explained that the house recently built at this location is outside the buffer zone. His client is requesting permission to do brush clearing at least 36 ft. away from the wetland. He said the silt sock (about 72 ft. away) will be removed in order to create a lawn for 302 Randolph Street.

Cmmr. Loring said he would like to see the no-disturb zone delineated.

Mr. Holmes said he will install conservation markers along the property line, and silt sock at the limit of work, during the construction period.

Cmmr. Loring asked if verbiage can be included in the Order of Conditions (OOC) to prevent additional area from being turned into lawn. Chairman Tanner added that he is concerned that, if it is cleared, the area might get used.

Mr. Holmes said they could use conservation markers that have nesting boxes at the top.

Chairman Tanner advised Mr. Holmes to discuss possible fertilizers with Ms. Schloss.

Mr. Mackintire's attorney, Greg Galvin, rose to say that the 25-foot no-disturb is actually town property, and the limit of work will still be within Conservation jurisdiction but outside the no-disturb. He is aware that fertilizers must be environmentally sensitive and expects those that would be acceptable will be in the OOC. He said the conservation area will be on the deed, will run with the land and has restrictions; home owners will need to look at the OOC.

Ms. Schloss said:

- Property lines need to be staked with permanent markers
- Edge of lawn area needs to be demarcated
- No herbicide or pesticide will be permitted within 100 ft. of wetlands
- Conservation must approve any future work in the brush clearing area

There were no Public Comments.

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

Chairman Tanner asked what guarantee the Commission would have that the home owner would see the OOC.

Atty. Galvin said he would agree to the initial buyer being given a copy of the Order of Conditions. He suggested that the OOC accompany the deed, referenced with recording book and page, and it be required as a condition for the first transfer of the property. He said the initial deed will have the full OOC attached.

Ms. Schloss said “adjacent to town-owned land and public drinking supply” also needs to be added to the deed.

Atty. Galvin asked permission for work to begin in the grass area, to install the silt sock, before the OOC is recorded. Ms. Schloss said she would allow this.

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

271 Essex Street – After-the-Fact Notice of Intent, Public Hearing

William Fabiano

Map 21, Block 288, Lot 110

DEP File # 81-1201

Two-car garage

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 was Paul Shea, Independent Environmental Consultants. Mr. Shea submitted abutter notifications.

Mr. Shea explained that this project began with an Enforcement Notice. He said he thinks the owner, William Fabiano, met with the Building Dept. but did not go before Conservation; he has readily agreed to fix this problem and to pay the fine.

Mr. Shea said the wetland restoration, done in May, is growing well; a wetland conservation grass mix is being used, with a different mix for upland, and high-bush blueberries and other native shrubs have been planted.

Ms. Schloss asked about the plan scale Mr. Shea submitted; he said it should read 1”=30 feet, instead of 1” = 40 feet.

Ms. Schloss also pointed out that the pool was built 20 ft. closer to the wetland than permitted and therefore finds mitigation reasonable.

Chairman Tanner said a \$3,000 gift/donation will help dissuade others from doing work first and getting permission afterwards.

There were no Public Comments.

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

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

120 Rindge Street – Request for Partial Certificate of Compliance

Jeffrey & Laura Halla

Map 17, Block 179, Lot 82

DEP File # 81-39

Single-family, Builder's lot 52 only

Ms. Schloss said this is part of a larger subdivision for which a Certificate of Compliance was never granted. The house is across the street from where there used to be wetlands (there were no wetland resources at the subject property).

She recommended a Partial Certificate of Compliance.

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

20 Autumn Lane – Request for Performance Guarantee Close-out

Ryder Development

Map 3, Block 409, Lot 28

DEP File # 81-1112

Slope restoration at single-family house

Al Trakimas, SITEC Environmental, came before the Commission. He explained that there are three items that still need to be addressed:

- Remove silt socks
- Apply herbicide to knotweed
- Seed base of the hill, where knotweed is growing, with a rye and conservation mix

Once this work is completed, he is requesting the Performance Guarantee of \$10,000 be released.

On a motion made by Cmmr. Singleton, seconded by Cmmr. Dowd, the Commission voted 4-0-0 to approve the release of the \$10,000 Performance Guarantee, upon completion of the three action items.

234 King Philip Street – Request for Certificate of Compliance**Brian Nelson****Map 48, Block 508, Lot 10****DEP File # 81-1055*****Single-family house with wetland replication***

Ms. Schloss reported that she and Al Trakimas made a site visit on Aug. 7th and it looks really good; removal of the silt fence is all that is needed. Ms. Schloss reminded the members that Condition #27 stated that the owner shall grant the town an access easement and said that Mr. Trakimas has provided that plan. She recommended issuance of the Certificate of Compliance, once the Easement Plan has been recorded.

Mr. Trakimas said he will submit the request to close out the Army Corp of Engineers' Sections 401 and 404 Permits.

On a motion made by Cmmr. Singleton, seconded by Cmmr. Dowd, the Commission voted 4-0-0 to approve the Order of Conditions, upon the recording of the Easement Plan.

CPC Report

Cmmr. Loring said there was nothing to report as no meeting was held.

Other Business

Ms. Schloss reported:

- 487 Broad Street, DEP File #s 81-1159 and 81-1160: New signature page needed because, due to the drought, they were told *not* to plant last year. The Enforcement Order needs to be issued now and needs to be signed by current board members.
- 48 Lake Street, DEP File # 81-1153: Order required that applicant plant on slope behind garage. Applicant moved garage more than 20 feet closer to house and area to be planted was not disturbed and is well vegetated. All agreed this can be handled administratively.
- Wessagussett/Lane Beach Connection: Exploratory borings are needed to design the project. Wetland Protection Act allows temporary impact for exploratory work. All agreed this can be handled administratively.

Algonquin/Compressor station update:

Atty. Rebekah Lacey reported that the Motion to Dismiss is scheduled to be heard October 10th (handout distributed).

Herring Run:

Ms. Schloss was very happy to announce that Mayor Hedlund and the Town Council have approved construction funding for the summer/fall 2018 Herring Passage/Smelt Restoration project.

MBTA Durante project (wetland mitigation and environmental cleanup):

Design is pending.

Whitman's Pond herbicide treatment:

First round of treatment has been done; next application will probably be in September.

Administrator's Conservation Report

See Ms. Schloss' report dated August 9th.

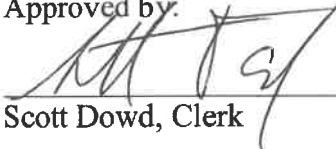
Adjournment

On a motion made by Cmmr. Loring, seconded by Cmmr. Singleton, the Commission voted 4-0-0 to adjourn at 9:04 p.m.

Respectfully submitted by,

Patricia Fitzgerald
Recording Secretary

Approved by.


Scott Dowd, Clerk

Sept. 13, 2017
Date

Weymouth Conservation Administrator's Report

August 9, 2017

Ongoing Construction

- Lovell Field
 - Turf field drainage being constructed
 - Will focus on school area during vacation
 - Riverfront area to be planted this fall. Will leave area for Herring Passage/Smelt Restoration Project dewatering area.

- Back River Trail thru landfill to Great Esker Park.
 - Completed (may be few more "punch list" items)
 - Expect Certificate of Compliance Request this fall

- Weymouth Club
 - Stream channel filled; parking lot and retaining wall and drainage system constructed (Commission not notified so was not present for this work!)
 - Wetland replication and buffer zone restoration scheduled for fall 2017.
 - On-site meeting scheduled for next week to discuss.

Compliance and Enforcement and Complaints

- 270 Middle Street
- Lamparelli, Broad Street
- Dorothea Drive needs follow up

Monitoring

- 136-138 Bridge Street
 - Owner hired SumCo to treat and remove invasives, seed bare spots in slope and work on rain garden. Much improved!

Other Projects

- GREAT NEWS!!! Herring Passage/Smelt Restoration Project
 - Mayor put forward and Town Council approved construction funding via free cash.
 - Proposed construction period Summer/Fall 2018
 - Need additional permitting: OOC, 401 WQC, 404 ACOE

- MBTA Durante Mitigation Site/Wetland Restoration and HazMat Mitigation
 - Staff input into conceptual design plans

- Lane-Wessagusset Beach Connection
 - Expect conceptual plans by the end of July.
 - Project will include generic plan for coastal bank restoration/replanting
 - Working group meeting (Tom and Frank representing Con Comm)
 - Public meeting in August or September

- Algonquin Compressor Station, Appeal of Denial under Weymouth Wetlands Protection Ordinance
 - See handout from Rebekah Lacey, Miyares and Harrington.
 - Email with attachments can be forwarded.

- Whitman's Pond
 - 1st round Herbicide treatment West Cove (July)
 - Harvester, draft protocol. George and MES to meet with operator
 - Drawdown – conference call with Princeton Hydro on Monday. Deliverables under Scope of Work have not been submitted. Not ready to pursue permitting until have all assessments completed and reviewed.

Information Received

- New NHESP map for priority habitats dated August 1, 2017
- Army Corps of Engineers permit application has been filed for the Bowler/Gillen dock at Back River Road (DEP file #81-1182). Comment period August 8 to September 8.

Upcoming Conservation Commission Meetings

- September 13th. Location to be determined.