

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

**Wednesday, January 11, 2017, 7:00 p.m.  
Town Hall, Council Chambers, 75 Middle St., Weymouth, MA**

**Present:** Steve DeGabriele, Chairman  
Tom Tanner, Vice Chairman  
Scott Dowd, Commissioner and Clerk  
George Loring, Commissioner

**Not Present:** John Reilly, Commissioner

**Also Present:** Mary Ellen Schloss, Conservation Administrator

Chairman DeGabriele called the Jan. 11, 2017 Conservation Commission meeting to order at 7:00 p.m. in Council Chambers at Town Hall, 75 Middle St., Weymouth, MA.

**Chairman DeGabriele's Statement**

Before the meeting began, Chairman DeGabriele made a statement. He stated that he has been on the Conservation Commission for nearly seven and a half years and explained that he has been asking for several months about his and Cmmr. Loring's reappointments, both of which expired June 30, 2016. He said he respects the Mayor's prerogative in reappointing Commissioners or not, but he respectfully requests that the issue be resolved before the next meeting on Feb. 8, 2017.

**Approval of Minutes**

The minutes of Dec. 14, 2016 were reviewed; Chairman DeGabriele recommended a wording change.

*On a motion made by Cmmr. Tanner, seconded by Cmmr. Dowd, the Commission voted 4-0-0 to approve the minutes as amended.*

**72 Charles Street – Notice of Intent, Public Hearing Continued**

**Ryder Development Corp.**

**Map 22, Block 292, Lot 31**

**DEP File # 81-1187**

***Multi-unit Residential Building***

Chairman DeGabriele said that the applicant requested that the hearing be continued to February 8, 2017. He requested an update on the project before the vote to continue the meeting.

Ms. Schloss reported that during a site visit they discovered fresh fill on the slope adjacent to the wetlands and that excavation work had been done within the 100-ft. buffer. She stated that the town Engineering Dept. discovered there had been an extension to a town drainage pipe that runs through Mr. Ryder's property, and some additional fill within the 100 ft. buffer appears to have been placed within the last year or so.

Ms. Schloss said she attended a meeting with the applicant and his engineer, DPW, and the Planning Dept. in regards to pulling back some of the fill and the drainage pipe. She said during the meeting she recommended the applicant hire a wetland scientist to provide a wetland restoration plan to the Commission. She added that this needs to be resolved before they discuss the stormwater system.

Chairman DeGabriele agreed with the need for a wetland scientist. He said that a remediation plan is appropriate and it is not sufficient for the contractor to just dig trenches. Cmmr. Dowd concurred.

Cmmr. Tanner asked if any work may have been done by a previous owner. Ms. Schloss said that Mr. Ryder admitted to extending the pipe, and Google Earth shows a distinct difference (of roughly 3,000 sq. ft. of fill within the 100-ft. buffer zone) between 2-3 months after Mr. Ryder purchased and then about 1 ½ years later. She also remarked that when the wetland scientist was suggested to Mr. Ryder, she got 'push back'. She said a wetland scientist would be needed to identify fresh fill.

*On a motion made by Cmmr. Tanner, seconded by Cmmr. Dowd, the Commission voted 4-0-0 to continue the public hearing to Feb. 8, 2017.*

### **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***

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

Atty. Burke explained to the Commission that his client was asking for the meeting to be rescheduled because, at this point, feasibility of the project is being considered. He requested that the hearing be continued to May 3, 2017.

There were no public comments.

Ms. Schloss asked if the concrete and rubber berms were still going to be constructed.

Atty. Burke said their intention is to go forward with those items in the spring.

*On a motion made by Cmmr. Loring, seconded by Cmmr. Tanner, the Commission voted 4-0-0 to continue the public hearing to May 3, 2017.*

**21 Woodbine Road, Violation Hearing**  
**Henry Williams**  
**Map 30, Block 391, Lot 18**  
**Local Only Order of Conditions and DEP File # 81-1078**  
***Noncompliant retaining wall on Whitman's Pond***

Appearing before the Commission were George Collins, P.E., Collins Civil Engineering Group, and owner/applicant Henry Williams.

Mr. Collins reviewed the project and explained the deviations. He said the original Notice of Intent, for the renovation of an existing wall and installation of a new wall, was denied by Weymouth. It was appealed to DEP who then issued a Superseding Order.

Mr. Collins said this was a long process and became longer when Mr. Williams waited for a dry season to do the work.

Mr. Collins remarked that the violations occurred because Mr. Williams did not understand the Order of Conditions and that is why a pre-construction meeting was not requested. He said the work was done two years ago and it has only been within the last 4-5 months that Ms. Schloss notified him that the wall was not built correctly (higher, wider, deeper, longer, out further and has a bigger footprint). A site visit was conducted on Dec. 23, 2016.

Mr. Williams admitted he made a mistake by trying to work around obstructions (tree roots, ledge); Mr. Collins said they were asking to see if modifications to the project could be agreed to.

There was discussion about the wall and options that might be available.

Chairman DeGabriele said the wall was not built as approved; the deviations are not minor and the wall constructed is similar to the wall that was denied. He said he thinks an Enforcement Order is appropriate and the burden is on the applicant to provide a plan that complies with the approved plan. He added that this situation could have been avoided with a pre-construction meeting and by communicating with the Commission during construction.

Ms. Schloss said that work may be required of the applicant even if there is no dry season. She said the Commission wants to see their planned construction sequence and protection measures, and a plan showing the location and materials of the replacement patio and north side retaining wall. She said they will also probably want a time-of-year restriction (in regards to fish spawning).

Chairman DeGabriele said the Enforcement Order should require that they submit a plan by Feb. 23, 2017.

*On a motion made by Cmmr. Dowd, seconded by Cmmr. Tanner, the Commission voted 4-0-0 to issue an Enforcement Order with conditions mentioned.*

## Other Business/Conservation – Administrator’s Report

- 611 Commercial St., Parcel 2, DEP File # 81-1181 Order of Conditions

Ms. Schloss said she received a request to increase the depth of the house from 24’ to 28’. Parcel 2 is out of Con Comm jurisdiction except for a small portion of driveway. She said she was in favor of letting it go forward; all agreed.

- Weymouth Salvage

Chairman DeGabriele said there continues to be a pollution problem at Weymouth Salvage and encouraged Ms. Schloss to contact Environmental Protection Agency (EPA) regarding this issue.

- Union Point water agreement

Chairman DeGabriele said he would like to see time made available on the February 8, 2017 agenda to discuss the 600,000 gallons of water per day being offered to Union Point.

Cmmr. Dowd said it was his understanding that this is a 3-year agreement put in place for the developers to secure funding. He said no faucets will be opened because it will take longer than 3 years for the construction to take place and by that time they will have to get a new water source.

Chairman DeGabriele said that after they look at the agreement, which will come in the meeting packet for February, they can reach out to other town officials if clarification is needed.

- Castle Storage

Ms. Schloss reported that Mike Gardner wants to put on a 3-story addition to Castle Storage (Main Street). She said there is proposed activity within 200 ft. of the vernal pool boundary. She said she received the botanist’s restoration report - it looks good and survived the drought. Monitoring reports were distributed.

- Norfolk County Mosquito Control (NCMC)

NCMC will be conducting an Open Water Marsh Management Project at the Call Road marsh set to begin January 23<sup>rd</sup>, weather permitting. This project is not under Con Comm jurisdiction.

- Lovell Field

There will be a site walk Jan. 18<sup>th</sup> in regards to the bid documents that have gone out. Ms. Schloss said she asked Meg Buczynski if any comments have been received from DEP regarding the stormwater discharge permit. Meg said they haven’t submitted it to DEP yet.

- Upcoming project

White St. subdivision: 6-lot subdivision within former Naval Air Station which is within Weymouth Conservation jurisdiction. Ms. Schloss handed out the Notice of Intent which will be on the February agenda.

- FEMA class

Mary Ellen and Pat are attending a class on Jan. 24<sup>th</sup> for interpreting FEMA maps and FIS Studies.

**CPC Report**

See attached report from Dec. 2016 CPC meeting.

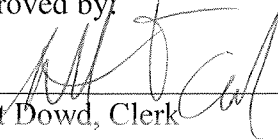
**Adjournment**

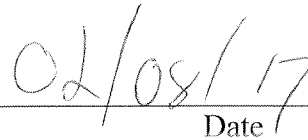
*On a motion made by Cmmr. Loring, seconded by Cmmr. Tanner, the Commission voted 4-0-0 to adjourn at 8:50 p.m.*

Respectfully submitted by,

Patricia Fitzgerald  
Recording Secretary

Approved by:

  
\_\_\_\_\_  
Scott Dowd, Clerk

  
\_\_\_\_\_  
Date