

**WEYMOUTH CONSERVATION COMMISSION
RECORD OF MINUTES AND PROCEEDINGS
Wednesday, April 9, 2014 - 7:00 p.m.**

Present: Steve DeGabriele, Chairman
Tom Tanner, Vice Chairman
George Loring, Commissioner
Anthony Merlino, Commissioner

Absent: Scott Dowd, Commissioner

Also Present: Mary Ellen Schloss, Conservation Administrator
Abby McCabe, Recording Secretary

The Chairman called the April 9, 2014 Commission meeting to order at 7:00 p.m. in the Mary McElroy Meeting Room at the McCulloch Building, 182 Green Street, Weymouth, MA.

Minutes:

On a motion made by Commissioner Tanner, seconded by Commissioner Loring, the Commission voted to approve the minutes from the February 26, 2014 meeting as amended by the Conservation Administrator by a vote of 4-0.

The review of the minutes from March 12, 2014 were continued to the next meeting and will be sent to the Commission members for the April 23, 2014 meeting.

Dandelion Way – Notice of Intent

**John Mento / Mento Homes, Inc. {Lots 2, 3, 4}
119 Randolph Street
Map 48, Block 509, Lot 16
DEP File # 81-1144 thru 1147**

The Chairman called the applicant for Dandelion Way to the podium and the Commission re-opened the public hearing (continued from March 26, 2014).

Ms. Schloss noted that the Commission received a public comment letter from Ms. Anne Hilbert. The letter summarizes the Wetlands Protection Act and the local Wetlands Protection Ordinance and encouraged the Commission to review the project carefully. The Commission entered the letter into the application's exhibits.

Shawn Hardy of Hardy Engineering was present to represent the applicant. Mr. Hardy stated that revised plans were submitted since the last hearing on March 26, 2014 and incorporated the suggested changes and comments from the recent site visit by the Commission. He summarized the changes to the revised plans to be the proposed post and rail fence identifying the limit of lawn area, replaced the hay bales with biodegradable filters, and provided the filter detail. During the recent site walk the trees to be removed were reviewed which includes the removal of most trees (approximately 44 trees), including the 30" pine near the erosion barrier at the 25-ft

no disturb buffer. There is also Japanese Knotweed on site that will have to be handled and the plan for handling still needs to be worked out prior to construction beginning.

The Chairman was concerned with the proposed location for the house on lot 3 being so close to the 25-ft no disturb buffer zone and would like to see it pulled further away and closer to the street.

Commissioner Tanner asked if the deck could be located further south to be further away from the no disturb area which he believes would help prevent and limit entry onto the no-disturb area because the door will be further away.

The Chairman was concerned about the steep slopes and felt that how the slopes are handled should be outlined in the Order of Conditions (OOC) and may want to prohibit the use of fertilizers so that they don't wash into the wetlands. Ms. Schloss commented that limiting the use of fertilizers is often a standard condition and that the sloped areas could be limited to organic only fertilizers and plantings.

The Chairman further commented that he was disappointed in losing 44 mature trees and that the dwelling on lot 4 was so close to the buffer zone.

Commissioner Merlino asked the applicant to flag the trees that were not going to be removed and the applicant responded that pretty much all of the trees were to be removed during construction. The Commission discussed ways that more vegetation or trees could be added to the development and it was suggested that some new trees be planted and that a planting plan be submitted. Ms. Schloss suggested juniper shrubs to be planted on the sloped areas to help stabilize the area.

Ms. Schloss pointed out that the fence along the rear on lot 4 did not continue the full length and the Commission agreed that the applicant should continue the fence along the erosion control line of lot 4 to identify the limit of the lawn area. She further noted that runoff from all roof drains should be directed to the infiltration system and can be included in the OOC. A National Pollutant Discharge Elimination System (NPDES) Stormwater Pollution Prevention Plan (SPPP) will also need to be submitted if required.

The Chairman opened up the hearing to public comment. There were no comments from members of the public.

On a motion made by Commissioner Tanner, seconded by Commissioner Merlino, the Commission voted 3-0-1 (Commissioner Loring abstained as he was not at the public hearing) to close the public hearing on Dandelion Way at 119 Randolph Street to prepare a draft OOC and submit updated plans showing the continued fence behind lot 4 and the relocated deck at the next meeting on April 23, 2014.

Ryan Bruce – Notice of Intent

**5 Harlem Road
Map 2, Block 11, Lot 6
DEP File #81-1148
Tear down and replace garage**

The Chairman called the application for 5 Harlem Road to the podium. The applicant submitted the certified abutter cards to Ms. Schloss.

On a motion made by Commissioner Loring, seconded by Commissioner Tanner, the Commission voted 4-0 to open the public hearing for the Notice of Intent for 5 Harlem Road.

Mr. Bruce explained that he is proposing to construct a new garage at his house. The old garage was in poor condition and the roof and portions of the existing walls have been removed. He is proposing to construct a new two car garage. He is here before the Commission because the property is in Land Subject to Coastal Flooding.

The Chairman opened the hearing to public comments. There were no comments from the public.

On a motion made by Commissioner Merlino, seconded by Commissioner Tanner, the Commission voted 4-0 to close the public hearing for the Notice of Intent at 5 Harlem Road.

Ms. Schloss reviewed suggested conditions of approval as follows: that the building department sign off on the construction permit, that there be flood vents, that the certificate of compliance be submitted upon the completion of the work and the standard conditions of approval.

The Chairman explained to the applicant that the final decision (the Order of Conditions) will be provided to the applicant within 21 days.

On a motion made by Commissioner Loring, seconded by Tanner, the Commission voted 4-0 to issue the Order of Conditions for the Notice of Intent application for 5 Harlem Road with the conditions discussed during the public hearing.

**M.W.R.A – Notice of Intent
Great Esker Park (Pathway southeast of Irving Road)
Map 8, Block 14, Lot 1 and Map 8, Block 114, Lot 12
DEP File # 81-1150
Culvert replacement/salt marsh restoration project**

The Chairman called the applicant for the Great Esker Park Notice of Intent application to the podium. Mary White and Jeremy Hall from the M.W.R.A were present and submitted the abutter notification cards.

Mr. Hall explained that the project is proposing to remove the existing 24" pipe, replace it with a 5' by 7' culvert and perform dredging in the channels to increase tidal flow and kill off the phragmites. The dredged material will be dried out and removed from the site. New bedding

stone will be installed with the new culvert and there will be backfill around the new culvert which will also be ADA (American for Disability Act) compliant. The pumping and hand dredging will be performed during the day time and is expected to be completed in a few days.

Commissioner Tanner asked about the time line for this project and Mr. Hall responded that it is expected to be completed in two weeks.

Ms. Schloss asked about the open culvert work. Mr. Hall responded that the existing culvert will be removed and replaced with bedstone in one day with a dewatering system. Ms. Schloss reported to the Commission that they received comments from the Division of Marine Fisheries and the Department of Environmental Protection and both comment letters were distributed to the Commission members.

The Chairman opened the hearing to public comment.

Jean Stevenson, Call Road resident, expressed her concern for mosquitoes, odors and the projects time line as this has been ongoing a long time. She asked when the project is expected to start and if trenching was proposed. Mr. Hall responded that the project is expected to start soon after the Commission's approval likely over the summer and no trenching was proposed.

Bill Merrill, resident, was concerned about long term impacts and maintenance after this project is completed and asked who would be responsible for maintenance if there are any problems in the future. The Commission responded that there is a three year monitoring period and future work, if needed, would likely be done by Norfolk Mosquito. The Chairman explained that it is Town owned land and at this point the Commission doesn't know the long term outcome of replacing the culvert but if needed, the Town would request the help of and scope of work from the County Mosquito Control.

Ms. Schloss distributed the letters from the Department of Environmental Protection (DEP) and the Division of Marine Fisheries. The DEP letter provided some background information on the mitigation project and believes that the project will increase tidal flow for the salt marsh. The Division of Marine Fisheries asked for an Operation and Maintenance Plan. She also distributed a draft list of conditions to be in the Order of Conditions.

On a motion made by Commissioner Loring, seconded by Commissioner Tanner, the Commission voted 4-0 to close the public hearing for the Notice of Intent for Great Esker Park.

Ms. Schloss reviewed the findings and conditions outlined in her memo. The findings should describe the project's purpose as an off-site mitigation project with the goal of restoring 69,000 square feet of degraded salt marsh and BVW as part of a requirement of a consent order between the M.W.R.A. and DEP (Department of Environmental Protection) and subject to the Memorandum of Understanding between the Town and M.W.R.A., and the findings should clearly authorize work in the resource areas and the no disturb buffer. Some general conditions should be to comply with the Administrative Consent Order, the Memorandum of Understanding between the Town and the M.W.R.A., other environmental permits, and, an approved operations and maintenance plan for the slide gate. The Chairman added that there should also be a general

condition listing what was in the original filing and clarify the changes that occurred during the review process and hearings.

Ms. Schloss continued reviewing some pre-construction conditions as follows: to obtain all other necessary permits, provide construction plans to the Conservation Commission and the Department of Public Works, coordinate any removal of the Japanese knotweed, and a monitoring component by a qualified wetlands scientist. The Chairman agreed that a wetland scientist was needed for the long-term monitoring but maybe not for the dredging work. He also asked that a pre-construction draft Operations and Maintenance plan also be added to the pre-construction conditions. She summarized the construction requirements outlined in her memo including the location of sandbags, dewatering, when the sandbags should be removed in extreme precipitation, detail a containment area for equipment storage, and when to submit a draft operation and maintenance plan for the slide gate and culvert. Mr. Merlino recommended that construction signage be added as a construction condition. A post-construction requirement would be a vegetation monitoring plan. The Chair recommended that the vegetation monitoring plan should include a determination as to whether or not the goals of the project were successful.

On a motion made by Commissioner Loring, seconded by Mr. Tanner, the Commission voted 4-0 to issue an Order of Conditions as discussed and amended this evening and shall allow for further review by the Commission and M.W.R.A over the next 21 days prior to the issuance date.

**Boston Gas d/b/a National Grid – Notice of Intent
Colonel’s Lovell’s Gate and Queen Anne’s Gate Apartments
Map 35, Block 408, Lots 1 and 5
Map 31, Block 408, Lot 6 and Block 406, Lot 16
DEP File # 81-1149
Installation of natural gas line**

On a motion made by Commissioner Loring, seconded by Commissioner Tanner, the Commission voted 4-0 to open the public hearing for the Notice of Intent for National Grid.

Ms. Andrea Kendall was present to represent National Grid. Ms. Kendall explained that the Notice of Intent application is for the new gas line between Queen Anne’s Gate apartment complex and Colonel’s Lane. Some of the work is proposed within the wetlands buffer area to an intermittent stream. National Grid is proposing to install a 4” plastic gas line for 4,400 linear feet and 1” feeder lines. All gas lines are underground except at the stream crossing due to the lack of depth. There will be erosion controls in place during the construction which is expected to take 3 months.

Commissioner Tanner suggested a condition that any shrubs or planting be replaced if damaged or removed with this project. He also asked if the pipe would be PVC and the applicant responded that it would.

Ms. Kendall stated that the final paving is expected to be completed once all work was completed at one time.

Commissioner Loring asked if the applicant could go under the Plymouth River instead of over as proposed and Ms. Kendall responded that because of the timing over was being proposed.

Ms. Schloss commented that she has reviewed the application with the Department of Public Works and they were okay with the applicant's proposal. She was concerned about the existing conditions because there is a lot of sand in the catch basins and in the areas of the proposed work and asked if the applicant would clean the catch basins. Ms. Kendall replied that they could install hay bales or a silt sack insert for the catch basins. Ms. Schloss was recommended the silt sack inserts and recommended that they be cleaned out prior to beginning work.

The Chairman felt that the property owner was responsible for cleaning out the catch basins and suggested the Commission send a letter to the owner. Ms. Schloss also pointed out that National Grid has performed work in the past at Libby Parkway without notice to the Commission and gave warning to National Grid.

The Chairman opened the hearing up to the public for comments.

Ms. Claudia Murphy, Plymouth River Condo resident, asked how the project will impact the condo development and reviewed the plans. Ms. Kendall further explained that the work was not proposed close to the Plymouth River Condos although the property abuts the project site.

Ms. Schloss asked the applicant if there would be any stockpiling of material and the applicant responded that it would only be on the street or in a vehicle.

Commissioner Tanner suggested a condition that only a day or two of piping are laid down at a time to prevent larger stockpiles and the Chairman added that the stockpiling should be only in the street, in a truck, or removed at the end of each day. Ms. Schloss further noted that the Commission should be notified of any dewatering so that there could be an inspection.

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

On a motion made by Commissioner Loring, seconded by Commissioner Tanner, the Commission voted 4-0 to issue an Order of Conditions with the conditions suggested and outlined by the Conservation Administrator and with the additions discussed tonight during the hearing.

Legion Memorial Field – Discussion of Order of Conditions
880 Commercial Street
Map 18, Block 239, Lot 1
DEP File # 81-1140

Ms. Schloss provided a draft Order of Conditions to the Commission. She noted that since it was distributed to the Commission members language had been added that there be a clear delineation of the mowing limit be included in the vegetation management maintenance section and that dogwood shrubs be maintained. The Commission agreed that the last bullet in the

Vegetation Management section that required a vegetation maintenance plan be provided as part of the Certificate of Compliance and include the management around the pond and invasive species was really important.

On a motion made by Commissioner Tanner, seconded by Commissioner Merlino, the Commission voted 3-0-1 (Commissioner Loring abstained because he was absent from the Public Hearing) to issue the Order of Conditions with the conditions prepared by the Conservation Administrator and the amendments made this evening.

Other Business:

a. 40 Mathewson Drive – Discuss Outstanding Order of Conditions (DEP File # 81-287)

The Chairman asked for more information and a description of where the flow is coming from. Ms. Schloss responded that she would call the owner to ask about the flow.

b. 50 Ocean Avenue – Discussion of Final Landscaping (DEP File #81-1113)

Ms. Schloss reported that she has asked the applicant/owner to attend the next meeting to give a status update and explain what they are proposing to the Commission.

Conservation Report

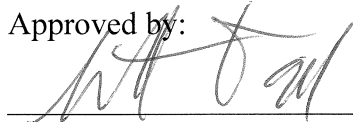
Ms. Schloss informed the Commission that the DEP Variance public hearing for the Route 18 widening project was scheduled for next Tuesday. Additionally, the Sherrick's Farm Road Subdivision will likely be on the next or an upcoming meeting agenda.

Adjournment

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

Respectfully submitted by,
Abby McCabe
Recording Secretary

Approved by:



5/28/2014

Date