

Weymouth Conservation Commission

Council Chambers, Town Hall

October 13, 2010 Meeting

Present: George Loring/ Chairman
Scott Dowd, Commissioner
Laura Harbottle, Clerk

Not Present: Steve DeGabriele, Vice-Chairman
Adrienne Gowen, Commissioner

Also Present: Mary Ellen Schloss, Conservation Administrator

Recording Secretary: Patricia Fitzgerald

Chairman Loring called the October 13th, 2010 meeting to order at 7:00 PM in the Council Chambers of Weymouth Town Hall.

Minutes from September 8, 2010

The minutes were tabled until the next meeting on October 27, 2010.

Request for Determination

769 Front St.

Cmmr. Harbottle moved to open the public hearing, Cmmr. Dowd seconded.

UNANIMOUSLY VOTED

Present was Jim McGrath, the assistant Town engineer. The town is planning on removing a non-functioning 6" PVC drain pipe that crosses the Golden's property at 769 Front Street. The pipe will be disconnected and a new head wall constructed behind the Gorham's property at 761 Front Street. A new 12" plastic

pipe will be redirected with a manhole behind the Golden's back yard and directed to an existing manhole which is located in a right-of-way along the Pelrine/Lavelle property. This work should take about a week to complete. Weymouth DPW will be overseeing the project but it will be subcontracted to a private contractor. It consists of cutting the cap on the existing pipe, trenching for the new pipe but there are a few obstacles – the Golden's have some irrigation that needs to be circumvented.

When it is done there will be a clean head wall with a debris cage on the front, and, hopefully, a functioning 12" pipe to alleviate the flooding problems, which have been worse for the last (8) years or so. Mr. McGrath said it is believed the pipe was damaged, or broken, when the Golden's pool was installed.

Paul Gorham of 761 Front St. thanked Mary Ellen for her assistance as this problem has been going on for a long time. He also offered the use of his yard as a staging ground during the project; he just wants to get it done.

Cmmr. Harbottle moved to close the public hearing, Cmmr. Dowd seconded.
UNANIMOUSLY VOTED

Ms. Schloss asked Mr. McGrath when the project would be contracted out.

Mr. McGrath responded that, very shortly, they will solicit bids from (3) local companies. The plans were just finished last week and now they have to put an in-house bid together to ensure a good price.

Ms. Schloss stated there needs to be a vote on issuing a determination with the following conditions:

- Follow the procedures outlined in the Request for Determination narrative.
- Work shall be done in dry conditions to the extent possible.
- Install erosion controls prior to construction of the head wall.
- Stabilize the slope on top of the head wall.

- Remove erosion controls once the headwall is installed and the slope stabilized.
- Save the multi-trunk maple, if possible. Mr. McGrath stated he thinks it 'should go'.
- Get copy of as-built before work is completed.

Cmmr. Dowd moved to issue a Negative 3 Determination with conditions, Cmmr. Harbottle seconded. UNANIMOUSLY VOTED

Tanner Terrace

Roadway/Utilities

DEP #81-915

Request for Certificate of Compliance

Ms. Schloss reported this was a (10) lot subdivision and this was an Order of Conditions relative to roadway and utilities within 100 ft. of wetlands. Work has been completed and engineering has reviewed the drainage - there is an as-built plan for the drainage structures. Ms. Schloss went out to confirm there was no erosion at the outlet and that erosion controls are gone. She noticed there were some grass clippings and vinyl fence which Ms. Schloss will address in a letter to the property owners (explaining no yard waste should be thrown in the woods next to a wetland) but they are ready for a Certificate.

Cmmr. Dowd moved to approve the Certificate of Compliance, Cmmr. Harbottle seconded. UNANIMOUSLY VOTED

Presentation on Floodplain Management

Eric Carlson

Dept. of Conservation and Recreation

Flood Hazard Management Program

Mr. Carlson distributed brochures and provided reference maps.

Mr. Carlson told the Commission that the Dept. of Conservation and Recreation manages the FEMA National Flood Insurance Program (NFIP) in Massachusetts; only 19 out of 351 towns do not participate. Flood insurance covers structures, but not land.

Flood Insurance Study

FEMA produces a flood insurance study (FIS) that provides to officials information needed to enforce standards within the 100 year flood plain (or an area with a 1% annual chance of flood). FEMA estimates flood plain boundaries and flood elevations, specific to particular locations.

Mr. Carlson suggested contacting NOAA or the National Weather Service to ask if severe weather can be categorized as a 100 year flood and explained it is not the same as a 100 year rainfall (which may equal 100 year flood or not). In rainfall, inches of rain are looked at but flooding takes into account other factors such as frozen ground, saturated ground and snow melt.

NFIP

There are two types of studies: detailed and approximate. Approximate studies use approximate methods and often use historical information. Detailed studies use hydrologic analysis (how much water you'll have), hydraulic analysis (how high the water will get) and topographic analysis (what area the water will cover).

Back water programs looks upstream in a water body and, given how much water you have at a certain point, it looks back and tells you the effect of that much water back stream to determine the flood elevation at different stages.

Weymouth has (2) separate maps:

- Flood Insurance Rate Maps
- Flood Boundary/Floodway Maps

The town zoning ordinance will need to be updated when new maps are finalized, possibly in June 2011.

100 year floodplain includes letters:

- V = velocity subject to wave action (3 ft. breaking wave or higher)
- A = wave action less than (3) ft.
- X zone – shaded and unshaded ('C' zone on older maps) = no wave action/minimal flooding

If a property is to be built within a floodplain, a special permit is needed from the Zoning Board of Appeals.

Floodplain

A “floodway” is the water body channel plus the land area that is needed to discharge the water after a flood is over.

NFIP allows for a (1) ft. rise in a flood elevations (due to encroachment in a flood plain); no rise is permitted in Massachusetts.

The Building Inspector can't require an engineering study to determine elevation, but the Conservation Commission can. It is a possibility that the 8th edition of the Building Code will give similar authority to the Building Inspector.

General provisions of the Wetland Protection Act: There are (2) different kinds of flooding areas shown on the FEMA maps that are defined as protected resource areas: bordering land subject to flooding (BLSF) and land subject to coastal storm flowage (LSCSF). LSCSF doesn't have specific performance standards in the Act but there are general provisions which can be used to impose conditions in order to protect the resource area.

Compensatory Storage: If someone is creating an encroachment in BLSF, for all of the flood storage that is lost compensatory storage must be provided which is the same volume at each 1 ft. interval.

FEMA requires a 'no rise' study to prove that what is being done in the flood way will not cause a rise in the elevation of the 100 year flood.

Dunes: Construction in a coastal dune requires the submission of (1) of the (4) documents listed to the Building Dept.:

- An Order of Conditions establishing boundaries, or
- An Order of Resource Area Delineation stating proposed construction is outside the boundaries of the coastal dune, or
- A Determination of Applicability also stating work is outside of the dune, or
- A Notice of Non-significance stating the work might be in the dune but it is not significant to the protection of the resource.

If a structure is built in a coastal dune it must be on pilings or columns without footings, located at an elevation determined by Conservation and required by the Order of Conditions.

If there is a discrepancy in elevation or boundaries, the Weymouth Zoning Ordinance states it shall be submitted to FEMA.

Letter of Map Revision: Submitted when there is a request to change an elevation.

Letter of Map Amendment (LOMA): To correct an error on a map; no fee is required but certain information is required. There is a fee if the request is for a change that is not the result of an error.

Conditional Letter of Map Revision: FEMA will vote yea or nay.

FEMA maps: 800-358-9616 or 877-FEMA-MAPS; www.fema.gov

Eric Carlson: 617-626-1362; eric.carlson@state.ma.us

or Christopher Markesich (mapping co-coordinator): 617-626-1446

Ms. Schloss asked if fill was allowed in LSCSF to raise the area above flood elevation whether compensatory storage should be required.

Mr. Carlson replied if it is still a protected resource area (and if filling is being done in a coastal flood plain in order to get above the 100 year flood elevation) allow nothing in a V-zone (it is okay in an A zone as compensatory storage is usually not required). There can be situations where it might make sense (as along the ocean where fill won't raise the elevation) but if they're in a location where they are restricted hydraulically, there might be situations where compensatory storage could make a difference, such as an area subject to ponding. In an area like that, the Commission might want to take a look at compensatory storage. If they're filling to elevate a house, make sure they're not deflecting flood water onto a neighbor's property.

He also said the Board can use preliminary Flood Insurance Study information before it is available, but they need to be careful; only if there is a reasonable certainty should the Board go with it. New Flood Insurance Study maps will be in a book which will cover the entire county, instead of Weymouth only.

Cmmr. Dowd asked about Woodbine Road – according to the map it is not in a flood zone, but it routinely floods.

Mr. Carlson said the premise of compensatory storage is that it shall be provided for all flood storage volume that is lost as a result of a project in bordering land subject to flooding when in the judgment of the issuing authority said loss will cause an increase, or contribute incrementally to increase, the horizontal extent of flood waters during peak flows. The first thing to determine is if (the Woodbine property) is in Bordering Land Subject to Flooding, but it is something the Commission could do if it wanted to.

Mr. Carlson commented there are a lot of locations that are subject to flooding but typically are not marked as such on maps; FEMA doesn't mark an area because of poor drainage, FEMA maps coastal flooding, rivers, streams, ponds - those types of sources of flooding.

Cmmr. Dowd asked if areas that flood can be suggested as areas not appropriate for development.

Mr. Carlson answered that those concerns can be raised (and there are storm water provisions in the Wetlands Protection Act) but it would be difficult to enforce unless there were pretty good reasons for it.

The Commission thanked Mr. Carlson for his time and helpful information.

Other Business

Signatures of the Commissioners is needed as a requirement for a Performance Bond for DEP File #81-937 Pond St., a multi-family housing project going back about (5) years. When the Order of Conditions was written, it was a requirement for the Performance Bond (to ensure the storm water system was constructed properly) that it be held until such time as a Certificate of Compliance was obtained and that it must be signed by the principle and the insurance company (which it has) and now signatures of the Commissioners are needed.

Conservation Report

Ms. Schloss reported that:

- She stopped by Mr. Eliffe's home – he has planted (2) apple trees and (2) pear trees. She added that Mr. Eliffe was told he must put something in writing (as to what he wants to do) and present it to the Commission. He said he is working with a neighbor who is an architect.
- She will be working with the same Thayer Academy students weeding and mulching at Tern/Webb Park (where trees and shrubs were planted) on Saturday, October 30th from 10:30am to 12:30pm.

- She is working on the Resource Agency meeting for October 25th and has received some positive feedback.

Ongoing projects include: Tirrell Woods, Libby Parkway, Rte. 3 median (equipment is out there and they've done the first river crossing) and Pond Street, which is to begin within (2) weeks. Ms. Schloss also said she met with Carl Erickson on the Weathervane Golf Course project. They talked about his needing to get back to the Commission for a Certificate of Compliance but she said there are some issues that are complicated to get resolved.

Adjournment

Cmmr. Harbottle moved to adjourn the meeting at 9:08pm and to meet again on October 27, 2010 at Town Hall, seconded by Cmmr. Dowd.

UNANIMOUSLY VOTED

Respectfully submitted,

Patricia Fitzgerald

Approved

Laura Harbottle, Conservation Clerk

Date