

Town Clerk

**Weymouth Conservation Commission**

**Council Chambers, Town Hall**

**October 27, 2010 Meeting**

**Present:** George Loring/ Chairman

Scott Dowd, Commissioner

Steve DeGabriele, Vice-Chairman

Adrienne Gowen, Commissioner

**Not Present:** Laura Harbottle, Commission Clerk

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

**Recording Secretary:** Patricia Fitzgerald

**Cmmr. Loring called the October 27th, 2010 meeting to order at 7:00 PM in the Council Chambers of Weymouth Town Hall.**

**Minutes of September 08, 2010:**

Cmmr. DeGabriele moved to accept the minutes from September 8, 2010, seconded by Cmmr. Gowen.  
UNANIMOUSLY VOTED

**Notice of Intent**

**17 & 21 Woodbine Road**

**Continued Hearing**

**81-1078**

Cmmr. DeGabriele moved to re-open the public hearing, Cmmr. Dowd seconded. UNANIMOUSLY VOTED

Applicant has requested a continuation to November 10, 2010.

Cmmr. Gowen moved to continue the hearing, Cmmr. DeGabriele seconded. UNANIMOUSLY VOTED

**Certificate of Compliance****45 Pine Street****DEP File #81-1027**

This is a request for a Certificate of Compliance for construction of an addition to a single-family home within the Riverfront Area. Planting has been done as required and P.E. letter has been received.

Cmmr. Dowd moved to issue a Certificate of Compliance, seconded by Cmmr. DeGabriele.

UNANIMOUSLY VOTED

**Discussion – Planning for Resource Agency Meeting re: Whitman’s Pond Management**

Chairman Loring, Cmmr. Dowd and Ms. Schloss attended an internal meeting in September, with Mayor Kay, DPW, Whitman’s Pond Association and Town Councilor Matthews to go over the Commission’s decision and to discuss what the next steps would be. The main point that came out of the meeting was for the Commission to have a meeting with the primary natural resource agencies for guidance and technical support in dealing with the conflict between the time of year issues with the chemical treatment and the spawning alewife. Some key people couldn’t make the Oct. 25<sup>th</sup> meeting so it will need to be rescheduled. Ms. Schloss explained that she wanted to talk about what she would like to see done at that meeting:

Ms. Schloss sent out (10) dates, but there’s a problem with Division of Conservation and Recreation (they run the Lakes and Ponds Program) and it’s essential that they come. She would like to have at the meeting Div. of Marine Fisheries, DCR, Fish and Wildlife, and having DEP there too would be a good start. Two possible dates would be Nov. 30<sup>th</sup> and Dec. 3<sup>rd</sup>.

Cmmr. Dowd asked about NOAA.

Ms. Schloss said she’ll need to talk to Eric Hutchins who is basically the ‘fish person’. Mr. Hutchins asked her if the discussion was really going to be about restoration and asked if his presence was necessary as longer term restoration is not Eric’s ‘thing’ (they typically deal with issues like dam removal and restoring flow). The question is what does the Commission really want to accomplish? Certainly, the chemical treatment conflict and what are the alternatives; longer term is the question of restoration and what will be done in the future.

Cmmr. Dowd said we’re not seeking to restore Whitman’s Pond. The herring have established Great Pond historically as the spawning destination. Whitman’s Pond is different from Great Pond as it is shallower and, unfortunately, more sensitive to the conditions that have developed (nutrient loading) and the fact that the sunlight penetrates so much of it....it had been suitable, but now it is a less suitable alternative for the herring. We do not want to get stuck with the term ‘restoration’; perhaps ‘enhancement’ is a better description of what we’re setting out to do. Because Whitman’s Pond wasn’t a herring spawning pond, perhaps there’s an intermediate option that would achieve our goals.

Cmmr. DeGabriele stated he did not disagree, but why not put restoration on the table. Long range vision might be to restore herring to Great Pond. If we wait until short term problems are solved, it could be ten years before we look at the long term. The short term agenda is to deal with the conflict of treatment of aquatic plants, spawning of herring and the general condition of Whitman's Pond but there is a long range vision of restoration, potentially, to go back to Great Pond.

Cmmr. Dowd commented that if herring hadn't been spawning, he doesn't think sonar would have been ruled out. If we can restore passage to Great Pond, and the fish use it, then that option might be the best choice.

Ms. Schloss said she can contact Mr. Hutchins, but she is not sure if he'll want to come out for a 15 minute meeting on restoration.

Cmmr. Dowd commented that one of the first things that might be done is to rule out if it is not feasible to get the fish to Great Pond, then we'd have to look at some of the options for enhancing Whitman's Pond in order to get it in the best environmental condition as possible. He added, if he was a herring farmer and his measurement was herring productivity, there are ways that the pond could be modified and, as a byproduct, would be safe for swimming, healthy for other fish and minimize invasive plants. The chemical option might be cheaper if we could eliminate the conflict between the herring using it as a spawning pond and the time of application.

Ms. Schloss informed the Commission that she has received vehement opposition to restoration of Great Pond by DPW and what it means to the water supply.

Cmmr. DeGabriele said there is such an interrelationship between the two ponds - if Great Pond is feasible, and people want to pursue that, then you would think about Whitman's Pond differently; if Whitman's Pond is all you've got then you'd think about it differently. He added, personally speaking, even though DPW may have valid concerns, he doesn't think it is right for DPW to reject anything 'out of hand'.

Cmmr. Loring commented that the two ponds should not be separated-the herring come back to Whitman's Pond (it has become their home), they don't come back to Great Pond, and so we have two bodies to work with.

Cmmr. Gowen stated that drinking water should be first priority and asked about the status of the drinking water.

Cmmr. Loring stated once DPW has water in Great Pond it has to be allocated carefully as it is a public water supply.

Cmmr. Dowd explained that water quality is monitored and is good.

Ms. Schloss said, based on water quality over a certain amount of time, maybe it could be determined if Sonar caused changes. There has been talk about pilot studies or pilot treatment; a lake management

plan is what is needed. What are we managing it for, recreation? fish? West Cove is an average of (2) ft. deep – should money be spent on that? To keep it free of plant growth it will have to be actively managed.

Cmmr. Dowd said that South Cove it is a highly productive upstream nursery that is exacerbating the large pond, too. Since it is so shallow and such slow flow, the milfoil is contaminating pond.

Cmmr. Gowen offered that a grant had been received to rake Whitman's Pond and asked if that could be applied for again.

Ms. Schloss explained the problem with the hydrorake was that it caused fragmentation and the milfoil and fanwort can spread. It was really a short term solution to clear the boat ramp area, but it can be deleterious.

Ms. Schloss continued by saying she would call Eric Hutchins, but that the Commission can't offer to spend (2) hours talking about long term restoration opportunities.

Cmmr. DeGabriele said it needs to be explored; people might say Great Pond is for the water supply. The response might be 'Weymouth needs to put their focus on long term or short term'.

Ms. Schloss commented it is an interesting idea that might solve a lot of issues.

Cmmr. DeGabriele stated if the meeting is for all the issues, put the issue of the fish on the table.

Ms. Schloss declared she sent the decision letter with the invitation and the invitation can be sent to others.

Cmmr. Dowd expressed interest in involving Federal agencies that might have access to funding but, to them, restoring Whitman's Pond might be small potatoes; Cmmr. Loring countered that, being such a large run, they may be interested.

Cmmr. DeGabriele expressed that the stakes are high for the herring. Maybe it needs to be spelled out that the herring run might be lost and that would be catastrophic as it is a major North Atlantic herring run.

Ms. Schloss reported she has talked to U.S. Fish and Wildlife, EPA and Eric Hutchins.

Ms. Schloss stated grants are available but the Commission is not ready to write a grant application because it is not clear what is wanted at this point. 'Perhaps after this meeting we'll know better.'

Cmmr. Dowd said perhaps a *fish passage feasibility study* would be one thing the Commission might want to do, but that would cost tens of thousands of dollars. He said Mr. Cunard is retired but could get an estimate from the people who do that.

Ms. Schloss stated there is a need for a Lake Management Plan, too. Mass Bays has a grant program, but that request for proposals is due by Dec. 3<sup>rd</sup>. She talked to Keith Gazaille from ACT about the written follow up report on the West Cove treatment and the need for a vegetation survey that was required in the Order of Conditions. A survey was done in the main basin but not in West Cove. He will be out there in a couple of weeks and vegetation mapping will be done in the Spring.

Cmmr. Dowd asked if the plants to be studied are still in season. He added, in a pre-treatment survey the plants will be abundant but a post-treatment survey done in November, they would not be there.

Ms. Schloss replied the actual plant count will be in the Spring. She'll call and ask when the plants die back.

### **Discussion – Wetlands Ordinance and Regulations**

There have been ongoing discussions for several years about getting the Regulations in better shape and also some things with the Ordinance that need to be thought about.

Ms. Schloss handed out a strikeout version of the Weymouth Wetlands Protection Regulations. It included Parts 1 and 5 (the Introduction and Variances sections) but the middle section was missing. She told the Commission that Regulation typos were never cleaned up; it was worked on in July, August and October 2006; the strike out version was worked on in January 2007. There has been no activity on this matter for (3) years.

The Ordinances and Regulations need to be on line as this will promote better compliance.

The Ordinance is a lot shorter and may be easier to tackle. There has been talk about a change in the extension to the Order of Conditions language (which is not part of the MACC by-law); changing it so it doesn't need to be a public hearing. It can become overkill with some projects involving 100-200 abutters, such as with condos.

Ms. Schloss suggested everyone digest this and then, when things are slow, the Commission can talk about it.

Cmmr. DeGabriele requested a red line strikeout version be sent to him electronically and he would be happy to review it line by line.

Cmmr. Loring said he thought Cmmr. DeGabriele will be the spokesman for the Commission, on this project.

Cmmr. DeGabriele commented the other thing to incorporate is a schedule for fines. It doesn't make sense to 'reinvent the wheel'; MACC can be contacted to send what they think is representative of fine schedules and regulations; once this process is started the Commission might as well go through it all.

Cmmr. Loring asked who else has to approve the changes.

Ms. Schloss responded, In terms of the public hearing just the Commission needs to approve it but, politically, changes should be shown to Planning, the Mayor, George Lane and Legal. She asked what would be done if there is a difference of opinion.

Cmmr. DeGabriele commented that the Commission has to put through any proposed change to the Regulations and then invite comment. He asked if Weymouth ordinarily does a 'background document' (explaining what the changes are, why they're being made and by who's authority) saying it could serve many purposes and invite comments.

Ms. Schloss suggested it could be put out for internal review as a courtesy.

### **Other Business / Conservation Report**

- Norfolk County Mosquito Control has applied to do a project in a marsh off Wessagussett Road that the town had asked for. They will drive over phragmites to flatten them and will determine if alteration to ditches is needed to make water flow better. They were going to go in and flatten what is needed and then do some excavation. There are historic ditches they have maintained and there are some mosquito problems as well.
- Conservation has received more information from NSTAR regarding some access road maintenance for right-of-way, claiming the utility exemption. FYI they are not doing any work in the wetlands, just in the buffer zone – that work will be going on this Fall.
- On Rte. 3 there is work being done in the median near the Old Swamp River; there is an Order of Conditions for a Town project to construct (2) bridges and a culvert (in 2005 there was a sewer backup and overflow went into the Old Swamp River).
- A call was received from resident at 121 Pine St. regarding installation of an in-ground pool in a Riverfront area. Ms. Schloss wants to get back to her because the resident wants to know if it is a waste of her time to submit a Notice of Intent if it's less than 50 ft. from the river. Can she submit a NOI with ample mitigation showing improvements on the site? Cmmr. Loring asked to be recused as this is a neighbor.
- A group of volunteers is coming Saturday, Oct. 30<sup>th</sup> to Herring Run Park, behind Brady's Liquors by the Skate Park, to do some weeding and mulching to the 400+ shrubs, trees, etc., that were planted last Fall as part of a mitigation effort. DPW has not maintained it, but will provide the mulch.
- 65 Park Ave. West: Grading is done for the slope adjacent to the wetlands, seeding mix was looked at and approved by Ms. Schloss and they're almost done with the grading but asked if they could have until Monday as the ground is very wet for equipment.

Cmmr. Dowd if there was any more heard from the abutters.

Ms. Schloss replied, yes and she'll need to call them to let them know a few more days are needed to complete the work.

- 328 North Street has been sent a letter that a meeting has been scheduled for Dec 8<sup>th</sup> and the survey plans need to be submitted to the Commission. Regarding the adjacent property also having been involved in the dumping, the Commission will wait for the survey before approaching them.
- Mathewson Drive is all planted, Jersey barriers are back and asphalt has come out. Now they need to provide an as-built, which Ms. Schloss will request.

Ms. Schloss asked the Commission if they wanted to pick another case – perhaps (1) per meeting, adding that some are very cumbersome.

Cmmr. Dowd asked if they were prioritized by egregiousness.

Ms. Schloss mentioned there was a recent complaint to handle an issue with a Marina near Weymouth Landing. Jeff Thayer had an Order of Conditions, DEP File# 81-181, but he never got a Certificate of Compliance; there is now a neighborhood dispute.

Cmmr. DeGabriele said he would rather prioritize by environmental problems rather than disputes.

Cmmr. Dowd asked why Woodbine Road postponed but Ms. Schloss said she did not know.

### **Adjournment**

Cmmr. DeGabriele moved to adjourn the meeting at 8:15PM and to meet again on November 10, 2010 at Town Hall in Council Chambers, seconded by Cmmr. Dowd. UNANIMOUSLY VOTED

Respectfully submitted,

Patricia Fitzgerald

Approved:

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Laura Harbottle, Conservation Clerk

Date