

Town Clerk

**Weymouth Conservation Commission**

**Council Chambers, Town Hall**

**January 26, 2011 Meeting**

**Present:** Steve DeGabriele, Acting Chairman

Scott Dowd, Commissioner

Adrienne Gowen, Commissioner

Laura Harbottle, Commission Clerk

**Not Present:** George Loring, Chairman

Patricia Fitzgerald, Recording Secretary

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

**Recording Secretary:** Patricia Fitzgerald (from Administrator notes and recording)

**Cmmr. DeGabriele called the January 26, 2011 meeting to order at 7:05 PM in the Council Chambers at Weymouth Town Hall.**

**Minutes were tabled until the end of the meeting.**

**Request for Determination of Applicability**

**Commercial Street, Weymouth Landing Streetscape Improvements - Hearing**

**Town of Weymouth**

Cmmr. Gowen moved to open the public hearing, Cmmr. Dowd seconded. UNANIMOUSLY VOTED

Ms. Schloss explained that this is a joint Braintree and Weymouth, grant-funded, project for streetscape improvements to Commercial Street in Weymouth Landing. Work will be conducted over and within 100 ft. of Smelt Brook. There will be no additional impervious surface and no additional stormwater discharges.

The following document had been submitted to the Commission for the hearing, along with the Request for Determination (dated 12/29/10):

Braintree-Weymouth Landing PWED Project signed and stamped by Richard E. Lantini, P.E., December 23, 2010. (6) Sheets – Construction Plan (Sheet 1) and Construction Details (Sheets 1-5).

Mike Chiasson, acting DPW Director, appeared for the applicant.

- Currently a catch basin discharges directly to the Smelt Brook culvert under Commercial Street without treatment.
- There is some concern about construction over culvert – precautions will be taken here.
- DPW assures that they will remove construction debris, if any falls into stream.

The project was discussed as well as stormwater improvements.

Cmmr. Harbottle asked if the opening of Smelt Brook could be 'day-lighted'.

Ms. Schloss responded that this is a requirement of the Ch. 91 permit for the Weymouth Landing MBTA station and the town is now looking into alternative designs.

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

The Commission reviewed the draft conditions and Ms. Schloss read the conditions.

Cmmr. Dowd made a motion for a Negative 3 Determination with special conditions as discussed, seconded by Cmmr. Gowen. UNANIMOUSLY VOTED

### **Certificate of Compliance**

#### **Washington Street Pump Station Improvements**

#### **DEP File #81-646**

Mike Chiasson, acting DPW Director, appeared for the applicant.

Mr. Chiasson reported that the Town Engineer reviewed the original plans and said that the only deviation is that the plans show a concrete bottom in the culvert; the deviation was an error in the existing condition plan, not the work that was actually done.

Cmmr. Harbottle moved to issue a Certificate of Compliance, Cmmr. Dowd seconded. UNANIMOUSLY VOTED

**Notice of Intent**

**Washington Street Sluice Gate Repair**

**Town of Weymouth**

**DEP File #81-1080**

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

This is an NOI for repairs to the culvert and sluice gate that separate the main basin of Whitman's Pond from South Cove. The following documents had been submitted to the Commission (#1 and #2) or were handed out at the meeting (#3 - #5).

- 1) Notice of Intent Application for Washington Street Culvert Repairs; Prepared by Environmental Partners Group for Weymouth DPW, dated December 1, 2010.
- 2) Plans Accompanying the Notice of Intent. Washington Street Culvert Repairs, Town of Weymouth, MA. Prepared by Environmental Partners Group for Weymouth DPW. Signed and Stamped by Stephen C. Olson, P.E. December 1, 2010. Plans G-1, C-1 through C-4.
- 3) Temporary Cofferd Dam Schematic and Photo, and Photo of water inflated dam installed within culvert.
- 4) Reduced version of plan C-2.
- 5) Photographs of the Washington Street culvert and sluice gate.

Steve Olson, P.E. of Environmental Partners, appeared as the consultant for the town.

Abutter's notification cards were received from applicant.

This project is to seal the sluice gate which has been undermined. Prior to the 1990's, it was constructed of stop logs, which is hard to open for the water supply and the herring; the sluice gate is opened electronically.

Sequence of work:

- De-water area.
- Drive sheeting on south side of culvert.
- Fill void with rip-rap.
- Light weight turbidity curtains on both sides of culvert, 'Port-a-dam' on north.
- (2) By-pass pumps will be used to maintain water level in South Cove. Pumps keep work area 'in the dry'.

- By-pass pumps discharge through the culvert into the north side (Whitman's Pond).
- Contractor on board in May or June.
- Work begins in July.
- Work will be finished no later than September 30th.

Divers have gone in to record what is there (a stone bottom).

- Drive sheeting down 10-15 ft. to ensure undermining cannot occur again.

Cmmr. Dowd asked if the current sluice gate will be retained and asked what the rating is of the by-pass pumps.

Mr. Olson replied that the current sluice gate will be kept as a back-up and explained that the pumps are sized to address seasonal precipitation (gauge records for Old Swamp River were looked at). The Town's larger transfer pump (the pump used to transfer water from South Cove to Great Pond) would be available to use, if needed.

Cmmr. Harbottle asked (regarding the operation plan) how the gate will work for fish passage (following up on Division of Marine Fisheries comment).

Mr. Chiasson answered that that wasn't part of the scope of the work; the town has always complied with the wishes of the Herring Warden and will continue to do so but the water is first and foremost a drinking water supply.

Cmmr. Harbottle asked if the operation plan could be done in-house, rather than by a consultant.

Cmmr. Dowd commented that the work will not start until spawning is done and will be finished in time to allow out migration.

Mr. Chiasson explained that in past years there was a study done to close the gate (not to allow spawning in South Cove) and then to do the herring count to see how closing the gate affected overall counts.

The Division of Marine Fisheries' comments were handed out and the DMF recommended conditions were discussed.

Phil Lofgren, acting in the capacity of assistant herring warden, said he thinks that the ¼" mesh on the by-pass pump is too large. He asked if it would be better to exclude the fish from South Cove, rather than letting them in to spawn, only to be killed by the pumps.

Cmmr. Dowd questioned if the turbidity curtain is solid enough to prevent fry from getting past the curtain.

Mr. Lofgren expressed concern about the stream flow *for the entire year*; it's one of the main sources for Whitman's Pond and water needs to be allowed to flow into Whitman's Pond from South Cove. He then asked if, regarding flood control, tropical storms are looked at for the summer period.

Mr. Olson responded that there is (1) by-pass pump, a stand-by pump and a third, large water supply pump. He added that if the water got too high the coffer dam would be over-topped. He also stated that the South Cove water level will be maintained.

Mr. Lofgren stated that he is worried about the oxygen and temperature levels and that the fish can't get out if they need to (with the barriers in place) and fry start exiting as early as June 20<sup>th</sup> and continue until as late as December.

Councilor Arthur Matthews appeared to report that the Town Council allocated \$600,000 last year to fix the gate and culvert. He explained that erosion has taken place under the sluice gate which means that water is being sucked out of the main basin, since the gate is undermined. He added he hopes the Commission approves the project, saying Mass Highway will be doing the work and it would solve one of the problems on Whitman's Pond.

Ms. Schloss handed out the draft of conditions.

Councilor Matthews asked if condition #10, regarding an operations plan for the sluice gate, would affect the Mass Highway Department (as it is a State Highway).

There was a discussion about coordinating all parties involved in the project.

Mr. Chiasson commented that the gate is usually open, when asked for by the Herring Warden. It is also open for large storm events and DPW would like water needs (in any plan) taken into consideration.

Cmmr. Dowd asked if there was any protocol for pumping.

Mr. Chiasson answered that there is pumping only when needed; some years there is none at all.

Cmmr. Harbottle voiced support for development of plan.

Cmmr. Dowd offered as a reminder, that during the summer of 2010, fish were killed when they became trapped in the ladders when pumping was being done.

Mr. Lofgren explained that with the repair of the sluice gate, it will be possible to separate South Cove from the main basin. He then expressed his concerns:

- The Town doesn't have enough water, as the Pond looked in danger the entire season.
- The additional water to be supplied to the Air Base.
- What the plans are for minimum stream flow into Whitman's Pond.

- That all the water will be taken from South Cove and there will be total separation.
- There won't be a minimum flow over the fish ladders of (3) cubic ft. per second to operate the fish ladders.

He concluded by asking if an environmental impact study is needed.

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

A discussion of the Order of Conditions continued with focus on item #10.

Ms. Schloss asked if the term 'protocol' should be used instead of 'plan'.

Cmmr. DeGabriele offered that it is a better word to codify what is now done verbally.

Cmmr. Dowd suggested change 'recommends' to 'requests' and 'operations plan' to 'protocol'.

Mr. Olson said he feels that 'operation plan' is out of the scope of the project, to which Cmmr. Dowd responded that he felt that they are linked.

#6: Cmmr. DeGabriele asked if a screen is needed on the bypass pump if the intake is on the surface.

There was a discussion regarding the re-subsurface intake – DMF recommends use of subsurface.

Mr. Olson stated he would like an elevation – 6" below? 1" below? Ms. Schloss responded that she would get more specific direction from DMF.

In response to a question, Mr. Olson stated that the bypass pump will be stationed on the roadway.

Cmmr. Harbottle moved to issue a standard order with special conditions as discussed, Cmmr. Dowd seconded. UNANIMOUSLY VOTED

**Continued Hearing  
17 & 21 Woodbine Road  
DEP File #81-1078**

Cmmr. Harbottle moved to re-open the hearing, Cmmr. Gowen seconded. UNANIMOUSLY VOTED

Applicant has requested a continuance to February 9, 2011.

Cmmr. Dowd moved to continue to February 9th, Cmmr. Harbottle seconded. UNANIMOUSLY VOTED

**Partial Certificate of Compliance**

**Lot 7 Cardinal Circle**

**DEP File #81-1035**

Applicant Andy Dignan came before the Commission to discuss his request for a Partial Certificate of Compliance.

There was a discussion regarding the boulders placed as part of the barriers for the restoration area – are they large enough?

Ms. Schloss expressed her concern that some of the boulders are not large enough.

Cmmr. DeGabriele said he was disappointed that several boulders are not large enough and asked what assurance could be given that the boulders would be replaced with larger ones if the partial Certificate of Compliance was approved - what would compel him to return?

Mr. Dignan responded that he couldn't find waist-high boulders, so he used what was there. He added he can't control what happens in the future.

The Commission discussed requiring a financial assurance to complete the work (removing the remaining metal debris and providing larger boulders).

Mr. Dignan responded that he would rather table his request, complete the work and then return to the Commission.

The request for a partial Certificate of Compliance was tabled until metal is removed and the boulders replaced; Ms. Schloss will put this in writing.

Ms. Schloss and Mr. Dignan will visit the site to determine which boulders are to be replaced.

**Continued Violation Hearing**

**328 North Street**

**Dawn Struzzieri, owner**

The Commission discussed the survey plan which was submitted by the applicant: "Plan of Land in Weymouth, Massachusetts, 328 North Street", signed and stamped by Christopher Kelley dated 12-13-2010.

The wetland line and limit of fill are shown on the plan. The Commission discussed how much fill should be removed and toe of slope location – is (40) ft. what the Commission wants (as required in the 2006 order) or is (25) ft. enough?

Cmmr. DeGabriele stated an enforceable document is needed and if work requirements aren't met, the owner would be subject to penalties of the ordinance. He said the toe of the slope could be specified at (25) ft. minimum distance from the wetlands (applicant could go farther) and a 3:1 slope seems reasonable.

Ms. Struzzieri stated she wants to remove large logs and will probably move back more than (25) feet.

Cmmr. Harbottle expressed she wants to be certain that no one uses the area for dirt bikes, for example.

Ms. Struzzieri said debris could be removed in the spring, by the person they have been talking to. Ms. Struzzieri needs names of environmental consultants.

The Commission discussed:

- The possibility that a more detailed plan may not be needed.
- The need for supervision by a wetland professional.
- A narrative is needed, more than a plan.
- Narrative needs to be provided by a certain date.
- Work needs to be completed by June 15<sup>th</sup>.

New Enforcement Order must include:

- Remove fill from neighboring properties (e.g. 7 and 11 Neck Street).
- Created slope no steeper than 3:1.
- Remove fill at least (25) ft. from wetland.
- Supervision is needed by wetland scientist – review wetland line as fill is removed.
- Narrative.
- Construction sequence
- No work is to start without Commission's approval of plan.
- Plan to be submitted by March 11<sup>th</sup>.

308 North Street will be called in for the next meeting.

Cmmr. Dowd moved to issue a new Enforcement Order on 328 North Street with condition as discussed, Cmmr. Harbottle seconded. UNANIMOUSLY VOTED



**Abbreviated Notice of Resource Area Delineation**

**325 Ralph Talbot Street**

**Sarkis Vosbigian**

**DEP File #81-1081**

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

This is an ANRAD application requesting that the Commission confirm a Bordering Vegetated Wetland boundary and a Riverfront Area boundary. The applicant has been notified that boundaries cannot be reviewed with snow cover and they have requested a continuance to the Feb 9th meeting, or beyond if there is no major thaw.

Cmmr. Gowen moved to continue the public hearing to February 9<sup>th</sup>, Cmmr. Harbottle seconded. UNANIMOUSLY VOTED

**Other Business and Conservation Report**

**Given the poor weather conditions, members agreed to table discussion of the Open Space Plan and the Conservation Report to the next meeting.**

**Minutes**

Cmmr. Dowd made a motion to approve minutes from Oct. 13 as amended, Oct. 27 approved with changes to pages 3 and 6, Nov. 10 approved and Dec. 8, 2010 approved with change to page 2, seconded by Cmmr. Gowen. UNANIMOUSLY VOTED

**Adjournment**

Cmmr. Harbottle moved to adjourn the meeting at 9:15 PM and to meet again on February 9, 2011 at 7:00PM at Town Hall in Council Chambers, seconded by Cmmr. Gowen. UNANIMOUSLY VOTED

Respectfully submitted,

Patricia Fitzgerald

Approved:

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Laura Harbottle, Conservation Clerk

Date