

TOWN CLERK

**Weymouth Conservation Commission
Council Chambers, Town Hall
February 23, 2011 Meeting**

Present: George Loring, Chairman
Steve DeGabriele, Vice-Chairman
Scott Dowd, Commissioner

Not Present: Laura Harbottle, Commission Clerk
Adrienne Gowen, Commissioner

Also Present: Mary Ellen Schloss, Administrator

Recording Secretary: Patricia Fitzgerald

Cmmr. Loring called the February 23, 2011 meeting to order at 7:00 PM in Council Chambers at Weymouth Town Hall.

Minutes

Minutes were tabled until the next meeting on March 9, 2011.

**Continued Notice of Intent Hearing (proposed wall)
17 & 21 Woodbine Road
DEP File #81-1078**

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

Present were applicant Mr. Henry Williams and George Collins, P. E. of Collins Civil Engineering Group.

Mr. Collins presented the proposed plan which mainly concerned the wildlife habitat study which was required because the 50 linear ft. threshold was exceeded. Dr. John Jahoda and Dr. Walter Hewitson, Botanist visited the site in December and in Dr. Jahoda's opinion there is minimal vegetation on the bottom and the bank and they are not thriving habitats.

Mr. Collins added there was a discussion in the field about the old, existing wall (that wrapped around the front and tied into the existing wall) and the new proposed wall. The project is being significantly reduced because the new wall will eliminate 'the leg' as the base is all ledge and is relatively stable. They'll also rotate the section of wall clockwise to distance the wall from the mean high water mark.

Mr. Collins explained he submitted a revised variance waiver because he added a variance request from Section 2.08, in addition to Section 3.04.

Cmmr. DeGabriele asked if both Sections 2.08 and 3.04 apply to project.

Ms. Schloss said 3.04 would not apply except perhaps under the rip-rap.

Cmmr. DeGabriele asked if the plan indicates a cast-in-place concrete section.

Mr. Collins said it was on the original plan.

There was a discussion about the wall ledge and Cmmr. DeGabriele's concern about scouring.

Cmmr. DeGabriele asked Mr. Collins if he planned on pouring concrete over the ledge; Mr. Collins said yes, that the wall sitting on the ledge would help to stabilize the area.

Cmmr. DeGabriele countered that he felt the opposite was true and it would be more subject to scouring, adding that the plan was not clear to him and agreed to a site visit, scheduled for March 12th.

Cmmr. Dowd commented that Dr. Jahoda's report shows little wildlife along the pond margin and asked Ms. Schloss about the history of waivers being granted.

Ms. Schloss explained that waivers have been granted if applicant can show no adverse effect on any interest protected in the by-law such as fisheries, water supply, wildlife, etc.

Cmmr. DeGabriele asked Mr. Collins if they have considered limiting the new wall (without the extension).

Mr. Williams answered saying the reason the wall is being built is that if it is not built (5) trees will end up being in the pond.

The following documents were submitted:

- Revised plan dated Jan. 18 and Feb. 14.
- Letter/report from Dr. Jahoda dated Nov. 22, 2010.
- Letter of waiver request dated Feb 15 plus revised waiver dated Feb. 23.

Cmmr. Dowd moved to continue the public hearing until March 23rd, Cmmr. DeGabriele seconded.

UNANIMOUSLY VOTED

**21 Woodbine Road – Hearing
Notice of Intent (proposed dock)
Henry L. Williams, Jr.
DEP File #81-1083**

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

George Collins P.E. passed in abutter notifications.

An amended waiver request and NOI form was submitted to add Section 2.08.

Mr. Collins informed the Commission that a PDF file was submitted to the DEP. He said he has spoken to Mr. Williams and informed him that a Ch. 91 license is required for a wall to be constructed on a great pond.

There is currently a 3 ft. x 16 ft. dock; a new dock is proposed that would be a 6 ft. x 48 ft. floating dock system but Mr. Collins later offered that maybe it could be limited to (2) sections (to shorten the length to (32) ft.).

Cmmr. DeGabriele asked why the significant increase in size.

Mr. Williams replied by saying that the new dock would extend (8) ft. past the wall and, in the dry season, would allow for less than (3) ft. of water.

Cmmr. Loring commented “a dock is good for the fish”.

Ms. Schloss asked what type of boat would be tied up to this dock.

Mr. Williams answered ‘an outboard motor’.

Ms. Schloss commented that the water would need to be deep enough to prevent turbidity and is interested in the impact the dock and the (50) sq. feet of blocks (placed to hold the dock) would have.

The size and construction of the dock was discussed and Mr. Collins suggested that perhaps that this could be looked at as well, when the site visit is made on March 12th.

Cmmr. Dowd moved to continue the public hearing until March 23rd, Cmmr. DeGabriele seconded.
UNANIMOUSLY VOTED

Notice of Intent Hearing
Algonquin Gas Pipeline Maintenance Project
9 Bridge St., Map 6, Block 64, Lot 1
DEP File # 81-1086

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

Kelly Kippenberger of TRC Environmental submitted the abutter notifications. She then stated that the first page of the NOI was revised to reflect the new property owner's name (Constellation Mystic Power, LLC) and a signature was provided on page 8 of 8.

Ms. Kippenberger told the Commission that this is a limited maintenance project for Algonquin Gas under the Wetlands Protection Act. This project is for construction of a "barrel launcher" within the existing disturbed utility easement within Riverfront Area adjacent to the Fore River.

Ms. Kippenberger informed the Commission that to install this launch a crane is needed which will be set back because of overhead lines; the actual excavation will be very minimal-just enough concrete to put the barrel on.

Photographs were presented by Ms. Kippenberger:

- No wetlands on site
- Erosion controls will be installed
- Work may take 4-6 weeks

Cmmr. DeGabriele asked if equipment would be delivered in one piece.

Ms. Kippenberger replied "No, it will need to be welded on site."

Ms. Schloss asked if there would be any vegetation removed or if any meadow will need to be restored.

Ms. Kippenberger said no; the actual launch will be in the fenced, gravel area and the crane will be in the upland field. She said Algonquin minimizes disturbance as much as possible and there will be environmental inspectors on site, but if anything is *heavily* disturbed they will put down rough grade and annual rye.

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

Ms. Schloss said a pared-down version of the Standard Order of Conditions would apply:

- Reseeding disturbed areas
- Site visit beforehand to view perimeter erosion controls

- Site visit is needed
- As-built not needed

Cmmr. Dowd moved to approve an Order of Conditions with conditions mentioned, Cmmr. DeGabriele seconded. UNANIMOUSLY VOTED

Certificate of Compliance
Cardinal Circle/Duncan Circle Subdivision
DEP File #81-913

Ms. Schloss stated this was an Order of Conditions for this subdivision, for roadway and utilities on Duncan and Cardinal Circles and the drainage utilities that went along with it. There was 247 sq. ft. of wetlands that were temporarily altered for construction of utilities. The area was restored and functioned as intended (the wetland area takes the outflow from the vernal pool down towards the wetland area and discharges by Pleasant Street). It is 100% vegetated and looks good; Mr. Dignan actually did more than was required for restoration in that area. Weymouth DPW Engineering has okayed all the work and accepted the drainage easements; they are now responsible for maintaining the detention basin, cleaning the catch basins, etc.

Ms. Schloss said she is comfortable recommending a Certificate of Compliance but that in no way affects Lot 7 Cardinal Circle that is being discussed, this is a separate issue.

Cmmr. DeGabriele moved to approve a Certificate of Compliance, Cmmr. Dowd seconded.
UNANIMOUSLY VOTED

Emergency Certificate Request
Fuel Oil Spill Clean-up
Weymouth Commons, Audubon Road
Map 37, Block 468, Lot 1

Appearing before the Commission were Gary Saltmarsh, Director of Maintenance Operations, Corcoran Management and Todd Alving, a Licensed Site Professional who is overseeing the clean-up.

Ms. Schloss handed out the draft copy of the WPA Emergency Certification Form for the Commission's review.

Cmmr. Loring asked how the spill happened.

Mr. Alving explained there was a 1000 gallon leak in a 3000-gallon fuel oil underground storage tank but they are not sure, even after removing the soil from the tank and uncovering the lines, how it occurred.

In October 2010 there was a discrepancy in degree day usage and, based upon that, an investigation was done at that time but no evidence of a leak could be found. Then on February 19th Corcoran maintenance observed some oil on the ice on the opposite side of Audubon Road. At that time, the oil was removed and an absorbent was applied and he stated clean-up would increase when the weather improves.

Mr. Alving continued, saying they will keep the oil where it is and retrieve it as fast as it comes out of the slope. He said the (3) main concerns are:

1. Swale behind the tennis courts that leads to a stream, which has a Class A buffer around it because it's hydraulically connected with the surface water backup supply.
2. At this point, the oil hasn't migrated off the property and they are trying to keep it that way because a portion of the resource area extends onto State Highway property.
3. All of this area is in the Zone 2 of a back-up supply well, which is located 4/10th of a mile north of this area.

Mr. Alving said they are removing the oil as quickly as possible, setting up absorbents, including carbon treatment buffers to prevent oil, or oil contaminated waters, from migrating through the swale and into the stream. As soon as he gets permits from Mass. Highway, he will be installing monitoring wells to monitor any impact to ground water.

Mr. Alving stated that all (3) tanks and lines were pressure tested on Feb. 20th.

Cmmr. Dowd asked if the (suspected) tank has been in operation since Oct. 27th.

Mr. Saltmarsh answered yes, that it appeared normal until the next appearance of the #2 oil.

Mr. Alving said during the 60-day emergency period they would most likely be coming back to the Commission to explain what will be going on for the next several months.

Cmmr. Dowd asked Ms. Schloss if the Town was actively pumping from South Cove.

Ms. Schloss responded saying the DPW is aware of the situation and the surface water has not entered into the swale.

Mr. Alving responded that there is no hydraulic above the frozen surface. They've set up (3) buffers in anticipation of water coming up 12"; the DEP was at the site on Feb. 23rd and they're pleased with the buffers. He also said that the site has been staked and he is confident they can get monitoring wells near the club house.

Mr. Alving said he used to work for Corcoran Management years ago and the property is on ledge with gravel and thinks that's the reason why the oil came through so quickly and added if it was typical soil conditions the oil wouldn't have been seen for 2-3 years.

Mr. Alving said on Feb. 20th, the tank contractor used a sonar tester and was suspicious of a breach of the line due to the weak sonar 'ping'.

Mr. Saltmarsh suggested that perhaps the driver may have gone to another address or the oil was siphoned off.

Regarding the draft Emergency Certificate, Ms. Schloss stated all of items 1-8 are not needed; the Emergency Certificate has conditions with corrections included in the cover sheet.

Mr. Alving said all are reasonable but reestablishing the wetland soils with comparable materials probably won't happen during the 60 day period.

Ms. Schloss asked if #2 should be reworded.

Cmmr. DeGabriele said that the contaminated soil will need to be replaced and the Commission must be notified when the replacement occurs.

Mr. Alving surmised that they will probably have to come back before the Commission after the emergency has passed, then asked if there was a wetlands regulation 'trigger' in regards to the (2) cubic yards.

Ms. Schloss replied this was not a regulatory requirement; she was trying to specify an amount of soil removal above which the Commission would be notified.

Mr. Alving said that once the interceptor trench is closed, it will probably be greater than 2 cubic yards.

Amended Conditions

Ms. Schloss said she will clarify item #1.

Cmmr. DeGabriele suggested that, regarding item #2, if any contaminated soil cannot be replaced in the term of the Order, the Commission will need to be informed as to when and how the work will be done and it shall be done in compliance with the Notice of Intent.

Ms. Schloss added that in terms of Emergency Certifications, there is a local ordinance (or regulation) that requires that the Commission receive a report within 21 days after the Emergency Certification has been done; this will be added to the OOC.

Mr. Alving said they are planning on fairly intense monitoring of the situation.

Ms. Schloss asked what happens when the Spring rains come; what about dikes?

Mr. Alving responded that, based upon the site, water would only increase with a rare event. He added that the barriers are higher than the tennis courts, which are higher than flood stage.

Mr. Saltmarsh stated that in October, that there was no standing water in the area where the oil is.

Mr. Alving commented that he hopes the interceptor on the opposite side of the migration swale will take care of it.

Ms. Schloss asked if there has been any sampling of water.

Mr. Alving stated that part of the MCP was the impact on the environment adding that there are no standards for sediments but there are for surface water.

Cmmr. DeGabriele moved to approve issuance of an Emergency Certificate to work at Weymouth Commons, seconded by Cmmr. Dowd. UNANIMOUSLY VOTED

Mr. Alving commented that he is under no obligation to copy any of his DEP reports to the Town, but asked if Ms. Schloss would like to be on his list of recipients to which she said "Yes".

Mr. Alving also said copies of his reports are available on the DEP website (1) hour after he has sent them.

Other Business

- Alexan: Ms. Schloss was in court Feb. 22nd; there was an appeal of the original order *and* a second appeal of the amended order regarding the bond amount (she just got the documents from the attorney last week). The appeal of the DEP superseding order is proceeding and some new documents were filed Feb. 22nd.
- The Pond Street 20-unit housing development discovered it can't afford to build the gas line for the back-up for the solar hot water heater so, instead, they'll be using a 500 gallon above ground propane tank that they'll place near the turnaround extension of the paved area. There is nothing in the Order against an above ground tank and the proposed plan would result in an overall reduction of the impervious surface. Cmmr. DeGabriele and Cmmr. Dowd agreed this can be done without a change.
- Ms. Schloss received a call from the Mayor's office informing the Conservation Commission that there is an Ordinance Review Committee and they'll be looking for input on the Wetland Protection Ordinance.

Cmmr. DeGabriele remarked he would like to propose an amendment to the by-laws extending the fines beyond \$50.00.

Cmmr. Dowd said he would like to see the Herring Commission status clarified and he would like to see members sworn in and given badges.

- The Town is doing a project to repair or replace sea walls in the Fort Point/Fore River Avenue area.

Cmmr. DeGabriele asked if the Weymouth Club had made contact with the Commission regarding the detention basin and Certificate of Compliance. Ms. Schloss said "not yet".

- Coastal Zone Management Grant has been wrapped up.

Cmmr. Loring announced that screening is up on the flood control gate. He said he, Cmmr. Dowd and Mass Bass will go out Feb 27th to open up the channel and move more boulders to allow higher flow rate for the smelt.

Adjournment

Cmmr. DeGabriele moved to adjourn the meeting at 9:10PM and to meet again on March 9, 2011 at Town Hall in Council Chambers, seconded by Cmmr. Dowd. UNANIMOUSLY VOTED

Respectfully submitted,

Patricia Fitzgerald, Recording Secretary

Approved:

Laura Harbottle, Conservation Clerk

Date