

**TOWN CLERK**

**Weymouth Conservation Commission**

**Council Chambers, Town Hall**

**March 23, 2011 Meeting**

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

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

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

**Recording Secretary:** Patricia Fitzgerald

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

**Minutes**

The February 23, 2011 minutes were approved as amended. UNANIMOUSLY VOTED

**Continued Hearing**

**Abbreviated Notice of Resource Area Delineation**

**325 Ralph Talbot St.**

**DEP File #81-1035**

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

The applicant requested a continuation until May 11<sup>th</sup>, as a new wetland scientist is needed.

Cmmr. DeGabriele moved to continue the public hearing until May 11, 2011, seconded by Cmmr. Dowd. UNANIMOUSLY VOTED

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

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

Appearing before the Commission were George Collins, Collins Engineering and applicants Henry and Christine Williams. A new document was submitted for the hearing: Proposed Wall Reconstruction and Tree Removal Plan, prepared by Collins Civil Engineering Group, revision date March 15, 2011.

Mr. Collins stated that he met with Cmmr. DeGabriele at the site on March 12<sup>th</sup> to discuss the retaining wall and its impact on the bank. They were also able to see the mean high water mark and found it was a little further upland than originally thought.

Mr. Collins presented his amended proposal:

- Entire project will be on 21 Woodbine Rd.
- Nothing will reach the mean high water mark.
- Turbidity curtain and hay bales will be placed wherever the bank is disturbed.
- Inspection by an engineer will be scheduled weekly.
- There will be an erosion control inspection by Conservation.
- An excavation contractor will be hired.
- An as-built survey inspection by an engineer will be provided.
- There will be post-rain inspections when rainfall exceeds ½ inch.

A habitat study was done by Dr. Jahoda which stated that if the work is done in the dry season, erosion controls are in place and there is an aggressive inspection schedule, there should be no impact during the project and the eroding side slope should be taken care of.

There were no questions asked by the Commission.

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

The Commission considered the performance standards in the Inland Bank provisions of the local regulations (3.02(3)) which require a variance for work adjacent to a Bank, except for maintenance of an existing structure. Performance standards for a variance (Sec. 5.01(1)(b)) require a “clear and convincing showing” that the proposed work will not have “any adverse effect upon any of the interests” of the ordinance. Commissioners agreed that the proposed work was a new project and not

maintenance, and therefore required a variance. Commissioners discussed and determined that there was the potential for adverse impacts from the proposed project, including erosion of the natural bank and impacts on the fisheries and wildlife from removal of trees and alteration of the bank.

The Commission considered the state performance standards for Inland Bank at 310 CMR 10.54(4). The Commission determined that the project could affect the physical stability of the natural bank and thereby could impair fisheries habitat and possibly surface water quality.

Cmmr. DeGabriele moved to deny the Notice of Intent for failure to meet the performance standards under Massachusetts (310 CMR 10.54) and Weymouth (Sec.3.02) regulations governing Inland Banks, seconded by Cmmr. Dowd. UNANIMOUSLY VOTED

**Continued Notice of Intent Hearing (proposed dock)**

**21 Woodbine Road**

**DEP File #81-1083**

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

Appearing before the Commission were George Collins, Collins Engineering and applicants Henry and Christine Williams. A new document was submitted for the hearing: Proposed Floating Dock, prepared by Collins Civil Engineering Group, revision date March 15, 2011.

When Mr. Collins asked, he was told that Cmmr. Dowd and Cmmr. DeGabriele were not opposed to the removal of two trees (one large and one small).

Mr. Collins presented the changes to the proposed dock:

- The dock will be made smaller by (1) of the (16) ft. sections.
- It will extend approximately (8) ft. past the deteriorated wall.
- The width will be reduced from (6) ft. to (5) ft.
- The draft at the end of the dock will be 3.5 ft. during normal conditions; even if the pond drops by 2 ft. during the dry season there will still be a 1.5 ft. draft.

Mr. Collins said they have considered using a bar to extend from the wall to anchor the dock versus having concrete blocks, but if there is no new wall then blocks will need to be used.

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

The commission discussed the special conditions for 21 Woodbine Road:

- Blocks placed from land or floated out.

Cmmr. Dowd moved to approve the standard Order of Conditions with Special Condition stated, Cmmr. DeGabriele seconded. UNANIMOUSLY VOTED

**Continued Violation Hearing**  
**308 and 328 North Street**

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

Mr. William Woodward, Woodward Environmental Services and Mr. Jack Cook, excavator, Jack Cook & Sons appeared before the Commission. Mr. Woodward **provided a map** showing 7000 sq. ft. of fill and 25 ft. of fill removal.

Mr. Woodward provided the following work plan:

- The work will start in 2 -3 weeks.
- He will come back before the Commission with the exact amount of fill that is removed.
- He will provide a work schedule and a list of plants to be used and along with a planting plan.
- A silt sock will be used on the wetland edge. Fill will be removed 25 ft. from the wetland edge.
- Slope will be 3:1.
- Dead trees will come down.
- Seeding will be done with conservation mix which will be covered with a mat to prevent erosion.

Mr. Woodward said the surveyor's plan is done; planting information will be added and lot numbers will be corrected.

Cmmr. DeGabriele stated he wants to see a work sequence with reasonable estimates of lengths of time for each sequence. He then asked how the removal will be done.

Mr. Cook replied that a grabber will bring the debris forward to the top of the slope and then it will be removed by excavators (that will be in the buffer zone).

Mr. Woodward said some fallen trees may need to be cut and he will mark the dead trees.

Cmmr. DeGabriele asked what will become of the material.

Mr. Cook stated it would be composted off-site.

Ms. Schloss remarked that the Enforcement Order requires that the neighbors at 7 and 11 Neck St. need to okay the work that will be done.

Mr. Williams said he would provide a document for the neighbors to sign.

Ms. Schloss commented that a site visit will be needed to see the wetland line after fill is removed from the wetland.

Ms. Schloss stated the hearing would be continued until April 13<sup>th</sup> and she wants the mailings done by April 5<sup>th</sup>.

Cmmr. DeGabriele moved to continue the public hearing until April 13th, Cmmr. Dowd seconded.  
UNANIMOUSLY VOTED

**Notice of Intent – Hearing for Sea Wall Repair  
61 Broad Reach  
Weymouthport Condominiums  
Map 3, Block 1, Lot 13  
DEP File #81-1085**

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

Abutter's cards were submitted to Ms. Schloss.

Appearing before the Commission were Bryan Jones, Coastal Engineer with Ocean & Coastal Consultants, Carter Fahy, Environmental Partners Group, Licensed Site Professional and Paul Roche, General Manager for Weymouthport. Documents submitted for the hearing were: 1) Notice of Intent prepared by Ocean & Coastal Consultants, Inc. dated February 8, 2011; and 2) Health and Safety Plan and Soil Management Plan prepared by Environmental Partners, Group, dated March 2011.

Mr. Jones explained that the project is for the repair of a granite sea wall that runs all along the property to Tern Harbor Marina. He stated the reason for the wall failure is not known. The plan is to have an excavator reach down and pull back the soil, pick the stones up and decontaminate the stones of primarily metals (arsenic and lead) before putting it all back. A turbidity curtain will be used to isolate the waterway from the excavation. He said he would like the job to be done this Spring and will take approximately (2) to (3) weeks.

Cmmr. Dowd asked about the time of the project and how it may impact the migratory herring coming at that time of year.

Cmmr. Loring (who is also the Herring Warden) said the herring traditionally appear about April 23<sup>rd</sup> (and are in the river at least a week before that) and continue until mid-June.

Mr. Fahy distributed pictures.

Cmmr. Dowd asked if the washing was to be done on-site. Mr. Fahy said 'yes' and explained the procedure.

The Commission agreed they would prefer to see contaminated materials removed from the site.

Mr. Fahy said they would "take the wash water off the table."

Ms. Schloss asked how they plan to keep contaminated soil from migrating.

Mr. Fahy stated that they feel geotextiles are a better option long-term.

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

Special conditions were determined:

- Capture contaminated wash water from the site, in compliance with all regulations.
- Stock pile is to be covered and isolated.
- Prevent/minimize impact to inner-tidal areas throughout the construction.
- Comply with soils management plan and health and safety plans.
- The area to be replanted must be inspected.
- Area must be wetted down prior to sweeping.
- Erosion controls and turbidity curtain must be used.

Cmmr. Dowd moved to approve the Standard Order of Conditions with Special Conditions mentioned, seconded by Cmmr. DeGabriele. UNANIMOUSLY VOTED

## **20 Lake Shore Drive**

### **Partial Certificate of Compliance**

#### **DEP File# 81-1052**

Homeowners Charlotte and Sheila Fraser appeared before the Commission.

Ms. Schloss handed out an as-built plan for the home, which was a 'tear-down and re-build'. She told the Commission that erosion control blankets were put down and some grass is growing, soil has to be replaced, more erosion control blankets need to be put in place and a tree still needs to be planted. The only discrepancy is that the crushed stone driveway is somewhat larger but, other than that, she feels that a Partial Certificate of Compliance can be approved.

Ms. Schloss told the homeowners they will need to come back before the Commission for stabilizing of steep slope, removal of erosion controls and planting of the tree. She then asked them what their plans were for the water's edge.

Sheila Fraser said they were considering wildflowers or pachysandra.

The Commission suggested that the homeowners work with the Conservation officer to determine which plants to select.

Cmmr. DeGabriele moved to approve the Partial Certificate of Compliance DEP File #81-1052 (all but landscaping), Cmmr. Dowd seconded. UNANIMOUSLY VOTED

### **Other Business**

- Request for Certificate of Compliance received from Mr. Dignan for Lot 19 Cardinal Circle. Ms. Schloss said the metal has been removed and the boulders have been turned and partially embedded.

Cmmr. Dowd moved to approve the Partial Certificate of Compliance for DEP File# 81-1035, seconded by Cmmr. DeGabriele. UNANIMOUSLY VOTED

- Pond Street multi-family housing DEP File #81-937: the plan has been revised to change the above ground storage tank from 500 gallons to 1000 gallons but there is no increase in impervious surface. Commissioners approved the change.
- Ms. Schloss won't be able to attend the May 25<sup>th</sup> meeting; Cmmr. Dowd may also be unable to be present.
- Weymouth Club DEP File #81-770 and #81-1065: a letter was received stating the plan will be revised in order to meet the existing Order of Conditions.

Cmmr. DeGabriele asked if the inadequacy of the maintenance plan was addressed.

Ms. Schloss stated that it will have to be reviewed; a schedule is due by April 12<sup>th</sup> and they're on the April 27<sup>th</sup> agenda. She is planning to make a site visit April 1<sup>st</sup> to view the replication area.

- Ordinance Review Committee: George Lane said the Conservation Commission does not have to go through the ORC; issues can be brought to Mr. Lane, the Mayor and Town Council.
- Weymouth Commons oil spill: the interceptor trench has been dug and a site visit is needed. Because the Emergency Order is only good for 60 days, they will need to come in again before it expires.

**Adjournment**

Cmmr. DeGabriele moved to adjourn the meeting at 9:33PM and to meet again on April 13, 2011 at the McCulloch Center, seconded by Cmmr. Dowd. UNANIMOUSLY VOTED

Respectfully submitted,

Patricia Fitzgerald

Approved:

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Laura Harbottle, Conservation Clerk

Date