

TOWN CLERK

**Weymouth Conservation Commission
McElroy Meeting Room, McCulloch Building**

June 8, 2011 Meeting

Present: George Loring, Chairman
Steve DeGabriele, Vice-Chairman
Scott Dowd, Commissioner – arrived late
Laura Harbottle, Commission Clerk

Not Present: Adrienne Gowen, Commissioner

Also Present: Mary Ellen Schloss, Administrator

Recording Secretary: Patricia Fitzgerald

Cmmr. Loring called the June 8, 2011 meeting to order at 7:00 PM in the Mary McElroy Room, McCulloch Building at 182 Green Street, Weymouth, MA.

Minutes

Cmmr. DeGabriele moved to approve the minutes from April 27, 2011 as written and amended, seconded by Cmmr. Harbottle. UNANIMOUSLY VOTED

Cmmr. DeGabriele moved to approve the minutes from May 11, 2011 as written and amended, seconded by Cmmr. Harbottle. UNANIMOUSLY VOTED

Request for Determination of Applicability

Closed Hearing - Issue Determination

82 Prospect Hill Drive

Peter DeLuca

Map 3, Block 4, Lot 27

Cmmr. Harbottle moved to open discussion of the Determination decision, seconded by Cmmr. DeGabriele. UNANIMOUSLY VOTED

Cmmr. DeGabriele moved to issue a Negative 2 Determination with Special Conditions, seconded by Cmmr. Harbottle. UNANIMOUSLY VOTED

Ms. Schloss stated she is talking with Mr. DeLuca, DPW and the Weymouth Harbormaster regarding debris removal.

Violation Hearing
SuperShine Car Wash
186 Main Street
Owner Mike Gardner

Cmmr. Harbottle moved to open the violation hearing, seconded by Cmmr. DeGabriele. UNANIMOUSLY VOTED

Appearing before the Commission were David Mackwell, Senior Engineer, Kelly Engineering Group, Inc., owner Mike Gardner and Attorney Fred Galvin.

Mr. Gardner explained to the Commission that he put in some fill and erected a new guard rail, without approval. He contacted Kelly Engineering and Senior Engineer, Mr. David Mackwell, came out to the site where he and Mr. Gardner met with Ms. Schloss. A few days later Mr. Gardner was told to 'cease and desist' and to come before the Conservation Commission.

Mr. Mackwell referred to the plan before the Commission titled "Slope Stabilization Plan, Supershine Main St. (Rte. 18)", prepared by Kelly Engineering Group, dated May 10, 2011. He stated that the product proposed will stabilize the slope and they plan to:

- Remove organic material.
- Smooth slope with gravel.
- Add top soil and seed with erosion control mix.
- Use erosion controls.

* Cmmr. Dowd arrived at this time. *

Cmmr. DeGabriele asked Mr. Mackwell to speak to the existing material and the sand.

Mr. Mackwell said sand was probably not the best material for a steep slope. They will place top soil over the entire area and compact it, and then used a rolled erosion control product, which is a Geomat that has a vendor-specific formula for number of 'staples' and overlapping of material. He looked at regional regulations and predicted rainfall and their plan is mimicking the product specifications.

Mr. Gardner stated some sand will be taken up and the slope will be stabilized.

Mr. Mackwell added the major factor is the number of staples (that are designed to last a year) and the amount of overlap.

Cmmr. DeGabriele asked how deep the sand is and how much gravel will go on top of it.

Mr. Gardner said only one section has sand that is deep and it will be removed. He also said Ms. Schloss and Mr. Kelly have agreed that a Cape Cod berm and riprap should be used.

Mr. Mackwell said it will be lined with filter fabric but the program is designed to stabilize all sand, no matter the depth.

Again, Cmmr. DeGabriele asked how much sand? How much gravel?

Mr. Mackwell said, as it sits there over time, it does become somewhat stable.

Cmmr. DeGabriele concluded by saying that they did their best to answer the question but he still did not fully understand or was satisfied by it.

Cmmr. Dowd asked if all plantings are consistent with vernal pool border.

Mr. Mackwell said there is a vernal pool off to the side by the adjacent property, but the slope stabilization project does not have vegetation consistent with vernal pool restoration.

Ms. Schloss asked where the Cape Cod berm will be placed.

Mr. Mackwell replied from the side to the back (to give the water somewhere to go) and riprap will define the channel for the stormwater.

Ms. Schloss asked if he can provide this in writing.

Mr. Mackwell said that the product specifications are 'buried in the notes'.

Ms. Schloss asked about the top soil; Mr. Mackwell said '4 inches loose and then seeded' per the product instructions.

Cmmr. Harbottle asked if the right side of the car wash has been looked at to determine amount of run-off.

Mr. Mackwell said he has not done run-off calculations.

Mr. Gardner said there have been no problems since 1963.

Mr. Mackwell stated a flow analysis can be done; he also said the drainage ditch will be fortified.

Cmmr. Dowd asked what plants would be used; Mr. Mackwell replied 'just the grasses under the mat'. Cmmr. Dowd then asked if any native mix could accomplish the same thing.

Ms. Schloss suggested that the Kentucky Blue grass could be removed and perennial rye and red fescue used instead.

Cmmr. Dowd asked if (the grass) would be maintained; Mr. Mackwell answered 'just allowed to grow'.

Cmmr. DeGabriele asked if the Commission could get these revisions in writing.

Mr. Mackwell stated yes and that revisions would include:

- Cape Cod berm.
- Riprap all the way to the bottom of the slope.
- Grasses will be reviewed.

He said the plan he has been using also shows:

- Water will be given somewhere to go.
- A smooth surface (gaps will be filled) prior to loam application.

Mr. Mackwell added that the work will need to be done in the next couple of weeks or it will have to wait until the fall.

Ms. Schloss asked when the work could be done; Mr. Mackwell explained that revisions would need to be done and then they will contact the contractor to check on their availability.

Ms. Schloss suggested that an enforcement order was probably needed.

Atty. Galvin reiterated that contractor availability is needed for sand removal and to get the loam in.

Ms. Schloss stated that a 48 hour notification is needed for her to come out for an inspection.

Cmmr. Harbottle moved to issue an enforcement order with the addition of:

- A Cape Cod berm
- Riprap to the bottom of the slope
- Grass selection needs to be reconsidered
- Pre- and post-inspections are required

Cmmr. DeGabriele seconded; Cmmr. Dowd was opposed. VOTE WAS 3 TO 1

Request for Determination of Applicability Hearing

133 Sheri Lane

Owner James Barrett

Map 64, Block 637, Lot 34

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

Owner James Barrett explained that he wants to tear down the existing 14' x 15' pressure treated deck and make a bigger 28' x 14' deck which will include a 14' x 14' screened porch. The Commission reviewed the Request for Determination submittal, received May 24, 2011, which included a hand-drawn sketch.

Ms. Schloss asked what erosion controls would be used.

Mr. Barrett said he preferred not to burn his lawn with hay bales, so Ms. Schloss suggested straw wattle.

Cmmr. Loring asked if erosion controls could be kept near to the house.

Ms. Schloss reminded the applicant that the structure can't be any closer than 25 ft. to the wetland.

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

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

Certificate of Compliance Discussion

Weymouth Club

Finnell Drive

DEP File #81-770, #81-1065

Appearing before the Commission were Michael Joyce of Cavanaro Consulting, the engineering firm for the Weymouth Club and owner Steve Goldman.

The following materials had been submitted to the Commission for review and approval:

- Response to comments, Michael Joyce, P.E., Cavanaro Consulting, dated May 25, 2011.
- Plan sheet titled "Proposed Detention Basin Upgrades, 75 Finnell Drive, Weymouth", prepared by Cavanaro Consulting signed and stamped by Michael Joyce, P.E., dated May 25, 2011.
- Supporting information for Proposed Detention Basin Upgrades and Wetland Replication, The Weymouth Club, 75 Finnell Drive, prepared by Cavanaro Consulting, May 25, 2011.

Mr. Joyce addressed the letter from Ms. Schloss:

Detention Basin:

1. A chart was presented comparing what was approved to what is being proposed.
2. An engineering plan was submitted showing final proposed layout of detention basin stating that it complies with the original Order of Conditions.

He said the main problem with the existing detention basin is that there is no sediment forebay. He then gave the approved vs. proposed increase in volume.

3. Time Table and sequencing will be better known after contractor is selected, but there is a construction sequence in the Operations and Maintenance Plan.

Stormwater System Maintenance Plan:

1. Illicit discharge statement included in plan.
2. Maintenance plan goes from construction through post-construction.
3. Sediment forebay and detention basin will be mowed twice a year and the bottom will be mowed during the dry season.

This statement was corrected to 'Inspected monthly and the sediment forebay will be cleaned (4) times a year (depending upon the build-up) adding, "If damaged, it will be reseeded".

Mr. Joyce said they plan to do an as-built plan with an Engineer's Certification.

Cmmr. Harbottle asked if soil samples will be taken to determine amount of sediment.

Mr. Joyce said they will probably excavate the whole bottom.

Cmmr. Harbottle said she would like to see a maintenance plan and Ms. Schloss said a check list would be helpful.

A discussion of changes to the plan determined:

- All 'shoulds' will be changed to 'shalls'.
- Reword cleaning/sweeping to '*as necessary with a minimum of* once in the Spring and once in the Fall'.
- Order of Conditions - 'Duly executed maintenance contract, standard language for maintenance schedule for catch basins...' is already in OOC, but reference needs to be made to the new plan.

Replication Area:

The replication area was discussed and it was suggested that work begin right away on the forebay, to which Mr. Goldman agreed.

Mr. Joyce stated that planting for the replication area can be started in late August and will be done by mid-September.

Enforcement Order:

Mr. Joyce said Cavanaro Consulting will have an on-site engineer present.

Ms. Schloss said an as-built plan will be required at the end of the job and the OOC requires an as-built for the wetland replication.

Cmmr. DeGabriele moved to issue an Enforcement Order to include everything mentioned, seconded by Cmmr. Dowd. UNANIMOUSLY VOTED

Final Certificate of Compliance

20 Lakeshore Drive

DEP File #81-1052

Ms. Schloss stated that the area adjacent to the water has been left alone, as have the hay bales.

The Commission discussed an area where the grass did not come in well and reviewed what options might be available if the grass does not come in.

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

Other Business

- Emory Estate: Cmmr. Harbottle reported that the Town Council is considering approval of the Community Preservation Committee's recommendation for the \$1.9 million purchase of the 24-acre Emory Estate.
- Supershine Car Wash: The Commission discussed the vernal pool at this location and the hope for appropriate species planting. Ms. Schloss said she would like to see vernal pool guidelines.
- Sluice Gate: Cmmr. Dowd reported a decline in the Herring Run flow rate because the gate is inoperable.

Conservation Report

- Whitman's Pond: Brad Chase started the habitat study that will run from May – October for the next (2) years.
- Sluice Gate repair: A contract has been awarded to T Ford Contractors who will be working on it during July and August.
- Lake Management Action Plan: \$29,000.00 grant request (604b) program) was not funded. Ms. Schloss spoke to Jim Clarke who wants to talk to the Mayor, and Ms. Schloss will speak to Bob Luongo about potential CPC funding. The Commission discussed seeking another grant.
- Woodbine Road: Cmmr. Dowd reported that the wall has been appealed to the DEP; the owner's next step is to appeal the local ordinance within (60) days.

Other

- Great Esker Park: Meeting went well.
- North Street: Debris has been removed, slope has been regraded and the planting is supposed to happen within the next few days.
- 71 Randolph Street: The stream is listed as perennial in the USGC. The owners said they did not bring in any fill but Ms. Schloss told them to cease and desist and to take down the panels, remove the walkway and regrow some vegetation, to which they said "That's okay".
- 887 Middle Street: The driveway is being expanded and the bottom is within 25 ft. of a wetland. Ms. Schloss told the contractor to cease and desist. They may come in for a Request for Determination.
- Wampum Street: A house that was built had to have a wall relocated because it was encroaching on conservation land. They also took down (16) trees from conservation land. Ms. Schloss will write to them telling them to come to the July meeting with a plan by Conservation Specialist.
- Subdivisions that haven't been maintained: Ms. Schloss told the Commission she is dealing with subdivisions that haven't been maintained for 15 – 20 years. The problem of who should be held liable (builder or owner?) was discussed.

Adjournment

Cmmr. Harbottle moved to adjourn the meeting at 9:32 PM and to meet again at 7 PM on June 22, 2011 at the Mary McElroy Meeting Room, McCulloch Building, seconded by Cmmr. Dowd. UNANIMOUSLY VOTED

Respectfully submitted,

Patricia Fitzgerald

Approved:

Laura Harbottle, Conservation Clerk

Date