

TOWN CLERK

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

June 22, 2011 Meeting

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

Not Present: Adrienne Gowen, Commissioner

Also Present: Mary Ellen Schloss, Administrator

Recording Secretary: Patricia Fitzgerald

Cmmr. Loring called the June 22, 2011 meeting to order at 7:00 PM in the Mary McElroy Room, McCulloch Building at 182 Green Street, Weymouth, MA.

Minutes: No minutes were available for review.

**Violation Hearing
Weymouth Commons
97 Audubon Road**

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

Appearing before the Commission were Gary Saltmarsh, Director of Maintenance, Corcoran Management Co., Todd Alving, Licensed Site Professional, Mark Manganello, Wetland Scientist and Marc Colburn, Corcoran Management Arborist.

Mr. Manganello explained that the spill was reported in February 2011 and an Emergency Certification was sought to proceed with the clean-up. The EC was issued with some Special Conditions and they were told to come back to the Commission with a Notice of Intent.

Mr. Manganello said the site plan to be presented will show existing conditions which will describe the wetland and show the interceptor trench, minor grading, an access way and check dams. Overlaying that will be the proposed plantings and other restoration measures.

Mr. Manganello expressed that he would prefer to go with a Notice of Intent rather than an Enforcement Order; he said the area is clean enough now to pose no threat to people or the environment. He remarked that he is not aware of any problems and is open to any requirements the Commission may have. He added that an NOI can be filed within the next few weeks and an Enforcement Order can always be issued should anything arise.

Ms. Schloss asked what the restoration plan is.

Mr. Manganello replied that he had no prior data or in-depth information, but the plan is to restore the plants to their previous state.

Mr. Alving stated that since Feb. 24th the following has been accomplished:

- On the 60th day a Release Notification Plan (that is available on line) was filed with the DEP.
- All intrusive work has been completed.
- 99% of free-phase oil had been recovered.
- Interceptor trench had been installed.
- Underground storage tank has been emptied and secured, but not removed.
- On the 120th day they submitted an IRA Status Report which provided information on the ongoing monitoring of the wetland over the 60-day period and on the monitoring wells, that had been installed and sampled.

Mr. Alving stated that the 'lion's share' of the contamination tested for (which must be looked at when it comes to a #2 fuel oil spill) and as receptors, whether human or environmental, are not bio-accumulative, they expect that the types of contaminants won't pose any risk to the ecological community.

Cmmr. DeGabriele asked if most of the source material had been removed and if the interceptor was still pumping product.

Mr. Alving replied that there is no active product being pumped; the trench has been dug deep enough so that if any contaminants were in the sub-surface it would be seen and could be picked up.

He also said that ground water monitoring wells are on a state highway and the monitoring will be done for an entire year (because of the proximity to an emergency water supply, the DEP requires quarterly testing).

Mr. Alving said since there will be no more destruction to the wetland, the NOI will address the restoration of the interceptor trench when it is removed (which will stay in place for as long as is needed).

Cmmr. DeGabriele asked what the plan is for restoration of the interceptor trench and wetlands.

Mr. Colburn answered that the trench is adjacent to the wetland and they had to cut into the slope and cut in an access way of 6-7 ft.; in those areas, grades will be reestablished with 'nice' top soil and buffer zone plantings.

Cmmr. Dowd asked if plants that will be put back will include invasives to which Mr. Colburn responded "mostly willows and red maples but not invasives".

Cmmr. Dowd wanted it clarified that Feb. 19 was not the date of the spill but the date it was discovered, and that the actual spill date was prior to Oct. 2010.

Cmmr. Harbottle asked how the spill happened.

Mr. Saltmarsh explained that suction lines were clogged and Devaney Company used a compression union that wasn't flanged properly which caused the coupling to come loose and begin leaking 1.8 gallons a day.

Cmmr. Harbottle asked if there were any more tanks.

Mr. Saltmarsh replied "Yes" and that they were being monitored weekly. He then said they are considering converting to gas and would probably know within (4) weeks if they will be doing that in the spring.

Cmmr. DeGabriele asked if the clean-up was up to DW-1, drinking water standards.

Mr. Alving said there is no DEP standard for sediment, so standards will have to be developed for this site. Only when site-specific risk calculation shows no risk to human health, public safety and welfare and the environment can they file with the DEP.

Cmmr. DeGabriele suggested that the risk assessment should be in the NOI.

Ms. Schloss asked when the restoration and planting will be done.

Mr. Manganello said the buffer zones can be done in the fall (except for the trench). He added that there are areas where the digging has been done and those areas can be restored now.

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

Ms. Schloss said a letter will be sent with the issues discussed and stating that the NOI is needed in time for the Aug. 17th meeting.

Violation Hearing

887 Middle Street

Andrew O'Brien and Kristen Hatteberg

Map 33, Block 427, Lot 4

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

Appearing before the Commission were Andrew O'Brien and Kristen Hatteberg.

Mr. O'Brien began by saying that they moved in about (1) year ago. He explained that to the right of the driveway is an area (3) ft. wide that was mulched and had a stone bottom. They wanted an asphalt driveway, but as it's within (25) ft. of a wetland they are asking what they can do with the 3' x 25' area to make it easier to park in the driveway.

Cmmr. Dowd asked what has been done so far.

Mr. O'Brien said that the mulch and pea stone was removed and the base coat of stone dust put down.

The Commission advised that it would be best to start with determining the property line.

Cmmr. Harbottle also told the owners that they will need to file to do the driveway work.

Cmmr. Harbottle moved to continue the enforcement hearing to Aug. 17th, requiring a property line survey be done, seconded by Cmmr. Dowd. UNANIMOUSLY VOTED

Ms. Schloss said she will do a site visit before the Aug. 17th hearing.

Emergency Seawall Repairs

Fort Point Road

Appearing before the Commission was Chip Fontaine, town of Weymouth engineer.

Mr. Fontaine told the Commission that Bourne Consulting is the engineering company the town has hired to recommend seawall improvements and a draft report has been submitted.

He explained that a couple of weeks ago serious deterioration was discovered. Erosion is undermining the road and causing sink holes, and sub-soil under the asphalt is washing out. He told the Commission that the concrete is (60) years old. Bourne Consulting thinks this happened just over the past winter as the area faces west and the commuter boat creates a wake that happens all day, every day.

Mr. Fontaine explained their 4 step approach:

- Step 1, June 23rd: Place (350) ft. of barricade in Fort Point Road, with signs “Stay Off Wall” painted on both sides of wall to keep people off because there is a potential for the wall to topple onto the beach. They have met with (3) concrete sea wall contractors and hope to get prices shortly.
- Step 2: As a ‘Band-aid’, they will pour (2) ft. high concrete at the footprint of the original concrete piece and, he believes, they’ll drive in a couple of steel rebars and epoxy them into the original concrete, to hold them in place. This work will need to be done with the tides and hopes to get it done before the July 4th events. This improvement won’t last long (maybe a year).
- Step 3: Over the next few months they will be soliciting permitting from the Army Corps of Engineers, DEP Ch. 91 and the Conservation Commission to place additional stone on top of existing stone revetment, and place 3 or 4 ton stone near the base of the existing revetment stone and place 1-2 ton stone ½ to 2/3 of the way up the existing concrete pieces, which should prevent toppling.

Mr. Fontaine has a high level of confidence that all these new revetment pieces can be incorporated into the final design. It will cost \$350,000 to \$450,000 for over (850) linear feet and wants to get this done over the next couple of months.

- Step 4: Final repair/replacement of the seawall, which will cost millions of dollars.

The following information was submitted for “Step 2”, which is the subject of the Emergency Certification request:

- Plan titled “Emergency Wall Repair, Weymouth Seawalls, Fort Point Road,” prepared by Bourne Consulting Engineering, dated 6/17/11.
- Detail sheet titled “Concrete Under Pinning, Weymouth Seawalls, Fort Point Road,” prepared by Bourne Consulting Engineering, dated 6/22/11.
- Memo from Chip Fontaine, P.E., to Mayor Kay dated 6/17/11.
- Letter from Russell Titmuss, P.E., to Chip Fontaine, dated 6/15/11.
- Fort Point Road seawall failure response plan (one sheet, outlines 4-step plan.)

Ms. Schloss asked if machines would be on the beach and how long it would take.

Mr. Fontaine said there would be no machines on the beach and he’d know more after he talks with the contractor but he’s hoping it will only take a couple of weeks.

Cmmr. Harbottle moved to issue an Emergency Certification for work on the Seawall Repairs with conditions discussed, seconded by Cmmr. DeGabriele. UNANIMOUSLY VOTED

Other Business

- 186 Main Street: Enforcement issue was a 'local only' jurisdiction. Ms. Schloss has since developed a new 'local only' form. She left a message for the engineer with the conditions and asked that the 10/10/10 fertilizer be removed from the plan.
- 1340 Washington Street, DEP 81-1068, Ryder Project: Restoration area has been done; (2) seed mixes were specified, one for the driveway and one for restoration area. The restoration area mix should have been with shrub seed and they used the driveway mix instead – they might be asked to plant some shrubs. There was a requirement in the Order for infiltration in the parking lot run-off; the engineer said they will do a (2) ft. infiltration trench at the back of the parking area, wrap it in filter fabric and have a pipe inside of it to provide for more storage space; Ms. Schloss is okay with this.
- Commissioners to be sworn in: A vote was taken to retain the same slate of officers for next year (George Loring – Chairman, Steve DeGabriele – Vice Chairman, Laura Harbottle - Clerk).
UNANIMOUSLY VOTED

Conservation Report

- Weed Watchers training: Brad Chase said it was great. The intent was to get a monitoring program started and a Lake Management action plan is needed. Ms. Schloss talked to Jim Clarke to see if CPC money is available.
- Washington St. Sluice gate, Culvert: Work will begin after July 4th.
- Upcoming construction: Rte. 53, Middle Street, Winter Street road widening and Weymouth Landing improvements are starting up.
- 90 Libbey Parkway: Parking and wetland replication area has been done.

Enforcement Updates

- North Street restoration: Material has been removed, slope has been regraded and erosion controls are out but no seed or matting has been done. The pile of concrete (by the neighbor's) has been taken out.

- Weymouth Club: Ms. Schloss went out there for a pre-construction meeting. They are expecting to hit ledge (and this, as it turns out, is the reason why the forebay wasn't built originally) so the design plan will probably need to be adjusted. Cmmr. Loring will make a visit next week.
- Wampum Street Sub-division: (17) trees have been taken down on town land; the landscape architect has been very responsive and will come to the next meeting with a restoration plan.
- Today a landscaper was spotted siphoning off water from Whitman's Pond for their hydro seeder but Mike Chiasson said it caused no contamination. Ms. Schloss will mail them a letter and issue a Violation Notice.

Ms. Schloss said issues to be discussed at the next meeting will be:

- The (denied) retaining wall at Woodbine Road: applicant has resubmitted an NOI under local ordinance only.
- The Weathervane Golf Course will be coming in for a Certificate of Compliance. Their full Order of Conditions contains (117) conditions, but the town has the right to hire a consultant for the more complex projects.
- Brad Hawes: Follow up is needed on Conservation restriction language. Jim Clarke will attend.

Adjournment

Cmmr. DeGabriele moved to adjourn the meeting at 9:00 PM and to meet again at 7 PM on July 20, 2011 at Town Hall Council Chambers, seconded by Cmmr. Dowd. UNANIMOUSLY VOTED

Respectfully submitted,

Patricia Fitzgerald

Approved:

Laura Harbottle, Conservation Clerk

Date