

RECEIVED
TOWN OF WEYMOUTH
TOWN CLERK'S OFFICE
2023 OCT 25 AM 11:40

WEYMOUTH CONSERVATION COMMISSION MEETING

TUESDAY, September 26th, 2023

McCulloch Building 182 Green Street

Mary McElroy Room

7:00 P.M.

Present: Al Donovan, Acting Chair, Commissioner and Vice Chairman
George Loring, Commissioner
Frank Singleton, Commissioner
Scott Dowd, Commissioner & Clerk

Also Present: Andrew Hultin, Conservation Administrator
Michael Perrin, Assistant Conservation Administrator
Ann Flynn Dickinson, Recording Secretary

Not Present: John Reilly, Chairman

Acting Chair Donovan called the meeting to order at 7:00 p.m.

1. Minutes –August 29, 2023

A Motion was made by Cmmr. Donovan and seconded by Cmmr. Loring to accept the minutes as written.

4-0 Unanimous rollcall vote

2. 104 King Cove Beach Road – Request for Final Certificate of Compliance

Gilvan Miranda

DEP File #81-1278

Map 4, Block 55, Lot 38

Construction of retaining wall

Christopher Lucas from Lucas Environmental presented on behalf of the applicant. Mr. Lucas went over all of the items that have been completed at this time and he is asking for the Final Certificate of Compliance (COC).

Staff did a site visit last week. Photos were shown to the Commission and audience to show the project area. The fence was constructed as approved. Knotweed was controlled on the property, but an adjacent property with knotweed is likely to creep into mitigation area. Mr. Hultin recommends issuing the Certificate of Compliance (COC).

A Motion was made by Cmmr. Loring and seconded by Cmmr. Singleton to issue the Final Certificate of Compliance (COC).

4-0 Unanimous rollcall vote

3. 25 Camp Street – Request for Final Certificate of Compliance
Rachel Mahoney
DEP File # 81-375
Map 12, Block 149, Lot 2
Construction of single-family home and associated utilities

Attorney John Dwayne and Attorney Jim Hoyer presented on behalf of the applicant. They submitted a request for a Certificate of Compliance (COC) for an Order of Conditions issued in 1981 to Alvin Snyder.

Mr. Hultin stated that old Order of Conditions (OOC) tend to be tricky. He revisited the history of this project due to age of the Order. He conducted a site visit and things appear to be alright. Staff noticed the appearance of a new asphalt driveway that was completed without record of a permit. Since this is so old, Mr. Hultin does not recommend tearing of the driveway. Dumping of yard waste was observed, which he recommended the Commission ask be removed. He recommended issuance of the Certificate of Compliance (COC).

A Motion was made by Cmmr. Singleton and seconded by Cmmr. Loring to issue the Final Certificate of Compliance (COC).

4-0 Unanimous rollcall vote

4. 76 Newbert Ave – Request for Determination of Applicability, Public Hearing
Samuel Kish
Map 49, Block 517, Lot 38
Construction of an addition

A Motion was made by Cmmr. Loring and seconded by Cmmr. Singleton to Open the Public Hearing.

4-0 Unanimous rollcall vote

Samuel Kish of WIT Contracting presented on behalf of the applicant. He submitted an RDA to construct an addition of 10 x 10 feet with a bathroom off the rear of the house. The addition will be on footings, and no heavy machinery will be used in the project.

Due to the minimal impact, existing lawn, and distance from the wetland, Mr. Hultin stated that the staff feels comfortable with this as an RDA -3 Determination with special conditions:

- Erosion controls are not needed if excavation for footings if done in one day. Erosion control shall be placed if stockpiles were out more than one day

With no comments from the Public,

A Motion was made by Cmmr. Loring and seconded by Cmmr. Singleton to Close the Public Hearing.

4-0 Unanimous rollcall vote

A Motion was made by Cmmr. Loring and seconded by Cmmr. Dowd to issue a Negative 3 Determination with all the special conditions mentioned.

4-0 Unanimous rollcall vote

5. 60 David Island Road – Request for Determination of Applicability, Public Hearing
Courtney Keohan & Alexander Sedkov
Map 5, Block 13, Lots 28
Raise existing retaining wall and pier

A Motion was made by Cmmr. Loring and seconded by Cmmr. Singleton to Open the Public Hearing

4-0 Unanimous rollcall vote

Jed Hannon of Atlantic Coast Engineering presented the project. Plans were shown for the audience and to the Commission. The project involves raising the existing seawall roughly 5ft, raising the existing pier by roughly 6ft, and backfilling the backyard by about 4ft. Staff confirmed that all work will be conducted from uplands, and no machinery shall be used in the backyard area or over wetland resource areas. Mr. Hultin explained that the project would not impact neighboring properties. Mr. Hultin expressed that the application was not clear about the required backfilling in land subject to coastal storm flow, and stated that this work would likely be more appropriate under a Notice of Intent.

With no comments from the public,

Mr. Hultin recommended issuance of a Negative 2 Determination with special conditions as follows:

- Wire-backed silt fence and silt sock along the stretch of the backyard
- Submittal of a sequence of work
- Required project updates
- No disturbance behind the retaining wall
- disturbed and fill areas should be immediately seeded or stabilized using erosion controls

A Motion was made by Cmmr. Loring and seconded by Cmmr. Dowd to Close the Public Hearing

4-0 Unanimous rollcall vote

A Motion was made by Cmmr. Loring and seconded by Cmmr. Singleton to issue a Negative 2 Determination with all the special conditions mentioned.

4-0 Unanimous rollcall vote

**6. 420 Rear Washington St – Request for Determination of Applicability, Public Hearing
Town of Weymouth Planning Department
Map 4, Block 21, Lot 3 & Map 2, Block 12, Lot 10
Conduct test pits and install monitoring wells**

A Motion was made by Cmmr. Loring and seconded by Cmmr. Singleton to Open the Public Hearing.

4-0 Unanimous rollcall vote

Bob Luongo, Planning Department Director, gave the oversight of this parcel of land and the intent of the application. The application is for test borings and monitoring wells only. The long-term purpose of this acquisition is to create an affordable housing development on the site. It was a former dump site. It is a Town sponsored project that will eventually be turned over to a developer.

Elise Tripp and Anna Hazner from BETA Group presented the project. A plan was shown for the Commission and audience to follow along with the details of this project. Ms. Tripp provided a history of the contamination on site. She explained that 7 test pits are proposed within buffer zone, installation of 1 monitoring is proposed within buffer zone, and installation of 1 monitoring well is proposed within Bordering Vegetated Wetland. The application also proposed clearing of vegetation. Digging of test pits will be done in such a way that the material will be refilled in the order it was taken out, and installation of monitoring wells does not require heavy machinery. Ms. Tripp explained that the existing roadway will be used for access when possible, and all disturbed areas will be stabilized using a native seed mix. Best management practices will be utilized to deter spread of Japanese Knotweed during vegetation clearing and for stockpiling of material, if necessary. Erosion controls are proposed for project areas upgradient of wetland resource areas.

BETA requested a Negative 2 Determination and a Negative 6 Determination as well as a Waiver to work within resource areas.

With no comments from the Public,

A Motion was made by Cmmr. Loring and seconded by Cmmr. Singleton to Close the Public Hearing.

4-0 Unanimous rollcall vote

A Motion was made by Cmmr. Loring and seconded by Cmmr. Singleton to issue a Negative 2 and a Negative 6 Determination with all the special conditions mentioned.

4-0 Unanimous rollcall vote

7. Jackson Square Redevelopment – Notice of Intent, Public Hearing

Iraklis Papachristos

Map 23, Blocks 253 & 305 & 306, Lots 14, 16, 17, 26, 27 & 1, 4, 5, 9, 10, 11 & 11

DEP File #81-1310

Mixed-use redevelopment

A Motion was made by Cmmr. Loring and seconded by Cmmr. Singleton to Open the Public Hearing.

4-0 Unanimous rollcall vote

Chris Lucas with Lucas Environmental and the Applicant presented the project. A slide show was produced for the Commission and audience. They first explained that Rezoning was approved last summer. The proposed project consists of 9 parcels and is broken down into 4 different sites: A, B, C, D.

Proposed work at Site A (Pecks Funeral Property) includes demolition of existing structures and construction of a 5-story multiuse building, including parking, residential units, and commercial space totaling 71,000 square feet. Site A is outside of jurisdiction. Proposed work at Site B (Newcome's Restaurant) includes demotion of existing structures and construction of a 5-story multiuse building, including restaurant space, commercial space, and residential units, totaling 36,470 square feet. Subsurface stormwater infrastructure and associated landscaping, grading, and utilities are proposed as well. Site B is within Riverfront Area and directly abuts the herring brook. The plan proposes a 15-20ft landscaped buffer along the run. Proposed work at Site C (Venetian Restaurant & town lot) includes construction of a 5-story multiuse building including ground-level parking, restaurant space, commercial space, and residential units, totaling 63,535 square feet. Access to parking is proposed off Commercial Street, which would become a one-way road. Proposed construction also includes installation of a subsurface stormwater management system, utilities, retaining walls, site grading, and landscaping. Site C is within Riverfront Area and abuts the herring run. Concerns about accessing the 'middle pool' in the run were raised. The applicant agreed to work with the town to find solutions and provide funds. Proposed work at Site D (Master Cleaners) includes demolition of existing structures and construction of a 5-story multiuse building, including ground-level parking, commercial space, and residential units, totaling 25,370 square feet. Access to parking is proposed off Commercial Street. Construction also includes installing a subsurface stormwater management system, utilities, retaining walls, site grading, and landscaping. This site is within Riverfront Area, but does not directly abut the Herring Brook.

Mr. Hultin and Mr. Lucas explained that the primary resource areas are Riverfront Area and Bordering Land Subject to Flooding (BLSF). Sites B, C & D constitute redevelopment of degraded/ previously developed riverfront area. This project overall appears to meet the performance standards for redevelopment within riverfront area by improving the riverfront area over existing conditions, pulling structures further from the bank than existing conditions (20 ft landscaped buffer) and meeting stormwater standards. There is an increase in degraded area by 7,503 sf that is proposed to be mitigated with 6,948sf onsite (1:1 ratio) and 2,378sf offsite (4:1 ratio).

Mr. Hultin explained that protection of the herring run both during and after construction should be a primary concern for the commission. Overall the project will result in a new vegetated buffer of approximately 20ft in width adjacent to the run. The project will improve stormwater runoff by meeting the States Stormwater standards. This should result in reduced peak runoff rates and pre-treatment of runoff. A Stormceptor (which separates oils, grease, and sediment from stormwater runoff) is proposed to intercept existing stormwater (currently untreated) from upper Jackson Square before discharging to the Middle Pool. Overall the Stormwater system is significant and due to limited DPW capacity they have requested a peer-review of the Stormwater system and report. The commission has the authority to request a peer review at the expense of the applicant. Staff recommended peer review for this portion of work, and the Applicant agreed. Construction period impacts should be considered carefully for this project as it will involve significant disturbance immediately adjacent to the run. DMF has been provided a copy of the application but it is unclear whether they will provide recommendations for the project given that there is no work within the run. Mr. Hultin requested more information on sequencing of work and the sediment and erosion control plan is needed, as well as a lighting plan to ensure no disturbance to the run.

Mr. Hultin expressed that he has been working with the team on this project for the past six months and feels that the project is shaping up really well, highlighting improvements in stormwater that will protect the herring run. He recommended continuing this agenda item until the October 24, 2023 meeting to allow the team to provide revisions and answer questions raised.

Donna Eliason, E. Congregational Church – voiced concerns about flooding

Linda DiAngelo of Back River Watershed Association – She asked about the timeline of the Commercial St bridge project vs this project. Mr. Luongo responded that the start date for the bridge project is between this time next year and 2025 and will take two to three years to complete.

Lee Ann Willhower, E. Congregational Church-concerned over verbal agreement on utilizing Site A for gas trucks. Mr. Hultin suggested she attend the BZA meeting to express this concern.

A Motion was made by Cmmr. Loring and seconded by Cmmr. Singleton to continue this item to the October 24, 2023 meeting.

4-0 Unanimous rollcall vote

8. 19 Lambert Ave – Violation Hearing (previously continued)

Drena & Wayne Nicholas

Map 27, Block 346, Lot 5

Construction of a retaining wall without approval

Mr. Hultin explained that Shawn Hardy of Hardy + Man Design Group has been contacted by the homeowners to file an after-the-fact NOI for the retaining wall. Staff recommends a continuance to the October 24, 2023 meeting to allow time for application preparation

9. 475 Columbian Street – Violation Hearing (previously continued)

Richard Campo

Map 40, Block 482, Lot 16

Outstanding Enforcement Order issued 8/2019 for unauthorized fill in wetlands

The applicants have requested this item be continued to the October 24, 2023 meeting to reach a settlement. The Commission was reluctant to grant a continuance and stated that something needed to be presented at the October meeting.

10. 541 Front Street – Violation Hearing (previously continued)

Tony DePalma

Map 29, Block 373, Lot 14

Fill in wetlands

Mr. Hultin explained that this item should not have been on the agenda because the Enforcement Order issued to the homeowner called for the Restoration and Fill Removal Plan by September 30th. He recommended continuance to the October 24, 2023 meeting.

11. 0 Northern Ave – Violation Hearing (previously continued)

Ken Ryder, Ryder Development Corp.

Map 40, Block 487, Lot 5

Unauthorized clearing of wetland

Ken Ryder, owner, indicated that he wanted to construct a single-family house on the lot, but no plans or application was provided to the office. Mr. Hultin recommended a continuance to the October 24, 2023 meeting to allow for application preparation.

12. Other Business

- **SNUP Dam Design & Permitting Bids**

Mr. Hultin explained that Staff has been working with the Department of Ecological Restoration (DER) for the removal project. He discussed the permitting track and recommended the Commission vote on if the project meets qualifications for designation as an ecological restoration project. This would simplify and shorten the MEPA permitting process. He explained that the only qualification of concern is discharge of material into a Class A surface water, which will naturally occur with the completion of the project, *unless* the project is conducted by a Drinking Water Authority, which the Town is. The Commission agreed that the project meets the qualifications for an ecological restoration project.

- **Bylaw revisions**

Mr. Donovan expressed interest in including land subject to coastal storm flow in the bylaws. He also expressed interest in including the tree removal policy in the bylaw. Mr. Luongo recommended applying to the Community Compact Grant for such a project. Mr. Hultin stated that staff would start pulling together a scope of work.

13. CPC Update

Cmmr. Loring reports there was no meeting, so there is no update

14. Herring Run Update

Cmmr. Loring reports the out migration is complete

15. Conservation Report

New Construction

- Idlewell Sewer Borings – starts this week
- 371 Neck St – construction underway

Ongoing Construction (Partial list)

- 59 Lake View Rd – minor erosion control issue

Compliance and Enforcement and Complaints

- Nothing that isn't on the Agenda

Other Projects

- SNUP – DER has received two bids for the RFR for permitting and design. DER and Conservation Staff are evaluating the bids and will secure a contractor by the October Meeting.
- EZ Docks- Conservation Staff has been notified that a house on Neck St has installed a floating dock system. The dock is a temporary floating dock with a section of temporary piers that extends over the saltmarsh. The pilings sit on top of the saltmarsh, are not drilled in, have spacing to allow sunlight to reach the marsh, and have stoppers to prevent the dock from touching the marsh. Staff is examining the "temporary" vs "permanent" impacts of these docks. It is likely that these docks do not require a Chapter 91 license/permit, but do need to be tightly regulated under an Order of Conditions.

Utilities

- NA

Planning Department Reviews

- NA

Other

Next Meeting

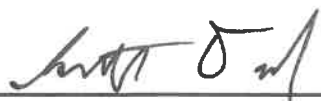
- October 24, 2023. New filings may include:
 - 739 Pleasant St.

16. Adjourn

A Motion was made by Cmmr. Loring and seconded by Cmmr. Singleton to adjourn the meeting at 9:15 p.m.

17. Next regularly scheduled meeting – October 24, 2023

Weymouth Conservation Commission Minutes September 26th, 2023



Scott Dowd, Clerk

Respectfully submitted by,

Ann Flynn Dickinson
Recording Secretary