

WEYMOUTH CONSERVATION COMMISSION

RECORD OF MINUTES AND PROCEEDINGS

Weymouth Town Hall

Wednesday, August 25, 2021

Present: John Reilly, Chairman
Frank Singleton, Vice Chairman
Scott Dowd, Commissioner and Clerk
George Loring, Commissioner
Al Donovan, Commissioner

Also Present: Mary Ellen Schloss, Conservation Administrator
Andrew Hultin, Assistant Conservation Administrator
Ann Flynn Dickinson, Recording Secretary

Chair Reilly called this continuance Meeting from August 24, 2021 to order at 7:00 pm.

17. 49 Ketcham Lane, Notice of Violation
Rui Gomes
Map 47, Block 539, Lot 7
Unauthorized construction of fill slope

Shawn Hardy, Engineer was here to present for the applicant Rui Gomes. Mr. Hardy explained they were here to report on the Violation for filling at Ketcham Lane, his client received a Cease and Desist. Mr. Hardy displayed slides and went over the area to understand exactly where the violations occurred. The intent is to propose to pull back that soil off of Town land and get back to natural grade and propose to re-use with the material brought in as a gabion block retaining wall. The constructed blocks will be a maximum height of 4 ft. This will stabilize the slope, without removing any of the vegetation that is there. They will file a Notice of Intent for the work.

Ms. Schloss did meet on-site on the 6th of August and states it seems like a good plan. The wetland line will need to be established during the fill removal. She recommends at the September meeting we should issue an enforcement Order which requires a timeline for completion of the work.

A motion was made by Cmmr. Donovan and seconded by Cmmr. Singleton to continue to the September 28th meeting.

18. 73 Puritan Road, Violation hearing
David Goulart
Map 14, Block 168, Lot 4
Unauthorized fill in wetlands and buffer zone

Claire Hoozeboom from LEC Environmental was here to present for David Goulart. A site evaluation was conducted by LEC on July 29th. A surveyor needs to stake out the property. On August 5th a site visit with Ms. Schloss and Mr. Hultin was completed to confirm salt marsh boundary and determine areas in need of restoration. Proposed restoration plans were handed out to follow along with the detailed narrative.

Ms. Schloss recommends:

Planting will happen ideally in September or October

In terms of process, ConComm should issue an enforcement order to implement this plan for the fall timeline

Reference the plan and narrative from LEC

A motion was made by Cmmr. Donovan and seconded by Cmmr. Dowd to issue the enforcement order.

5-0 Unanimous rollcall vote

19. 188 Idlewell Blvd., Violation Hearing, Continued
DEP File #81-1070
Robin and John Mullin
Map 9, Block 168, Lot 4

Present for the owners were Robin and John Mullin and their daughter Elizabeth.

Ms. Schloss provided background on the Order of Conditions (OOC), which required planting within the 25 ft buffer zone area. This included 36 shrubs and three conservation posts. In 2013, the Mullin's asked for construction of a deck, when a site visit was completed, out of the 36 plantings only 13 thriving and one conservation post missing. In October 2020, there was a patio being constructed behind the deck which encroached 10 ft. into the no-disturb area. Spring of 2021 another site visit showed material hadn't been removed and issues were not addressed. Measurements were taken of the encroachment on July 27th. The owners asked if they could compensate by doing planting and the commission replied that they could hire a professional and provide a proposal for the Commission to review. She did receive a sketch prepared by the owners and it estimates the size of the replacement planting area to be 138 sq. ft. Ms. Schloss handed out a plan highlighting the encroachment area, which she estimates at 423 sq ft, which is larger than the 138 sq. ft. the homeowner estimated.

Mr. Mullin stated that the patio did not encroach on the plantings and the plantings that are highlighted are plantings destroyed from a storm. They are willing to replant and remove the invasives and remove the 4 ft. of stone around the patio. They would like to exchange a certain type of rose bush with another plant. Plant 25 new plants, install a fence and give the lawn area back, also as long as they can keep the patio.

Ms. Schloss will set up a time for a site visit with the Commission to determine if the patio should stay or be moved.

A Motion was made by Cmmr. Singleton and seconded by Cmmr. Donovan to continue this to meeting September 28th.

20. 671 Pleasant Street - Violation Hearing
Woodbridge Condo Association
Map 39, Block 448, Lot 21
Unauthorized cutting of trees in no-disturb area

Ryan Forgione, Attorney representing Woodbridge Condominium and Kevin Phaneuf, Town and Country Tree Service were here to represent the property owner.

They received a Cease and Desist in August after responding to an emergency to save condo units in the back by cutting trees due to storm damage. The map shows how close the back decks are to the buffer zone.

Ms. Schloss and Mr. Hultin did a site visit on August 2nd and identified about 40 shrubs that were cut in total and some were large trees. There was a lot of impact and it would be nice to see planting to restore conditions for wildlife. They are recommending planting of 6 red maples, 2 dozen blackberry, some seed mix with rye grass. We recommend planting sooner rather than later due to the season. This seems like a start for what would be a reasonable response.

Mr. Forgione would have to take into account the amount of money that will need to be spent.

Chair Reilly requested they contact a landscaper to get some specifics, because the vegetation has to be replaced. Would they be willing to get an estimate and get back to the Committee?

Steve Hussey, resident, understands getting an estimate is important but they did not cut down anything. He explained that this was all clean up after storm damage.

Kevin Phaneuf stated that the white oak fell and took out most of the maple trees and it cut a hole between the first row and the water itself and a chunk damaged items on the decks. The trees that were damaged were mostly invasive Norway maples. They removed woody debris from the slope.

Ms. Schloss states we are running out of time for planting and our next meeting September 28th. She suggests at the least to get a seed mix on that slope and some rye grass.

Kevin Phaneuf is willing to spread a bag of seed on the slope and come up with a plan and budget in the next two weeks.

A motion was made by Cmmr. Donovan and seconded by Cmmr. Loring to continue this meeting until Sept 28th with administrative review of plan and budget within the next two weeks.

21. 411 Neck Street-Violation Hearing
Steven Parigian and Peggy Scafuri
Map 2, Block 3, Lot 31
Unauthorized construction on private beach

Peggy Scafuri stated that the landscaper has installed an erosion control barrier and started removing the sand about 25% removed, and will return Monday and he is willing to do whatever it takes to restore it.

Ms. Schloss recommends:

- Have someone like Claire from LLC do a plan and monitor it for some time. She will email a list of consultants.
- Remove drain and a pipe that goes into the creek
- Roughly 925 sq. ft. of planting/restoration needed
- In the higher elevations plant some seed mix
- Because we are pressed for time for planting to be completed, staff could work with the owner on the recommended plan
- Continue until September 28th for a staff update.

A Motion was made by Cmmr. Donovan and seconded by Cmmr. Loring to continue updating and provide a plan to the Committee.

5-0 Unanimous rollcall vote

22. Other Business

Chair Reilly wants the Commission to discuss a time limit on people speaking/public comments

A motion was made by Cmmr. Loring and seconded by Cmmr. Donovan to limit speaking and/public comments to 3 minutes per individual.

5-0 unanimous rollcall vote

191 Circuit Ave.

Ms. Schloss reported that a few months ago they approved an addition at 191 Circuit Ave. and they had a temporary shed that was supposed to come down. They received a call that there is a concrete pad underneath that and intended to keep that pad which is within the 100 ft. buffer. After discussion with the Commission, the decision was made to let them keep it. She will get back to them and let them know they can keep it.

Future Meetings

Ms. Schloss consulted the committee on whether to continue meetings in person or remotely. After discussion it was decided to continue them in person, even if there is a remote/hybrid option.

23. CPC Update

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

24. Herring Run Update

Cmmr. Loring states there is so much water there is no way to see the babies.

25. Conservation Report

Tree Removal. Mr. Hultin presented that a tree removal request was made at 22 Lester Lane to remove 4 maple trees that are about 0-35 ft. from house and close to a wetland. Some are presenting a hazard to the house and the owner wants more sunlight. They will be doing a Request for Determination of Applicability (RDA) for a deck in near future. The deck would be just a little bit larger than the existing brick patio and would like them removed for that purpose also.

Mr. Hultin's recommendation is to approve the removal of the hazardous trees and just prune the others until such time as an RDA is filed.

Hazard Mitigation Plan. Another meeting will be held in September with planning board on the 14th for the adoption of the plan.

Libbey Street project culvert will start to be replaced. Tomorrow they start with herbicide on the invasive knotweed, which is the right time of year to use it.

Pleasant St. Billboard. Mr. Hultin and Ms. Schloss met with MASSDOT and tree cutting work will be happening in the next week or so. We are still concerned about the quarry and the sediments coming off of it.

26. Adjourn

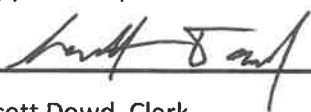
A motion was made by Cmmr. Loring and seconded by Cmmr. Donovan to adjourn the meeting at 8:45 pm.

27. Next scheduled meeting -Tuesday September 28, 2021

Respectfully Submitted by,

Ann Flynn Dickinson
Recording Secretary

Approved by:



Scott Dowd, Clerk