

RECEIVED  
TOWN OF WEYMOUTH  
TOWN CLERK'S OFFICE

**Weymouth Conservation Commission Meeting**

**Tuesday, October 26, 2021**

**McCulloch Building, 182 Green Street**

**Mary McElroy Room**

**7:00 PM**

2022 MAY 11 PM 2:11

Alternative Virtual Access Available Via Webex

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

Remotely: Mary Ellen Schloss, Conservation Administrator

Also Present: Andrew Hultin, Assistant Conservation Administrator

Not Present: Ann Flynn Dickinson, Recording Secretary

Chair Reilly called the Hybrid/Commission meeting to order at 7:00 p.m. Chair Reilly also reminded everyone that public comments will be timed and limited to three (3) minutes.

**1. Minutes – June 22, 2021**

A Motion was made by Cmmr. Singleton and seconded by Cmmr. Donovan to continue these minutes until the next meeting.

5-0 Unanimous rollcall vote

**2. Charlotte Street & O Finnell Drive – Notice of Intent, Public Hearing**

**Bristol Brothers Development Corp., James Bristol**

**DEP File #81-1272**

**Map 36, Block 452, Lot 9 & Block 423, Lot 4**

**New Driveway to access Finnell Drive property**

The applicant has requested a continuance of the public hearing to the November 16, 2021 meeting.

A Motion was made by Cmmr. Donovan and seconded by Cmmr. Singleton to continue the public hearing until the next meeting.

5-0 Unanimous rollcall vote

**3. 104 King's Cove Beach Road – Notice of Intent, Public Hearing, Continued**

**DEP File #81-1278**

**Gilvan Miranda**

**Map 4, Block 55, Lot 38**

**After-the-fact filing for concrete pad and fence**

The applicant has requested a continuance of the public hearing until the November 16, 2021 meeting.

A Motion was made by Cmmr. Loring and seconded by Cmmr. Donovan to continue the public hearing until the next meeting

5-0 Unanimous rollcall vote

**4. 69 Norton Street-Notice of Intent, Public Hearing Continued**

**DEP File #81-1281**

**Jimmy Kelly, Bert's Boatyard**

**Map 10, Block 128, Lot 4**

**Construct/replace existing shoreline revetment**

Shawn Hardy was available by WebEx to present. He updated since the last meeting that they had reached out to DEP regarding the Chapter 91 license and are trying to get DEP's assessment of whether the reconstruction of the revetment would be considered maintenance of an existing licensed structure or whether they would need additional permitting. They received a verbal last week from the Chapter 91 staff that it looked like the proposed structure could be considered part of the earlier permitted structure but that they need to review mapping to confirm this. They are asking for another continuance from the Commission.

With no comments from the public,

A Motion was made by Cmmr. Donovan and seconded by Cmmr. Singleton to continue the public hearing until the November 16, 2021 meeting.

5-0 Unanimous rollcall vote

**5. 109 Regatta Rd – Emergency Certification, Continued**

**Michael Hayes & Wonda Phillips-Hayes**

**Map 5, Block 12, Lot 11**

**Work to stabilize the collapsed coastal bank and connect failed septic system to town sewer**

Shawn Hardy was available through WebEx to present. They have officially brought on a geotechnical Engineer to visit the site and had a contractor out as well. Their ideas were run through the Town and it was decided that those ideas were not going to be feasible. Mr. Hardy, Mr. Todd Turcotte (consultant for the Town) and the applicant had discussions and they are all

in agreement that they would like to proceed with getting a couple of contractors out for means and availability to move forward and client can work on where the funding is coming from.

Ms. Schloss stated this work needs to be done before winter, frozen soil conditions set in. She recommends issuing an Enforcement Order, including the septic piece, that requires a plan for the slope repair be submitted for review for the November 16, 2021 meeting so an Emergency Certification can be issued.

A Motion was made by Cmmr. Donovan and seconded by Cmmr. Singleton to issue the Enforcement Order together with the provisions Ms. Schloss mentioned here tonight.

5-0 Unanimous rollcall vote

**6. 246 Commercial Street – Final Certificate of Compliance**

**DEP File #81-181**

**Thayer Marina and Condominiums**

**Map 16, Block 199, Lot 9**

**Condominium and marina**

Kevin Gaughen is the attorney representing the prior owner/seller who is the applicant for the Certificate of Compliance (COC) was on WebEx to present. The Order of Conditions (OOC) was placed on the property back in 1981. The property was owned by his client's father and passed to his clients' brother. When the brother passed, it went to his client. The property was recently sold and a condition of compliance is part of the sale. Documents have been presented that work has been completed.

Ms. Schloss referred to the as-built plan and stated that there is no well on the property. It is an above-ground water line used seasonally at the Marina. There were more buildings on the original plan that were never constructed. The ramp and the dock are farther out in the channel so they do not sit on the flats. This is an Old Order and she is comfortable with recommending a Final Certificate of Compliance. The new owner will be before us at some point with a Notice of Intent (NOI) for repair of a failed retaining wall at the rear of the property abutting the Fore River.

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

5-0 Unanimous rollcall vote

**7. Aeronaut (formerly known as Colony Station) – Partial Certificate of Compliance**

**1400-1430 Main Street, DEP File #81-1016**

**Trinity Green Development, LLC**

**Mixed-use development with required buffer zone restoration**

Mr. King is here tonight to present. They are ready to open the building, he believes he has submitted everything need and is looking for a temporary Certificate.

Ms. Schloss is recommending a Partial Certificate of Compliance and will continue to work with the owners during the monitoring period for the buffer zone restoration.

A Motion was made by Cmmr. Loring and seconded by Cmmr. Donovan to issue a Partial Certificate of Compliance.

5-0 Unanimous rollcall vote

8. **2/4/6 Mutton Lane – Minor Modification**  
**DEP File #81-1205**  
**Patrick Flaherty**  
**Modify planting plan, driveway, install utility pole and patio**

Ms. Schloss recommended moving this item until after #10 since Mr. Flaherty was not present.

9. **49 Ketcham Lane – Notice of Intent, Public Hearing**  
**DEP File #81-1282**  
**Rui Gomes**  
**Map 47, Block 539, Lot 7**  
**Unauthorized construction of fill slope**

A Motion was made by Cmmr. Loring and seconded by Cmmr. Donovan to open the public hearing.

5-0 Unanimous rollcall vote

Ms. Schloss did receive the abutter notification information and the legal notice has been posted.

Mr. Gomes was here to present together with his design team: Chi Man, PE from Hardy Man Design Group and wetland scientist Ken Thomson. They went over their presentation in detail with plans being presented visually for ease of following.

There was discussion about the proposed gabion baskets, possible use of boulders in place of some of the baskets, and construction details.

Mr. Thomson described what he felt would work and what wouldn't as far as plantings and the areas that would be seeded. The wetland area at the base of the slope would be restored with a wetland mix or other appropriate mix.

Ms. Schloss requests the following:

- an as built plan and make sure the base of slope is off Town Property
- Issue an Order of Conditions approving the plan with conditions
- Issue a companion Enforcement Order, outlining work to be done with a date, may need spring and summer to complete, so could require work to be done by September 30, 2022.

With no comments from the public,

A Motion was made by Cmmr. Loring and seconded by Cmmr. Donovan to close the public hearing

5-0 Unanimous rollcall vote

A Motion was made by Cmmr. Loring and seconded Cmmr. Donovan to issue an Order of Conditions together with an Enforcement Order with the conditions mentioned here tonight.

5-0 Unanimous rollcall vote

**10. 105 Trefton Ave – Notice of Intent, Public Haring**

**DEP File #81-1284**

**Matt Tallon**

**Map 12, Block 131, Lot 5**

**Proposed addition to single-family home**

Ms. Schloss reports that abutter notifications and legal notices were received.

Mr. Tallon was here to present. He displayed the plans for the addition to the single-family home. He is working with an environmental professional, a surveyor and a local architect to put together these plans. They plan to raise the slanted salt box roof line and add a second floor with a 6 ft. x 15 ft. bump out on the existing deck area. They may want to do some changes to grading to ensure that tidal flow that enters the property can flow back out again and won't pool on the lawn. They also might want to rework the grading around the patio and may need an additional retaining wall adjacent to the patio. The patio may be converted from a deck to a permeable surface.

Cmmr. Donovan asked whether a civil engineer could look at the proposed grading changes, retaining walls and other changes. They could do a cut-and-fill analysis. They could also tie the survey into a local benchmark.

Mr. Tallon responded that he would be willing to bring in a civil engineer to get the benchmark and to provide details for the patio changes and grading.

Ms. Schloss commented that the plans need to be tied into a known datum so that the plans can show the location of the FEMA 100-year flood zone on the site. If grading changes, changes to the patio and construction of retaining walls are being proposed, this new information needs to be reviewed and incorporated into the Order of Conditions (OOC).

The Commission discussed special conditions, including the following:

- Civil engineer to be brought on to provide plan, with benchmark, if the project is to include any changes to site grading or the construction of retaining walls.
- Plan to be tied into a local benchmark and known datum.
- Erosion controls to be shown on the plan.
- Conservation staff to review the revised plans when received and the Commission will determine whether the changes may be approve administratively or whether the full Commission needs to review.

With no comments from the public,

A Motion was made by Cmmr. Singleton and seconded by Cmmr. Donovan to close the public hearing.

5-0 Unanimous rollcall vote

A Motion was made by Cmmr. Loring and seconded by Cmmr. Singleton to issue an Order of Conditions with the special conditions discussed tonight.

5-0 Unanimous rollcall vote

As Patrick Flaherty was now present, the Commission took up agenda item #8.

**2/4/6 Mutton Lane – Minor Modification**

**DEP File #81-1205**

**Patrick Flaherty**

**Modify planting plan, driveway, install utility pole and patio**

Ms. Schloss discussed the request for the minor modification submitted by Mr. Flaherty. This included:

- After the fact patio adjacent to the historic house is within the 50 ft of the wetland and we can do administrative approval for this.
- Request to pave the front portion of driveway rather than use cobblestones. Construction for common driveway was to be cobblestones for the first portion of the driveway, to provide historic feel and reduce run off to the wetland. The requirement was a granite curb that kept all the runoff from the driveway away from the stream.
- Utility pole, Bob Luongo may want to get involved and discuss since utilities were going to originally be underground.
- Request to change the planting and myself and Mr. Hultin are willing to make some recommendations here. There is a lot of good stuff growing back to be reviewed.
- Request to modify the fence location. The OOC requires the fence be extended to the end of the property (Builders Lot B/#4 Mutton Lane). Staff is open to some changes but want to keep fence where lawn is near 25-foot no-disturb buffer.
- Mr. Flaherty is requesting not to be required to have a Wetland Scientist or botanist oversee the planting during the two-year monitoring period.

Some discussion ensued. Cmmr. Loring stated that he would like to see the fence extend along the entire limit of the lawn area. Cmmr. Donovan stated that he would be ok with not requiring a wetland scientist or botanist as long as a professional landscaper is used who can guarantee the plantings.

Bob Luongo joined by Webex and he appreciates the patience of the Commission on this case. He wanted to remind the commission this was a unique situation with 11 variances granted, which is unprecedented. Mr. Flaherty stated in his original plan that he would need the other two lots to obtain the means for restoration of the historic house on the property. He recommends the Commission not approve the utility pole. To have telephone wires from these three lots does not keep with the antique restoration originally planned.

After further discussions between Mr. Flaherty and the Commission, Ms. Schloss made the following staff recommendations:

- a 1-year monitoring period for the restoration area
- Changing the number of plantings as per the staff memo
- Change the fence location on Lot B.

Mr. Flaherty proposed adding a 2-foot cobblestone apron on each side of the driveway to assist with infiltration of runoff and provide some historic feel.

Chairman Reilly stated that he would take each of the issues in turn and vote on them separately.

A Motion was made by Cmmr. Singleton and seconded by Cmmr. Donovan reducing the number of plantings required to that recommended by conservation staff.

5-0 Unanimous rollcall vote

The driveway lining up to where the curb stops is next

A Motion was made by Cmmr. Donovan and seconded by Cmmr. Singleton to approve the modification to the driveway from Mutton Lane to where the curbing ends, using 15 ft wide asphalt with the cobblestone lining on either side

5-0 Unanimous rollcall vote

Utility Pole is up next – Chair believes this is outside of our jurisdiction and we will not vote on it.

Mr. Flaherty is requesting something in writing from Conservation Commission that the Commission is aware of the pole going in.

Chair Reilly said it is up to the Utilities Company. We have no legal advice and we are not comfortable making any decision.

A Motion was made by Cmmr. Singleton and seconded by Cmmr. Loring moved to ok the utility pole

1-0 Motion fails and the Conservation Committee will not be dealing with this item.

The patio is the next item to vote on:

A Motion was made by Cmmr. Donovan and seconded by Cmmr. Singleton to approve the patio

5-0 Unanimous rollcall vote

Split Rail Fence is the next item to vote on:

A Motion was made by Cmmr. Donovan and seconded by Singleton that the split rail fence be reduced to the area where the erosion control kicks out to the west behind the house and approximately 30 ft past the property line.

4-1 Motion carries rollcall vote

#### **11. Meeting calendar for 2022**

A Motion was made by Cmmr. Singleton and seconded by Cmmr. Donovan to adopt the Meeting Calendar for 2022.

5-0 Unanimous rollcall vote

#### **12. Other Business**

##### **Enforcement Case Updates**

**611 Pleasant Street** the Woodbridge Condo Association – completed the plantings as required two weeks ago. Site visit completed and we can issue letter that they have complied with violation notice.

**411 Neck Street** – completed the restoration planting as of last week. Site visit completed while the planting was being done. We will continue to monitor throughout the winter

**1183 Main Street** – Had an Enforcement Order for a violation. They have constructed the rain garden and completed plantings. The infiltration system and parking lot will be constructed in the spring.

**73 Puritan Road** – they are supposed start planting this week, but due to the rain they will start next Monday.

Land Transfer – 640 Union Street

A Motion was made by Cmmr. Singleton and seconded by Cmmr. Loring to approve the land transfer

5-0 Unanimous rollcall vote

**395 Neck Street** Project was approved a few months ago and had 550 sq ft of driveway to the new addition. Now that they are laying out the driveway they need to request an additional 100 ft of driveway to be able to navigate the turn in and out. The applicants should formally request a minor modification to their Order.



**Other:**

We accepted a proposal from forester Kevin Scherer for \$5,000 to start work immediately to develop the forestry/bird habitat plan for the Bradford Torrey Sanctuary and will update as it develops.

A site visit with the DEP is scheduled for Wednesday, November 3, 2021 at 10:45 a.m. We received an appeal of the Hanover Companies project at 1325 Washington Street. One or two members of the Commission in attendance would be sufficient. Email will follow from Ms. Schloss.

Asking permission from the Commission to order conservation post signs in bulk with our monies and have people buy them from us. This was approved.

**13. CPC Update**

Cmmr. Loring reports there was no mtg no update

**14. Herring Run Update**

Cmmr. Loring reports there is lots of water.

Cmmr. Loring was unable to attend the Iron Hill Meeting and has no information from it.

**15. Conservation Report**

Ms. Schloss reported they did have a meeting on the Iron Hill Park conceptual design. It is very clear to the Consultants that the Herring Run comes first and the Park second.

Mr. Hultin reported on Whitman's Pond Vegetation Management Plan Update there is a plan for a Public Meeting for it on November 9<sup>th</sup>. It will be remote only.

**16. Adjourn**

A Motion was made by Cmmr. Loring and seconded by Cmmr. Singleton to adjourn the meeting at 9:40 pm.

**17. Next regularly scheduled meeting – Tuesday November, 16, 2021**

Weymouth Conservation Commission Minutes October 26, 2021



Scott Dowd, Clerk

Respectfully submitted by,

Ann Flynn Dickinson  
Recording Secretary