

WEYMOUTH CONSERVATION COMMISSION MEETING

TUESDAY, March 29, 2022

2022 JUL 13 PM 2: 45

McCulloch Building 182 Green Street

Mary McElroy Room

7:00 P.M.

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

Not Present: Al Donovan, Commissioner

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

WEBEX/HYBRID MEETING

1. Minutes – October 26, 2021 & January 25, 2022

A Motion was made by Cmmr. Loring and seconded by Cmmr. Dowd to accept the Minutes as written.

4-0 Unanimous vote

2. 175 Westminster Road – Request for Certificate of Compliance

DEP File #81-1251

Jim Chen, JCBT Architect LLC

Map 30, Block 350, Lot 1

Demolition and rebuild of single-family house

Jim Chen was here to present. There are two outstanding items based on site visit with Conservation:

1. Install 4X4 Posts with conservation signs
2. Provide additional seeding

Both have been completed

Ms. Schloss did a site visit yesterday of the demo and rebuild of single family home. We had a requirement to prevent further encroachment into the Town land. We were looking for permanent posts and putting seed mix on disturbed areas. We will do a quick drive by before issuing the Certificate of Compliance (COC).

Issuance of the Certificate of Compliance (COC) will be after items have been confirmed as completed.

A Motion was made by Cmmr. Singleton and seconded by Cmmr. Dowd to proceed with the issuance of Certificate of Compliance (COC) after the site visit.

4-0 Unanimous rollcall vote.

3. 527 Thicket Street – Request for Determination, Public Hearing

Jack Inglis

Map 65, Block 646, Lot 11

Proposed Shed

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

4-0 Unanimous rollcall vote

Ms. Schloss states the shed is just outside the no disturb area. We recommend the issuance of a Negative 3 Determination with a note of the following:

- Removal of yard debris along the Wetland Edge to be included in the determination conditions.
- Shed will be on footings and will have standard language regarding handling of excavated material (placed off site or placed in upland area).
- Debris in the wetland to be removed.

With no comments from the Public,

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

A Motion was made by Cmmr. Loring and seconded by Cmmr. Singleton to issue a Negative 3 Determination.

4-0 Unanimous rollcall vote

4. 10 Alpine Road – Request for Determination

Brion Keefe

Map 30, Block 393, Lot 5

Proposed Addition

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

4-0 Unanimous rollcall vote

Mr. & Mrs. Keefe were here to present with plans to add a deck with a mud room.

Ms. Schloss is comfortable recommending a Negative 3 Determination with standard conditions including pre-construction notification.

With no comments from the Public,

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

A Motion was made by Cmmr. Loring and seconded by Cmmr. Singleton to issue a Negative 3 Determination.

4-0 Unanimous roll call vote

5. 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

Gilvan Miranda was here to present the plan. They went over in detail what the property currently contains and its surroundings.

Ms. Schloss presented photos to the audience displaying the area among the beach grass through a sand dune. There will be another site visit with the commission. We may want to issue a companion enforcement order also during next meeting.

A Motion was made by Cmmr. Loring and seconded by Cmmr. Singleton to continue this meeting until April 26, 2022.

4-0 Unanimous rollcall vote

6. 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 with Hardy + Man Design Group was here to present and discussed the following:

- They understand DMF is not in favor of use of turbidity curtains in salt marsh or intertidal areas. Work will be conducted from above with no machines on the beach.
- They believe they do not need separate Army Corps of Engineer approval; the original wall was a "Category 1" approval
- There will be 764 square feet of impact in Land Subject to Coastal Storm Flowage

- Work is proposed to be conducted during the summer, when the boats are in the water and out of the way.

There were no comments from the public.

Ms. Schloss referred to recommendations for an Order of Conditions in the staff memo which include:

- Protection for shellfish, particularly during vulnerable periods
- Prior to construction, provide revised plan showing the saltmarsh area below the wooden building (missing from the revised plan). Want to see both salt marsh areas so can compare pre- and post-construction conditions.
- Require as-built plan after work is complete
- Remove the abandoned vehicle parked in the 100-foot buffer

Ms. Schloss recommends an issuance of the Order of Conditions (OOC) with special conditions mentioned here tonight.

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

4-0 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.

4-0 Unanimous roll call vote

7. "0" Wessagusset Road/1 Squanto Road – Violation Hearing

Sheila Spann

Map 4, Block 29, Lot 4

Unauthorized vegetation cutting on coastal bank

This item is requested to take out of order since applicant is not present at this time. (It was taken up after the Concannon Circle Violation Hearing)

Ms. Schloss went over photos outlining where shrubs were cut on the coastal side of the property which is across the street from her house.

Recommendations are as follows:

- Plant salt-tolerant shrubs
- No more cutting without Conservation approval
- Infestation of Japanese Knotweed
- Recommend professionals to help with a landscape plan not allowing the knotweed to take over. It is very hard to control.
- Chemical control, right after it flowers generally in August

- Start with 3 or 4 plants working with Ms. Schloss and see how they do
- Work with her over the next month and report back at the next meeting without an enforcement order

Staff can report on progress at the next meeting on April 26, 2022.

8. 24 Concannon Circle – Violation Hearing

Mobeen Gajee

Map 25, Block 285, Lot 83

Unauthorized vegetation removal and work in Wetlands

Jedd Hannon from Atlantic Coast Engineering was present via webwex to present. He has presented the plot plan. The home is for sale, a title search showed there was an open Order of Conditions and the site visit showed the lawn had been filled with loam and seed within the area designated as wetlands in the Notice of Intent issued for the home construction. This was not done with ill intent. Some trees were removed and the rear area loamed and seeded to create more of a backyard. He moved on to the mitigation plan with a visual plan of proposed plantings prepared by Brad Holmes of Environmental Consulting and Restoration LLC.

Mr. Holmes joined the call.

Ms. Schloss reviewed staff recommendations which include:

- A post and rail fence with conservation posts
- Surveyor to stake and outline the restoration area prior to work
- Require an as built plan and initial report from a Wetland Scientist following the work
- Monitoring period – Commission to decide how many growing seasons
- Maybe spring and fall monitoring

Ms. Schloss recommends to issue an Enforcement Order approving the restoration plan with the conditions mentioned here tonight

A Motion was made by Cmmr. Loring and seconded by Cmmr. Singleton to issue the Enforcement Order with Special Conditions mentioned here tonight.

4-0 Unanimous rollcall vote

9. 2/4/6 Mutton Lane – Request to extend Order of Conditions (OOC)

DEP File #81-1205

Patrick Flaherty

Three-lot subdivision with two new single-family homes, buffer zone planting

Ms. Schloss states Legal Notice was not published and would like to continue until next meeting.

A Motion was made by Cmmr. Loring and seconded by Cmmr. Singleton to continue Mutton Lane until the April 26, 2022 meeting.

4-0 Unanimous rollcall vote

10. Enforcement and Compliance Matters

655 Washington Street – File #81-1268

Ms. Schloss states there was an encroachment into the Wetland area. Notice of Violation was issued and wanted a response as to how they will address those areas. She would like to revise this plan and update the Board since there is a time factor involved here.

Weymouth Club – File #81-1268

Have a Wetland replication area where they built and expanded the parking lot. We have not been getting monitoring reports and the area is infested with phragmites. Notice of Violation was sent back in September. She's told a company was hired to treat the phragmites but she has not received any reports. They have also not requested a certificate of compliance for the parking lot. She suggests we issue a Notice of Violation and put it on the agenda.

475 Columbian Street Enforcement Order was issued back in 2019. Fill removal work was supposed to be completed in spring of 2020. Pandemic and owner illness slowed things down, but the owner hired an attorney and filed suit against a party who had been dumping waste on the site. She would like to put it on the agenda for next meeting and if we do not get a response we will take legal action, and or fines.

798 Middle Street Enforcement Order

Was issued at the beginning of the Pandemic and trying to get out there and finally did last week. It was a single-family house with bordering vegetated wetlands at the rear of the property. A concrete block wall was installed within the wetland area. He has relocated the shed and the blocks but has work that still needs to be completed. He said he is ready to start planting and if not done by April 15 we should be ready for a Violation Hearing.

Other:

49 Ketcham Lane: work has to be done by the end of summer

108 Idlewell Blvd still has to be done

Seaver Road – Single Family home tear down. Monitoring reports required but we have not received and don't seem to unless we rattle cages.

11. Other Business:

A. Pending a Certificate of Occupancy Request, Brookpoint project, DEP #81-1191

The Certificate has not yet circulated, but it is coming. In our amended Order of Conditions (OOC) there was a drainage plan and there was a lot of discussion about the infiltration system and agreed with the owner and engineer for a plan through infiltration but this has not been installed correctly. The outlet was built at the same level as the other pipes which hinder the infiltration. The Engineer thinks there is a resolution for this, but do not sign off on the Certificate of Occupancy until that is fixed.

12. CPC Update

Cmmr. Loring states there was no meeting so there is no report.

13. Herring Run Update

Cmmr. Loring reports that all baffles were replaced and running really well. Cleanup will be April 9 at 8:00 a.m. It hasn't been done in a couple of years, so be ready to work.

14. Conservation Report

Ms. Schloss touched on one important item behind Shaw's on Middle Street. There is a large retaining wall and an outfall that carries Mill River and it empties behind that building on Washington Street owned by FX Messina. There is a sink hole in the parking lot above the culvert. A MASSDOT diver saw it. It needs to be repaired. She has spoke to FX Messina and the Weymouth Engineering Division. FX Messina would like water levels to come down a little bit before they do the work. They will want to do this after the spring herring migration. The work will require an Emergency Certification or Notice of Intent.

A Motion was made by Cmmr. Loring and seconded by Cmmr. Singleton to issue an Emergency Certification if it is needed prior to the next meeting.

15. Adjourn

A Motion was made by Cmmr. Loring and seconded by Cmmr. Dowd to adjourn the meeting at 9:00 p.m

16. Next Scheduled Meeting – Tuesday, April 26, 2022.

Weymouth Conservation Commission Minutes March 29, 2022



Scott Dowd, Clerk

Respectfully submitted by,

Ann Flynn Dickinson
Recording Secretary