

WEYMOUTH CONSERVATION COMMISSION MEETING
TUESDAY, April 26, 2022
McCulloch Building 182 Green Street
Mary McElroy Room
7:00 P.M.

Remotely Present: John Reilly, Chairman
Frank Singleton, Commissioner and Vice Chairman
Al Donovan, Commissioner
George Loring, Commissioner
Not Present: Scott Dowd, Commissioner and Clerk
Also Present: Mary Ellen Schloss, Conservation Administrator
Andrew Hultin, Assistant Conservation Administrator
Ann Flynn Dickinson, Recording Secretary

WEBEX/HYBRID MEETING

Chair Reilly opened the meeting at 7:00 p.m.

Cmmr. Loring will act as Clerk and Read Off Agenda Items until Cmmr. Dowd arrives.

1. Minutes – February 22, 2022

Ms. Schloss is requesting the minutes be tabled until the next meeting.

A Motion was made by Cmmr. Donovan and seconded by Cmmr. Singleton to accept the tabling of Minutes until the next meeting.

4-0 Unanimous vote

2. 24 Concannon Circle – Partial Certificate of Compliance

DEP File #81-753

Mobeen Gajee

Map 25, Block 285, Lot 83

Outstanding COC for construction of single-family house; release is contingent on restoration of wetlands in accordance with recent Enforcement Order

Brad Holmes and Jed Hannon are on WebEx to present from Atlantic Coastal.

They are pleased to update that the restoration has been completed:

- Completion report with photos has been submitted
- Lawn removed
- Native soils were exposed
- Area was supplement with additional soil and planted with shrubs
- Following the planting, seed mix was spread
- Post and rail fence installed

We are now requesting a Partial Certificate of Compliance (COC)

With no comments from the Public,

Ms. Schloss recommends issuance of a Partial Certificate of Compliance (COC). Ms. Schloss is very pleased with the work and the speed in which it was completed. The final Certificate of Compliance will be issued when the two-year monitoring is finished.

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

4-0 Unanimous rollcall vote

3. 49 Winter Street – Request for Determination, Public Hearing

Terrance Ye

Map 33, Block 376, Lot 749

Wheelchair accessible walkway and lift

A Motion was made by Cmmr. Singleton and seconded by Cmmr. Donovan to open the Public Hearing

4-0 Unanimous rollcall vote

Mr. Ye was here to present. He would like to make a thirty-foot long concrete sidewalk to back door to install wheel chair lift and make it wheelchair accessible.

Mr. Hultin provided photographs of the proposed work. The property is close to wetlands bordering the Mill River. There is a steep bank down to the wetland where trash has been dumped.

We are recommending the following conditions:

- Erosion controls
- Roof leader in the vicinity of the work will be redirected underneath the walkway. They will construct an infiltration trench with perforated pipe surrounded by crushed stone.
- Stabilize any areas that are disturbed following the work

Mr. Hultin said the staff did speak with the President of the Condo Association about the trash and he has agreed to pick up the trash and keep up with it. Our staff is recommending to issue a Negative 3 Determination along with the other special conditions.

With no comments from the Public,

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

A Motion was made by Cmmr. Loring and seconded by Cmmr. Donovan to issue a Negative 3 Determination together with the Special Conditions mentioned here tonight.

4-0 Unanimous rollcall vote

4. 104 Abigail Adams Circle-Request for Determination, Public Hearing
Kristin & Gregory Faro
Map 13, Block 130, Lot 32
Proposed Addition

A Motion was made by Cmmr. Singleton and seconded by Cmmr. Donovan to open the Public Hearing.

4-0 Unanimous rollcall vote

Mrs. Faro was here to propose to take down part of the house, garage and shed and rebuild on part of that property. The project will remain the same footing. There is a rear patio they will be bringing the kitchen over to connect to the family room and only building to the back of the house.

Mr. Hultin shared pictures for the audience to see the area of demo, the patio will be grassed over for now. Behind the property there is a stockade fence and right behind that there is a salt marsh connected to the Fore River. The work is approximate 40 feet from the salt marsh and the site is pretty protected. They will be excavating, which will be our main concern that what is excavated get removed offsite. We recommended condition is to ensure erodible materials are contained through the construction process. The staff recommends a Negative 3 Determination together with erosion controls.

With no comments from the Public,

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

A Motion was made by Cmmr. Donovan and seconded by Cmmr. Singleton to issue a Negative 3 Determination together with the special condition of erosion controls mentioned here tonight.

4-0 Unanimous rollcall vote.

5. 104 King's Cove Beach Rd – 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

Ms. Schloss states there was a request made by the applicant to continue this item to the next meeting on May 24, 2022. Staff did have a site visit and agreed upon an area for restoration on the site which they will be providing a plan that should be available at the next meeting.

A Motion was made by Cmmr. Donovan and seconded by Cmmr. Singleton to continue to the next meeting on May 24, 2022.

4-0 Unanimous rollcall vote.

6. 34 Moreland Road – Notice of Intent, Public Hearing
DEP File #81 – 1290
Timothy & Gail Dilworth
Map 10, Block 122, Lot 116
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. Dilworth was here to present the proposal to demo an existing addition where the foundation is failing and to go from the 12 x 12 footprint now and add 2 feet for a total of a 12 x 14 foot addition.

Mr. Hultin states this is riverfront area that borders vegetated wetlands. The entire site is within the flood zone. It is just a 2-foot expansion but there are resource areas that come into play. Performance standards for the riverfront area require an improvement to the riverfront's capacity to protect wetland interests. For a small project like this we recommend:

- Plantings to protect the buffer
- 6 to 8 native shrubs in the rear

For bordering land subject to flooding: if someone is working within property that is subject to flooding and they are found to be displacing flood water, the Commission does have the authority to require compensation.

The staff recommends that is not necessary for this small area. Flood waters do not seem to be pushed to other areas that would flood. We would also recommend Standard Erosion Control Conditions with Silt sock around the limit of work.

Our recommendation is to issue an Order of Conditions with conditions for the plantings and erosion controls.

With no comments from the Public,

A Motion was made by Cmmr. Donovan 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 an Order of Conditions as recommended by the staff.

4-0 Unanimous rollcall vote

7. 2/4/6 Mutton Lane – Request to Extend Order of Conditions, Public Hearing

DEP File #81-1205

Patrick Flaherty

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

A Motion was made by Cmmr. Donovan and seconded by Cmmr. Singleton to open the Public Hearing

4-0 Unanimous rollcall vote

Mr. Flaherty was here to request to extend the Order of Conditions (OOC). We just had a site visit and filed all the paperwork to extend it. Last year there were two foundations in the ground, both houses are now up and plantings will begin. Planting will be done on Friday.

Ms. Schloss states the Order of Conditions was originally issued in 2017 and would have expired December of 2020 but the Covid Emergency tolled the deadline and the new expiration date is March 27, 2022. This is a request to extend for one year to March 27, 2023 with the project being completed by then as there is still more work to do.

With no comments from the Public,

A Motion was made by Cmmr. Donovan and Seconded by Cmmr. Singleton to close the Public Hearing

4-0 Unanimous rollcall vote

Ms. Schloss and staff recommend issuing an extension to March 27, 2023.

A Motion was made by Cmmr. Donovan and seconded by Cmmr. Singleton for a One Year Extension to March 27, 2023.

4-0 Unanimous rollcall vote

8. 475 Columbian Street – Violation Hearing

Richard Campot

Map 40, Block 482, Lot 16

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

Richard Campot was here to present and his Attorney Natasha Nese was present via WebEx.

Ms. Schloss reminded the Commission that this was an enforcement case where an enforcement order was issued in August 2019, which required removal of fill that was deposited in the wetland and required to be completed during the spring of 2020. We are now two years beyond that and the work has not been done. Covid was a problem but we need to understand where we are at. We would like a statement from Mr. Campot's Attorney, who prepared a packet for the Commission to review which includes information about the court case that they have been involved with.

Attorney Natasha Nese went over the civil lawsuit based on the Wetlands Protection Act and the party that Mr. Campot believes is responsible for the Wetland fill and trying to get a judgment against him. The trial will be taking place in the fall. We are hoping that the Conservation Commission will delay any further enforcement action until they can complete the suit.

After much detailed discussions between the Applicant and the Commission on determining who and what is responsible.

Ms. Schloss states that the new Solicitor, Mr. McLeod said that the owner would be responsible for dealing with his Insurance Company or suing for damages. It is up to the Conservation Commission to explore possibilities to get the required corrective action work done before the trial. We want to make sure that if this property were sold that the Enforcement Order would be recorded on the deed and it was agreed by Mr. Campot and his team back at that time.

Discussions continued as far as finances and responsibilities and how to get this resolved.

A Motion was made by Cmmr. Donovan and seconded by Cmmr. Singleton to extend the deadlines for compliance with the Enforcement Order with the condition that the work required by the Enforcement Order, including the revised engineering plans, be submitted and approved by this commission for the spring planting season of April 2023.

4-0 Unanimous rollcall vote

9. Other Business:

Pleasant, Libby, Quarry Roadway

We voted a few months ago for the Performance Bond amount for the Pleasant, Libby, Quarry roadway project before performance the restoration work. We agreed to their estimate of \$30,045. We do need to have that signed by the Conservation Commission.

Banner Park

The Town of Braintree has a project before them for development of a parcel where the Mass Lottery was, where they have a proposal for 17.4 acres which is redevelopment of an existing

building and construction of a new building with parking right up to the Wetlands and to the Town Boundary. Ms. Schloss shared slides and photos of the plan to the audience.

The Mayor is very concerned and brought different Departments to meet with Legal to review this item. The Braintree Conservation Commission is meeting on May 5th, and we should provide a letter that outlines the resources involved and the overall impact to Weymouth. Ms. Schloss and Mr. Hultin will draft the letter with the Chairs Signature which was approved by the Chair.

Letter of Support – Wessagusset Walk

On a request from our Grant Writer they are asking us to write a letter of support for the Wessagusset Walk Project. Congressman Stephen Lynch has earmarked \$4M in federal funding coming from the Infrastructure bill. The letter is needed tomorrow.

Chair Reilly stated there is somebody trying to build over 55 housing at the Elks and there are wetlands there and it will come before us at some point. We have not been informed of this project yet.

10. CPC Update

Cmmr. Loring reported that there was not a meeting so there is no report.

11. Herring Run Update

Cmmr. Loring reported clean-up day went really well. The fence behind Niko's has been painted and looks very nice.

12. Conservation Report

New Active Construction

- 1047 Washington Street – Atlantic Mechanical
- 109 Regatta Road slope repair is underway and progressing
- Massapoag Subdivision
- 210 Commercial Street (paving of driveway and parking lot)
- Greenvale Ave Gas Man replacement work to begin week of May 3rd

Ongoing Construction (partial list)

- 200 Libbey Industrial Parkway/Children's Hospital
 - Sediment basins constructed. Intention is to pump all water from rear basin to front basins so that there is no construction-period discharge to Whitman's Pond
- 655 Washington Street

- Have received revised restoration plan that addresses Notice of Violation (NOV) issued for encroachment beyond approved limit of work. Restoration should be occurring this spring. We have received a revised restoration plan
- Pleasant and Libbey/Quarry Roadway
 - Wetland restoration and replication areas to be final graded and planted this spring
 - Change requested for replacement of culvert under quarry road, will be future request for modification – a minor modification – a new headwall at the stream

White Oaks Lane/Washington St/Hanover Companies Project

- Tree Cutting –
 - Reviewed staked erosion control lines and preliminary erosion controls to be used during tree cutting period
 - Tree cutting completed prior to 4/1 (except within 200-foot vernal pool area)
- Vernal Pool Monitoring
 - Received and approved vernal pool monitoring protocol
 - Wetland scientist observed amphibian movement into pool on 3/17/22
 - Wetland Scientist and George Loring observed egg masses on 3/25/22

Compliance and Enforcement and Complaints

- 572 East Street, Supreme Oil – release of reportable quantity of oil that discharged onto 44 Wharf Street. Environmental company did inspection and filed report
- 81 Hawthorne Street – letter received re: potential wetland violations. Will follow up with inspection. We will look into this.
- 29 Woodside Path – cutting happening adjacent to South Cove, despite prior Notice of Violation (NOV) May want to bring into Commission at May Meeting
- 541 Front Street - Eversource noticed fresh fill and reported it.

Existing Enforcement Cases Needing Action and Follow up

- 49 Ketcham Lane
- 108 Idlewell Boulevard

Wetland Restoration and Replication Projects Needing Attention

- Weymouth Club

Tree Removal Requests

- 19 Lambert Ave – Hazard trees
- 25 Sawyer Road – staff have recommended filling of RDA
- Tree Removal guidelines to be drafted by staff. We are looking at surrounding towns to have something on the books.

Other Projects

- SNUP Dam Removal – Survey and Sediment testing kick-off meeting soon with Consultants this week.

Wessagussett Walk

- Informational meeting with Regatta Road residents 5/3
- Site meetings with Coastal Engineering and residents to review drainage and stability— issues at top of bank so can be incorporated into design
- Crawford Land Management brought on as peer reviewer/expert on costal bank stability – maybe making recommended changes to planting plans
- Final bid documents to be prepared this spring
- Expect work to begin after Labor Day

Planning Department

- Definitive Subdivision application, Ryder Development, Edison & Narragansett Ave. New Subdivision being called “Savanna Drive”
 - 10 new buildable lots
 - No Public land or trails appear to be proposed
 - Of 10 lots have land within Buffer Zone and/or Riverfront
 - Staff will want to prepare comment
- Redevelopment of Weymouth Elks Lodge, 1197 Washington Street to a senior residence community. Will require Notice of Intent (NOI) filing.
- Rezoning of Jackson Square

Special Projects/Issues

- BRAINTREE – Banner Park Development
- Hingham Municipal Light Plant – Hingham Electrical Infrastructure Reliability Project
 - 3.7 miles of underground transmission line and a new substation to provide contingency/redundancy
 - Proposed routes being evaluated – all will travel through Weymouth and would cross the Herring Run
 - HMLP Consultants have requested meeting with staff and Conservation/herring wardens to discuss proposed routes and issues
 - Potential to connect King Cove Trail around the MWRA pump station– MWRA meeting with Mayor

Utility Maintenance Notifications – Gas Line Work

- 1,425 linear feet existing steel gas lines to be replaced with plastic – Birchbrow, Babcock, Sachem Roads

Weymouth Conservation Commission
Meeting
April 26, 2022

13. Adjourn

A Motion was made by Cmmr. Loring and seconded by Cmmr. Donovan to adjourn the meeting at 8:30 p.m

14. Next Scheduled Meeting – Tuesday, May 24, 2022.

Weymouth Conservation Commission Minutes April 26 , 2022

Scott Dowd, Clerk

Respectfully submitted by,

Ann Flynn Dickinson
Recording Secretary

Weymouth Conservation Commission
Meeting
April 26, 2022

13. Adjourn

A Motion was made by Cmmr. Loring and seconded by Cmmr. Donovan to adjourn the meeting at 8:30 p.m

14. Next Scheduled Meeting – Tuesday, May 24, 2022.

Weymouth Conservation Commission Minutes April 26 , 2022



Scott Dowd, Clerk

Respectfully submitted by,

Ann Flynn Dickinson
Recording Secretary

