

**WEYMOUTH CONSERVATION COMMISSION MEETING**

**TUESDAY, November 15<sup>th</sup>, 2022**

**McCulloch Building 182 Green Street**

**Mary McElroy Room**

**7:00 P.M.**

2023 FEB -6 PM 2: 50

**Present:** John Reilly, Chairman  
Frank Singleton, Commissioner and Vice Chairman  
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

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

Chair announced that at the request of the applicant Agenda Item #6 and #7 will be switched.

**1. Minutes –September 27, 2022**

A Motion was made by Cmmr. Singleton and seconded by Cmmr. Dowd to accept and approve the minutes as written.

4-0 Unanimous rollcall vote

**2. 45 Regatta Road-Request for Final Certificate of Compliance**

**Warren Sponsler**

**DEP File #81-1249**

**Map 22, Block 12, Lot 19**

**Construction of Multi-family residential building**

The applicant was not here in person to present.

Ms. Schloss reported that staff is recommending a Final Certificate of Compliance. This is for construction of a garage within the 100 ft buffer and coastal bank. Photos were shown to the audience for viewing. Ms. Schloss went into detail describing what each photo was representing. She once again stated that staff is recommending a Final Certificate of Compliance (COC).

A Motion was made by Cmmr. Loring and seconded by Cmmr. Dowd to issue the Final Certificate of Compliance.

4-0 Unanimous rollcall vote

**3. 20 Humphrey Street, Request for Final Certificate of Compliance  
Ryder Development Corp.  
DEP File #81-1187  
Map 22, Block 292, Lot 34  
Construction of multi-family residential building**

Alexander Trakimas from Sitec Engineering was here to present. During the last site visit there were a few items outstanding. Those have all been addressed and the manhole covers have been raised to grade. Cleaning of the stormwater system and the updated as-built plan for the revised drainage structure elevations are the only outstanding items. His request is for the Commission to issue the Final Certificate of Compliance and for Ms. Schloss to hold onto that until the last items are completed.

Ms. Schloss corroborated that those were the only items left on the “to do” list. Then the Inspection Report would need to be issued.

A Motion was made by Cmmr. Singleton and seconded by Cmmr. Dowd to issue the Final Certificate of Compliance and leave with Ms. Schloss until receipt of the Inspection Report and the as-built revised plan.

4-0 Unanimous rollcall vote

**4. 106 Greenvale Ave – Request for Final Certificate of Compliance  
Maria Shapiro  
DEP File #81-925  
Map 25, Block 335, Lot 19  
Demolition and rebuild of single family home**

Applicant was not here to present.

Mr. Hultin reports this is an old Order of Conditions (OOC). Owner was recently in here for a violation on some woodchips. The property owner has complied with moving those back as directed. The Staff recommends to issue a Final Certificate of Compliance and a letter to close out the violation.

A Motion was made by Cmmr. Loring and seconded by Cmmr. Singleton to issue the Certificate of Compliance (COC) and issue a letter closing out the violation.

4-0 Unanimous rollcall vote

**5. 55 Whipple Street –Notice of Intent, Public Hearing**  
**Moataz & Danielle Elbehiry**  
**DEP File #81-1296**  
**Map 41, Block 489, Lot 22**  
**Addition**

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

4-0 Unanimous rollcall vote

Mr. Hultin reports that Abutter notices and legal ads were completed.

Russ Waldron with Applied Ecological Sciences and Joseph Fournier from JF Design Architects were here to present for the applicant. This is a single-family home of 1,100 sq. feet. Existing house will be raised one level and the addition will be attached to the easterly side of the house. Plans were shown to the audience as they went into detail explaining where and how this addition was going to be completed.

Mr. Hultin reports this is a straight forward project with our standard conditions for erosion controls installed as shown on the plan and a condition for handling the stockpiles. The staff recommends to issue an Order of Conditions (OOC) with conditions for erosion controls and excavating materials.

With no comments from the public,

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 Standard Order of Conditions along with the special conditions mentioned here tonight.

4-0 Unanimous rollcall vote

**6. 1441 Commercial Street – Notice of Intent, Public Hearing**  
**Abdallah Metri, ANGJ LLC**  
**DEP File #81-1297**  
**Map 23, Block 311, Lots w, 3, 4 & 19**  
**Mixed-use development**

**\*Agenda items were switched, #7 is next**

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

4-0 Unanimous rollcall vote

Sean Hardy of Hardy + Man Design Group was here to present together with Ken Thompson.

Mr. Hardy states all abutter notices were done.

The proposal is for an existing gas station, former repair facility. They plan to demolish the structure and build a mixed use building with about 1,600 sq. feet of Commercial Space on the first floor, 6 residential 1-bedroom units and the upper two floors will have 16 additional residential units. He went over the rear parking outlining it with the plans that were shown to the audience. He also went over the stormwater system that is proposed to collect and infiltrate the runoff. It is technically a redevelopment but they are meeting all the storm water regulations since it is high infiltration soil and are meeting the 44% pre-treatment before it gets infiltrated. They have received comments from Town Engineering and DPW. They seem to be mostly around the construction details for the water and sewer connections. They are looking for details on how they are going to cut and cap the pipes. Flood elevation in this area is minimal flooding, but the DEP has a proposed map change, preliminary indicating that the brook will leave the banks and flood half of Jackson Square and Pleasant Street. They continually talked about this being only preliminary and that the likelihood is a little ridiculous.

Ken Thompson then spoke to the points of the redevelopment of the riverfront area. They will have a decrease of 1,830 sq ft of pavement and then offering plantings, native plantings that the owners landscape architects to increase the vegetation that is existing there which is lawn and native Norway Maples in the back together in addition to adding the storm water system that does not exist today.

Mr. Hultin describes this as a redevelopment of a pretty rough site. The whole site slopes and the current storm water management is pretty poor. They have some good improvements coming up. They are reducing the pervious area by 1,830 sq. ft and increasing the vegetative area by 1,909 sq. ft. Our thoughts are as the landscape area needs to incorporate native plantings. Mr. Hultin explained that the property is currently shown as being in the flood zone based on the accepted 2012 FEMA flood Maps and the 2020 Preliminary Flood Maps. The Town believes these maps have not incorporated the flood control structure and has contracted a firm to submit a LOMR. The LOMR should show that the project is outside of the flood zone, the town will try to confirm the flood elevation in the LOMR prior to the next meeting.

Phil Lofgren Herring Warden in Town of Weymouth voiced his concerns about the Iron Hill Dam if it fails and Jackson Square would be in the flood plain. It almost overflowed in previous years and you need to know the capacity of what it can handle and no one could provide him with an answer if there was a 100-year storm. He also voiced concerns over the need for gas and oil separators in Jackson Square.

Linda D'Angelo, Back River Watershed Associate states this project is assuming that there would be improvements to the storm water management, but considering the history of the area previously of gas stations, etc. she is concerned is there any other course of action so it does not directly output into the Herring Brook. She is looking for an alternative plan from Engineering for the output not to go into the Herring Brook.

The Commission discussed these concerns further with the applicants who answered their question satisfactorily. Bob Luongo also got involved in the discussion for input and answers.

A Motion was made by Cmmr. Loring and seconded by Cmmr. Singleton to continue this item until the December 13<sup>th</sup> meeting.

4-0 unanimous rollcall vote.

Onto Item #8 on the Agenda

**7. Middle Street/Libbey Industrial Parkway Intersection & Sidewalks – Notice of Intent  
Public Hearing  
Town of Weymouth, Dep't of Planning & Community Development  
DEP File #PENDING  
Middle Street and Libbey Industrial Parkway – Map 33, 34, 38  
Construction of a sidewalk along Libbey Industrial Parkway from Middle Street to  
200 Libbey Industrial Parkway**

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

4-0 Unanimous rollcall vote

Glenn Doherty a Civil Engineer with Tetra-tech was here to present the plans for the sidewalk project on Libbey Industrial Parkway. It is a mitigation project that is linked to the site redevelopment construction located at 200 Libbey Industrial Parkway. The developer is FoxRock Properties. This project at 200 Libbey already under construction to become the Boston Children's Hospital Medical Building. As a mitigation project it includes significant intersection improvements on Middle Street with a proposed sidewalk from Middle down Libbey Industrial Parkway to the parcel located at 200 Libbey Industrial Parkway. Plans and photos were provided to the audience for review and went into detail on these plans describing the work to be done.

After questions from the Commission which were all answered.

Bob Luongo was then introduced to answer some questions about bus stops and made it known that buses will not go down Libbey Industrial Parkway. A state grant was provided in the amount of \$3.5 million dollars for this project. FoxRock has agreed to pay for cost over runs on that project. This project is for Libbey Industrial Parkway to become more of an Office Park than an industrial park and the name was changed from Libbey Industrial Parkway to Libbey Parkway to facilitate that change.

Ms. Schloss states this project is requesting work within river front area and buffer zone. There was a waiver for the 50 ft. no disturb so in any Order of Conditions (OOC) that should be documented. The following are the requirement:

- Meet storm water performance standards
- Meet river front redevelopment standards
- Plant a few trees or shrubs

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 an Order of Conditions together with the special conditions mentioned here tonight.

4-0 Unanimous rollcall vote

We returned back to Item 6 on the agenda.

**8. Back River Dredge – Notice of Intent, Public Hearing**  
**Town of Weymouth**  
**DEP File #81-1298**  
**Back River Boat Channel – Map 2 and 5**  
**Maintenance dredging**

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

4-0 Unanimous roll call vote

Todd Turcotte with Coastal Engineering of 260 Cranberry Highway, Orleans, MA was here to present.

They submitted the NOI package for Maintenance Dredging on the Back River on behalf of the Town of Weymouth on the Hingham, Weymouth Line. He outlined this area on a map/plan that was presented to the audience. This is an area that has been maintenance dredged previously. He did go into detail on the past maintenance and brought the Commission up to speed showing Google imagery of how much sediment has settled into the area over time. He presented many different angles of the photos he has to show the silt to this day.

He discussed the amount of square footage and dredge volume that would be involved in this maintenance. He also discussed where the disposal of this material and continue to work with the Army Corps of Engineering for a plan to dispose of the material off site utilizing hopper and scow dredge barges depending on the contractor used. Silt curtains will be utilized throughout the project. They will be using an Environmental Dredge Bucket which is common in dredging.

Mr. Hultin said Mr. Turcotte explained everything very well. He did receive a comment letter from the Division of Marine Fisheries the other day and the restricted timing would be February 15 to November 15 to protect winter flounder.

The Staff recommend the following conditions:

- All dredging be sequenced to occur during high tide to prevent the barge from grounding
- We will work into the Order of Conditions (OOC) the approved limits of the dredge activities and the methods of disposal
- Concerns about the turbidity curtains and their ability to perform in areas of high current
- Updates to the Form 3, the NOI form to include the fish run and shellfish area.
- Potential of de-watering in the parking lot and minimize turbidity to the maximum extent practicable
- Shell fish to be allowed to be harvested within the dredge foot print. We will work with the shellfish constable on this item

With no comments from the public,

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. Dowd to issue a standard Order of Conditions (OOC) with all special conditions mentioned here tonight.

4-0 Unanimous rollcall vote

**9. Whitman's Pond Vegetation Management Strategy – Ecological Restoration Limited  
Project Notice of Intent, Public Hearing  
Town of Weymouth, Dept of Planning Community Development  
DEP File #81-1300  
Whitman's Pond – Map 25, 26, 29, 30, 34  
Management of invasive and nuisance aquatic plants**

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

4-0 Unanimous rollcall vote

Matt Ladwig from TRC of 10 Hemingway Drive, East Providence, RI was here to present on behalf of the applicant. He went into the background of Whitman's Pond and led into the proposal of what they are planning to do with the Vegetation Management Strategy. Plans were shown to the audience to follow along. The management in the past has not produced the

results they wanted so far. Efforts were not consistently applied over time to get those results. He believes they have a good strategy going forward.

- Defining the Problems of the existing conditions was the first topic
- The big issue is invasive plants

The Division of Marine Fisheries provided a letter in which they expressed that the vegetation in the pond was excessive and they also have concerns about the remedies that they are proposing. They have recommended some conditions to for those concerns. There are two basic controls that they are proposing:

- Physical controls – consist of a physical barrier to smother the plants
- Hand harvesting – simply pluck the plants out in shallow waters and diver assisted suction harvesting
- Hydro raking is a third option that maybe effective but hard to use and is expensive
- A short-term measure would be mechanical harvesting – just like mowing a lawn

For chemical controls there are 4 potential herbicides that could be used:

Three are systemic and kill the plant down to the root – long term control measure

Contact herbicides are another option they take care of the plant for the season and will not kill them. There are time-of-year restrictions on when these chemicals can be utilized imposed by the Division of Marine Fisheries.

Bob Luongo from the DPW commented on the MWRA stating that his understanding is that the study will be done by the end of the year, but has not been finalized yet. The Mayor will address a number of issues about water rates, what will happen to Great Pond. There are many issues and if everything went well it will be a 4-year process to get MWRA flowing into it. The application itself is a 2-year process. He answered the Commissions questions with regards to MWRA figures.

#### **PUBLIC COMMENTS:**

**Phil Lofgren, Herring Warden for Weymouth MA** – voiced his concerns about the chemicals and concerns about how the pond gets refilled. He states he has witnessed the draw off of the main body to refill South Cove, so if any part receives chemicals.

**Linda D'Angelo** – thanked everyone for the continued work on the pond. She believes that chemicals should be the last thing to use

**Steve Haley 17 Castle Road** – family has lived on that road since the 50's. Disappointed that the previous funding for Whitman's Pond clean up disappeared. He asked to have the photo of the Whitman's Pond where it shows the amount of super nasty plants that are growing out of the muck. Windows can not be opened when it's low due to the smell. There will be no herring in there because they will be choked out.

**Tony Arusio – 21 Castle Road** – he moved to the pond 33 years ago and it was pristine. There was no growth there at all. You can not use the recreational area at all, this past year the water was so



low and the gases were so bad coming up from the muck and the plants. You used to be able to see the herring from the shore, you see nothing at all now.

**Phil Lofgren returned to the microphone** – believes the pond would have been at a good water level if water was not being diverted.

**Linda D'Angelo returned to the microphone** - she hopes there is a plan for some dredging as a solution even though it is expensive. Grant monies must be available.

Ms. Schloss states we cannot close the Public Hearing due to no DEP Filing number. She recommends continuing to December 13<sup>th</sup> meeting

A Motion was made by Cmmr. Loring and seconded by Cmmr. Singleton to continue this item until the next meeting on December 13<sup>th</sup>.

4-0 Unanimous rollcall vote

#### **10. Other Business**

Ms. Schloss reports we have no other business tonight

#### **11. CPC Update**

Cmmr. Loring reported that CPC came to talk to us and tell us where the money goes.

#### **12. Herring Run Update**

Cmmr. Loring reports it was a quiet month with maintenance on-going

#### **13. Conservation Report**

##### **Ongoing Construction (Partial list)**

- 824 Washington Street culvert repair – by pass pumps operating, failed culvert area has been opened up and is being stabilized to prepare for cast-in-place culvert repair
- 104 King Cove Beach Rd. Dune restoration work has been completed. They will be coming in for a Certificate of Compliance (COC) at some point.
- 655 Washington St – site work is underway and continues
- 1325 Washington Street – staff held pre-construction meeting for the retaining wall work.

- Arbor Hill Pocket Wetland – new plantings have replaced the ones that have died since last years planting. Met with landscape architect who is maintaining area for habitat. Expect a local FCOC request soon. DEP has issued FCOC under Wetlands Protection Act.

#### **Compliance and Enforcement and Complaints**

- 228 Idlewell Boulevard – Unauthorized work on the coastal beach and buffer zone. Extensive site work underway (new driveway, grading, retaining wall), and an excavator has damaged the Beach. Work was stopped, erosion controls installed and a Notice of Violation will be issued.
- 666 Bridge St (U-Haul) – Unauthorized cutting of trees within buffer zone to saltmarsh. Notice of Violation will be sent, possible NOI filing this winter.
- Essex Heights Subdivision – met onsite with Engineering and Legal. Town will get request to FX Messina on items needed to accept subdivision and close out Order of Conditions (OOC).

#### **Other projects**

SNUP Dam Removal – upcoming kickoff meeting for phase two work

#### **Planning Department Reviews**

- No new Planning Dept. Reviews

#### **Compressor Station Certificate of Compliance Request**

DEP site visit held on November 2, DEP issued COC shortly after.

#### **Next Meeting**

- December 13, 2022. New Filings may include:
  - Arbor Hill, FCOC
  - 395 Neck St, FCOC
  - 19 Perkins Road, FCOC
  - 1183 Main St/S. Barzola Construction Co., FCOC
  - 1500 Main Street (Corcoran Development mixed use dev't), FCOC
  - 228 Idlewell Blvd after-the-fact filing
  - Wessagussett Walk minor modifications
  - 29 Woodside Path restoration, Violation Hearing
  - Pleasant St., ORAD extension, if eligible

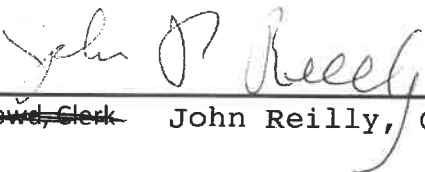
#### **14. Adjourn**

Weymouth Conservation Commission  
Meeting  
November 15, 2022

A Motion was made by Cmmr. Loring and seconded by Cmmr. Singleton to adjourn the meeting  
at 9:20 p.m.

**15. Next regularly scheduled meeting – Tuesday, December 13, 2022**

Weymouth Conservation Commission Minutes November 15, 2022

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Scott Dowd, Clerk      John Reilly, Chair

Respectfully submitted by,

Ann Flynn Dickinson  
Recording Secretary