

**WEYMOUTH CONSERVATION COMMISSION  
RECORD OF MINUTES AND PROCEEDINGS**

**Wednesday, February 7, 2018, 7:00 p.m.**

**Weymouth Town Hall, Council Chambers 2<sup>nd</sup> Floor, 75 Middle St., Weymouth, MA**

**Present:** Thomas Tanner, Chairman  
John Reilly, Vice-Chairman  
Scott Dowd, Clerk  
Frank Singleton, Vice-Clerk  
George Loring, Commissioner

**Also Present:** Mary Ellen Schloss, Conservation Administrator

Chairman Tanner called the February 7<sup>th</sup> Conservation Commission meeting to order at 7:00 p.m.

**Approval of Minutes**

The minutes of January 10, 2018 were reviewed and accepted as written.

*On a motion made by Cmmr. Singleton, seconded by Cmmr. Singleton, the Commission voted 5-0-0 to approve the Jan. 10<sup>th</sup> minutes.*

**Update from Solicitor Joe Callanan on status of legal cases re.  
Proposed Enbridge, Inc. compressor station  
Bridge Street  
DEP File # 81-1170**

Solicitor Callanan provided an update on the actions the Mayor and the town have taken to oppose the compressor station in North Weymouth. Some of those actions are:

- Town has filed lawsuits, including in US Court of Appeals in Washington, DC and Norfolk County Land Court (regarding subdivision of land).
- Town was sued in federal district court and in the US District Court in Massachusetts.
- There is a case in Norfolk County Superior Court.
- Administrative Law Judge at DEP is handling the wetlands and waterways cases. Both the wetlands and waterways cases have been temporarily stayed. He expects the wetlands hearing will be held in about 6 months.

Regarding the decision under the local wetlands ordinance, the applicant filed a complaint in federal district court in spring 2017 and there was a hearing in October in Boston. The judge issued a decision on 12/29/2017 which declared that the Federal Energy Regulatory Commission (FERC) pre-empted the local denial under the wetlands ordinance. The town disagrees with the decision, but cannot appeal because it is not a final decision.

There are two state permits which are not pre-empted by FERC: the state air permit and Coastal Zone Management's Federal Consistency Review. Governor Baker has put a hold on issuance of

the air permit until a comprehensive health assessment is completed. Solicitor Callanan and Mayor Hedlund met with Energy & Environmental Affairs Secretary Beaton and his staff to discuss the assessment. DEP will hire an outside consultant, a scope will be developed and there will be a public hearing held on the scope. There will be about 7 months of air quality testing, and there will be a public hearing to discuss the results. Overall, the process will take about 10 months but it has not yet started.

In summary, Solicitor Callanan stated that the town's opposition to the compressor station has probably set the project back a year or two. Efforts to oppose the compressor station are ongoing and have not been exhausted.

Cmmr. Reilly asked for a brief summation to be prepared for the Commission. Solicitor Callanan said he would prepare it. Chairman Tanner asked if the compressor station could be built on one of the islands. Solicitor Callanan responded that that was raised in early 2016, but the developer wouldn't even consider talking about a different location.

### **123 Main Street - Notice of Intent, Public Hearing**

**Ronald Falcione**

**Tempo Realty Trust**

**Map 29, Block 372, Lot 45**

**DEP File # 81-1207**

***Expansion of parking lot at commercial building***

*On a motion made by Cmmr. Singleton, seconded by Cmmr. Reilly, the Commission voted 5-0-0 to open the public hearing.*

Appearing before the Commission were Shawn Hardy, P.E., and applicant Ron Falcione. Proof of abutter notification was submitted.

Mr. Hardy said this building was constructed in 1923 and since that time some of the property frontage was taken for the widening of Route 18. If this commercial building were being constructed now, zoning regulations would require the creation of additional parking spaces. The proposal is to create four spaces at the rear of the building and, as mitigation, the driveway to the left of the building will be narrowed to 16 feet.

Mr. Hardy said that they are proposing a 3 ft. wide x 3 ft. deep infiltration trench to take runoff from the new pavement. He said he went with the trench rather than an open detention area because the trench requires less of an encroachment into the no-disturb buffer. His proposal assumed that no test pits would be required since it is such a small project

Ms. Schloss' comments and questions included the following:

- Review the location of wetland Flag 8.
- DEP Stormwater Standards call for 2 feet of separation between the bottom of the infiltration trench and ground water (estimated seasonal high). If there isn't adequate separation, other mitigation – such as infiltration of roof runoff – could be requested.

- Concerns that pea stone at the top of the infiltration trench could migrate into the adjacent wetland. Can larger stone be used? Mr. Hardy said they could use could use 1" crushed stone.
- The infiltration trench is very close to the abutter's building and measures should be taken to prevent water damage. Mr. Hardy said they will install an impervious barrier at the end of the trench, next to building.
- For the area where pavement is being removed, Ms. Schloss recommends construction of a rain garden rather than the crushed stone area proposed. The applicant agreed. The Order should require that additional details for the rain garden be submitted prior to its construction.
- Conservation Commission should be notified to schedule the excavation for the infiltration trench so groundwater levels can be observed.
- If 2 foot depth to groundwater is not present, the Commission should reserve the right to require infiltration of roof runoff.
- Site grades should be raised so water does not go towards the neighbor's building.
- Shrinking the 8-foot handicapped aisle by a few feet will allow the pavement to be pulled back from the wetland.
- Order should include allowance of variance for work within the 50-foot no-disturbance zone (commercial properties).

#### No Public Comments

*On a motion made by Cmmr. Loring, seconded by Cmmr. Reilly, the Commission voted 5-0-0 to close the public hearing.*

*On a motion made by Cmmr. Reilly, seconded by Cmmr. Singleton the Commission voted 5-0-0 to grant variance and issue the Order of Conditions with conditions discussed.*

#### **Other Business**

All-Make Auto update: no one from All-Make was able to attend tonight's meeting. This is a follow-up to the Commission's discussion with the applicant and his attorney at the January 10<sup>th</sup> meeting. Ms. Schloss handed out a sketch of the property to aid in the discussion about relocating the rain garden to allow for additional parking near the building. She reiterated that the Order of Conditions does not allow parking on the riverbank. The tow truck and trailer now parked on the riverbank should be moved.

The Commission approved a Notice of Violation to be sent to All Make owner Marian Dorosz. It should include a timetable for removing the vehicles and notification that the Commission may issue an Enforcement Order or fines if he does not comply. The Commission agreed that if Mr. Dorosz is interested in modifying the layout of the rain garden, that he should provide a design concept for the Commission's review this spring.

Meeting date changes: meeting date changes for March and April were approved. The Commission will meet on March 7, March 28 and April 25.

**Administrator's Conservation Report**

Conservation report (dated Feb. 7, 2018) was handed out.

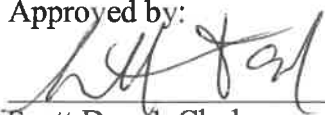
**Adjournment**

*On a motion made by Cmmr. Loring, seconded by Cmmr. Singleton, the Commission voted 5-0-0 to adjourn at 8:30 p.m.*

Respectfully submitted by,

Mary Ellen Schloss  
Conservation Administrator

Approved by:



Scott Dowd, Clerk

03/28/18  
Date