

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

**Wednesday, March 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 March 7<sup>th</sup> Conservation Commission meeting to order at 7:00 p.m.

**Approval of Minutes**

The minutes of February 7, 2018 were tabled until the March 28, 2018 meeting.

**Alexan – Request for 1-Year Extension of Local Order of Conditions, Public Hearing  
Arbor Weymouth Residential Holdings, LLC**

**Map 38, Block 467, Lot 2; Map 42, Block 467, Lot 3; Map 42, Block 469, Lots 21, 22 & 23  
DEP File # 81-1046**

***Ongoing construction of 242 residential units & clubhouse, associated fill, grading, utilities  
and wetland mitigation***

***Extension request only; no changes to approved plans***

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

Appearing before the Commission were Jake Upton, Upton Partners, representing the owners,  
and John Perry, P.E., Gale Associates. Mr. Perry said he would bring the abutter notifications to  
the Conservation office March 9th.

Ms. Schloss explained that this order was appealed and the applicant will go to the Dept. of  
Environmental Protection (DEP) for an extension of the Superseding Order of Conditions (SOC).  
Due to the SOC and an Amendment to the Local OOC, the expiration date for the OOC is  
4/17/18, therefore the new expiration date will be 4/17/19.

Mr. Upton gave an update on the project construction:

- Bones of the stormwater system are in place
- They expect the first Occupancy Permit for the Marketing Building to be issued by June  
or July
- They expect the larger podium buildings to be done in approximately one year
- They expect the stormwater management systems to be completed the end of the year
- Replication plantings will be done in the fall

Mr. Upton thanked all involved for their cooperation in getting the Conservation Restriction (CR) accomplished. He said the town has signed off on the pending CR, it has gone to the state for review, and they are hoping to have it in place by the fall.

Mr. Perry said there are no outstanding engineering issues.

Ms. Schloss explained that the 12-14 acres will be permanently preserved as Open Space. She explained that ownership wouldn't change but the Conservation Commission will be responsible for ensuring vegetation management, trail maintenance, annual monitoring and that there is no encroachment.

### No Public Comments

Ms. Schloss read excerpts from a letter received the day of the meeting:

George Perry, 114 Burkhall Street:

Mr. Perry requested the extension be denied. He listed his concerns and questions:

- He is concerned about the wetlands and the bird sanctuary, as well as potential flooding impacts.
- He is concerned about the increase in traffic and the impact of dust and noise from blasting.

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

Chairman Tanner suggested that Commission propose that the extension period be increased to two years, instead of one year.

Planning Director Bob Luongo also raised the issue of changing an extension request to a public meeting, instead of a public hearing.

These revisions would require a change to the Weymouth Wetlands Protection Ordinance.

*On a motion made by Cmmr. Reilly, seconded by Cmmr. Singleton, the Commission voted 5-0 to approve the Order of Conditions extension for one year.*

### **56 Sunnyplain Ave - Notice of Intent, Public Hearing**

**James Smith**

**Map 36, Block 453, Lot 16**

**DEP File # 81-1208**

***Regrade and vegetate fill slope, tree removal***

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

Appearing before the Commission was owner and applicant James Smith. Abutter notifications have been received.

Mr. Smith explained that in early October 2017, he brought in fill to grade an area on his property for purposes of constructing a garage. He said Ms. Schloss noticed the fill and told him it was a problem and issued a Cease and Desist order. He said he would like to pull the fill back 25 ft. from the wetlands and slope it 4:1 back to the original grade. He also wants to remove some trees in the 100 ft. buffer zone.

Chairman Tanner mentioned that the wattles will need to be reinforced to prevent sedimentation in the wetlands. Mr. Smith responded that he has started to hand dig the trench and he has installed another wattle to supplement the first one.

Ms. Schloss commented that she would like to see Mr. Smith be able to do the work as quickly as possible.

Ms. Schloss provided OOC recommendations:

- Wants fill pulled back immediately, if possible
- Top soil needed on the pulled back slope
- Plant conservation/erosion control seed mix on the slope
- Nothing steeper than a 4:1 slope.
- Site will need to be cleaned up when work is completed

Chairman Tanner said the trees can be taken care of right away and asked when the other work could be started; Mr. Smith replied in 2-3 weeks.

#### No Public Comments

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

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

#### **94 Longwood Rd. – Request for Local Certificate of Conditions (COC)**

**Callaghan N. McCarthy**

**Map 21, Block 288, Lot 1**

**DEP File # 81-991**

***Single-family home, drainage improvements***

Appearing before the Commission was owner and applicant Callaghan N. McCarthy.

Ms. Schloss said the applicant will need to contact DEP for a COC since there was an appeal to DEP and an SOC was issued.

Ms. Schloss reported that:

- Post and rail fence is up
- Conservation signs on the posts need to be enlarged
- Catch basin needs a hood
- Drainage work done: built catch basin, manhole, rip-rap swale, and vegetated swale
- House has been built
- Plans need to be reprinted to correct scale
- More erosion control seed mix possibly needed from rip-rap swale to vegetated swale

Ms. Schloss said she is comfortable with the COC being signed and held until the punch-list is complete.

*On a motion made by Cmmr. Reilly, seconded by Cmmr. Singleton, the Commission voted 5-0 to sign the Certificate of Compliance and hold it until all work is completed.*

**17 Jacobs Lane – Minor Modification to Order of Conditions**  
**Bristol Bros. Development Co.**  
**Map 27, Block 352, Lot 54**  
**DEP File # 81-1123**  
***Single-family home, Lot 5***

Ms. Schloss explained that this request is for an addition to the building. A 12x12 bumpout on the southwest corner of the building had been approved in the original OOC plans as a 4-season room to be constructed on posts. The bumpout was removed in a subsequent plan modification in Nov. 2016, but the new buyer wants to add it back in. The applicant states that, due to building code revisions, the bumpout addition cannot be constructed on posts. They are proposing a frost wall foundation with enclosed basement.

She said the outfall for the subdivision is just to the left of the proposed foundation and she wants the erosion controls redone to protect the outfall. She further stated the proposed boulder landscape wall will be extended to the ledge outcrop to provide a distinct demarcation for the lawn area.

*On a motion made by Cmmr. Reilly, seconded by Cmmr. Singleton, the Commission voted 5-0 to approve the minor modification.*

**15 Regatta Road – Minor Modification to Order of Conditions**  
**James Murphy**  
**Map 2, Block 12, Lot 24**  
**DEP File # 81-1098**  
***Vegetation management on coastal bank***

*Applicant's representative had not arrived at this time so item was postponed until later.*

## **Other Business**

### **Puritan Road Minor Modification request, DEP 81-1195**

The Commission discussed a memo received today from Braydon Marot, Weymouth DPW Engineering, regarding the Puritan Road project (DEP file # 81-1195). The DPW is requesting minor modifications to the project as described in the memo and shown on the submitted sketch as follows:

- Grade will be raised by 6" on pedestrian pathway and Puritan Road to protect neighboring properties and allow the area to drain properly
- Because it is Land Subject to Coastal Storm Flowage, flood storage compensation is not required

Ms. Schloss recommended approval.

*On a motion made by Cmmr. Singleton, seconded by Cmmr. Reilly, the Commission voted 5-0 to approve the project modification.*

### **All-Make Auto, DEP 81-1186:**

Ms. Schloss explained that a Notice of Violation was sent about nine days earlier, that gave Mr. Dorosz 10 days to move the heavy vehicle and trailer off the riverbank or further action could be taken.

All commissioners agreed to sign an Enforcement Order and instructed Ms. Schloss to explain to Mr. Dorosz that the Enforcement Order will be issued if the vehicles are not moved.

*Other Business is continued after the 15 Regatta Road discussion.*

## **15 Regatta Road – Minor Modifications to Order of Conditions**

**James Murphy**

**Map 2, Block 12, Lot 24**

**DEP File # 81-1098**

***Vegetation management on coastal bank***

Appearing before the Commission were James Murphy, owner, and Jay Putnam of Wilkinson Ecological Design.

Ms. Schloss explained the original OOC:

- There was permission given to manage vegetation on the town-owned bank
- The retaining wall was constructed (the as-built is still needed)
- Norway maples were cut but not treated with herbicide and have regrown

Ms. Schloss said that the original OOC, in 2011, identified six Norway maples that were to remain. Since then it has been decided to remove them and treat with herbicide.

Mr. Putnam explained that the ivy that is growing there is very aggressive and will be replaced with something more appropriate. Ms. Schloss explained that they are proposing the use of

herbicide as it is the only way to control phragmites and multiflora rose, adding that this work requires many years. The owner will take care of the work in 2018 and 2019 and perhaps a year beyond, unless the town assumes responsibility.

Mr. Murphy said he would also like to remove some trees that are attracting campers in the summer.

Ms. Schloss stated they would not want the ash trees removed. She added that she would not be comfortable deviating from vegetation management guidelines. She made it clear that the property being discussed is Town of Weymouth property, not Mr. Murphy's.

Mr. Murphy replied he is only concerned with two trees.

*On a motion made by Cmmr. Reilly, seconded by Cmmr Singleton, the Commission voted 5-0 to approve the minor modification.*

#### **Other Business** (cont.)

Ms. Schloss informed the members that she had received emails from Rebecca Lacey regarding the compressor station case and has forwarded them to the Commissioners.

**CPC Update:** meeting has been rescheduled to Monday, March 12, 2018

#### **Administrator's Conservation Report**

Report dated 3/7/2018 was handed out (attached).

#### **Adjournment**

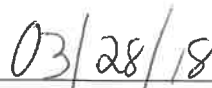
*On a motion made by Cmmr. Loring, seconded by Cmmr. Singleton, the Commission voted 5-0 to adjourn at 8:05 p.m.*

Respectfully submitted by,

Patricia Fitzgerald  
Recording Secretary

Approved by:

  
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Scott Dowd, Clerk

  
\_\_\_\_\_  
Date

#### **Documents reviewed during the meeting:**

Braydon Marot, Weymouth DPW, memo regarding Puritan Road  
Crocker Design, 2/28 letter regarding Lot 5, Jacobs Lane