

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

**Tuesday, March 26, 2019, 6:30pm
John F. McCulloch Building, McElroy Room
182 Green Street, Weymouth, MA**

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

Also Present: Mary Ellen Schloss, Conservation Administrator

Chairman Tanner called the Commission meeting to order at 6:30pm.

Approval of Minutes

The minutes of January 22, and February 19, 2019 were reviewed.

On a motion made by Cmmr. Reilly, seconded by Cmmr. Singleton, the Commission voted 5-0 to approve both sets of minutes as written.

**No. Weymouth Beach Connection Project – Notice of Intent, Public Hearing-Cont'd
Town of Weymouth
Map 2, Block 12, Lot 10 & Map 4, Block 21, Lot 3
DEP File #81-1213
*Rock revetment and pedestrian walkway along shoreline***

Ms. Schloss explained that a request for continuance to April 23rd was received.

On a motion made by Cmmr. Loring, seconded by Cmmr. Dowd, the Commission voted 5-0 to continue the hearing to April 23rd.

**7 Birch Road –Notice of Intent, Public Hearing
Eileen King-Collins
Map 2, Block 7, Lot 6
DEP File #81-1242**

Elevate single-family home above FEMA floodplain

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

Ms. King-Collins appeared before the Board and explained her project:

- Looking to elevate her home three feet above the FEMA floodplain
- Will be built on concrete pilings
- Break away panels below to be installed after project completed

- Area below is stone; nothing will be stored (has shed for storage)
- Has contractor; work to take three months.

Cmmr. Dowd said that this project is the same as two projects that were approved in February, and asked that the project be approved. Abutter notices have been received.

Public Comments

People in the audience were in favor of the project.

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

On a motion made by Cmmr. Dowd, seconded by Cmmr. Singleton, the Commission voted 5-0 to issue the Order of Conditions.

11 Birch Road - Notice of Intent, Public Hearing

Robert Callahan

Map 2, Block 7, Lot 14

DEP File #81-1241

Elevate single-family home above FEMA floodplain

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

Mr. and Mrs. Callahan appeared before the Board. Their project will be the same as the other elevation projects that have been approved. Abutter notices were received.

Cmmr. Dowd said that this project is the same as two projects that were approved in February, and asked that the project be approved.

Public Comments

People in the audience were in favor of the project.

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

On a motion made by Cmmr. Dowd, seconded by Cmmr. Loring, the Commission voted 5-0 to issue the Order of Conditions.

125 Fort Point Road – Notice of Intent, Public Hearing

Lisa Nollett

Map 2, Block 6, Lot 12

DEP File #81-1243

Elevate single-family home above FEMA floodplain

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

Lisa Nollett appeared before the Board and expressed her appreciation to Ms. Schloss and everyone involved in getting this project approved; it has been a three-year process.

Ms. Nollett explained her project is a bit different as it is in a FEMA AE zone, rather than a Coastal A Zone. She also said:

- It will be a closed foundation
- House being raised three feet above base flood elevation (BFE)
- Crushed stone will be under the house
- Cement columns will be used
- There will be breakaway panels (Smart vents)

Public Comments

People in the audience were in favor of the project.

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

On a motion made by Cmmr. Dowd, seconded by Cmmr. Loring, the Commission voted 5-0 to issue the Order of Conditions.

Mass DOT Drainage Project, Bridge/Neck Street – Notice of Intent, Public Hearing, Cont'd 666 Bridge St. And 276 Neck St;

Map 5, Block 13, Lots 7, 13, 46;

DEP File #81-1237

Repair and replace portions of drainage system

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

Appearing before the commission were Eric Michniewicz and Chris Wagner of VHB, and Linda Smith, Mass DOT.

Mr. Michniewicz said a new application is being submitted because some agencies wanted substantial changes made to the original project design; he then explained the project changes:

North Work Area:

- No tide gate
- Enlarge pipe from 18" to 24"
- Sandbag coffer dam with dewatering specification.

South Work Area:

- Replace DMH-1 (existing manhole) with new manhole; install frame and grate on top to allow water to flow into salt marsh.
- New manhole DMH-2: With 24" opening (knock-out) on side. Tidal flushing through side opening will happen on a daily basis.

Mr. Michniewicz anticipates less than one week for the construction (will avoid major storms).

Ms. Smith said, regarding timing, that they had the money allocated for the project and hope to still be able to do it if cost is under the budget amount; if it goes to bid it will take longer. She said the DEP Water Quality Certificate is still needed, and then another round of permitting; she anticipates the work will be done this year.

Cmmr. Reilly asked if they had looked at tides; Mr. Michniewicz said an astronomical tide (elevation 6.9) would still be contained in the basin.

Discussion ensued whether DMH-1 and DMH-2 should have open or closed covers. Ms. Schloss said that DPW recommends that one of the manhole covers be solid and the other open.

Mr. Michniewicz said that if one solid cover is wanted he would recommend DMH-2; Ms. Schloss said that she spoke with Jason Burtner of Coastal Zone Management who recommended the town take an "adaptive management" approach. He recommended that DMH-1 have an open grate because it is at a lower elevation and is receiving saltwater inflow under existing conditions. DMH-2 could then have either an open or closed cover.

Chairman Tanner said he wanted a condition that DPW could determine if they want the manholes closed or open and that the tops be interchangeable.

Dave Lawson, Norfolk County Mosquito Control (NCMC), explained they have been dealing with the salt water on the marsh (because ocean water can come in but can't get out) for decades, and the mosquitoes breed like crazy. He said once a month they go in and try to larvacide, but aren't always successfully. NCMC feels that the second manhole with the side opening will enable water to flush out and will eliminate water on the marsh and the resulting mosquitos.

Public Comments

Mary Ellen O'Brien, Salt Water Creek Condominiums, said they have been dealing with salt water freezing near the conduit and is concerned about blockage at the grate. She said some of the condo units have had water damage and more work may be needed to stop the water issues.

Tom Hamilton, U-Haul General Manager, asked where the construction equipment will be stored and, as his store gets flooded now, will the water be coming through those same pipes (which will worsen the flooding).

Chairman Tanner explained any desired usage of the U-Haul property will have to be requested, and any water coming towards his property is from Route 3A.

On a motion made by Cmmr. Loring, 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.

J.F. Price Roadway Project: Pleasant/Libbey/quarry road – Notice of Intent, Public Hearing, Cont'd
Roadway right-of-way and 605, 621, 627 Pleasant St;
Map 39, Block 475, Lots 10, 19, 4
DEP File #81-1231

Improve intersection; construct new roadway at Libbey/Pleasant to connect to realigned quarry road

Appearing before the Commission were attorney Jeff Tocchio, Drohan, Tocchio & Morgan, Gabe Crocker, Crocker Design Group and James Bristol, Jr.

Mr. Crocker discussed changes since last version. He said the new proposal is to keep the quarry road where it is, to install a 30" pipe, with headwalls on either side, and to install a three-sided concrete box culvert 8' wide with a natural bottom.

Mr. Crocker further explained:

- The overall wetland impact has been reduced
- The rate and volume of storm water had been reduced
- There will be a 2:1 replication (7,400 sq. ft.) to compensate for proposed wetland impacts
- 1,800 sq. ft. restoration to address for recent unauthorized wetland fill

Mr. Tocchio said they are not changing conditions on the quarry road.

Cmmr. Loring thanked the applicants for their efforts in making the changes which will benefit the wildlife in the area.

Mr. Bristol, Jr. said they plan to do this project this construction season.

Bob Luongo, Weymouth Planning Director, said the improvements to the proposal will make for a more robust intersection and will open up more opportunities for economic development.

Ms. Schloss reminded the applicants that a bond is requested whenever there is wetland replication work.

Discussion ensued about the buffer between the wetland replication area and upland land uses. It was decided that a 12-foot buffer would be acceptable here, with the boundary to be demarcated by boulders.

On a motion made by Cmmr. Loring, 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 approve the Order of Conditions with conditions discussed.

**Brookpoint Development – Request to Amend Order of Conditions (OOC), Public Hearing
Nicholas Delegas, GND Realty Trust
#4-#50 Commercial St.
Map 2, Bock 202, Lots 13 & 17-20
DEP File # 81-1191**

Mixed-use building, parking, drainage & utility improvements

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

Appearing before the board was Nick Dellacava, Allen & Major Associates. Abutter receipts were received.

Mr. Dellacava stated that the revised design is an improvement, especially regarding water quality:

- No floodplain on the project site; nothing below elevation 10
- The sewer line under the building to be abandoned
- Pump station to be abandoned; sewer pump will no longer be required
- Thinks work will begin in August

Bob Luongo, Weymouth Planning Director, said three parcels served by pump station will be connected to the Braintree system, per pending agreement with Braintree. He said the second part of the Smelt Brook contract will include the pump station demolition and sewer reconnection.

Bill Calder, working with Nick Delegas, said the sewer pipe might be filled with flowable fill (if it isn't removed).

Ms. Schloss said there is an Engineering comment regarding capacity of drainage line; Mr. Delegas said if analysis shows the pipe needs to be enlarged, they will do so.

The OOC conditions were discussed.

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

On a motion made by Cmmr. Loring, seconded by Cmmr. Singleton, the Commission voted 5-0 to issue the Amended Order of Conditions, with conditions mentioned.

204 Main Street – Notice of Intent, Public Hearing

WeyMain LLC, Supershine

Map 29, Block 375, Lot 5

2019 LOOC-1

Demolish and reconstruct car wash, stormwater improvements

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

Ms. Schloss explained that this is a local-only Notice of Intent.

Appearing before the commission were Brandon Li, Kelly Engineering, and Michael Gardner, Jr., of WeyMain, LLC. Abutter cards were received.

Mr. Li said there is a vernal pool at the rear of the property. He then explained the project:

- Demolish and reconstruct the building
- Some expansion of the pavement north
- There will be a touchless bay added
- Stormwater system will be upgraded
- Water quality unit will be added for the discharge toward Winter Street

Cmmr. Dowd asked about the fence; Mr. Gardner said the chain link fence will go behind the existing post and rail fence.

Cmmr. Dowd asked about the washing process.

Mr. Gardner said:

- There is a multi-chamber reclamation system
- Water will be cleaned and reused
- There will be multiple separators
- They have a 30-yard dumpster which hauls material to a waste site
- Waste will be moved to dumpster via 5-gallon buckets

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. Singleton, seconded by Cmmr. Reilly, the Commission voted 5-0 to issue the Order of Conditions as discussed.

475 Columbian Street – Violation Hearing, continued

Richard Campot

Map 40, Block 482, Lot 16

Unauthorized fill in wetlands

Appearing before the commission were owner Richard Campot and Joseph Polsinello, Licensed Site Professional.

Cmmr. Dowd turned in his Mullen Rule Certificate (for viewing the Jan. 22, 2019 meeting).

Mr. Polsinello gave an update on the work being done:

- Test pits will be dug to help determine old vs. new fill
- 21E assessment will be done
- Plan to remove fill and stabilize bank
- Professional engineer will be present to do soil evaluation
- New fill is indicated by leaves and vegetation

Chairman Tanner said the town wants to be there when test pit work is being done. He said this is a great start but, if the end result is not satisfactory, they may be required to do more testing.

Ms. Schloss said this is a good beginning to get some material out, but unless it is known what else is there, she would be uncomfortable saying the work has been completed. She then asked how the limit of work would be determined if the information is not available?

Mr. Polsinello said they will start with the test pits parallel to the settling line, look to where they have solid, clean fill and stop there.

Ms. Schloss said she thinks she may want to go back 10-12 years.

Mr. Polsinello said on the day of the test pits:

- Test pits, trench (will log soils)
- Instrument survey
- Brad Holmes will be present
- Civil engineer

Mr. Polsinello said three professionals will determine where the line should be (of the fresher fill vs. older fill) and then a plan will be prepared.

Attorneys Michael Nuesse and Daniel Ciccariello, (representing Bernard Macauley) said they would also like to be present at the test pit excavation.

Mr. Luongo said he wants the applicant to realize there is good faith being demonstrated by the Commission.

Ms. Schloss will write a letter following up on the Island Professional Corp. letter of 3/14/19.

On a motion made by Cmmr. Singleton, seconded by Cmmr. Reilly, the Commission voted 5-0 to send a letter to Island Professional Corp. in response to their March 14, 2019 letter, allowing the test pits to go forward.

Approval of Conservation Restriction, Arbor Hill Residential Development

Parcels: 42-469-21; 42-469-22; 42-469-23

Portion of parcels: 38-467-2; 42-467-3; 42-469-02

Permanent preservation of 19 acres of land as per Conservation Order of Conditions, (81-1046) and BZA Special Permit (Case # 2545)

This item will be moved to the April 23rd meeting.

On a motion made by Cmmr. Loring, seconded by Cmmr. Dowd, the Commission voted 5-0 to continue the agenda item to April 23rd.

Other Business

15 Regatta Road, 81-1089: Ms. Schloss requested a verbal approval of a three-month extension for Order of Conditions in anticipation that work will then be covered by the new town OOC for vegetation management.

On a motion made by Cmmr. Singleton, seconded by Cmmr. Reilly, the Commission voted 5-0 to verbally approve a 3-month Order of Conditions extension.

Herring Run clean-up will be on April 6th.

12. CPC Update

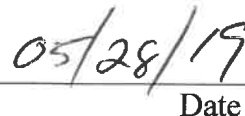
There was no CPC meeting per Cmmr. Loring.

13. Conservation Report – none.

Adjournment:

On a motion made by Cmmr. Singleton, seconded by Cmmr. Reilly, the Commission voted 5-0 to adjourn at 9:40pm.


Scott Dowd, Clerk


Date