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FINAL

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

Tuesday, February 23, 2021

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

Also Present: Mary Ellen Schloss, Conservation Administrator
Andrew Hultin, Assistant Conservation Administrator
Eric Schneider, Host, Planning Dept.
Ann Flynn Dickinson, Recording Secretary

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

State of Emergency Message and meeting information:

Governor Charles Baker has declared a State of Emergency in Massachusetts to support the state's response to COVID-19 (novel coronavirus). Per the directive of Mayor Hedlund and the Town of Weymouth's "Emergency Declaration and Town-Wide Guidance in Response to COVID-19 of March 13, 2020", the Conservation Commission will meet remotely for the health and safety of the board members and the public during the Massachusetts State of Emergency.

The Conservation Commission will be using Webex software to conduct meetings on-line for the immediate future. The Meeting # (access code): 132 592 3094 and Meeting password: ConComm0223 will be used for the February 23, 2021 meeting.

The online link and dial-in instructions were provided 48 hours in advance of the meeting.

1. Minutes – December 15, 2020

On a motion made by Cmmr. Loring, seconded by Cmmr. Dowd the Commission voted 4-0 to approve the December 15th Minutes as written.

2. Weathervane Golf Course Development – Request for Final Certification of Compliance

**Bristol Brothers Development
Off Weathervane Drive**

Map 51; Block 535, Lots 79 & 80, Block 574, Block 576, Lots 29-32; Block 608, Lot 12

DEP File #s 81-756 and 81-963

Golf Course and residential development

Item continued until next meeting, March 23, 2021.

Ms. Schloss states this is not a public hearing it is a discussion. We can just note that they have requested to come back to the next meeting on March 23rd.

**3. 17 Mutton Lane – Notice of Intent. Public Hearing
Community Baptist Church, Mark Heroux
DEP File #81-1266
Map 35, Block 447, Lots 15
Expand and pave existing parking lot**

On a motion made by Cmmr. Loring, seconded by Cmmr. Dowd voted 4-0 to open the public hearing.

Mr. Greg Tansey from Ross Engineering is on the call to present for the applicant, the Community Baptist Church. Mr. Tansey presented the site plans and walked through the proposal.

Ms. Schloss said she did get the notification receipts and the legal notice has been printed in Patriot Ledger as required.

Mr. Tansey summarized the project:

- *Proposing to resurface graveled parking.*
- *Storm water improvements, many of them.*
- *Expand the parking lot which will increase the number of parking spaces by quite a bit and alleviate the parallel parking during services on Mutton Lane.*
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- *The catch basins on Mutton Lane are silted up and one was filled with bricks that would have to be cleaned out.*
- *He talked with Engineering about the existing drainage structures and drainage easement that are shown on the drain atlas as going through the church property. They found a sinkhole, depression where they thought the drainage pipe is, but could not determine. They are unsure if the drain line exists or not. It should not interfere with construction. If they do encounter it, they will notify DPW and work out a solution.*

The parking lot will be made of permeable pavement which has a lot of environmental benefits. Provides treatment, also a lot of recharge, mitigation and does not require an outfall near wetland systems. It is a self-policing mechanism, as long as it is maintained, it will function to be the benefit to the environment that it was intended. There will be a snow storage area where it will melt and recharge and will not create sediment or contamination. They will have a retaining wall, with chain link fence for safety. There will be a two-foot separation to groundwater beneath the drainage layer for the parking lot.

There will be yellow pine as a guardrail to keep from going over the ledge. There will be a lawn basin to capture water and send it out to the wetland via pipe. Proposal of plantings with better vegetation to prevent erosion from the existing driveway before it reaches the wetland area.

Mr. Tansey went over construction erosion control details to protect the wetlands. There is talk of using a silt fence to protect the wetlands better and be less intrusive. The Doherty's at 5 Mutton Lane gave them permission to replant the area that strays off into their land.

Ms. Schloss asked that Mr. Tansey explain the dewatering detail and whether dewatering was anticipated.

Mr. Tansey explained that this is a standard detail and more of a just in case type of situation. For example, if there were a puncture through to a water table that is a convenient way of dewatering an excavation ensuring that the water that comes out is clean and dewatered. This would be the only case that dewatering would be necessary, not required. It is a "just in case".

Ms. Schloss explained there is a proposal to do some planting alongside the neighbor's property. She recommended the following be incorporated into the Order of Conditions:

- *See a planting plan for the rainwater garden.*
- *This is not a standard rain garden, which would typically have a depressed area with soils 3 ft. deep that are for infiltration before it hits the wetlands. We are looking for plants that are native and have wildlife value. This should be written into the conditions.*
- *Communicate with DPW to determine if the drainage pipe has to be found, if it exists, and to take care of it with a solution that is acceptable to DPW including protection and restoration/replacement of the pipe if it is encountered during excavation.*
- *Treatment during winter. Do not use sand, vacuum sweeper twice a year, no salting, no chemicals within 100 ft. Is there any wiggle room here for winter maintenance?*

Mr. Tansey did discuss possibilities and remedies for these items brought to his attention.

Ms. Schloss states that these will be covered when going through her recommendations.

This meeting is now open to the public.

There were no comments.

On a motion made by Cmmr. Loring, seconded by Cmmr. Dowd to close the public meeting voted 4-0 unanimously voted.

*On a Motion made by Cmmr. Loring, seconded by Cmmr. Dowd to issue a standard Order of Conditions (OOC) with all special conditions as stated here tonight, voted 4-0.
4-0-0 unanimously roll call vote.*

- 4. 200 Libbey Industrial Parkway – Notice of Intent, Public Hearing**
FoxRock 200 Libbey, LLC, Josh Kleinman
DEP File #81-1267
Map 34, Block 435, Lot 14
Demolish an existing industrial building and construct a new Medical Office Building

On a motion made by Cmmr. Loring, seconded by Cmmr. Dowd to open the public meeting 4-0 voted unanimously.

Ms. Schloss said she did receive notice of receipt from abutters and the legal notice was printed in the Patriot Ledger.

Mr. Josh Kleinman, applicant, thanked everyone who met him at the site the day before. He introduced the entire project team that is with him tonight.

The project overview was next which went over:

- *Existing conditions of the 4.3-acre site that has an existing 2-story industrial building that will be demolished.*
- *Proposed project is a 69,000 square foot 3-story Medical Office Building*
- *270 Surface parking spaces*
- *Restorative landscape improvements along Pond's edge*
- *New stormwater management system*

Mr. Kleinman states he is in receipt of comments from the Commission as well as the Town's Engineering Department and they are looking into incorporating those comments into the design of a stormwater system to manage the stormwater runoff for the project as well as making improvements to the existing detention basin that is at the front of the site.

Mr. Glen Dougherty, a Civil Site Engineer and Senior Project Manager with TetraTech introduced himself. He walked through the site plan package of the existing conditions explaining that the existing building is in a decrepit state and the site in general needs improvement. This project will provide a lot of site improvements. The one point he wants to point out is the degraded area in the back by Whitman's Pond it has degraded more than what it appears from the edge of the pavement to the Pond's edge, there is only a 10-15 ft. natural strip that remains.

Along the lot line a lot of the existing area is broken pavement, broken barriers these are within the site property, but do protrude onto town property. The work will restore that edge back to a natural landscape.

The medical office building will be in the middle of the site. The important part of this plan is that the area back near Whitman's Pond, the existing building is approx. 60 feet from the Ponds edge, we will be pulling that back to 135 ft which will make the new building 75 ft. further away from the Pond. The parking edge will be pulled away to be at a minimum of 42 ft.

Existing overall site in pervious area out of the 4.3 site and existing area 3.12 acres, in the proposal it is 2.94 which will overall reduce the site impervious condition by overall 6 percent. Within the 50 ft. no disturb buffer we are pulling out a lot of impervious pavement about 75 percent of what is there today is being removed from within the 50 ft no disturb buffer. Within the 100 ft buffer, impervious area is being reduced by 42 percent.

They are proposing to add an infiltration system to recharge roof runoff from the proposed building. The plans will include retrofit of the existing detention basin on Libbey Parkway and they will be directing additional water toward that detention basin, rather than towards Whitman's Pond. All three of the discharges are directed to water quality treatment devices to provide greater than 80% Total Suspended Solids (TSS) removal. There will be a series of rain gardens that serve an aesthetics piece to work well with walking paths, viewing platform. In addition to them looking good they will provide a discharge point where the discharged water will run through them and provide more water quality treatment. It will also provide a slowing down of the velocity before the overflow goes to Whitman's Pond.

Kellie Connelly from TerraInk discussed the conservation plantings and the restoration area. Except for some ornamental grasses at the front of the site, all plants will be native.

The applicant agreed to make the discussed revisions to the plans and provide the revisions at least two weeks prior to the next hearing.

Motion was made by Cmmr. Loring, seconded by Cmmr. Dowd to continue this hearing until March 23, 2021.

4-0-0 unanimous roll call vote.

5. Conservation Land Rules & Regulations – Discussion

Mr. Hultin gave an update on the recommendations for adopting rules and regulations for the use of Conservation Land. He reviewed the helpful comments that George had sent out. This is still just a draft and he asked for any thoughts on it at this point.

Cmmr. Singleton said one of the things that had happened on the north parcel at the Compressor Station about taking off old, barbed wire fence that was originally placed there. The Mayor did say that he was working on Park Standards with respect to signage and will investigate that as well.

Mr. Hultin responded that he had not heard anything about that from him. Mr. Hultin did state that they had worked on some consistent signage about a year or two ago and that he would follow up and let him know we are looking into this.

Cmmr. Singleton said that it would be a good idea to get uniform standards on signage. All the open space that is involved, people don't even know what it is and a uniform design system would be useful.

Mr. Hultin said they do already have a consistent sign system that the Recreation Department put in place and covers House Rock, Great Pond, Great Esker so you do see similar language now, but there is more to be done. This will help us get there.

Frank Singleton asked if this was tied into the open space plan. Ms. Schloss said she did not recall if the rules we are discussing tonight were part of the open space plan and if it was a goal that was previously outlined.

Chairman Reilly asked that Mr. Hultin continue working on this point.

Chairman Reilly also asked Cmmr. Singleton put together suggestions on standardizing and submit it to the Committee.

Ms. Schloss states that Mr. Hultin is working on and talking to the neighboring Town's he got the models from to verify a few things and update at another meeting. Under #9 for No Hunting and No Trapping she asked Mr. Hultin to talk about what the goal was for that and why he selected those areas.

Mr. Hultin said he did call out at least three spots where hunting would not be allowed: Bradford Torrey, House Rock, and Cavern Rock. Cavern Rock was recently documented to be Conservation Commission land, as it was previously listed as Park Department Land. We have put in trail systems at Cavern Rock and Bradford Torrey. We have received some complaints about hunting in Bradford Torrey and wanted to restrict that.

Chairman Reilly asked if there is a Town Bylaw that governs Hunting within Town Limits?

Ms. Schloss responded yes there is. Mostly, no guns are allowed, no hunting allowed in Great Esker Park but that does not include on the water. Fishing and fowling is allowed below the mean high water line. People can still bow hunt and trap. If we do not state a prohibition, hunting is allowed in accordance with local and state laws and regulations.

Chairman Reilly recommended this be put forward two meetings from now, in April.

6. Other Business

Mutton Lane - *Ms. Schloss on Mutton Lane they are working on that 50 ft and we granted permission to work on the 50 ft. We did not take a vote on the waiver but that is sort of assumed since we all agreed/voted for it. She would like that in the order and make sure everyone is comfortable with that.*

On-Line Training – *Ms. Schloss reminded everyone that they have to complete online training, ethics training as well. Certificates need to be printed out or sent by email and get them back to her office. If anyone has any questions, let them know.*

S. Barzola Construction Corp. 1183 Main Street - *Ms. Schloss wanted to update the committee on a violation hearing, from back in December for S. Barzola Construction Corp., 1183 Main Street, formerly the Cake Lady building. It houses a Construction Company office, mostly doing office work, but storing commercial vehicles on the site. We told them when they came in to talk to us that they could not do any work in the rear without Conservation approval. They did do some grading, put stone along the whole back. Their intention is to pave it, but we had issued a Cease-and-Desist Order stating "No you cannot do that." Chairman Reilly and herself agreed to give them extra time to come back for the Notice of Intent (NOI) next month. Ms. Schloss talked*

to Sonia Dahlquist, the owner of the company, and Ms. Dahlquist said she is disputing what the Building Department and the Planning Dept. are telling her -- that she cannot store commercial vehicles in the back of that building. That will affect what plan she brings before Conservation. If she does not store those vehicles back there she can pull back her project and restore some of that area by the Wetlands. There is concern as to the way that she is talking to the Building Dept., not listening to what they say, kind of saying she is going to pave it and going to do it anyway. This information all came out today and Ms. Schloss wants to make sure we do bring her in at the next meeting and make sure she understands that she must comply with Conservation Rules.

Chairman Reilly said to put her on the next Agenda.

Cmmr. Loring asked if she is going to continue what she is doing regardless?

Ms. Schloss responded that she might if we do not stay on top of her. We may need to issue an enforcement order.

Cmmr. Loring said it seems like she has already gone beyond that point.

Ms. Schloss replied yes, and we did give her an extra month and that is probably all she is going to get.

We have a lot of projects coming up and please let Mr. Hultin, and myself know in terms of paper how much you want in hard copies vs. electronically.

Chairman Reilly said we are the Conservation Commission we should Wnot be killing that many trees.

7. CPC Update

Cmmr. Loring said we had a meeting at the beginning of the month it was pretty much going over projects that transpired in the previous year and nothing coming up that concerns Conservation.

8. Herring Run Update

Cmmr. Loring said tomorrow there is scheduled dredging or removing of sediment out of the middle pool. He thinks he will be closing the gate at the new structure at the flood control tunnel (at Herring Run park) in the next few days.

Chairman Reilly asked Ms. Schloss if there was any news relative to the appeal of the Lovell Field pedestrian bridge project.

Ms. Schloss responded No. She reached out to DEP about whether they were going to provide their Superseding Order within their 70-day period. We do not know where they are at with that. They do not always hit their deadline.

9. Conservation Report

Ms. Schloss reminded everyone that Cmmr. Loring already spoke about the sediment removal being conducted at the middle pool tomorrow.

Brookpoint in Weymouth Landing we may be coming to you with some changes relative to the roof runoff which was supposed to be draining to the rain gardens at the park. The raingardens are not being constructed anytime soon due to the lack of funding. We are looking to them to do something alternative and not just discharging to the manhole at the front of the site. There is back and forth there.

Kings Cove – received a complaint about the sampling that Enbridge has done and maybe need to have a town wide response about the coastal bank that is eroding. There is concern there can be heavy metals getting into the Cove there. The bank needs to be stabilized and I may be reaching out to you for more about that.

Regatta Road – the stairs to the beach we are getting a lot of requests about that. The Order of Conditions (OOC) that we issued for the Wessagusset Walk project, the restoration Order of Conditions we allowed conditions on how people could construct those stairs. The policy has not yet been adopted. The town has no funding to do any coastal bank restoration, so if someone is going to put in a stairway, they should be doing restoration. If anyone has any ideas and we want to discuss, let her know.

Smelt Brook on the daylighting – the design did not include a ladder to get down into the stream. John MacLeod of Asset Management has ordered a ladder, and will construct an opening in the fence and install the ladder in the next week or so. We missed a whole year of monitoring because there was no access.

Whitman's Pond Vegetation Management - There was a second meeting on the Whitman's Pond Vegetation Management update with ESS Group, Inc. that happened on Friday. There will be a public meeting sometime this spring. Right now, we want to come up with management goals/units in different areas of the pond -- what we do in West Cove, vs. South Cove, vs. the Main Basin. Originally, we talked about dredging in South Cove but the Water Division is really not that interested in doing that. The only dredging that was being discussed at the meeting was potentially in the West Cove to keep some of those water areas open. The Western Cove of the Main Basin would be done more with the hydroraking and maybe some herbicides as well. There are so many different herbicides out there and that will involve permitting and careful review. If people want more information, she will give that to them. There will be a public meeting and Conservation will need to be there asking questions etc. There is no easy fix.

Hazard Mitigation Plan - currently working on an update to this plan. They did previous update years ago. First team meeting was in February, second team meeting scheduled for March 9th. She thanked Frank Singleton for his participation on that team.

New Natural Resource Unit - There is a new Natural Resources Unit within the Police Department. It was announced on the Town Home Page, there is a merger of the Animal Control Unit and the Harbormaster Marine Unit. They will be able to enforce waterways, fishing, hunting, and patrolling natural areas. Hopefully, we can coordinate with them, since there is a lot of overlap obviously, and we need some help with enforcing some of the issues on the water ways, especially docks.

The Town Stormwater Ordinance is going to have to be updated to meet the new requirements of the USEPA's NPDES municipal storm sewer program which requires adoption of the new revisions by June 30th. That is soon in terms of ordinances. TSS removal requirements are increasing (to 90%) and phosphorus removal requirements are going to be added. This is all new and there is going to be a disconnect for a while between the EPA NPDES standards, and the DEP storm water management standards, which are also being revised. Not sure how this is all going to play out.

Chairman Reilly stated regarding revisions of Ordinances, Town Council would have to do that?

Ms. Schloss replied that is correct and it is probably going to come from the DPW. It is not a Wetland or a Conservation Ordinance, but we apply the DEP Stormwater Management Standards and applicants are looking to comply with the rules. They will have the Stormwater Management Requirements we have to follow because that is part of the Mass Wetlands Protection Regulations but then there is also the Town Stormwater Ordinance. If the two conflict it is confusing for applicants. Obviously, they need to comply with the most stringent rule. It does affect us since we deal heavily with stormwater. We will have people using the most up-to-date precipitation data, which will be part of the revised DEP Standards. She will keep the committee abreast of it.

Cmmr. Singleton asked if there were any updates of the **demolition of the incinerator building** because there will be conservation impact if that goes forward and secondly, where are we with the beach linkage project between Lane Beach and Wessagusset is the coastal bank in any danger of having anything going wrong because nothing is being done, not just the actual project itself, but he thought the Coastal Bank was somewhat vulnerable.

Ms. Schloss replied these are great questions. She is not positive about the incinerator actually being in their jurisdiction it is pretty set back from the Wetlands area.

Cmmr. Singleton said there is a very complicated stormwater system over there and the project for the redeveloped mill is linked into it, so there are some infrastructure issues that may bring us into it.

Planning Director Bob Luongo said John MacLeod from Asset Management is going to be going out to bid for the demolition including the incinerator plus the smokestack using \$150,000 from

mitigation funds for the compressor station in addition to that they might be coming before the CPC for funding because cost estimates are ranging from \$950,000 to \$1.2 million. They want to come before the Community Preservation Committee and ask them for another \$300,000 plus

just in case they need it. The idea would be to demolish both the incinerator and the smokestack and turn it over to the Park System. He asked Ms. Schloss if there was a Conservation restriction now on the rest of the park?

Ms. Schloss is unsure if there is a Conservation Restriction (CR).

Mr. Luongo said when we did the Osprey Overlook Park, he thought they put a Conservation Restriction (CR) on it. That land will be part of the park system, there will be a couple of trails cutting through that land hooked up to the existing trails that the Mayor put in under the Osprey Overlook Park. We might increase the parking spaces as well.

Cmmr. Singleton asked if the cell tower was coming down.

Mr. Luongo replied yes.

Frank Singleton asked if there was a grant application going in on the beach project.

Mr. Luongo responded with a yes, they were going to submit an application to the council to get some of the funds. It is a fully permitted project although he did not think we had a signed license agreement, a Chapter 91.

He said it was on the Governor's desk and did not believe they received a copy of it yet. In any case it is a fully permitted project, some of the permits have a fairly short period before they expire. We have to keep it on the front burner to figure out what we are going to do. We spent a lot of money on this project, and it would be a shame to let it die on the vine.

*Ms. Schloss is working with Engineering on a draft scope of work relative to the **Sediment Nutrient Uptake Pond**. Mr. Hultin and herself have been reaching out to some consulting firms getting some feedback on that. She thought at one point she would be looking for some off-site mitigation for the 200 Libbey Parkway Project, but it sounds like there is quite enough for them to do onsite and it won't really be a reasonable ask for them to go off site to do that, but we are still involved and have to get some feedback on this scope of work. She would like to see engineering be able to look at what to do with that infrastructure. It is a real impairment to the quality of the river, fish habitat, river flow, so stay tuned.*

Planning Department Reviews – *we have a request to review the 655 Washington Street project which is the redevelopment of the Boston Motel. It will be coming before us. They have submitted electronically and will be submitting the paper copies in the next few days with a Notice of Intent (NOI) and it will be before us on March 23rd.*

Up-coming meetings – *US Army Corp of Engineers is holding a public meeting on March 16th to discuss their final proposed plan for the Hingham Naval Air ammunition depot. Ms. Schloss will get information out to everyone about that. They are not proposing any remedial action, so there is not a whole lot to talk about other than what the investigation showed. The information will be posted on the website.*

We have also received an annual report on Route 18 widening and some information on the Smelt Brook Army Corp. restoration project in Braintree, upstream of the day lighted section.

Utility maintenance notifications on some gas line work, particularly Lakeside, Willow Aves right by the Herring Run. She did correspond with National Grid and asked that they not do that work during the herring in-migration. Ms. Schloss reached out to Andrew Shelby at National Grid who thought the work had already begun, but they would be done with it before the fish run. Ms. Schloss will continue to get more info with work on Homestead Avenue paving a surface within 100 ft of wetlands.

In addition to the BoMo Motel, we will probably be getting a Notice of Intent (NOI) for White Oaks Lane, Washington Street project. We had issued an ORAD last year, this is Bristol Brothers Development large housing project off Washington Street near the Hingham Line. We will probably want to schedule site visits for both.

10. Next Meeting – Tuesday March 23, 2021

Adjournment

On a motion that was made to adjourn by Cmmr. Loring, seconded by Cmmr. Singleton, the Commission voted 4-0 to adjourn at 9 pm.

Respectfully submitted by,

*Ann Flynn Dickinson
Recording Secretary*

Approved by:



John Reilly, Chairman

Date