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WEYMOUTH CONSERVATION COMMISSION JUL 29 AM 11:10  
RECORD OF MINUTES AND PROCEEDINGS

Tuesday, March 23, 2021

Remotely Present: John Reilly, Chairman  
Frank Singleton, Commissioner and 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

*Vice Chair 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): \_\_\_\_\_ and Meeting password: Con0922 will be used for the September 22, 2020 meeting.*

*The online link and dial-in instructions were provided 48 hours in advance of the meeting. Chair Reilly called the Commission meeting to order at 7:00 p.m.*

**1. Minutes February 23, 2021**

*On a motion made by Cmmr. Loring and seconded by Cmmr. Dowd, the Commission voted 4-0 to approve the February 23, 2021 minutes as written.*

**2. 102 Flint Locke Drive – Request for Determination, Public Hearing, continued  
Jonathan Stratford, Map 11, Block 121, Lot 103 NOTE: Applicant has requested that  
the meeting be continued to May 25.**

*On a motion made by Cmmr. Loring and seconded by Cmmr. Singleton to postpone until May 25th, 2021. Voted 4-0 unanimously voted.*

3. **200 Libbey Industrial Parkway – Notice of Intent, Public Hearing, Continued**  
**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 and seconded by Cmmr. Singleton to re-open the public hearing.*

*Glenn Doherty from TetraTech presented and stated based on the comments they received from the February meeting from Town Engineering and Ms. Schloss which led to a meeting on March 4<sup>th</sup>. They finalized the revised plans and submitted them on March 9. The letter they received from J. Donovan said there are no concerns and they have addressed all issues.*

*The three major things that they planned to meet the Commission's expectations are shown on the Grading and drainage plan*

- *To provide the sub surface recharge system that they discussed in the first hearing. That has been designed and handles 100 percent roof runoff to handle up to the 100 year storms. This is big improvement from the previous design,*
- *Secondly, the detention basin by Libbey was redesigned to expand the bottom footprint which opens up a lot of storage volume for the detention area.*
- *We reconfigured the rain gardens. All of these gardens can now handle water up to the 25 year design storm.*

*We now collect, treat, and reduce what is going to Whitman's Pond by 70%.*

*Ms. Schloss thanked them for making their improvements. She has put together a Draft Order of Conditions for discussion.*

*Order of Conditions relative to construction:*

- *Discussion of sediment basin location. Proposed is to use what will be a rain garden. Ms. Schloss said that might be too close to the pond and she wants to discuss the possibility of a different location.*
- *Project will need a Stormwater Pollution Prevention Plan (SWPPP) and get a construction general permit.*

*The Commission opened the meeting for public comment. There were not comments. On a motion made by Cmmr. Loring and seconded by Cmmr. Singleton, the Commission voted to close the public hearing. Voted 4-0 unanimously voted.*

*Ms. Schloss discussed the draft Order of Conditions in detail.*

*On a motion made by Cmmr. Loring and seconded by Cmmr. Singleton, the Commission voted to issue an Order of Conditions as discussed. Voted 4-0 unanimously voted.*

4. **Brookpoint Mixed Use Development – Discussion of Stormwater Management**  
**22 Washington Street**  
**DEP File #81-1191 (Amended)**  
**Map 20, Block 202, Lots 13, 17, 18-20**  
**Mixed Use Development**

*No applicant here to present. Moving this item to the end of the agenda.*

5. **Weathervane Golf Course Development – Request for Final Certificate of Compliance Bristol Brothers Development**  
**Off Weathervane Drive**  
**DEP File #s 81-756 and 81-963**  
**Map 51; Block 535, Lots 79 & 80; Block 574, Lot 4, Block 576, Lots 29-32; Block 608, Lot 12**  
**Golf course and residential development**

*Update will be given at the end of the meeting.*

6. **1183 Main Street – Violation Hearing Continued**  
**S Barzola Construction Corp**  
**Map 53, Block 554, Lot 19**  
**Unauthorized construction of gravel parking lot**

*Sonia and/or Tom Dahlquist were not on the call.*

*Ms. Schloss stated they did get the notice and she will try calling to get them on the phone.*

7. **55 Woodrock Road – Request for Determination, Public Hearing Gary Rinkus**  
**Map 35, Block 446, Lot 25**  
**Installation of utility poles to service industrial building**

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

*Eric Watson was on call to present.*

*Mr. Hultin states they received the abutter's cards and legal notices were posted.*

*Mr. Watson states he and Gary have been working on this project for a year and some change. They have been chasing their tails with electricians and the National Grid. Both Ms. Schloss and Mr. Hultin have been very helpful with the process. They really need to get this behind them to make some money.*

*Mr. Hultin introduced that this is a proposal to put in two utility poles at 55 Woodrock Road, one to be located next to an intermittent stream and the other next to a small wetland. Ms. Schloss worked with National Grid and they agreed to move both those poles slightly further away from the resource area.*

*Ms. Schloss reiterated that she communicated with National Grid about the pole adjacent to the intermittent stream and they agreed to move it to the edge of the asphalt. The original location was on the edge of the bank with concern about the disturbance to its surroundings. We want no long-term disturbance. The second pole is also farther from the wetland resource area. Since this is a short term disturbance, she is comfortable issuing a Determination of Applicability with a Negative 3 to protect the area with notification to us when construction begins with that standard kind of language.*

*On a motion made by Cmmr. Singleton and seconded by Cmmr. Loring to close the public meeting voted 4-0 unanimously voted.*

*On a motion made by Cmmr. Loring and seconded by Cmmr. Dowd to issue a Negative 3 Determination voted 4-0 voted unanimously.*

**We will now return to Item #6, The Dahlquists are still unable to get on the call. We will continue to the next item until resolved.**

**8. 28 Willow Lane-Request for Determination, Public Hearing**

**Keith Phelps**

**Map 22, Block 298, Lot 13**

**Proposed Concrete Patio**

*On a motion made by Cmmr. Loring, and seconded by Cmmr. Singleton to open the public hearing voted 4-0, unanimously voted.*

*Keith Phelps was on the call to represent and present for himself. The Phelps moved to the home about two years ago and are doing some improvements. He shared the screen to show where the property is located on an aerial map of Whitman's Pond. They are doing concrete work on the steps on the porch and a stamped concrete patio. The cracked wall on top of the wall in the rear of the property will be fixed and while they are being fixed, he would like to pour a 17 x 17 patio with a little fire pit. It will be about 25 ft at its nearest to the shoreline. There will be drainage at the end and the details are in the application.*

*Ms. Schloss states he has 25 ft to the shoreline, the high point of the shoreline. If he had placed it farther than 50ft he would not have to come to the Commission.*

*Mr. Phelps responded by saying that there is an upper and lower level of this yard and he chose not to do it within the 50 ft distance. They want to be able to entertain during the summer with people, their dog and leave the existing wall without cutting into it. Just seemed better to work and enhance what they have.*

*Ms. Schloss mentioned that when she and Mr. Hultin were out there, it is all sloped downward that goes all the way down to the pond. We did discuss the use of fertilizers and the lawn all the way down to the pond is not a great set up. You will not be able to fertilize your lawn, also noted that there is no vegetated buffer along the edge of the pond. It is apparent that there has been some cutting of shrubs along the edge of the pond. It looks like it has been going on for some time long before the Phelps moved in. You will have to plant some vegetation to help with erosion control. This is a minor project and the Phelps have assured they left the root systems on the edge. There is also a plastic dock that has not been permitted. The DEP would probably need a chapter 91 permit to make it official. You are not the only one on the pond that has a non-permitted dock. Getting those systems out in the winter to deal with ice. You will need construction period controls with a little bit of excavation to make it level with the ground. Erosion controls around the edge, timeframe for work, over one day or a couple of days or a week to do this. We need to make sure there is no runoff while construction is being done. Dirt will be excavated and removed.*

*Scott asked if they were going to continue to cut down the shrubs to the waterline.*

*Mr. Phelps responded he does manicure them to the water level.*

*Cmmr. Dowd wants to find out if they would allow the shrubs to grow without cutting.*

*Mrs. Phelps states they remove a lot of litter that washes up on the shore and having the shrubs manicured makes it easier to clean that out.*

*Scott stated that technically manicuring is not allowed on the plants growing from the pond. That is covered in the ordinance up to 25ft.*

*Mr. Phelps states he is paying a premium for waterfront property in taxes and does not believe it is worth it if it's 100ft back.*

*Cmmr. Dowd stated that is the case for all the waterfront shorelines around the pond.*

*Ms. Schloss responded with the 25 ft we need to look at aerial photos. The house predates that regulation of 1997. If there was a vegetative buffer in 1997 that would be a violation, but if it has been mowed since before 1997 it would be grandfathered. Maybe they could find vegetation that was low growing and fit their needs better.*

*Cmmr. Loring asked if he would consider moving the patio pad with a firepit further to the right instead of being so close to the water. It would be further away from the pond to protect you from the pond and the pond from you and if you let the vegetation grow it may help with a buffer for the geese. It would also eliminate the 25 ft from shoreline rule.*

*Mr. Phelps states that it is sloped on that side of the land it would have to be raised up or cut into. Whereas the original plan is almost flush even.*

*There were no comments from the public.*

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

*On a motion made by Cmmr., Loring and seconded by Cmmr. Singleton, to issue a Negative 3 Determination with the conditions the Commission discussed tonight voted 4-0 unanimously voted.*

**Back to Item 6 on the agenda 1183 Main Street, Violation Hearing.**

**6. \*1183 Main Street – Violation Hearing Continued**

**S Barzola Construction Corp**

**Map 53, Block 554, Lot 19**

**Unauthorized construction of gravel parking lot**

*Sonia Barzola Dahlquist is on the line to represent.*

*Chair Reilly asked her if she has worked on the Notice of Intent (NOI).*

*Mr. Dahlquist responded that they had been trying to work on it, but they were unable to find out what zone they were in. It was confusing with the Highway transition zone.*

*Mr. Luongo spoke up stating he felt the application was being disingenuous and he does not appreciate that. They were informed by the Building Dept. what zone they were in. Clearly, they know that zone does not allow for storage of construction equipment. They have been deliberately avoiding this hearing and they have been deliberately avoiding the Building Depts orders on this. That is not an acceptable answer tonight. This is a lie, and he does not appreciate applicants lying to the public.*

*Mrs. Dalquist replied they found out from what the surveyor sent that they thought in the highway zone that they can do that, but the Building Dept., after calling, said they cannot do it. They contacted Shawn Hardy to find out the best way to work this out. Once again there was not enough time. Chair Reilly responded that they have had plenty of time to be prepared for this meeting.*

*Mrs. Dalquist said they hired a new surveyor who did only half the job and waited for a long while in between.*

*Chair Reilly stated they were told a long while ago by the Conservation Administrator that they could not park that equipment out back.*

*Ms. Schloss stated she had been speaking with Sonya and Tom Dalquist back in February of last year telling them that any work within the 100 ft. of wetlands would have to be approved by Conservation. They were aware, regardless of what zone they are in, that any improvements or any work within 100 ft. of the wetlands, so anything behind the building had to get Conservation approval. Subsequently, they have removed the grass cover and put down a stone parking lot and created circulation around the building which they were supposed to be filing a Notice of Intent (NOI) and they need to put back some of the work there to be farther from the wetland. The existing parking lot was not as large as what they have created. She did tell Mr. Chairman that she was speaking with Mr. Thomson yesterday regarding another project that he has been brought on by Sean Harvey, the engineer to work on this project. This gives a little bit of hope that there is some progress, but a Notice of Intent would have to be filed by April 9th, to be included in the meeting on April 27th. Shawn Hardy was not present on the call to confirm this information with.*

*Mrs. Dahlquist informed the commission she just signed a contract last week with a contractor who will file the Notice of Intent (NOI)*

*Ms. Schloss asked if he was going to be able to file that by April 9th?*

*Mrs. Dahlquist replied that the contractor said it was going to be hard, but they would do it tomorrow.*

*Chair Reilly addressed Mrs. Dahlquist that first she was in violation and notified over a month ago. Nothing has been done at this point to correct this violation. If this Commission votes to find you in violation we can institute fines to the amount of \$50 per day starting on the day you were given the violation hearing notice which would bring us back to March 16th.*

*Ms. Schloss corrected Chair Reilly that it would go back to December 2nd.*

*Chair Reilly apologized and continued by repeating that the fines would start going back to December 2nd. As of right now we are talking about an amount that would be close to \$1,000.*

*Ms. Schloss went through her notes and informed the Commission that this would go back to October 23rd, 2020 so it would be more than that. Mrs. Dahlquist apologized that it took longer but they have been busy, it's been hard. She has been working on this and sending emails and talking to Shawn Hardy. She was sorry it was her fault. In a business zone it is her understanding that you can park it. It has cost her a lot of money already. Chair Reilly informed her it could cost her even more money if they find her in violation and charge \$50 a day starting back in October.*

*Mrs. Dahlquist apologized again and stated they will try to file by April 9th and she will do her best to talk to Mr. Hardy.*

*Ms. Schloss recommendations are to possibly continue to the next meeting and if there is no notice of intent by then we start instituting fines, she puts it back out to the Committee for their thoughts.*

*Cmmr. Singleton agreed.*

*Cmmr. Loring agreed that if it is not done by then initiate the \$50 a day.*

*Cmmr. Dowd agreed also.*

*Chair Reilly also agreed and put this to the Dahlquists that they are going to get that notice by April 9th which does not give you a lot of time. Apologies are not going to do it. The only thing that will do it is action. If it is not filed, then the Commission next month will impose the fines commencing in October, and asked them if they understood?*

*Mrs. Dahlquist's reply was Yes.*

*On a motion made to a further continuance on the violation hearing until April 27 by Cmmr. Dowd and seconded by Cmmr. Loring voted 4-0, unanimously voted.*

#### **9. 655 Washington Street Notice of Intent (NOI)**

*On a motion made to open the public hearing by Cmmr. Loring and seconded by Cmmr. Singleton voted 4-0, unanimously voted.*

*Austin Chartier of McKenzie is presenting for the applicant together with Brad McKenzie. They filed a notice of intent (NOI) for work at 655 Washington Street on behalf of the applicant Trinity Green Development. Chris King from Trinity Green is also present on the call. The notice of intent was filed on February 22, 2021 for a mixed use development within 100 ft. of the buffer zone of wetlands. It was flagged by Brad Holmes of Environment Controls and Restoration in October of 2020. They are proposing site grading, and a building and related infrastructure within the 100ft buffer to the wetlands. The project is being designed in full compliance between both the Weymouth and Mass DEP regulations and Mass DEP stormwater regulations. The Weymouth Wetland regulations for a multiple dwelling unit specified that a 25ft no disturb zone be maintained which they are accommodating with their design. As part of their design, they have completed a stormwater report and hydrological analysis where they are analyzing the wetland. They will be reducing the stormwater runoff volumes at peak flows, at and up to the 100-year storm event. It is a mixed use development proposing 160 residential one and two bedroom units with some first floor commercial space. There was a site walk last week with Ms. Schloss and members of the Commission to go over the limit of work and wetlands. The wetlands are in a degraded state with invasive species, trash, so part of the mitigation of this work they can restore the wetland, clean it up to its functional purpose.*



Ms. Schloss stated they had a meeting today with the applicant, Cmmr. Luongo and Eric Schneider we did receive the abutter notification, the legal notice was published as well. You have all received the comments and responses to comments to hers and engineering comments as well. Main three issue

- upper restoration issue, remove significant fill. What would be the extent of that work? We can work into an order any changes but need to at least see a direction.
- Any potential to pull back pavement, the proposed work does increase the amount of pavement within the 50 ft buffer. Is there an ability to pull this back?
- There is not much buffer around this wetland, which does discharge out to Whitman's Pond, the more help it can get the better.

Austin Chartier presented and went over the slide show of the area. Explained in detail the catch basins, flow to Whitman's pond and the substantial amount of runoff. They will upgrade the storm water drain system set forth by Stormwater management. This is currently the site of the Boston Motel, there is a portion of buffer, but the rest of the site is developed. In our proposed footprint there will be a buffer up to the residential area. To move the edge of pavement if a fire truck can get around the building there are issues trying to pull that off. Issues come up with parking requirements per the zoning. We discussed getting rid of the 18 parking spaces, but it would not be worth the effort and we prefer to spend the money restoring the wetland. The area of 25 ft. buffer on their property is 4,200 sq ft. The area inside the 100 ft wetland buffer would be a restoration plan Brad Holmes has flagged the wetlands and he would prepare a restoration plan with native species, clean loam. When we spoke about removing the parking spaces our stormwater system that is capturing 100 percent of the roof that this area would have been disturbed with or without the parking. The theory they chose is to capture all the stormwater from all the structures and put it into the stormwater system. All of these systems will hold 1" of water on site and infiltrate into the ground with 95% of the storms not leaving the site at all. Treated and infiltrated on site and they are designed up to the 100-year storm event using NOAA numbers, NOAA 14 numbers which equals 8.8" in a 100-year storm. Outflow from the system will eventually flow out into Washington Street to the municipal drainage system. Today any stormwater flows out there essentially. In the 100-year storms we are reducing peak flows by 33 percent vs existing conditions and of course treating that water.

Ms. Schloss wanted to clarify how many inches of stormwater it is designed to take.

Austin Chartier replied 8.8" in a 100-year storm. But it is designed to fully infiltrate which means no water leaves the site on a 1" storm.

Ms. Schloss went on to say that they were discussing in an earlier meeting today to discuss shadow parking, maybe not fully pave and place parking at the edge by the wetlands unless needed as a build out. They do not need those additional parking spaces for zoning approval. Has anything changed since this afternoon?

Austin Chartier explained that shadow parking is designating an area of space that you do not build initially, but you design the storm systems to handle those flows and down the line you can expand the parking lot if there is an issue in that area. The applicant would rather restore the wetland than to shave off those 18 spaces.

*Chair Reilly asked if gravel remained, what provisions would be made to catch fluids from leaking cars?*

*Brad McKenzie asked to answer this question. The intent with shadow parking, in other municipalities that we worked with there is a provision in the zoning bylaw to not pave the spaces, but grade and prepare. What we talked about this afternoon is that by not building these spaces we are at the lower range of parking that would be required to support this project for zoning. It might be a risky venture not to build them. If the applicant wanted to ever come back before zoning and add those it would be ready.*

*Austin Chartier said there is a minimum required 231 spaces max 282 and we are in the middle with 260 with the removal of those 18 we go closer to the lower end, but the applicant does not want to be at the lower end.*

*Brad McKenzie said the area would have to be disturbed anyway, we thought we would prepare the comprehensive restorative plan that we spoke to Brad Holmes today about it to leave the condition open in the future if the applicant determined parking was insufficient. Applicant strongly believes these spaces were going to be needed. Brad thought he could be on the call but did not make it and those are his feelings on this restoration.*

*Brad Holmes joined the call. He said it would be a significant plan to improve the site highlighted in green that is full of invasive species that are continuing to degrade the environment. He thinks they can come up with a plan that would be a huge benefit to the site and to the wetland abutting it. He is happy to work with everyone on that.*

*Ms. Schloss would like to see what they are proposing in terms of a plan and make a decision maybe at the next meeting. We could do a site walk with Brad Holmes and look into more detail on the plan. One other thing we discussed today is the invasive species on the abutting property especially when you are trying to manage aggressive invasives if you are only managing in your boundaries. It depends on the robustness of that plan on the issue of expansion. She does feel like it's a big project and needs another conversation with the commission about whether a 25ft buffer for projects of this size are really appropriate.*

*Chair Reilly asked if the water from the abutting RK Plaza runs off down to this property over their drop. Austin there is a service driveway behind it that captures water, and some does run down to the site and only what is not captured in the pavement.*

*Mr. Luongo said the development is working cooperatively with the town to restore the wetlands that are owned by RK plaza and Asian Restaurant to restore the wetland areas. We may get cooperation from RK, the developer is willing to go beyond their property for restoration of these wetlands. It probably would be beneficial to have those wetlands restored rather than removing those parking spaces. Their willingness is far more valuable than grassing over parking spaces over a stormwater retention center.*

*Ms. Schloss feels there needs to be a three-year monitoring period as these species need to be kept on top of for it to be successful. What are the parameters of success and how are we going*

*to measure that success? It needs to be a plan that can succeed and will succeed, with realistic ideas of what can be accomplished.*

*Cmmr. Dowd stated that working with the developer to be an improvement and it sounds like more than the minimum. It is surrounded right now with high density buildings and so forth. This would improve the watershed. Why don't we just go forward with a plan like the plan we are discussing tonight.*

*Mr. Luongo suggested it would be worthwhile for the applicant to prepare the plan and work with the Conservation Commission and have the plan of exactly what they are going to do. Hopefully we can approve that at the next meeting.*

*Ms. Schloss noted since they are going beyond the property lines that this will acquire some coordination. She hopes this next month is enough time, if not it could be continued.*

*The applicant's representative stressed that they need to be sensitive that we may not have full control to do a lot of work on that property. Brad is recommending we will remove all the trash and debris of construction materials within the wetland with the real focus on restoration on their property.*

*Mr. Luongo informed him that Chris King is on the call and he has a very good relationship with the owners of the Asian Restaurant. He is sure that they can bring the other two parties together and make this a successful project.*

*Chris King stated he had conversations with them, and he will have the conversation with the abutters and make sure everyone agrees.*

*Chair Reilly would like to try to do it and have it ready for April 27th.*

*No comments from the public*

*Chair Reilly made a motion to continue the public hearing until April 27, 2021. voted 4-0, unanimously voted.*

**10. 15-17 Front Street, Notice of Intent**

**Mike McGough**

**Map 20, Block 278, Lots 7 & 8**

**Demolish existing buildings and construct a new four-story mixed-use building.**

*On a motion made by Cmmr. Loring and seconded by Cmmr. Singleton to open the public hearing voted 4-0, unanimously voted.*

*Ms. Schloss states abutters notices were sent and legal notice was published.*

*Chair Reilly while looking over the documents that we have this is a convoluted application since part of the property is in Braintree and Braintree Conservation Commission would have to be involved. The Army Corps of Engineers has something to say about it. They have an easement into the brook. He spoke to Ms. Schloss this afternoon discussing trying to do a joint meeting on this with Braintree Conservation Commission*

*Cmmr. Singleton asked what the legal status of the easement and can that easement be bought by that new construction.*

*Paul Tyrell is the representative for the applicant. Paul serves on a State Board that allowed him to meet during the day and complemented everyone that takes time out of their evenings to do what we have to do. He is a registered engineer and a professional land surveyor. This property is the site of a former Insurance Agency with parking on the left and behind the building. The property is located in Weymouth and Braintree. In the rear the Smelt brook runs behind the property. There are no easements to pass or repass including the Army Corps of Engineers on the 15-17 Front Street. There are significant documents on record he has filed with the Conservation Commission that show the easement goes through the parking lot # 11 Front Street.*

*There is no stormwater treatment or collection on the site, the stormwater flows directly towards the smelt brook. It probably does not reach the smelt brook it flows into the abutters at #11 Front Street into the paved parking lot in that location where there are a series of catch basins that probably discharge untreated into the smelt brook. The proposed project is an 11,700 square foot, mixed use property with 22 residential units, 1 commercial unit and there is ground floor parking underneath it. They will put a stormwater retention system completely underneath the slab. There is no exterior detention, they are trying to limit the impacts to the abutting and limit the impacts to the exterior. It was an immediate consideration of the owner not to come to the Conservation Commission with a detention pond. We have submitted a stormwater application to this Committee, to the Engineering Dept. who provided review comments. We have responded to comments and resubmitted the drawings not only to the Engineering Dept, but also the Conservation Commission. We are storing the 25-year storm area 6.15" inches of stormwater runoff. We want strong ground water infiltration, there has been a Geo Technical exploration on the site, and we think that the findings were very conservative. We are required by the Engineering Dept. to go out and do a soil evaluation and a prep test which we feel will prove a lot higher than what we are currently designed for. However, it is a significant amount of infiltration and reduction. They have a small outlet if there were a significant storm event. During the past few days, the Army Corps. of Engineers has expressed some concerns, he has also filed with the Braintree Conservation Commission and his hearing with them will be a week from this Thursday. Unfortunately, the conservation agent is out this week on vacation and clearly coordination is going to be required between both Weymouth and Braintree. He had a great meeting with Ms. Schloss today stating there is clearly an easement out of the site up in the corner of the property. The applicant is happy to accommodate whatever Braintree and Weymouth require. We had recently attained a landscape architect and he asked them to stop their work since there was a suggestion, they put some plantings. They originally did a planting plan but access to the maintenance gate is going to be required. The*

*applicant is open to any accommodations of improvement up to the access gate that is requested.*

*Ms. Schloss stated most of her concerns and comments have been addressed. Engineering comments have also been addressed or can be addressed in the Order of Conditions (OOC). We have not received a DEP File # we need that file number sometimes it comes with comments and we get those before we close. We have received some revised plans, revised stormwater O&M with the plan on the drainage summary, this information has just come in the last day or two. She does not expect she will see anything of concern. The building structure itself has been pulled back so a more impervious area has been added. We are looking good, and she appreciates the breakdown Paul has made. We can over the course of the next few days make sure that the Commissioners get the revised information that gets put up on our website. She did receive a comment today and once we get to the comment area, if that abutter is not present then she will read that comment for the record. The Commissioners have been sent a lot of information over the last day or two. She apologized for the overload. She does have some of that information available if we need to look at it on screen. There was an access easement in the 70's when the flood control system was constructed, access easements were a permanent easement. She apologized for not getting the district involved like she should have early on, but it is where we are right now. The formal access easement from the neighboring property at 11 Front Street, if facing the property, it is to the right.*

*Paul Tyrell displayed a slide showing the property which outlines the drain easement. He then went to another slide that showed the town line, the permanent easement and to the right that is the curve that turns out to Front Street, so you can see the radius of the permanent and the temporary and confirm access. Again, stressing that the applicant is willing to leave the site in a condition that best facilitates maintenance for the Braintree/Weymouth Organizations.*

*Ms. Schloss introduced Michael Richardi from the Braintree-Weymouth Regional Recreation Conservation District on the call. Maintenance has been ongoing from the back of the 15-17 Front Street property since you can drive into the back of it, off of Front Street. You are unable to drive a vehicle around the 11 front street property up to the gate. Something will need to be done to facilitate adequate access along the legal easement.*

*Cmmr. Singleton said that he was in receipt of a letter that said new construction will block the use of the easement.*

*Ms. Schloss stated they had received a letter from the Army Corps. Of Engineers through email that they Have concerns. (Read the letter to the Commission). Basically, stating they would be unhappy with loss of any vehicle access and limitation on the ability of a local sponsor to properly operate and maintain the channel. That is the only location that provides vehicle access to the channel and 96" conduit inlet. Loss of access for O&M and Emergency actions would potentially put the Conservation Board in violation of the Local Cooperation Agreement (LCA) between the Towns and the USA Army Corps of Engineers and could lead to the Pond Meadow Lake, and Smelt brook system being moved to inactive under Public Law 8499 rendering Smelt brook ineligible for federal funding to repair damages to repair the system*

*caused by a storm event. She has attached a copy of the LCA for reference. It can also be found in the Pond Meadow Lake and Smelt brook Operations Manual dated February 1976. Any easements that were acquired or provided by the Army Corps of Engineers would have been temporary easements for construction only as US Army Corps of Engineers does not maintain any permanent easements for locally owned flood control systems; any permanent easements or rights of way would have been obtained by the local sponsor to allow for proper operations and maintenance per the Local Cooperation Agreement (LCA).*

*Cmmr. Singleton asked why the easements on the drawing are labeled permanent?*

*Ms. Schloss responded that those easements were not granted to the Army Corps of Engineers; they were granted to the Braintree/Weymouth Regional Recreation District. Easements have been checked. There has been unofficial access to that gate from 15-17 Front Street property. How do we get sufficient access from the official easement on 11 Front St. onto 15 Rear Front Street. It will take coordination with all levels mentioned. If there are improvements they will be in Braintree, so Braintree will need to be involved.*

*Mike Richardi was introduced as the Chairman of the Braintree/Weymouth Regional Conservation District and he lives in the Town of Weymouth. He apologized to the Developer that they did not catch this earlier, we are a volunteer organization. We are not able to state that this will pass muster at the Federal Level. What you are proposing sounds workable. As far as he is concerned it sounds great. None of us can speak for the Army Corps. We would hate to put the project in jeopardy.*

*Paul Tyrell and Mike Richardi got into a discussion over who will take the blame if the landing should flood. Without hearing from the Army Corps, it would fall locally and that would be a problem.*

*Chair Reilly said he, like Mr. Richardi, wants to hear from the Army Corps. And does not understand why they cannot use the permanent easement that is already there. They both believe that would probably work, but neither has the qualifications to set this, only the Army Corps of Engineers.*

*Ms. Schloss Alex did get back to her within 24 hrs of writing that email and is hopeful we would be able to resolve this.*

*Mr. Tyrrell asked if the Army Corps is aware of the easement plan that is up before us right now? Everyone agreed that they do.*

*Ms. Schloss presented slides from 11 Front Street from different angles. Showing a lot of materials stored. She points out how critical this access is, there are retaining walls all around and this is the only way other than a crane, to get to the maintenance gate at 15 Rear Front Street.*

*Mr. Tyrell stated the access is limited to foot. This is a personal entrance only.*

*Mr. Richardi states from his perspective if there was a problem, we could go in with a dump truck, pull the fence out and get any equipment in there.*

*Mr. Tirrell and Mr. Richardi went into more discussion about foot access vs. vehicle access. Mr. Richardi recommends a phone call with Mr. Garneau including Mr. Tirrell and Ms. Schloss on Monday would be the best move to make.*

*Cmmr Singleton stated that the design criteria for the flood control was 35-40 years ago. While we have the attention of the Army Corp we want to make sure that the Landing is not going to fill up again and get some updated figures on precipitation.*

*Mr. Richardi responded to Cmmr. Singleton, that he had a section 35 grant that has gone over all the modeling and feels they are already addressing that.*

*Ms. Schloss mentioned the time and that we need to open it up for public comment.*

*Mr. Curran sent in a comment to Ms. Schloss, kindly be advised that this office represents Mr. Joseph K Curran and Mrs. Deborah Curran with a notice of intent (NOI) filed by applicant Mr. Michael McGough with a proposed construction of a mixed use building consisting of 22, two bedroom residential units, as well as 1,500 sq ft of retail space and an underground parking garage. It is our understanding that this proposal would include the demolition of the existing buildings located at 15-17 Front Street as well as other extensive excavation and construction work. On behalf of Mr. & Mrs. Curran who are direct abutters to the proposed construction project and am writing to express my client's strong opposition to the project as it will be detrimental to the area and would impact the Smelt brook. which runs directly behind the project which falls under the provisions of the Wetlands Protection Act. Depicted in the proposed building would extend beyond its current print and would directly about the stream running behind the property and protruding into the resource zone that is naturally to protect the waterways. The proposed project would not only violate important provisions of the Wetlands Protection Act, but would impact nearby wildlife and place a much heavier burden on the Town's Utilities, specifically the town's underground sewage system. These issues have been well documented and could result in sewage backups in local homes, and businesses. In addition to Health Concerns caused by the aging and overburdened water and sewage system the proposed project could severely impact local traffic demands and create additional safety problems with increased pedestrian and vehicle travel. Moreover, the project could contribute problems to the schools that are already at or over capacity potentially lowering property values in the existing community. The traffic congestion that currently occurs on a daily basis through Weymouth Landing extending up Front Street. Commercial Street, Quincy Ave. Union Street and up through Rte. 53 and 18. If allowed to proceed This project would greatly exacerbate the demands on infrastructure, and schools caused by a large number of completed and on-going number of projects. Additionally, property values will be impacted in the area with more apartments and condominiums being built affecting not only my clients but families residing in the immediate areas. This project will affect my clients directly with large amounts of traffic in front of their home, greater noise, and pollution and further blocking natural light into their home. Given the issues that outline their property we respectfully urge the board to disapprove of the project. Thank you for your continued service and support to our communities, Sincerely, Joseph K. Curran, Jr.*

*There is a footnote that talks about how the Commission is likely aware of Chapter 7, section 300 of the Weymouth Wetlands Protection Act. "Is to protect Wetlands resource area and land and adjoining land areas in the town of Weymouth with prior review with control of activities deemed by the Conservation Committee will likely have a significant cumulative effect deemed important to the community including but not limited to any reservoir, lake, pond of any size whether continuous natural or manmade any land subject to flooding whether ground water or septic water on any of the four resource areas the buffer zone be put in that area.*

*Chair Reilly states that Ms. Schloss, the applicant, and possibly the Braintree Conservation Committee Administrator and Mr. Richardi speak together within the next few days and suggested continuing this until April 27th.*

*On a motion made by Cmmr. Loring and seconded by Cmmr. Singleton continued this matter until April 27, 2021. Voted 4-0, unanimously voted.*

*Chair Reilly stated there were a couple of items that were moved to the end of the agenda.*

*Ms. Schloss asked if they could work through those in email rather than talking about it since we are running out of time. There is no action on them, just rather updates. Parties agreed to do it through email.*

#### **11. Other Business**

*Mr. Hultin reported that he has applied for state funding to do a Habitat assessment at the Bradford Torrey Bird Sanctuary, particularly for bird habitat. Background of this program through DCR states that bird habitat is on the decline. We got the approval of monies and that will cover probably 75-100% of the cost. There may be additional costs, we are looking to identify additional resources to move forward with this plan sometime this spring.*

*Chair Reilly wanted to confirm that the total cost of this project is \$3,000 and the state is going to reimburse us?*

*Mr. Hultin agreed and went on to say the final amount we do not have yet. It will be based upon the quotes they get to do the plan, but this does seem to be the estimated costs.*

*Chair Reilly confirmed we must come up with the total amount up front and the state will reimburse us. He wanted to confirm the dollar amount in our budget to see if it covers that.*

*Ms. Schloss said yes, we have about \$7,000 in our Conservation Fund so we would need to be able to cover that and get reimbursed. We do have to vote on this.*

*On a motion made by Cmmr. Dowd, seconded by Cmmr. Loring to use the funding of the Conservation Budget to provide the Grant money up front and receive reimbursement after. Voted 4-0, unanimously voted.*



*Ms. Schloss will be proceeding with the next temporary occupancy permit for 1500 Main Street, the Corcoran Project as per the order of conditions that allows the temp cert of occupancy until they come in for the Partial Certificate of Compliance within the next month or so. She has gone through it with Corcoran and their engineers.*

*Chair Reilly received a Thank you Letter from the Rotary Foundation for the contribution made in Tom Tanner's name. The donation came out of our personal funds, not the Conservation funds. They were very pleased to receive the \$250.00.*

*There is no other business.*

**12. CPC report**

*Cmmr. Loring stated the only thing that was discussed was the windows being replaced at Pope Tower. They should not have any problems with the Conservation or the River unless papers blow into the river. In the works is the demolition of the incinerator and smoke stack.*

**13. Update on Herring Run**

*Boy Scout Troop 22 of Braintree spent 5 hours cleaning up and looks really nice. Fencing and repair work was also completed to help keep anything out of the ladder and we are just waiting for the Herring.*

**14. Conservation Report**

*Ms. Schloss had emailed all of this with Mr. Hultin's help. There is a lot of stuff here. Please call with any questions, will be in touch about Hazard Mitigation Plan Public Mtg also a public meeting on Whitman's Pond vegetation Management update. We have a pending pre-construction meeting for Mass DOT drainage work. That will be a big construction project in wetlands. Norfolk County and Mosquito Control are doing some work over the marsh. We would like to reach out to Lowes as their plastic bags are ending up in the wetlands and Great Esker Park. They need to do some trash cleanup and pickup. We may have to look at a plastic bag ban in the town if people are interested in that. Maybe a letter from the Conservation Commission Staff or coming from the Chairman to the Owner/Manager of the Plaza and showing the photos we have of the plaza.*

*Chair Reilly agreed that it was a great idea.*

**15. Next Meeting**

*Tuesday April 27, 2021*

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*Tuesday April 27, 2021*

**Adjournment**

On a motion made by Cmmr. Loring and seconded by Cmmr. Singleton The Commission voted 4-0 to adjourn at 10:00 pm .

*Respectfully submitted by,*

*Ann Flynn Dickinson*  
*Recording Secretary*

*Approved by:*



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Scott Dowd, Clerk