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WEYMOUTH CONSERVATION COMMISSION  
RECORD OF MINUTES AND PROCEEDINGS

Tuesday, May 25, 2021

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

Also Present: Mary Ellen Schloss, Conservation Administrator  
Andrew Hultin, Assistant Conservation Administrator.  
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.*

*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 March 23, 2021**

*On a motion made by Cmmr. Loring and seconded by Al Donovan to continue to the June 22, 2021 meeting for approval.  
Unanimous 5-0 rollcall vote*

**10. Taking Item #10 Out of Order:**

**Charlotte Street & 0 Finnell Drive – Notice of Intent, Public Hearing  
Bristol Brothers Development Corp. James Bristol  
DEP File # Pending [subsequently assigned #81-1272]  
Map 36, Block 452, Lot 9 & Block 423, Lot 4  
New Access Driveway**

*A request was submitted to continue to the June 22, 2021 meeting  
On a motion made by Cmmr. Loring and seconded by Cmmr. Dowd to continue to the June 22, 2021 meeting.  
Unanimous 5-0 rollcall vote*

**2. 102 Flint Locke Drive – Request for Determination, Public Hearing, continued**  
**Jonathan Stratford**  
**Map 11, Block 121, Lot 103**  
***Proposed fill and grading within drainage easement and wetland buffer***

Ms. Schloss reports that she did notify the applicant and informed him if there was no new update or information by May 11, then she would recommend a Positive 5 & 6 Determination. A Positive 5 = work described on referenced document is subject to review by the Town pursuant to the Weymouth Wetlands Protection Ordinance. That would require a Notice of Intent where he would have to file with the Commission more detailed plans with a Public Hearing Process.

A Positive 6 = is that the following area and/or work subject to a municipal ordinance or bylaw but is not subject to the Wetlands Protection Act. This work would be subject under local ordinance but not under State Wetlands Protection Act. The area of Wetland jurisdiction is smaller than the thresholds in the Wetlands Protection Act. This would be a local only filing.

Christine and James Cunniff were present on the video who are abutters on the other side of the wetlands on Sandy Way. The adding of fill is causing flooding over in their area.

On a motion made by Cmmr. Loring and seconded by Cmmr. Donovan to issue the Positive 5 and Positive 6 Determination.

Unanimous 5-0 rollcall vote

**3. 234 River Street – Request for Determination, Public Hearing – Continued**  
**James Calabro**  
**Map 3, Block 2, Lots 34**  
**Construction of Garage**

On a motion made by Cmmr. Loring and seconded by Cmmr. Singleton to open the public hearing

Unanimous 5-0 rollcall vote

Ms. Schloss summarized that the applicant was looking to construct a detached garage. We received a Request for Determination from the applicant's representative to continue this to the next meeting. They have filed an application with the Board of Zoning Appeals since this project does require a variance and maybe other issues. We will wait to hear from the Board of Zoning Appeals prior to the next meeting for input.

On a motion made by Cmmr. Loring and seconded by Cmmr. Singleton to continue to the June 22, 2021 meeting

Unanimous 5-0 rollcall vote

On a motion made by Cmmr. Loring and seconded by Cmmr. Singleton to continue the public hearing until the June 22, 2021 meeting.

Unanimous 5-0 rollcall vote

**4. Weymouthport – Request for Final Certificate of Compliance**

**Weymouthport Condominium Phase 1 Trust**

**DEP File #81-1085**

**Map 3, Block 1, Lot 13**

**Seawall Repair**

Ann Marie Petricca and Sandra Smells were on the video call to present. A request was filed with the Conservation Commission for an Order of Conditions. The work was done in 2012 and limited to stabilizing a portion of the seawall. The Order of Conditions was never closed out. This request is to close out the one section of the seawall, there was an inspection done with Geo Technical Consultants that the work was done in accordance with the Order of Conditions.

Ms. Schloss agrees that all of the work on this section of the wall was completed satisfactorily. At the time there was a question that there may be work done on a different section as well. It was decided not to continue. The Order of Conditions did allow additional work, however it has expired. She recommends issuance of the Final Certificate of Compliance.

On a motion made by Cmmr. Singleton and seconded by Cmmr. Loring to issue the Final Certificate of Compliance.

Unanimous 5-0 rollcall vote

**5. 734 Pleasant Street – Request for Final Certificate of Compliance**

**Justin Ryder**

**DEP File #81-1085**

**Map 3, Block 1, Lot 13**

**Single Family Home**

Alexander Trakimas from Sitec Engineering states the work has been completed with some modifications from the original plan. Dwelling has been moved further away from resource area. Garage was constructed under the house instead of an additional structure. The driveway had encroached on abutting lot with an easement prepared, which has been revised and now resides within the property line.

Ms. Schloss states this is a local only decision; this case was appealed on a parallel track. DEP is handling the Certificate of Compliance under the Wetlands Protection Act, we are handling the Certificate of Compliance under the Ordinance. Ms. Schloss visited the site again today which is still in the process of being loamed, seeded, and gutters installed, etc. One area still does not have seed, since it is 99.9% there she can recommend the issuance of a Certificate of

Compliance and then we typically hold the document until we see the grass starting to come up and is stable.

A motion was made by Cmmr. Loring and seconded by Cmmr. Singleton to issue the Certificate of Compliance, with Ms. Schloss issuing it at the appropriate time once final inspection is complete.

Unanimous 5-0 rollcall vote

**6. 1500 Main Street/Trotter Road – Request for Partial Certificate of Compliance**

**John M. Corcoran & Co., LLC**

**DEP File #81-1235**

**Map 61, Block 627, Lot 25**

**2 Mixed-use buildings & 1 Multi-family Residential building, parking, drainage & utility improvement**

Mary Davis of Corcoran & Co was not on the line at the time the agenda item was called will be moved to Item 10 on the Agenda. With no objections, so moved.

**7. 395 Neck Street – Notice of Intent, Public Hearing**

**Town of Weymouth**

**DEP File #81-1274**

**Map 5, Block 13, Lot 16**

**Addition to single-family home**

Motion as made by Cmmr. Loring and seconded by Cmmr. Singleton to open the public hearing.  
Unanimous 5-0 rollcall vote

Tom Kelly was on the call to present. They purchased the home about four years ago and looking to do a renovation of the back and expand about 14 ft and widen the house with major renovations on the interior. Taking the driveway from street level down and turning it to the back of the house with a one-car garage underneath that expansion.

Ms. Schloss received a revision to the Notice of Intent that added an additional 550 sq ft that was not included in the original. Revised total on the riverfront area is 1,298 sq. ft. She is recommending since this qualifies as a redevelopment project that ultimately there is an improvement of the area to support the interest of the Riverfront Area. In the area where the lawn transitions to salt marsh we recommend planting native salt-tolerant plants as a buffer in between. At least 12 -15 plantings should be incorporated into the order with a Standard Order of Conditions including

- erosion controls,
- pre-construction meeting
- plantings at transition from lawn to salt marsh

The Kelly's agree to beautify the house and area and follow these guidelines.

With no further comments from the public.

On a motion made by Cmmr. Loring and seconded by Cmmr. Singleton to close the public hearing.

Unanimous 5-0 rollcall vote

On a motion made by Cmmr. Loring and seconded by Cmmr. Singleton to issue Standard Order of Conditions together with Special Conditions

Unanimous 5-0 rollcall vote

**8. 87 Wharf Street – Notice of Intent, Public Hearing**

**Town of Weymouth**

**DEP File #81-1273**

**Map 19, Block 172, Lot 2**

**Demolition of an existing incinerator**

On a motion made by Cmmr. Loring and seconded by Cmmr. Dowd to open the public hearing

Unanimous 5-0 rollcall vote

Ms. Schloss reports that abutters were informed and legal notices have been posted.

- Craig Ellis from Beta Group is the Engineer managing the project. He showed the work plan for all to preview. The incinerator is within 100 ft. buffer zone. They would like to demolish incinerator, eliminate the asphalt, utilities and the incinerator stack. Fencing around perimeter with erosion controls. Tubes will be placed around catch basins. The Town is looking to have the project completed towards the end of September/October time frame. Dust control measures will be in place.

With no public comments.

Ms. Schloss gave her summary of potential conditions;

- Standard Conditions for Commercial Industrial Projects
- Coordinate with contractor on work sequence
- cCoordination relative to the Osprey Overlook Park and public's use of the park during this time
- Referencing the memo received from Beta on May 14<sup>th</sup> about the restoration seed mix and Japanese knotweed to ensure that invasive is not spread elsewhere
- Reference the NOI narrative and the erosion control
- Concrete will be removed and taken off site towards the end of the project
- Demolition stockpiles will be located outside of wetlands jurisdiction

- If additional impervious areas are discovered when excavating, material would be removed and stabilized
- Dust Mitigation
- Fueling outside the buffer zone

We are very much in favor and excited about this project.

On a motion made by Cmmr. Loring and seconded by Cmmr. Donovan to close the public hearing

Unanimous 5-0 rollcall vote

Ms. Schloss is recommending an Order of Conditions (OOC) to approve this project with the special conditions discussed here and referencing the Notice of Intent (NOI) plan and supplemental info.

On a motion made by Cmmr. Loring and seconded by Cmmr. Dowd to issue the Order of Conditions on this project with the special conditions mentioned here tonight.

Unanimous 5-0 rollcall vote

#### **9. 49 Ketcham Lane – Notice of Violation**

**Rui Gomes**

**Map 47, Block 539, Lot 7**

**Unauthorized construction of fill slope**

Mr. Gomes was on the call to address the Commission. He purchased this property about 8 months ago running into a lot of different issues. Working on the pool and aesthetically getting that into better condition. The wall was somewhat coming down with erosion and the recommendation was to put the same type of fill that is there now. Final stage was to make it look presentable. He understands he made a mistake and would like to correct that in any way.

Ms. Schloss reports that a Cease and Desist Order/Notice of Violation was issued. J. F. Price brought the material in and says they did not realize they were working in a wetland area. We are looking for an estimate of the amount of fill that was delivered. This fill is in most of the 100 ft of the wetland and on the property boundary is the Weymouth Conservation area. We must determine if there is an encroachment. We are looking into building code requirements with reference to fill slopes. The code does call for when you are replacing fill over an existing slope, if the existing slope is steeper than 5 to 1 it does call for the existing ground to be benched to make the fill more stable. The code also calls for type of material compaction and on slopes steeper than 2 to 1 are justified by a geotechnical Engineer to confirm stability. This will be a series of steps and recommendations:

- First step, the Gomes to hire a surveyor to find property lines for encroachment
- Hire a Wetlands Scientist to identify where on the slope it goes into the wetlands
- Hire an engineer to provide recommendations on the slope stability and any modifications that might be needed and final design
- Have on Agenda for July 27<sup>th</sup> meeting have a conceptual design

Cmmr. Donovan asked if there was a timeline that needed to be included on the Enforcement Order.

Ms. Schloss replied absolutely.

Cmmr. Singleton would like to know since we have a fill ordinance in Weymouth, can a company just come in with the assumption the property owner knows what kind of fill is needed and if they are on a wetland or not.

Mr. Gomes stated he spoke with J.F. Price and he discussed in detail what he needed for his property and they are the ones who recommended that type of fill.

A motion was made by Cmmr. Loring and seconded by Cmmr. Donovan to continue this violation hearing until June 22, 2021, together with Ms. Schloss providing a letter of expectations with the date of the next hearing.

Unanimous 5-0 rollcall vote

10. **Back to item #6**  
**1500 Main Street/Trotter Road – Request for Partial Certificate of Compliance**  
**John M. Corcoran Co.**  
**DEP File #81-1235**  
**Map 61, Block 627, Lot 25**  
**2 Mixed-use buildings & 1 Multi-family Residential building, parking, drainage & utility improvements**

Mary Davis Project Director for the John M. Corcoran Co. was on the call to present. She apologized for not being on the call earlier.

1500 Main Street now has a new address of 29,31,51 Trotter Road, behind CVS. They are looking for a Certificate of Compliance as they have an ongoing obligation to monitor the wetlands restoration planting. The first season is complete and that has already been submitted. Mary and Ms. Schloss had a site walk this morning to view the 100 ft buffer and discuss the ongoing monitoring of the plan.

Ms. Schloss states this looked very good and has on-going monitoring of the buffer restoration where there were areas of impact early on. Received a very thorough report from the Wetland Scientist and there are a few plants that need to be replaced shortly. Small punch list items left and provided operation maintenance compliance statement and the contract with the management company to do the inspections and maintenance as required on the Standard Order of Conditions. She recommends since all is in order to issue a Partial Certificate of Compliance. There is a condition in the Order that does allow corporate to request a Final Certificate of Compliance prior to the end of the monitoring period, but preference would be to wait it out until they get it all done.

On a motion made by Cmmr. Singleton and seconded by Al Donovan to issue a Partial Certificate of Compliance.

Unanimous 5-0 rollcall vote

## **11. Other Business**

Ms. Schloss received a Complete Streets project from Owen McDonald, our Traffic Engineer proposing to install six bike racks near Middle Street. The Commission discussed placing them on a concrete pad in the parking lot. She states they are looking to get this work done very soon and she will report back this recommendation to Owen and keep the Commission updated.

### **FUTURE MEETINGS:**

Advice from the Mass Association of Conservation Commissions was that the COVID state of emergency would be lifted in June and this may require going back to in-person meetings, however we will hear some more in the near future from the Governor of MA, stay tuned.

Chair Reilly will not be present at the next meeting.

### **OFFICER APPOINTMENTS:**

Will be on the July Agenda.

The Charlotte Street case was postponed to the June 22<sup>nd</sup> meeting. Ms. Schloss will email everyone for a joint site visit.

### **LOVELL FIELD PEDESTRIAN BRIDGE:**

DEP staff said they would be issuing their superseding order and hoping to get within the next week. The Town can appeal their decision, we all just have to look at it and decide since Conservation will be a party to a decision. Our decision is typically made under two jurisdictions The Wetlands Protection Act and the Weymouth Wetlands Protection Ordinance. This decision was not appealed under the Wetlands Protection Ordinance. If there is conflict it will somehow



need to get resolved. This is typically done under an amended order. We have no idea at this time of any insight of what DEP will be saying.

## **12. CPC UPDATE:**

There were no applications so there is no update.

## **13. HERRING RUN UPDATE:**

The in migration is done. Approximately 225,000 which lower than normal, has not been checked by the electronic numbers yet. The outward migration has been going steady for the last week and a half. We are just waiting for the babies.

## **14. CONSERVATION REPORT:**

The 1325 Washington St. Project continued to June. Have hired CEI as our peer reviewer and we had a kickoff meeting yesterday. They will be doing a site visit and Ms. Schloss will join them to go over that the plans reflect existing conditions. We will have them report at our June 22<sup>nd</sup> meeting.

We need to determine the technical differences between Residential and Commercial projects. Some sources say residential is all singlefamily homes and 1 to 4 unit residences. Commercial Properties are anything with 5 or more units. DEP storm water standards state do not apply if it is less than 4 units. Ms. Schloss states we are seeing huge projects and 25 ft buffers are not sufficient. We have the ability to require more than the minimum.

1400 Main Street restoration has been completed and looks really good. Monitoring reports are available for review.

Working on several compliance and complaints, they just keep coming. We do not have the staff hours and are scrambling and those addresses are listed on the Conservation Report.

We are very busy with Grant applications, Mr. Hultin did all the leg work for the request for project priority status from the Division of Ecological Restoration for removal of the dam in the Old Swamp River and the other facilities associated with the SNUP Sediment Nutrient Uptake Pond, the grant application went out on May 17<sup>th</sup>. Yesterday we submitted a grant for a Coastal Resilience project for Ecological Restoration of the Coastal Bank, Regatta Road above Lane Beach 1,000 linear feet which went out yesterday.

We will be reviewing Request for Proposal for redesign of Iron Hill Park. We have written into that we are looking for an ecological sensitive design with a good, good buffer, etc. That will come before Conservation since it is a 200 ft River front area. We are thinking about the Herring as we review these.

We have been reviewing stuff for the Planning Dept.; nothing huge.

There is a lot of storm water work that has to be done. The Engineering Dept is taking a lead on that. They are feeling frustrations on how this is moving forward and really are supposed to have a Town Wide Ordinance in place to incorporate the new Federal EPA NPDES, we don't have that. We are supposed to have a new Grant with Tighe & Bond who are our consultants and are in a holding pattern. We are going to have a lot more problems with a DPW reduction in staff and upcoming storms. She will talk to Bob Luongo about the staffing issues and get back to the Commission.

Chair Reilly apologized for not being here for the next meeting as he will be on vacation. Procedures need to be in place and if there is anything that comes up, you need to go through the Chair.

#### **15. Next Scheduled Meeting**

Tuesday June 22, 2021

#### **ADJOURNMENT:**

On a motion made by Cmmr. Loring and seconded by Cmmr. Donovan to adjourn the meeting at 9:00 p.m.

Respectfully submitted by,

Ann Flynn Dickinson  
Recording Secretary

Approved by:



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Scott Dowd, Clerk