

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

RECEIVED
TOWN OF WEYMOUTH
PLANNING & ZONING OFFICE

Tuesday, July 28, 2020, 7:00pm, Remote Meeting

2020 OCT 28 AM 10:28

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

Not Present: John Reilly, Vice Chairman

Also Present: Mary Ellen Schloss, Conservation Administrator
Eric Schneider, Host, Planning Dept.
Monica Kennedy, Host, Planning Dept.
Patricia Fitzgerald, Recording Secretary

Chairman Tanner called the Commission meeting to order at 7:00pm.

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): 132 638 6119** and **Meeting password: CC072820** will be used for the July 28, 2020 meeting.

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

Approval of Minutes

The approval of minutes was moved to the next meeting.

175 Westminster Road - Request for Minor Modification

Jim Chen, applicant

Map 30, Block 350, Lot 1

Construct full foundation (current permit uses existing foundation)

Attending the on-line meeting was Jim Chen, applicant, and the owner, John Tan. Mr. Chen said this minor modification is being requested because the original foundation was demolished and the new foundation will be built, to regulations, with new concrete and in the same footprint.

Ms. Schloss said the erosion controls are not in the right place, and concrete debris is on town land; Mr. Chen confirmed that he agreed with her comments.

Ms. Schloss said nothing had been changed from the original plan.

Eric Schneider, Principal Planner, asked Mr. Chen if he had spoken to Building Inspector, Richard Ziegler.

Mr. Chen said Mr. Ziegler encouraged him to shift the house 3.9 ft. so he could avoid going before the Board of Zoning Appeals.

Chairman Tanner asked Mr. Tan if he is okay with shifting the house; Mr. Tan said that he is.

Mr. Chen said he would send in a copy of the plan that is needed for the modification letter.

Ms. Schloss also said a tree was cut, and debris was cleared, without authorization; she asked for a couple of trees to be planted and will put that in the conditions.

On a motion made by Cmmr. Loring, seconded by Cmmr. Singleton, the Commission voted to issue a Minor Modification with conditions discussed.

4-0-0 unanimous rollcall vote

“0” Summer Street - Local-only Notice of Intent, Public Hearing, Continued

Mento Construction, applicant

Map 32, Block 358, Lot 7; 2020-LOOC-01

Construction of a single-family dwelling on undeveloped lot

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

4-0-0 unanimous rollcall vote

Attending the on-line meeting was Ken Thompson, Project Representative, and Shawn Hardy, Engineer. Mr. Thompson provided updates to the project, including:

- Invasives will be controlled in the 25-ft buffer
- Utilities will be moved to under the driveway to avoid the need for wetland fill
- The limit of work in the back will be decreased
- Mitigation plantings will be done

Mr. Thompson said he thinks he can provide the mitigation plan, invasive species control and restoration plan within the next two weeks. He said the Japanese knotweed will take multi-year monitoring and explained that the knotweed cannot be treated until the fall, and garlic mustard will be hand-pulled in the spring.

Chairman Tanner asked about the crown in the driveway; Mr. Hardy said he thinks that change to the crown is easily doable.

Discharge from the driveway was discussed. Ms. Schloss said she preferred the discharge along the length of the driveway.

Mr. Hardy said he does not think wash out will be a problem as it is only a 2% slope over 50 feet. When discussion came up about putting in a berm, he said he thought it would be a berm *or* a crown, not both; discharge to both sides of the driveway would be a crown, discharge into the 25-ft. would be a berm.

Chairman Tanner said he thought a crown would be preferable, and Ms. Schloss agreed.

Ms. Schloss reviewed the draft conditions. Mr. Hardy confirmed that all roof leaders lead to the infiltration system.

It was agreed that a Performance Bond was not needed.

Public Comments:

-Natalie Scannell, neighbor, asked if the water table will change.

Chairman Tanner said that he does not see this as a project affecting the water table; Mr. Hardy said there is not a lot of water running off an 18'x100' driveway.

Ms. Schloss asked for clarification: would the water from the driveway be directed *more* towards the wetlands?

Mr. Hardy said, when crowned, the water will be drained to both sides, for the full length, of the driveway.

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

4-0-0 unanimous rollcall vote

On a motion made by Cmmr. Loring, seconded by Cmmr. Singleton, the Commission voted to issue a Local-only Order of Conditions with conditions discussed.

4-0-0 unanimous rollcall vote

126 Wessagussett Road - Notice of Intent, Public Hearing, Continued

Diane Pompeo-Maltby

Map 4, Block 49, Lot 1; DEP File # 81-1254

Demolition and rebuild of single-family house elevated on piers

Ms. Schloss said a request was received to continue this hearing to August 25th.

On a motion made by Cmmr. Loring, seconded by Cmmr. Singleton, the Commission voted to open the public hearing and continue it to August 25, 2020.

4-0-0 unanimous rollcall vote

137 Wessagussett Road - Notice of Intent, Public Hearing

Cavallo Corp., applicant

Map 4, Block 36, Lot 3; DEP File # 81-1255

Construction of a single-family home elevated on pilings and

141 Wessagussett Road - Notice of Intent, Public Hearing

Cavallo Corp., applicant

Map 4, Block 36, Lot 4; DEP File # 81-1256

Construction of a single-family home elevated on pilings

Ms. Schloss asked if both hearings could be opened simultaneously, as the work is basically the same on the adjacent houses.

Mr. Esposito said, on behalf of his client, that both filings could be heard at the same time provided each property has each own conditions; Chairman Tanner assured him there would be two separate votes. Hearing both was agreed to by all persons coming before the Board.

On a motion made by Cmmr. Loring, seconded by Cmmr. Singleton, the Commission voted to open the public hearings for 137 and 141 Wessagussett Road.

4-0-0 unanimous rollcall vote

Attending the on-line meeting were Ron Cavallo (owner), Anthony Esposito, PE (owner's representative), and Ken Thompson (wetland scientist).

Mr. Cavallo provided a project update:

- A zoning variance has been issued for the properties
- Houses will mirror each other
- The plan has been modified to reflect the no-touch area
- Derelict structures were torn down
- Test pits have been done to estimate the water table
- Rain gardens will be on each property
- Fencing in the front will allow water flow-through

Chairman Tanner mentioned the town's sewer pumping station next to #137; Mr. Cavallo said the facility is offensive and the building is a blight at a pivotal intersection. Chairman Tanner said he felt it needed mentioning.

Mr. Esposito explained that the homes are within 100 feet of a wetland and are located on a barrier beach. He said there were existing structures on both parcels which were allowed to be demolished under an Emergency Certificate issued by Weymouth Conservation. He added:

- Dwellings are replacing what was on the site previously
- Utilities will be boxed-in for protection from the elements
- Proposed privacy fence will be elevated to allow flood waters to pass through
- There will be gravel parking and driveway

Mr. Cavallo said the depth of the crushed stone in the driveway is still to be determined (typically 2 ½" to 3") and they will use a cobbled border around the driveway.

Mr. Schneider of the Planning Dept. said that Mr. Cavallo has been very generous and proactive in improving the aesthetics of the pump station, which is an eyesore and a detriment to the neighborhood. He has spoken to Mr. Cavallo and, if the Board grants the changes requested, he will go to the next Board of Zoning Appeals meeting with a Minor Modification so all the plans are consistent.

Ms. Schloss reviewed the draft conditions for the elevated structures. She asked where the fencing will be.

Mr. Cavallo said a custom fence will be built to allow for an open design. It is basically for aesthetics and to create a small sense of privacy from Wessagussett Road. The fence is just in the front.

Mr. Cavallo said:

- There will be no fence between the houses
- An easement on each parcel will allow cars to turn around and exit onto the street, nose first
- The fence in the back has been eliminated

Mr. Schneider said the buildings have been dilapidated and dangerous for 1½ years. Mr. Cavallo, at his own financial risk, paid to have these buildings demolished, for which the town is very grateful. He has completely cooperated with the town.

Ms. Schloss said the rain garden will need to be maintained; mowing will be necessary to help control invasives.

Mr. Cavallo said test pits show the rain garden will not impact the water table.

Public Comments: none

On a motion made by Cmmr. Loring, seconded by Cmmr. Singleton, the Commission voted to close the public hearings.

4-0-0 unanimous rollcall vote

On a motion made by Cmmr. Loring, seconded by Cmmr. Singleton, the Commission voted to issue a Standard Order of Conditions, with conditions mentioned, for 137 Wessagussett Road.

4-0-0 unanimous rollcall vote

On a motion made by Cmmr. Loring, seconded by Cmmr. Singleton, the Commission voted to issue a Standard Order of Conditions, with conditions mentioned, for 141 Wessagussett Road.

4-0-0 unanimous rollcall vote

59 Lakeview Road – Violation Hearing

Andrew Gauthier

Map 30, Block 386, Lot 1

Unauthorized cutting of shoreline vegetation, installation of dock and ramp

Ms. Schloss said the reason for the violation is for clearing of vegetation along the pond front, construction of a dock, and debris in the water. The violation notice was sent April 8th.

Ms. Schloss said she asked the home owner to submit a Notice of Intent (NOI) for keeping an area cleared adjacent to the pond but, because the owner had an issue with the cost for filing an NOI, she is trying to deal with this through a Violation Notice. She said she thought that whatever the Commission approves should be kept to a minimum and reviewed work that could be done under an Enforcement Order including vegetation pruning, removal of trees, removal of debris and mitigation planting.

Chairman Tanner said he does not like the dock being pulled out halfway through the season, so it could be done at the end of the season. He said the next time the dock goes in there can be no posts, it must be anchored and float. He told Mr. Gauthier he is not being permitted to create a beach.

Chairman Tanner said the work needs to be done by October 1st.

On a motion made by Cmmr. Loring, seconded by Cmmr. Singleton, the Commission voted to continue the hearing to August 25, 2020.

4-0-0 unanimous rollcall vote

Other Business reported by Ms. Schloss

1500 Main Street: She has been working with the applicant on the turnover of Building A and asked them for a plan that demonstrates how they will transition from construction period to post-construction stormwater management. Ms. Schloss gave some details on the project's Turnover Plan. She wants to be sure the commission knows, and is comfortable with, her signing off on the Temporary Certificate of Occupancy for Building A. All agreed that was acceptable.

Algonquin Gas: Their consultant contacted Ms. Schloss regarding borings and temporary impact in the buffer zone and wetland resource areas. This is for the 21E contamination cleanup.

Ms. Schloss asked if an NOI or RFD should be filed as the impact would only be temporary; Cmmr. Singleton said whatever is the quickest. Ms. Schloss said she thought an RDA would be fine.

CPC Update

Cmmr. Loring had nothing to report as there was no meeting.

Herring Run update

Regarding the Herring Passage project at Jackson Square, Cmmr. Loring said that dewatering continues, Marine Fisheries said the by-pass for the juveniles is okay, demolition continues on the existing concrete slab, and they are preparing for the micro pile installation. Ms. Schloss said the issue with release of turbidity continues.

Conservation Report

Ms. Schloss said that National Grid requested a utility exemption for gas main work on Pearl and North Streets. They are proposing to use a jack-and-bore method to install a replacement pipe under Philips Creek.

44 Wharf Street project: The Planning Dept. is hosting a meeting on this large project July 29th. Mr. Schneider said he thinks there will be 78 units, and this will be the first proposal under the new zoning overlay district.

44 Revere Road: Ms. Schloss has signed off on a Temporary Occupancy Certificate. They still need to come in for a Certificate of Compliance.

Next Meeting: August 25, 2020

Adjournment:

On a motion made by Cmmr. Loring, seconded by Cmmr. Singleton, the Commission voted to adjourn at 9:33pm.

4-0-0 unanimous rollcall vote

Tom Tanner, Chairman

9/14/2020
Date

Respectfully submitted by,

Patricia Fitzgerald
Recording Secretary