

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

Tuesday, August 25, 2020, 7:00pm, Remote Meeting

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

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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): 132 149 7877** and **Meeting password: Con0825** will be used for the August 25, 2020 meeting.

If you are unable to participate at the scheduled time for any reason, you may send comments by email to mschloss@weymouth.ma.us. Please provide by 9:00 AM on Tuesday, August 25th.

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

Minutes – June 23, 2020

On a motion made by Cmmr. Reilly, seconded by Cmmr. Loring, the Commission voted to approve the June 23rd minutes as corrected.
5-0-0 unanimous rollcall vote

**11 Birch Road, Request for Final Certificate of Compliance (COC)
DEP File #81-1241**

Raise single-family house above flood elevation

Ms. Schloss said all the work is done and recommended issuance of the Final COC.

On a motion made by Cmmr. Loring, seconded by Cmmr. Reilly, the Commission voted to approve Final Certificate of Compliance.
5-0-0 unanimous rollcall vote

223 Randolph Street, Request for Final Certificate of Compliance (COC)
Shannon Corrigan
DEP File #81-1244
Construction of detached garage

Ms. Schloss said everything is in compliance and recommended issuance of the Final COC.

On a motion made by Cmmr. Loring, seconded by Cmmr. Reilly, the Commission voted to approve Final Certificate of Compliance.
5-0-0 unanimous rollcall vote

881 & 897 Pleasant St - Request to Extend Order of Resource Area Delineation (ORAD)
Bristol Brothers Development
Map 35, Block 407, Lots 2 and 43; DEP File #81-1203
Approved delineation of wetland resource areas

Attending the on-line meeting was John Zimmer, South River Environmental. Mr. Zimmer, who delineated this property a couple of years ago, requested a 1-year extension to 9-15-21.

On a motion made by Cmmr. Singleton, seconded by Cmmr. Loring, the Commission voted to issue an Extension to the Order of Resource Area Delineation.
5-0-0 unanimous rollcall vote

0 Finnell Drive – Request to Extend Order of Resource Area Delineation
Bristol Brothers Development
Map 36, Block 452, Lot 9 and Block 423, Lot 4; DEP File #81-1204
Approved delineation of wetland resource areas

Attending the on-line meeting was John Zimmer, South River Environmental. Mr. Zimmer, who delineated this property a couple of years ago, said he was requesting a 1-year extension to 12-26-21.

On a motion made by Cmmr. Reilly, seconded by Cmmr. Loring, the Commission voted to issue an Extension to the Order of Resource Area Delineation.
5-0-0 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 above flood elevation

Attending the on-line meeting was Shawn Hardy, Engineer, and applicant, Bruce Maltby.

Mr. Hardy reviewed some of the revisions to the project. He referred to the revised plan sent to Commissioners (dated 8/13/20) and changes to the previous plan (described in his August 17 letter) which include:

- Rear deck will be reduced to 10' width
- "Plunge pool" on the deck has been eliminated

- One 6" and one 10" tree to be removed
- Formally asked for variance to work in 25-ft no-touch area
- 31.5% reduction in impervious area within 25-ft buffer to the rear

Mr. Hardy referred to a further revision to the plan sent to the Administrator today, August 25, showing the proposed location of the deck footings. All footings have been pulled back so they are farther than 10 feet from the base of the seawall. The deck footings would be 10-inch Sonatube footings sitting on 18-inch "Bigfoot" Sonatube footings, buried 4' below grade. These will be dug by hand. He stated his opinion that there would be no effect on the stability of the Coastal Bank and no effect on the productivity of the Salt Marsh.

Discussion ensued about impacts of the proposed project on future maintenance or replacement of the seawall and the proposed cantilever of the deck over the deck footings.

Chairman Tanner suggested that if it is necessary for the seawall to be repaired or replaced, and the cantilevered section of deck is in the way, that the owner pay for removal and replacement of the cantilever; Mr. Maltby agreed to comply with that condition.

Locating the stone mound seawall footing was discussed. Ms. Schloss stated that the Engineering Division requested that the seawall footing be located prior to Conservation approval of the project. The Commission determined it was unnecessary to locate the footing now, and that this could be done during construction.

Mr. Luongo, Director of Planning, asked, when they are digging the Sonatubes by hand, will they be able to detect seawall footings? Mr. Hardy said yes.

Ms. Schloss said that Engineering and Conservation should be notified 72 hours in advance of footings being dug.

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

5-0-0 unanimous rollcall vote

On a motion made by Cmmr. Loring, seconded by Cmmr. Reilly the Commission voted to issue an Order of Conditions with conditions discussed.

5-0-0 unanimous rollcall vote

44 Revere Road - Request for Minor Modification to Order of Conditions

Lauren Brouillette and Dustin Briere

Map 26, Block 345, Lot 4; DEP File # 81-1234

Construct dock in Whitman's Pond

Attending the on-line meeting were Lauren Brouillette, owner, and Dustin Briere. Mr. Briere said they are going with Easy Dock which floats and is light weight.

Ms. Schloss said it is preferable that the dock be removed at the end of the boating season, prior to ice conditions.

Mr. Briere said, long term, they hope to leave the dock in place. He said they did not go for the Chapter 91 because they did not want to disturb the lake bed.

Public Comments

Susan Lawlor, 40 Revere Road, asked what they would use to go from the land area to the dock area. Mr. Briere said the docks are very light and can be moved by hand.

Chris Sutcliffe, 40 Revere Road, asked how far it is to the dock; Mr. Briere said 2 or 3 feet, and the stainless-steel bracket will be permanently attached to rock.

Chairman Tanner said he would like the dock to remain in for the winter and taken up for the spring or get a Chapter 91 license and make it permanent.

Cmmr. Dowd said the dock should be taken out until the Ch. 91 is obtained.

Public Comment:

Amy and James Burke said their questions had been answered.

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

5-0-0 unanimous rollcall vote

59 Lakeview Road, Violation Hearing, continued

Andrew Gauthier

Map 30, Block 386, Lot 1

Unauthorized cutting of shoreline vegetation, installation of dock and ramp

Ms. Schloss said that Mr. Gauthier requested a continuance to the September meeting, and he knows no vegetation cutting until the planting plan is approved.

On a motion made by Cmmr. Loring, seconded by Cmmr. Singleton, the Commission voted to continue the hearing to September 22, 2020.

5-0-0 unanimous rollcall vote

44 Wharf Street – Notice of Intent, Public Hearing

Michael Kiley

Wharf Associates LLC, c/o The Heritage Companies

Map 19, Block 172, Lot 25; DEP File # 81-1257

Construction of multi-family residential development

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

5-0-0 unanimous rollcall vote

Attending the on-line meeting were Mike Kiley, Wharf Assoc. LLC, and Heritage Companies, Tom Liddy, Lucas Environmental and Karlis Skulte, Civil & Environmental Consultants.

Mr. Kiley said this project, formerly the Francer Mill Co., is an approved residential project and will be the same footprint.

Mr. Kiley said everything is ADA accessible and he plans to increase the number of units from 66 to 84.

Mr. Skulte said test pits were recommended by DPW. He showed the Riverfront Analysis Plan and explained:

- They will be retaining as much Riverfront Area as possible
- There will be a slight change in impervious area
- Utilities will be moved underground
- Demolition of tree line as per Zoning Ordinance.
- Proposing drainage modification and stormwater improvements
- Grade will be maintained
- All new utility service and connections

Mr. Liddy said that stormwater will be the primary water source. There is a mitigation opportunity to improve water quality. A lot of work will be in Riverfront Area and there will be an increase in impervious areas (the mitigation plan is still being developed).

Ms. Schloss said, regarding mitigation, she is looking for improvement of the heavily sedimented stream. She also said a waiver from local regulations is needed for the impacts to the stormwater flow channel/intermittent stream that enters the site from under the MBTA railroad tracks.

Mr. Skulte said he will look at how to address comments on the intermittent stream. He said their plans reflect the 1" increase in elevation as defined by Mean High Water.

Mr. Kiley said he thinks this will be done by the September meeting.

Mr. Luongo said he thinks these water quality improvements would not have happened otherwise and this is a great project for the community; history will be brought to life and housing (10% affordable) will be provided. He said the town is still trying to decide what will happen with the incinerator and the smoke stack.

Regarding the smelt spawning area, Cmmr. Dowd said he sees no negatives and sees it as an improvement in that area.

Public Comments

Linda D'Angelo, Back River Watershed Association, said she is happy the town is looking at this structure of historic significance, adding it is important to restore smelt.

On a motion made by Cmmr. Reilly, seconded by Cmmr. Singleton, the Commission voted to continue the hearing to September 22, 2020.

5-0-0 unanimous rollcall vote

38 Lakeshore Drive, Violation Hearing

Thomas Phan

Map 26, Block 343, Lot 10

Unauthorized construction of shoreline retaining wall and dock; buffer zone alterations

Remotely coming before the Commission were owners, Thomas Phan and Kimberly Duong.

Ms. Schloss said she discovered on a site visit that a retaining wall was built on the bank of the pond without authorization, a dock with concrete footings was constructed in Land Under Water and the entire lawn area has been carpeted with a type of indoor/outdoor carpet. Work in wetlands and buffer zone has been conducted with no authorization.

Ms. Schloss stated some of the conditions that need to be met:

- Steel columns beyond the wall must be removed
- Step wall has to be removed
- Pier needs Chapter 91 license
- Remove cement posts and docking until a plan is submitted
- Riprap needed to prevent lake sedimentation

Chairman Tanner said he did not relish okaying an “after-the-fact”, but he would not be opposed to the retaining wall being kept; Cmmr. Loring agreed. Cmmr. Dowd agreed (with bio-mitigation).

The owners said they understood.

Chairman Tanner said they have to remove the dock and the footings and come back with a different plan or the Chapter 91 license.

The hearing was continued, and the homeowners were instructed to do what work they can until the next meeting.

On a motion made by Cmmr. Loring, seconded by Cmmr. Singleton, the Commission voted to continue the hearing to September 22, 2020.

5-0-0 unanimous rollcall vote

Other Business reported by Ms. Schloss

Marsh float: Mr. Montanez will be asked to remove his unsafe dock from Conservation property. Scalisi Marine will be asked to remove floats stored on Salt Marsh (their private property). This item will be addressed at the September 22nd meeting.

CPC Update

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

Herring Run update

Cmmr. Loring said that the work on the Herring Passage project at Jackson Square is going well, the subfloor is being worked on, and the juveniles are about 3” long.

Conservation Report

Ms. Schloss said:

- Great Pond Dam culvert work began Aug. 24th
- Brookpoint is starting up again
- Met with Councilor Mathews regarding Whitman’s Pond
- Hingham Naval Ammunition Depot did not find any munitions

Next Meeting: September 22, 2020

Adjournment:

On a motion made by Cmmr. Loring, seconded by Cmmr. Reilly, the Commission voted to adjourn at 9:37 pm.

5-0-0 unanimous rollcall vote



Tom Tanner, Chairman

12/10/20
Date

Respectfully submitted by,

Patricia Fitzgerald
Recording Secretary

