

**Weymouth Conservation Commission
McCulloch Building, 182 Green Street**

**Mary McElroy Room
Record of Minutes and Proceedings**

Tuesday September 28, 2021

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

Also Present: Mary Ellen Schloss, Conservation Administrator
Andrew Hultin, Assistant Conservation Administrator
Ann Flynn Dickinson, Recording Secretary

Chair Reilly called meeting to order at 7:00 p.m. This was a hybrid meeting via Webex.

1. Minutes – May 4, May 25, June 23, 2021

With no comments, corrections or additions to the minutes, all three sets of minutes have been accepted.

5-0 unanimous rollcall vote

2. 29 Sea Captains Waye – Certificate of Compliance

Christina Pessia

DEP File #81-1263

Map 62, Block 642, Lot 12

Shawn Hardy who is the Engineer for the applicant was here to present for the homeowner who joined via Webex.

There are two items for consideration:

- The approved plan for the proposed addition was 24 x 40, but it was built 27 x 40 and is 3 ft closer to the wetland. It is outside the 25ft buffer.
- Erosion controls remain on site and waiting for approval to remove.

Ms. Schloss was on site previously and needs to see if grass was coming in. The erosion control line did not appear to be staked correctly at the beginning of the project. The building does not encroach on the 25 ft. She would be comfortable issuing a Certificate of Compliance (COC), once grass is confirmed of growth.

A motion was made by Cmmr. Donovan seconded by Cmmr. Loring to issue the Certificate of Compliance.

5-0 Unanimous rollcall vote

A motion was made by Cmmr. Singleton and seconded by Cmmr. Dowd to continue items 3,4,5 as one motion to be continued as requested by all applicants to continue to their respective dates.

5-0 unanimous rollcall vote

3. **Charlotte Street & 0 Finnell Drive – Notice of Intent, Public Hearing**
Bristol Brothers Development Corp, James Bristol
DEP File #81-1272
Map 36, Block 452, Lot 9 & Block 423, Lot 4
New Driveway to access Finnell Drive property

Applicant requested Continuance to October 26th, 2021

4. **59 Lake View Drive- Notice of Intent, Public Hearing Continued**
DEP File #81-1277
Tayson Ng
Map 30, Block 386, Lot 1
Demo and rebuild existing single-family home

Applicant requested Continuance to November 16th, 2021

5. **104 Kings Cove Beach Road-Notice of Intent, Public Hearing Continued**
DEP File #81—1278
Gilvan Miranda
Map 4, Block 55, Lot 38
After-the-fact filing for concrete pad and fence

Applicant requested Continuance to October 26th, 2021

A motion was made by Cmmr. Donovan and seconded by Cmmr. Loring to continue these three items to their respective dates.

5-0 Unanimous rollcall vote

6. **69 Norton Street – Notice of Intent**
DEP File #81-1281
Jimmy Kelly, Bert's Boatyard
Map 10, Block 128, Lot 4
Construct/replace existing shoreline revetment

A motion was made by Cmmr. Loring and seconded by Cmmr. Donovan to re-open the public hearing.

5-0 Unanimous rollcall vote

Shawn Hardy, the Engineer for the applicant was here to present update on his communication with DEP regarding the Chapter 91 license. He has reached out to Chief of Waterways with information on the existing chapter 91 license and why he believes this can be approved under the existing license. DEP will make a determination of whether the project can be reviewed as a modification of the existing license or needs to be a new Chapter 91 filing. Once DEP has made a decision, the client will be able to provide additional information on impact to the wetlands. He has no idea when he will get a response from the state.

Ms. Schloss relayed comments:

- Provide delineation of resource areas.
- No discussion of performance standards.
- No discussion of protection measures during work.
- On-site mitigation could include saltmarsh plantings.

A motion was made by Cmmr. Loring and seconded by Cmmr. Donovan to continue to the October 26th, 2021 meeting.

5-0 Unanimous rollcall vote

7. 109 Regatta Road – Emergency Certification

Michael Hayes & Wonda Hayes-Phillips

Map 5, Block 12, Lot 11

Work to stabilize the collapsed coastal bank and connect failed septic system to town sewer

Ms. Schloss was notified of the collapse of the bank when Hurricane Ida came through. There is a serious problem and photos were displayed of the situation that needs to be dealt with. All Depts. have been out there to look at it. This will be an Emergency Certification since a Notice of Intent (NOI) would take too long and this has to be dealt with immediately. There is a septic system on the site. We need to outline what the work is going to be and there is only 30 days to correct the condition.

Shawn Hardy, Engineer for the applicant was here to present for the owner. The bank has failed as you see in the picture from the hurricane. Below the fence is septic that is weeping out of the hill as well. The septic system has been deemed in failure by the Board of Health. There is not sewer in front of the house. We want to do a pump system up to the sewer line. If the slope continues to fail it will impact the residence. There is a town project on the coastal bank coming in the next year or so and we will reinforce the bank until the Town's contractor comes in since 3ft. beyond the fence is town property. He described different recommendations that may be feasible to shore it up during this time. The solution can not and will not cause more damage. The sewer connection would be constructed after the slope is repaired.

John Bologna from Coastal Engineering and Todd Turcotte from his office were on via Webex. They have both been at the site with Ms. Schloss and other town staff. Slope failure was caused by over saturation from downspouts and impervious area. It will be a good year before the Wessagusett Walk project starts, so it needs to be shored up in the meantime. It was an upper bank failure.

Todd Turcotte agreed it was a saturation issue. Unknown if the septic system has anything to do with this failure. He researched some files from some 20 years ago and about 3 houses down had a similar slope failure and it was a drainage issue.

Ms. Schloss recommends we need more information before we issue the Emergency Certification. We do not want to issue until we have a plan that we are comfortable with. If work is ready to start before next meeting we want the ability to sign that emergency order to get the work done within the 30 days. She recommends a vote to issue the Emergency Certification at the time it is appropriate.

A Motion was made by Cmmr. Loring and seconded by Cmmr. Singleton to authorize issuance of the Emergency Certification at the time it is appropriate and ready for work to start.

A separate Certificate will be issued for the septic work.

5-0 Unanimous rollcall vote

8. 188 Idlewell Blvd. – Violation Hearing continued
DEP File #81-1070
Robin and John Mullin
Map 9, Block 136, Lot 18
Construction of Stone patio partially in no-disturb area

Elizabeth and Robin Mullin were here to present. Photos were shown of the patio area before and after encroachment into the buffer mitigation area. They are looking to propose a swap of land, in order not to remove what is left of the fire pit and stone patio.

Ms. Schloss requested in writing which plants they will be using, the density, the size, the spacing. She asked if the commission is comfortable with the trade off of land.

She recommends if the Commission accepts, they need to have their landscaper come up with a plan with the items she mentioned. She really does not have a recommendation either way on this item. We need to separate these two issues.

A Motion was made by Cmmr. Donovan and seconded by Cmmr. Singleton, that we accept the revised boundary for the buffer mitigation area.

Cmmr. Dowd does not wish to go along and set this precedent.

3-2 rollcall vote to accept the revised boundary.

At the next meeting we will have a status on this item under Other Business.

9. 411 Neck Street – Violation Hearing continued

Steven Parigian & Peggy Scafuri
Map 2, Block 3, Lot 31
Unauthorized construction of private beach

Steven Parigian & Peggy Scafuri were here to present. They went over in detail the plan that their Wetland Scientist from LEC Environmental prepared, with all of the plantings and grasses.

Ms. Schloss is recommending a hybrid where the owners coordinate the planting and the staff could oversee the monitor over time.

Ms Schloss also updated that the sand has been removed and erosion controls have been installed. The rest of the plan was outlined and presented to the Commission.

Ms. Schloss recommends an Enforcement Order that contains a To-Do list of items to be completed within a certain amount of time and to approve the planting plan as presented.

A motion was made by Cmmr. Singleton and seconded by Cmmr. Loring to approve the plan and issue an Order of Enforcement.

5-0 Unanimous rollcall vote.

10. 671 Pleasant Street- Staff Update on Violation Compliance

Woodbridge Condo Association
Map 39, Block 448, Lot 21
Unauthorized cutting of trees in 100-foot buffer zone

Mr. Hultin updated the Commission and states that the property owner has moved forward on a landscaper. Plants have been ordered and they may have some trouble getting some of the plants. They should be planting in the next week or two, with a one or two year guarantee/warranty on said plants. The Conservation Commission has approved the planting to move forward.

11. Pleasant Street Libbey Roadway – Performance Bond Discussion

DEP File #81-1231

JF Price Co.

Map 39, Block 475, Lots 10, 19, 4

Ms. Schloss updated the Commission that previously an Order of Conditions had been issued. There was a requirement to provide a performance guarantee for wetland replication and restoration work. She did receive a detailed estimate for the work, which came in at a total of

\$30,045. She is comfortable with this and will not run it through Engineering or the Building Dept. JF Price and Bristol Brothers are around they are not going anywhere and have to make it right. This does give us additional guarantee on such things as planting failures and other items.

Ms. Schloss recommends that the Commission Approve the amount and move forward with getting a Performance Guarantee.

Motion was made by Cmmr. Singleton and seconded by Cmmr. Donovan to approve and require a \$30,000 Performance Bond from JF Price.

5-0 Unanimous roll call vote

12. Other Business

Bird Habitat Assessment, Bradford Torrey Bird Sanctuary -Mr. Hultin reminded the Commission that last March he discussed with the Commission that he had applied for a State Grant for this item. He informed the Commission that the goals are to understand what is there for resources, both generally and specifically, as well as to get recommendation from the forester on ways to improve the habitat. We could not get it done in time last spring by the dead line in July. State reissued grant, we sent out a scope of work to the foresters like we did before and received 3 proposals, anywhere from \$4-6,000. From the state we are getting back \$2,372 as a reimbursement. The State does not fund the work to be done, but it does unlock other grant opportunities. He is inviting anyone that wants to be involved in the review of proposals to join in.

Ms. Schloss said the proposals range from \$4-6,000, the Grant is on a reimbursement basis so we would need the approval to spend the funds and then be reimbursed. We do have access to funds, unused funds from Shellfish replanting about \$5000, and some unused funds from planting at the Herring Run that we could get dedicated. We would like to be able to spend up to \$6,000.00

A motion was made by Cmmr. Donovan and seconded by Cmmr. Loring to vote they can use the funds up to \$6,000.00

5-0 unanimous rollcall vote

Ms. Schloss would like to schedule interim meeting dates; to handle Certificates of Compliance that she expects are going to be coming up. She is requesting a quorum for Tuesday October 12th at 3:00 p.m. All are in agreement to schedule this.

OTHER

104 Kings Cove Beach Road – Ms. Schloss updated the Commission that the applicant has reached out to Lucas Environmental. Chris Lucas states he is backed up and won't get to it for a couple of weeks. There will not be a formal plan for us to vote on and if the Commission is alright with moving along slowly.

13. CPC Update

Cmmr. Loring reports there was no meeting, so there is no update.

14. Herring Run

Cmmr. Loring reports they had the kick-off meeting for Iron Hill Park and there will be a Public meeting on October 21st.

15. Conservation Report

Pleasant Street Billboard - Ms. Schloss updated the tree cutting for the Pleasant Street Billboard work is scheduled for tomorrow, Wednesday the 29th.

Barzola Construction - 1183 Main Street where we had some enforcement actions and Notice of Intent (NOI). We are very concerned about the timing and they responded that they do have people lined up to do the Wetland Restoration work for the rain garden, but we may need an Enforcement Order if they don't mobilize in time.

Lovell Bridge Chapter 91 License - The Planning Dept. has asked for the Commission to take a vote to support the Lovell Bridge Chapter 91 License. This project was appealed, the Pedestrian Bridge over the Back River. The DEP upheld the project but commented that it may require a Chapter 91 License. The Town Planning Dept. has applied for the Chapter 91 License and the Public Comment period is open as of September 24th. It is a 30-Day Public Comment Period.

Bob Luongo asked if the Commission would write a letter of support. This is uncomfortable since the approval of this was on a razor thin margin.

A motion was made by Cmmr. Donovan and seconded by Cmmr. Singleton to write a letter of support.

3-2 rollcall vote

Chair Reilly Yes

Cmmr. Singleton Yes

Cmmr. Donovan Yes

Cmmr. Loring Opposed

Cmmr. Dowd Opposed

Motion carries 3 to 2 to write the letter of support.

1325 Washington Street

We did receive an appeal for the 1325 Washington Street, Hanover Co. project. This was just an appeal to the DEP under the Wetlands Protection Act. They asked for a site visit with the Commission with the request being in the next month or so. The decision is also under the Wetlands Protection Ordinance and the appeal period is not up for that yet. If it is appealed that would go to Superior Court. The appeal period is 60 days from the action of which you are complaining about. She is not sure if that is the Date of Issuance or from hearing, not sure.

49 Ketcham Lane a Notice of Intent (NOI) was filed and it will be on the Agenda for the next meeting.

16. Adjournment

A motion was made by Cmmr. Loring and seconded by Cmmr. Donovan to adjourn the meeting at 8:45.

17. Next regularly schedule meeting - Tuesday October 26, 2021.

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Scott Dowd, Clerk

Respectfully submitted by,

**Ann Flynn Dickinson
Recording Secretary**

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