

WEYMOUTH CONSERVATION COMMISSION
Weymouth RECORD OF MINUTES AND PROCEEDINGS

McCulloch Building, 182 Green Street

McElroy Room

Tuesday, November 16, 2021

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

Present Remotely: Scott Dowd, Commissioner and Clerk

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

Chair Reilly called the Commission meeting to order at 7:00 p.m. This was an in-person meeting with alternative remote access.

1. Review of Minutes – June 22, 2021

A Motion was made by Cmmr. Singleton and seconded by Cmmr. Donovan to accept the minutes as written.

5-0 Unanimous rollcall vote

**2. Charlotte Street & O 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**

A Motion was made by Cmmr. Donovan and seconded by Cmmr. Loring to continue to the December 14th meeting.

5-0 Unanimous rollcall vote

**3. 104 King's Cove Beach Rd – 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**

A Motion was made by Cmmr. Loring and seconded by Cmmr. Donovan to continue to the December 14th meeting.

5-0 Unanimously rollcall vote

- 4. 59 Lakeview Drive – Notice of Intent, Public Hearing, Continued**
DEP File #81-1277
Tayson Ng
Map 30, Block 386, Lot 1

A Motion was made by Cmmr. Donovan and seconded by Cmmr. Singleton to continue until December 14th meeting.

5-0 Unanimous rollcall vote

- 5. 69 Norton Street – Notice of Intent, Public Hearing, Continued**
DEP File #81-1281
Jimmy Kelly, Bert's Boatyard
Construct/replace existing shoreline revetment

Shawn Hardy was here to present for the applicant. There is not much to report only that the applicant is requesting time to determine before proceeding whether the MassDEP will consider this as maintenance of an existing licensed structure. If it is considered an encroachment, they will need to modify the plan.

A Motion was made by Cmmr. Loring and seconded by Cmmr. Donovan to continue to the December 14th meeting

5-0 Unanimous rollcall vote

- 6. 109 Regatta Road – Emergency Certification, Continued**
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

Shawn Hardy was here to present for the owner. The slope needs to be fixed and Mr. Hardy went over in detail the following:

- If the excavator cannot transfer all material up to the top of slope, would you allow a truck be utilized on the beach?
- Cross section –to officially detail this is difficult given the slope failure. We will be able to clarify this based on a format for a schematic to say here are the slopes and there are the lifts we are proposing.
- Material – proposing more crushed stone. The Geotechnical Engineer wants angular material that will lock in.
- They are not proposing a formal drainage system from the house. Don't want to concentrate flow into 1 area; better to keep it dispersed as it is now.
- The slope repair has to happen before the septic repairs/sewer connection.

Discussions between the Commission and Shawn Hardy over the means of how the slope repair work will be attempted, and for the sewer connection, how the pump system will work in a power outage. They will be abandon the septic tank and put in an E1 ejector system to connect to town sewer.

Todd Turcotte from Coastal Engineering Co., consultant for the Town, was on the phone line to summarize what was presented and that this was all in line with the items that they discussed, following with his memo with exception to the minor revisions regarding specifications for the gravel fill. Mr. Hardy states the work should be able to be completed within 30 days from the start of the project.

Ms. Schloss presented a draft Emergency Certification for the Commission's review. She read each item and went into detail on the itemized numbers of the conditions and process. Some discussion and questions were asked and responded to.

Mr. Luongo, Director of the Department of Planning and Community Development, joined in by phone and stated there was an internal meeting and they want to understand what the causes of the failure of the embankment were and directly address it so it doesn't happen again.

A Motion was made by Cmmr. Donovan and seconded by Cmmr. Loring to approve an Emergency Certification based on the draft conditions, to be issued once the pre-construction requirements are met.

5-0 Unanimous rollcall vote

7. 44 Revere Road – Final Certificate of Compliance
DEP File #81-1234
Lauren Brouillette
Map 26, Block 345, Lot 4
Single-family home reconstruction and site improvements

Dustin Briere and Lauren Brouillette were here to present. There are still a couple of items that are outstanding, plantings and shed due to be delivered. The dock that is in was supposed to be removed, they have an EZ Dock attached with an arm that allows it to float on the top of the ice and allows it to be in the water through all seasons.

Ms. Schloss states the Order of Conditions (OOC) was issued for construction of a new house to replace the former house after the fire; the dock was a minor modification to that OOC. Commission said they wanted dock removed in off season. Applicant would like the Commission to reconsider removing the dock. Other than that, we are in good shape.

On the phone Amy & David Burke who are abutters at 46 they have an issue with the retaining walls and wanted to know who has jurisdiction for this? The wall does not meet the engineered plans as far as they can tell.

The owners responded that they worked with Ms. Schloss and the granite wall was a better choice than the concrete block for water run-off and life expectancy.

Ms. Schloss presented a slide that shows the wall along the abutter's line.

David Burke said that the original plans were to set up the block wall, but on the second page the engineer outlined what it would look like. They are not concerned about the change, but how it was constructed. It is not constructed to the plans placing it down 3 feet. Anything over 4 feet requires a fence and that has not been constructed yet.

Mr. Briere responded that he built that wall himself and it is constructed for 100 years. We want it on the record that there is no clear answer if it is Conservation Commission jurisdiction.

A motion was made by Cmmr. Loring and seconded by Cmmr. Donovan to allow the dock to remain in place over the winter.

5-0 Unanimous rollcall vote

Motion was made by Cmmr. Loring and seconded by Cmmr. Dowd to issue the Final Certificate of Compliance; the owner should provide photographs and an update of the final rain garden plantings as originally stated.

5-0 Unanimous rollcall vote

8. 655 Washington Street – Final Certificate of Compliance

DEP File #81- 21

Boston Motel

Close out old Order of Conditions for which COC had never been requested

Chair Reilly stated that the old Order has to be closed out before a new one filed.

No applicant to present but they need to clean up the title and close out the original. There were no continuing conditions.

A Motion was made by Cmmr. Donovan and seconded by Cmmr. Loring to issue the Certificate of Compliance (COC).

5-0 Unanimous rollcall vote

9. 203 Wessagussett Road – Request for Determination, Public Hearing

Thomas Tracy

Map 4, Block 30, Lot 3

Proposed Platform

A Motion was made by Cmmr. Loring and seconded by Cmmr. Donovan to open the public hearing.

5-0 Unanimous rollcall vote

Mr. Tracy stated he would like to build this platform to look at the ocean.

Mr. Hultin recommends that during construction no construction or excavated materials leave the immediate area and recommend the issuance of the Negative 3 Determination.

A motion was made by Cmmr. Loring and seconded by Cmmr. Dowd to close the Public Hearing.

5-0 Unanimous rollcall vote

A Motion was made by Cmmr. Loring and seconded by Cmmr. Donovan to issue a Negative 3 Determination with any special conditions mentioned tonight.

5-0 Unanimous rollcall vote.

10. 78 Abigail Adams Circle – Request for Determination, Public Hearing

Richard Mulvaney

Map 13, Block 130, Lot 50

Proposed deck

A Motion was made by Cmmr. Loring and seconded by Cmmr. Donovan to open the public hearing.

5-0 Unanimous rollcall vote

Mr. Richard Mulvaney was here to present that he would like to build a deck attached to his garage and three-season room, measuring 10 foot deep and 12 foot wide, on cement footings and will be partially within the existing foot print of the existing porch.

A Motion was made by Cmmr. Singleton and seconded by Cmmr. Donovan to close the public hearing.

5-0 Unanimous rollcall vote

A Motion was made by Cmmr. Loring and seconded by Cmmr. Donovan to issue a Negative 3 Determination with conditions mentioned here tonight.

Mr. Hultin made the request that condition would apply during the construction period that we do not want to see any materials migrating down towards the resource area.

5-0 Unanimous rollcall vote

11. 395 Neck Street – Request for Minor Modification

DEP File #81-1274

Mary Kelly

Expand approved driveway

Tom & Mary Kelly were here to present. They have a project underway and permitted, but during the permitting process they anticipated 550 sq ft of new pavement feet going down to the new construction from the street. They did not take into consideration the room needed for backing out of the garage to go up to the street. They are requesting an additional 330 sq ft feet to do so.

Mr .Hultin commented that he did go out to the site and when they initially calculated 550 sq. ft. it was a miscalculation and it is additional impervious area in the river front. The base coat was already down for the driveway. This would be a modification to the existing Order of Conditions (OOC).

Ms. Schloss suggested a gravel and/or planting area between the pavement and the lawn and water should not be discharged towards the neighbors' property. She also recommends approval of the modification.

A Motion was made by Cmmr. Donovan and seconded by Cmmr. Dowd to approve the modification.

5-0 Unanimous rollcall vote

12. 188 Idlewell Boulevard – Issuance of Enforcement Order

DEP File #81-1070

Robin and John Mullin

Construction of stone patio partially in no-disturb area

Ms. Schloss noted that the Commission previously voted to allow adjustment of the buffer planting area configuration and that an Enforcement Order is now needed to officially require the work to be done and provide timelinesThe owners did provide a planting list and the idea was to wait until the spring since it is so late. She recommends issuance of the Enforcement Order.

A Motion was made by Cmmr. Donovan and seconded by Cmmr. Dowd to issue the Enforcement Order.

5-0 Unanimous rollcall vote

13. Other Business

None

14. CPC Update

Cmmr. Loring reported that there was no meeting, so there is no update

15. Herring Run Update

Cmmr. Loring reported there is constant maintenance due to leaves and debris.

16. Conservation Report

Mr. Hultin went over the highlights.

Pleasant St. and Quarry Road continues to make progress

17 Mutton Lane retaining wall constructed

29 Woodside Path Compliance enforcement issue, meeting with property owner in the near future.

Noteworthy

The giant copper beech tree on Route 18 was removed due to damage from the Mass DOT project. Staff met with MassDOT and approximately 22 new trees will be placed on the island on Rte 18 near Front Street.

Iron Hill Park redesign effort continues and community meeting will be December 9th.

Whitman's Pond Vegetation Management Plan Public Meeting was November 9, received good comments, comment period is still on going until November 29th..

Update to Bradford Torrey bird habitat assessment. Bringing on forester Kevin Scherer soon and he will be working on it.

17. Adjournment

A Motion was made by Cmmr. Loring and seconded by Cmmr. Donovan to adjourn at 9 pm.

5-0 Unanimous rollcall vote

18. Next regular scheduled meeting – Tuesday, December 14, 2021

Respectfully Submitted by,

Ann Flynn Dickinson

Recording Secretary

Approved by:



Scott Dowd, Clerk

