

RECEIVED  
TOWN OF WEYMOUTH  
TOWN CLERK'S OFFICE

WEYMOUTH CONSERVATION COMMISSION MEETING  
TUESDAY, FEBRUARY 22, 2022  
REMOTE MEETING  
7:00 P.M.

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

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

**1. Minutes – December 14, 2021**

A Motion was made by Cmmr. Loring and seconded by Cmmr. Dowd to accept the Minutes as written.

4-0 Unanimous vote

**2. Fore River Channel Light – Notice of Intent, Public Hearing, Continued**

**Michael Carosotto, US Coast Guard**

**DEP File #81-1288**

**Replace existing Fore River Channel Light**

Christine Perron is on the call to present.

Mr. Hultin highlighted the project for the Commission and recommends issuing an Order of Conditions for this project with special conditions that reflect the best management practices noted on the application.

With no comments from the Public,

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

4-0 Unanimous rollcall vote

A Motion was made by Cmmr. Loring and Seconded by Cmmr. Singleton to issue the Order of Conditions (OOC) along with special conditions with best management practices.

4-0 Unanimous rollcall vote

- 3. 175 Westminster Rd – Request for Final Certificate of Compliance (Pending)**  
**Jim Chen, JCBT Architecture, LLC**  
**DEP File #81-1251**  
**Demolish and reconstruct single-family house**

The applicant has not submitted a request for a Certificate of Compliance and it will come up at a later date.

This item will be put aside until a later date when they have filed the Certificate Of Compliance (COC)

- 4. 104 King's Cove Beach Rd – Notice of Intent, Public Hearing, Continued**  
**DEP File #81-1278;**  
**Gilvan Mirnada**  
**Map 4, Block 55, Lot 38**  
**After-the-fact filing for concrete pad and fence**

Applicant has requested a continuance of the public hearing until March 29, 2022. With no discussion or testimony on this case:

A Motion was made by Cmmr. Loring and seconded by Cmmr. Singleton to continue to the March 22, 2022 meeting.

4-0 Unanimous rollcall vote

- 5. 53 Jessica Lane – Request for Determination, Public Hearing**  
**Raymond Blake**  
**Map 61, Block 639, Lot 42**  
**Construct 80-foot long fence**

A Motion was made by Cmmr. Loring and seconded by Cmmr. Dowd to open the Public Hearing

4-0 Unanimous rollcall vote

Mr. Hultin recapped the Request by the applicant and handed it over to Raymond Blake, the applicant.

Mr. Blake states he wants to put a fence up in his backyard on Lot 74 to proceed along the lot line between his lot and Lot #79 on Nelson Road for a total of approximately 80 ft. It is about 8 ½" from the Wetlands.

Photos were shared for the audience.

Mr. Hultin recommends issuing a Negative 3 Determination with two recommended conditions for this project. One is for erosion control between the wetland and where fence is being installed. The other would be the Wetland Protection Act states that fences are exempt provided they are not a barrier to the movement of wildlife to pass under.

With no comments from the public,

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

4-0 Unanimous rollcall vote

A Motion was made by Cmmr. Loring and seconded by Cmmr. Singleton to issue a negative 3 determination with the additions that Mr. Hultin spelled out here tonight.

4-0 Unanimous rollcall vote

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

Shawn Hardy with Hardy + Man Design Group was here to present for the applicant with an update on any issues and the project itself. We are waiting to hear from the DEP on the Chapter 91 License. He went into detail on the plans that were shown to the audience on the boatyard and the ramps.

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

4-0 Unanimous rollcall vote

Cmmr. Al Donovan has joined the call.

A Motion was made by Cmmr. Loring and seconded by Cmmr. Singleton to continue until the March 22, 2022 meeting.

4-0 Unanimous rollcall vote

**7. 109 Regatta Road – Notice of Intent, Public Hearing**

**Michael Hayes & Wonda Phillips-Hayes**

**DEP File #81—1289**

**Map 5, Block 12, Lot 11 and Map 2, Block 12, Lot 10**

**Coastal bank stabilization, abandon septic system and connect to sewer**

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

4-0 Unanimous rollcall vote

Shawn Hardy from Hardy + Man Design Group was here to present for the applicant. The Conservation Commission had issued an emergency certification regarding the failure of the coastal bank behind this property that occurred in late August/September due to a hurricane that moved through. Work was not done within the certification timeframe and they have filed a notice of intent to conduct the work. The legal notices and abutter notifications are all complete.

Shawn Hardy put up the plans and went over them in detail for the audience. There is a plan for slope repair, which had been previously approved under the emergency certification. This site has a septic system that they are proposing to decommission and the site will be connected to sewer. That work will be done after the slope is repaired. An E1 (ejector) pump system will replace the septic tank.

Ms. Schloss commented that she will be recommending that the Order of Conditions use the same conditions we had for the Emergency Certification. A copy was provided to the members for review, she continued with the following recommendation:

- Work to be done by May 1<sup>st</sup>, 2022
- Reference the revised plans ( which include the septic system work
- Re: Abandonment of septic tank, there are rules to follow for this-need explanation on how this will be done.
- Erosion controls for that work and the top of coastal banks
- Work to be done in phases, we may want to have another on-site meeting with contractor
- The existing septic is to be pumped out regularly until the sewer connection is completed
- There is irrigation well on the site, on the Town land and recommend this well be decommissioned before the Final Certificate of Compliance (COC)
- Town has expended resources on a peer reviewer ; the Town Ordinance does allow outside assistance with NOI reviews. It was a \$3,500 charge from Coastal Engineering and are looking to require Mr. & Mrs. Hayes to pay for the peer review.

With no comments from the public,

A Motion was made by Cmmr. Loring and seconded Cmmr. Singleton to close the Public Hearing

5-0 Unanimous rollcall vote

A Motion was made by Cmmr. Loring and seconded by Cmmr. Singleton to issue an Order of Conditions (OOC) with all the special ones mentioned here tonight.

5-0 Unanimous rollcall vote

**8. Massapoag Subdivision – Discussion and Vote on Order of Conditions**  
**James Bristol, Weathervane Massapoag LLC**  
**DEP File #81-1289**  
**Map 5, Block 12, Lot 11 and Map 2, Block 12, Lot 10**  
**Seven-lot subdivision**

Maggie Laracy from Crocker Design Group was here to present. She received the comments from Ms. Schloss and Engineering and went over in detail what has been completed and summarized that they will be working through the final items and submitting the plan in a few days.

Mr. Hultin revisited that at the last meeting the Commission closed the public hearing. The Commission had some outstanding issues. Those items have been addressed in the most updated plans. We are comfortable recommending an Order of Conditions (OOC) for the project once the revised plan is submitted. We do have some draft special conditions which we have prepared;

- Tree cutting of 113 trees – we recommended a time of year restriction and will include this condition as a recommendation. Also the approval of the Storm Water Pollution Prevention Plan.
- Prohibit planting of species on Massachusetts Invasive Plant Advisory Groups list of invasive species that should not be introduced. Planting of only native plant species around these houses. This would be an ongoing condition as well.
- Tree preservation area. The area is marked on the plan. It would be preserved long-term with a possible deed restriction. We will need to work out the specific language. Might include into the Home Owners Association (HOA) documents.
- Installation of the post and rail fence as shown on the plans. We will reserve the right to request additional sign posts if needed.
- Require a revised Storm-Water Prevention Plan prior to the start of construction. We would make an exception for the tree cutting which is standard for a project of this size
- Removal of debris in the buffer zone as noted on-site, tires and debris to be pulled out of the buffer zone.
- Grassy areas to be seeded with low maintenance seed fertilization and irrigation needs

- Engineering Certification required prior to discharge of storm water system post construction
- Incorporating all of the storm water maintenance needs into the long-term Home Owners Associates documents like easement plan together with tree preservation as well
- Partial Certificate of Compliance would be needed for homes within the buffer.
- Final Certificate of Compliance would be attained at the completion of all work. It is Conservation's expectation that the performance bond through the Planning Dept. would not be release until a final Certificate of Compliance is reached.
- Request proof of acknowledgement that new owners receive a copy of the conditions with the new conditions noted
- Long term tree preservation: will have a condition of no cutting or removal of vegetation unless it has a ecological value and approved by the Conservation Commission or its Administrator, this will be a continuing condition

A Motion was made by Cmmr. Donovan and seconded by Cmmr. Loring to issue an Standard Order of Conditions, together with any special conditions mentioned here tonight.

5-0 Unanimous rollcall vote

**9. "0" and 1325 Washington Street, 28 White Oaks Lane – Discussion re: tree removal  
Hanover RS Limited Partnership (applicant)  
DEP File #81-1271  
Map 35, Block 448, Lots 7, 8, 9, 25  
*Tree removal request***

Steve Dazzo (Hanover) and John Zimmer (Epsilon Associates) are present to describe the request in detail. The project has received an Order of Conditions from the Weymouth Conservation Commission. They have applied to the Army Corps of Engineers for approval to fill the isolated wetlands. This is a self-verification form and requires submittal of the map and drainage plan and to consult with US Fish and Wildlife Service (USFWS). All New England is mapped as northern long-eared bat habitat. USFWS required trees be felled before April 1 or after October 1, otherwise detailed bat surveys must be conducted. They are requesting Commission approval to cut trees before April 1, and before construction begins so they can comply with the federal requirements. Erosion control line closest to the vernal pool will be staggered to allow for any salamanders and frogs to migrate to the vernal pool. They will have a Biologist onsite during the "Big Night" migration to help any frogs and salamanders get to the vernal pools. They also pin pointed where the construction equipment would enter and exit for this project.

Ms. Schloss referred to the draft conditions staff prepared. She recommends sending out a letter from the Conservation Commission stating the applicant has the authorization to move forward with the tree cutting at this time, with conditions.

A Motion was made by Cmmr. Singleton and seconded by Cmmr. Loring to approve the applicant to move forward with the tree cutting at this time.

5-0 Unanimous rollcall vote

**10. 19 Perkins Road – Discussion regarding as-built conditions**

**Wayne Fitzgerald**

**DEP File #81-1236**

**Map 34, Block 438, Lot 1**

**Garage and in-ground pool**

Ms. Schloss provided some background on this project and provided a mapped detail for the Commission to review. It is an amended order plan with breezeway, garage and pool, showing the 25 foot buffer and erosion controls together with the Whitman's Pond bank being outlined as well.

Mr. and Mrs. Fitzgerald are on the call to present. They would like to know where they should place the plantings inside, outside the fence or both. Water infiltration from the down spouts was also discussed and he has no problem digging pits and filling with gravel as requested. (This is a change from the approved recharge chambers).

Ms. Schloss recommends plantings on both sides of the fence and infiltration of run off from the roof leaders that are closest to the pond.

A Motion was made by Cmmr. Donovan and seconded by Cmmr. Singleton to approve a minor modification for the following two areas, plantings on both inside and outside of the fence together with the ongoing work of the infiltration that is close to the pond.

5-0 Unanimous rollcall vote

**11. Other Business**

**Changes to Management Plan**

Mr. Hutlin states he was contacted by the National Park Service working on Grape Island under an existing Restoration Order of Conditions (DEP File #81-1172) which was issued back in 2016 for invasive species management on the island.

- Order was set to expire, but now does not until August (Covid emergency tolling)
- Looking to expand the area of the invasive species management and the management tools used. The mile a minute vine has taken hold of a large area of the island and they would like to use a herbicide direct into the ground which would prevent the germination of this seed.

Bill Fuchs was on the call to present as the Biologist with National Park Service and DCR. He Grape Island Invasive Plant Treatment slide show. He explained that the mile-a-minute vine is very aggressive and damaging to native species. They propose to use an herbicide that prevents germination of the seed. It must be applied before the plant germinates, so timing is critical. They would like to start in early March and complete the work by the end of March or early April.

Ale Echandi from DCR has joined the call and had to say this treatment has been effective in other areas they manage (Neponset River, Milton).

Mr. Hultin said staff have reviewed the proposal and we can consider and possibly approve this under a minor modification. It is a buffer zone only project with no wetland resources impacted. He asked if there were concerns about aquatic toxicity.

Mr. Fuchs stated that the herbicide binds to the soil once it gets into the soil. It doesn't get into the wetland.

After further discussions by all,

A Motion was made by Cmmr. Donovan and seconded by Cmmr. Loring to make a minor modification to the previous order.

5-0 Unanimous rollcall vote

## **12. Other Business**

### **Open Meeting Law Certification**

Ms. Schloss says all that is needed is the signed statement that they have received the Open Meeting Law materials. Certification letters are to be returned to the Town Clerks Office as soon as possible.

## **13. CPC Update**

Cmmr. Loring states there was nothing new from the last update.

## **14. Herring Run Update**

Cmmr. Loring gave an update. The Iron Hill baffles are being replaced where needed. Next week we are meeting with DMF to check velocities in the river channel behind Brady's where work was done to regrade the stream.

## **15. Conservation Report**

### **New Active Construction**

Ms. Schloss updated the Commission on the Children's Hospital, 200 Libbey Parkway project. There was a pre-construction meeting on Friday. This will be a tricky project, any help with inspections would be welcome and she is at the ready to train anyone that wants to inspect.



**1047 Washington Street**

Beginning work soon

**Gradient Apartments/Arbor Hill**

This project will be ready to come in for a Final Certificate of Compliance (COC)

The Conservation Restriction has been recorded. We should be doing annual CR reviews at this point. The three year monitoring period is the only thing left to do before the Final Certificate of Compliance. She recommends one more month, April/May to do one more round of sampling.

**Compliance Conformance Complaints**

Trash behind Shaws on Middle Street. We have been in conversations with F.X. Messina about the dumping. F.X. Messina will build a fence in the spring.

**24 Concanon Circle**

Applicant will be coming in for COC in March. This was an old order issued in the 1990 that may get complicated as the property is for sale and there is an apparent encroachment into the wetlands.

**SNUP Dam Removal**

DER has submitted a project plan and request for a sampling of the site and they are covering the cost of that.

**Bradford Torrey Forest Management Plan**

Received a draft plan from Kevin Scherer and it looks good. It makes recommendation to create small openings in the canopy to improve bird habitat, particularly around the power line. DCR will receive, review, and hopefully approve the plan.

**Whitman's Pond Management Plan**

We continue to work with ESS Group and look forward to bringing them under contract for the next phase for invasive species management. Notice of Intent should be submitted in the next couple of months. Impact on the Herring with these herbicides will be an upcoming subject.

**Iron Hill Park**

Final public meeting is planned for March 15. There is a conceptual design that incorporates preferred features from all of the evaluated alternatives. Thank you Cmmr. Loring for your work.

**Back River Dredge Project**

The town's consultant, Coastal Engineering, submitted a draft feasibility plan and a sampling plan that will go to the Army Corps Of Engineering for review. They expect to come to us for a notice of intent sometime in the spring.

Weymouth Conservation Commission  
Meeting  
February 22, 2022

**Jackson Square Rezoning Effort**

We have been involved in those discussions; proposals will be going out soon

**Upcoming Meetings**

Iron Hill Public Meeting– March 15

Upcoming Opportunities

MACC Annual Meeting – workshop and training opportunities

Next meeting March 29

**16. Adjourn**

A Motion was made by Cmmr. Loring and seconded by Cmmr. Singleton to adjourn at 9:30 pm

**17. Next regularly scheduled meeting – March 29, 2022**

Weymouth Conservation Commission Minutes February 22 , 2022

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Scott Dowd, Clerk

Respectfully submitted by,

Ann Flynn Dickinson  
Recording Secretary

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