

WEYMOUTH CONSERVATION COMMISSION MEETING

TUESDAY, June 27th, 2023

McCulloch Building 182 Green Street

Mary McElroy Room

7:00 P.M.

RECEIVED
TOWN OF WEYMOUTH
TOWN CLERK'S OFFICE

2023 JUL 27 PM 3:02

Present: Frank Singleton, Commissioner and Vice Chairman
George Loring, Commissioner
Scott Dowd, Commissioner and Clerk
Al Donovan, Commissioner

Also Present: Andrew Hultin, Conservation Administrator
Michael Perrin, Assistant Conservation Administrator
Ann Flynn Dickinson, Recording Secretary

Not Present: John Reilly, Chairman

Vice Chair Singleton called the meeting to order at 7:00 p.m.

1. Minutes –December 13, 2022 & May 30, 2023

With no changes, additions, corrections, or questions,
The minutes for both dates were unanimously adopted.

4-0 Unanimous rollcall vote

2. 73 Regatta Road – Notice of Intent, Public Hearing - Continued

Julie Hackett

DEP File #81-1304

Map 2, Block 12, Lot 15

Reconstruction of retaining wall

Mr. Hultin informed the Commission that the applicant has requested a continuance until the next meeting while they wait for information from their Contractors.

A Motion was made by Cmmr. Loring and seconded by Cmmr. Donovan to continue this item to the next meeting on July 25th, 2023.

4-0 Unanimous rollcall vote

3. 550-560 Washington Street – Notice of Intent, Public Hearing – Continued
Raymond Jennings, Union Realty Trust
DEP File #81-1303
Map 29, Block 330, Lot 3
Demolish existing building and construct a 3-story mixed-use building.

Erik Schoumaker from McKenzie Engineering was here to present on behalf of the client. Since the last meeting on May 30th the plans have been revised and submitted to the Commission and other relevant departments. They received a few minor comments via email this morning from DPW on drainage and stormwater that they will be incorporating into the plans. He put up the plans for the audience to follow along with the details as he explained. He also handed out a plan showing removal of 21 trees, as previously requested by the Commission. He then went into the details of the revisions.

Raymond Bean of Site Pro was hired by Ray Jennings to clean the fill area and prepare for the construction of the terraced retaining wall. He briefly explained his process for removing the fill, which will include scraping the fill with machinery from the top of the area.

Mr. Hultin states the project is in good shape. We recommend providing the following revisions for the next meeting:

- Parking lot in the front
- Slope stabilization in the rear- what the final grades are going to look like?
- Does adding shrubs and other plantings make sense for the final slope?

Mr. Hultin shared a DPW concern about capacity of the stormwater system.

Mr. Schoumaker addressed the concerns outlined about the infiltration system and how they were going to handle big rain events. He felt confident that the DPW concern was addressed in the existing stormwater plan.

Mr. Hultin recommends that the Commission continue the hearing until the July 25th, 2023 meeting.

A Motion was made by Cmmr. Loring and seconded by Cmmr. Donovan to continue this item until the July 25th, 2023 meeting.

4-0 Unanimous rollcall vote

4. 541 Front Street – Violation Hearing - Continued
Tony DePalma
Map 29, Block 373, Lot 14
Fill in wetlands

Mr. Hultin updated the Commission on the situation and explained that Mr. DePalma was back in town.

Mr. Hultin recommends Issuing an Enforcement Order. The enforcement process will include two orders, this being the first. This order will require the property owner to prepare a restoration plan in a three month timeframe, while the second order will require the applicant to perform the work outlined in the previously approved plan.

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

4-0 Unanimous rollcall vote

5. 363 Neck Street – Request for Determination of Applicability, Public Hearing
Patricia Sullivan
Map 5, Block 13, Lots 21
Construction of pool and retaining wall, installation of fence, repave driveway.

A Motion was made by Cmmr. Loring and seconded by Cmmr. Donovan to Open the Public Hearing

4-0 Unanimous rollcall vote

Gabriel Padilla of Grady Consulting LLC was presented to the Commission. He explained that the applicant was before the Commission a few years ago and received an Order of Conditions (OOC) for installation of a pool along with an addition. However, the pool was not constructed. The new plan significantly shrinks the pool and moves it to where it does not affect the sewer line. The proposed pool and retaining wall will be constructed on existing patio and the fence will be on existing lawn. Minor repairs to the driveway is required as well and shown on the plan.

The property is on the salt marsh to the Back River which is located behind the house and just outside the flood zone.

Mr. Hultin recommends issuing a Negative 3 Determination with the following conditions:

- Fence must be able to pass flood waters under or through
- plantings and 'no-touch' zone along the saltmarsh border
- Standard Conditions for a pool (ex. emptying process)
- Erosion controls around the site during work

With no comments from the Public,

A Motion was made by Cmmr. Loring and seconded by Cmmr. Donovan to Close the Public Hearing.

4-0 Unanimous rollcall vote

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

4-0 Unanimous rollcall vote

6. 371 Neck Street – Notice of Intent, Public Hearing

Bill Sullivan

DEP File #81-1307

Map 5, Block 13, Lot 20

Construct addition, deck and retaining wall, repave driveway

A Motion was made by Cmmr. Loring and seconded by Cmmr. Donovan to Open the Public Hearing.

4-0 Unanimous rollcall vote

Ken Thompson presented the project on behalf of Shawn Hardy (Representative, Hardy Man Design Group). He showed plans to the Commission and audience to follow along. Mr. Hultin explained that the Commission conducted a site visit on June 8th, 2023. Few concerns were raised about the project while on site. The plan shows a coastal bank very close to the proposed work, but the resource area is based on topography and the area consist of a grassed lawn. Mr. Hultin discussed drainage with the applicant, clarifying that the roof drainage will be directed into the backyard and away from adjacent properties. Mr. Hultin suggested either a wide no-mow zone, roughly 15', or a thinner no-mow zone with plantings; the applicant preferred plantings and a thinner no-mow zone.

Mr. Hultin recommends issuing an Order of Conditions (OOC) with the following special conditions:

- Roof runoff into the lawn and away from neighbors
- Erosion controls
- Adequate deck spacing for draining from deck
- Enhance buffer zone with native plantings

With no comments from the public,

A Motion was made by Cmmr. Donovan and seconded by Cmmr. Loring to Close the Public Hearing.

4-0 Unanimous rollcall vote

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

4-0 Unanimous rollcall vote

7. 158 Park Ave West – Notice of Intent, Public Hearing

Michael Grehan

DEP File #PENDING

Map 44, Block 512, Lot 1

Construct three multi-family homes and associated parking, utilities, and drainage

A Motion was made by Cmmr. Loring and seconded by Cmmr. Donovan to Open the Public Hearing.

4-0 Unanimous rollcall vote

Ken Thompson presented the project. He explained that the applicant has been working with the Engineering Division to make minor changes to the existing plan. He explained that test pit locations will be added to the revised plans, He explained that the stormwater system will be consolidated into one and the standalone chambers in the SE corner will be added to the main system. For the planting plan, he explained that non-native plants would be removed from the plan and replaced with native species. To address the AUL, the building will be constructed on a concrete slab with a vapor barrier, and the rest of the AUL will be parking lot or landscaping; there will be a LSP on site.

Mr. Hultin explained that there is Riverfront Area for the Mill River, a wetland series in the NE corner with grading and plantings proposed in the 25' buffer. There is flood zone close by, but the project is outside of the flood zones based on elevation. They are raising up the site about 4' which will be held up with retaining walls. All work within the AUL will be overseen by LSP. Parking lot extends into the riverfront area, then a parklike space for the rest. The plan shoes a 2:1 ratio, but we believe more diversity in the buffer zone, especially the 25', is necessary. We have not received the DEP File # so the Commission does need to continue the hearing tonight regardless. We would be concerned about runoff on the site and into the river and a temporary sediment basin may be necessary. Mr. Donovan expressed he wanted to see a gravel pad area for machines exiting the construction site.

PUBLIC COMMENTS:

Cinda Rich, Millstone Ln, had a question about the grading levels and elevation of the site. Mr. Hultin explained that the contours show a roughly 4' increase. She raised concerns about stormwater down the driveway, to which Mr. Thompson explained catch basins will take the water before entering the roadway. She raised concerns about headlights from the parking spaces reaching Millstone, to which Mr. Hultin explained that screening plants are incorporated into the plan.

Gary McDougal, District 5 Town Councilor, had concerns about the poor drainage in the area. Mr. Hultin explained that the stormwater and infiltration system is designed for full-capture for the entirety of the raised site. He asked about the monument, to which Mr. Hultin explained that it will not change much.

Mary Hagan, 19 Sargent Road, asked about the raise in elevation. Mr. Thompson showed the contour lines.

A Motion was made by Cmmr. Loring and seconded by Cmmr. Donovan to continue this item to the next meeting on July 25, 2023.

4-0 Unanimous rollcall vote

8. Other Business

Whitman's Pond DASH Pilot Project (2023)- This stand for Diver Assisted Suction Harvest where a diver goes down and they pull and vacuum and this gets the roots too. This will be done later in the summer. This is a pilot project, and we will see what the results and reaction will be.

A Motion was made by Cmmr. Donovan and seconded by Cmmr. Loring to confirm this meets the intent of the Order of Conditions (OOC).

4-0 Unanimous rollcall vote

9. CPC Update

Cmmr. Loring has nothing to report.

10. Herring Run Update

Cmmr. Loring reports there is plenty of water. Adults have left the pond and they are waiting on juveniles anytime now.

11. Conservation Report

New Construction

- N/A

Ongoing Construction (Partial list)

- Elks – On 6/21/2023, Andrew Hultin, Mike Perrin, and Kerin Johnson conducted a site visit at 1197-1215 Washington St. aka Cornerstone (former Elks). This was just a project progress site visit. Staff looked at the wetland series, paying special attention to the stream and culvert. ESC looked good around the entire property. The stream was blocked on either side by riprap dams. Andrew said that the damming should be cleared upon completion of the project. There was a trickle of water coming from an area near flags B17-B20 that Matt claimed started after the area was raised to grade and the nearby retaining wall was constructed. No other concerns were raised during the visit.
- Hanover – On 5/31/2023, Andrew Hultin, Mike Perrin, and George Loring (Conservation Commission), Greg DeCesare (DEP), John Zimmer (Environmental consultant), representatives from Hanover, and representatives from Crocker Design Group conducted a site visit at 1325 Washington St. Greg reviewed the amendment for the retaining wall, raising no issues with the amendment. The group also reviewed Wetland

Series E. This is the wetland that does not appear to be holding standing water anymore. The group dug multiple soil borings and found little to no saturation; saturation was found at 3'. John Zimmer, Andrew, and George confirmed that there previously was standing water in the wetland. Greg recommended keeping an eye on the issue and possibly bringing a hydro-geologist into the conversation if issues are not resolved.

- 792 Middle Street – Andrew visited the site and did not raise concerns.
- 228 Idlewell Blvd – On 6/20/2023, Andrew Hultin, Mike Perrin, Kerin Johnson conducted a site visit at 228 Idlewell Blvd with Frank Sullivan, homeowner. This was just a project progress site visit. The only work remaining is grading and paving the driveway and installing the shed. Frank showed Staff the stabilization and regrowth of grass in the backyard, which looked good. The ESC looked good as well. Frank will plant shrubs, likely hightide bush, just beyond the ESC. ESC will remain until the driveway is paved and the site is stabilized. No concerns were raised by staff.

Compliance and Enforcement and Complaints

- 1099 Main Street – Site visit to discuss clearing the storage of vehicles in buffer to wetland. Some disturbance in/near buffer, but homeowner agreed to cease activity. No remaining concerns.
- 411 Neck St – second annual monitoring visit. Hightide bush seemed to survive well (21/22 survived), but the salt meadow cordgrass largely did not survive. Staff recommends replanting with additional cordgrasses and possibly other native shrubs with the high-tide bush, including beach plum and Virginia rose.
- 150 Clinton Rd – during site visit for building application, Staff observed dumping of yard waste in salt marsh, covering considerable area. A contact letter was sent to the homeowner and was added to the building memo requesting the waste be removed.
- 222 Idlewell Blvd – observed people hitting golf balls into the Fore River/Mill Cove, many balls stuck in tidal mudflats, contact letter set.

Other Projects

- Whitman's Pond Vegetation Management – Plan for DASH pilot program approved during this meeting. Request for bids is the next step.
- SNUP – Phase two almost complete.
- Brook Trout Research Project – water samples shipped to UMaine to do eDNA testing for brook trout. Measuring dissolved oxygen as well. Grant funding received through Hingham Land Conservation Trust.

- Eagle Scout Project – Eagle scout candidate is hanging QR codes on trails at Bradford Torrey. QR codes will bring hikers to trail maps, some with “you are here” pins and possibly some with conservation area history.
- MVP Biannual Meeting – biannual meeting held on 6/7 with attendance from Water, Sewer, DPW, Emergency Response, Grants and Building Departments. Discussed changes and revisions to plan, including prioritizing land acquisition, increasing pervious surfaces, and studying/mitigating heat islands.
- Kings Cove Conservation Restriction Area, Phase III Remedial Action Plan – Enbridge has released for public comment a draft Phase 3 Remedial Action Plan for the King Cove Conservation Area. Enbridge held a public meeting that staff attended where they presented the proposed remediation plan. There are two areas where oil/hazardous materials (ohm) from historic filling of the site needs to be addressed – on the eroding bank and on the beach. This work will take place within the King Cove Conservation Area – an area owned by Calpine but protected by a Conservation Restriction held by the Conservation Commission.

On the eroding fill bank, Enbridge is proposing to stabilize the bank, install a vapor barrier to contain contaminated fill material, and then to armor the slope with rip rap. The new rip rap would tie into existing riprap that runs the length of the King Cove beach.

On the Beach, Enbridge is proposing to remove historic fill that is contaminated with Nickle and Vanadium. This area is approximately 16,000 square feet. They are proposing to remove the fill and transport to an offsite disposal facility, or possibly contain some of it behind the revetment used to stabilize the eroding slope.

There was an open public comment period on the proposal until June 21st. As expected, there was a lot of public comment at the meeting, and we have received several calls here in the office. Ultimately this project will need to be approved and permitted through Conservation and state agencies.

I have reached out with a few questions below to better understand the proposed plan:

1. What will fill removal look like below MHW? Approximately how much material is being removed? Will material need to be brought in to replace material removed? Will “clinkers” and “bricks” be removed from this area?
2. Fill material removal below MHW ends at the property line, is this just the limit of Enbridge’s obligation to address contaminated fill? Or is there data to indicate that contaminated fill stops at the property line?
3. There’s been lots of concern from the community about the Clinkers and Bricks that make up the King Cove beach. I assume these are not being addressed because they pose no risk to the public or environment? Is there any other obligation from Enbridge to address them?

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4. One the eroding bank – Will the geotextile barrier and other materials create an impermeable barrier for contaminated fill? No OHM will be able to mov through this barrier correct?
5. Is it anticipated that beach nourishment will be needed due to permitting requirement related to the armoring of the bank?

Utilities

- National Grid Footer Repairs – NatGrid is doing footer repairs along their ROW within resource areas and buffer. They will be using access points on Commercial St, Mount Ida Rd, Unicorn Ave, East St, Wharf St, N Wharf St, and existing access roadways. The work is exempt from WPA and Weymouth Wetland Ordinance & Regulations.

Planning Department Reviews

- N/A

Other

- N/A

Next Meeting

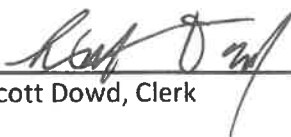
- July 25, 2023. New filings may include:
 - 192 Idlewell Blvd
 - 59 Lake View Road

12. Adjourn

A Motion was made by Cmmr. Loring and seconded by Cmmr. Donovan to adjourn the meeting at 8:30 p.m.

13. Next regularly scheduled meeting – Tuesday, July 25, 2023.

Weymouth Conservation Commission Minutes June 27th, 2023



Scott Dowd, Clerk

07/25/22

Respectfully submitted by,

Ann Flynn Dickinson
Recording Secretary

