

WEYMOUTH CONSERVATION COMMISSION MEETING  
TUESDAY, August 30<sup>th</sup>, 2022 2023 FEB -8 PM 2: 50  
McCulloch Building 182 Green Street  
Mary McElroy Room  
7:00 P.M.

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

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

Chair Reilly called the meeting at 7:00 p.m.

**1. Minutes – July 26<sup>th</sup>**

This item has been postponed until the next meeting in September.

- 2. Shea Memorial Drive Hotel, Southfield-Discussion re: possible Conservation comment letter to Southfield Redevelopment Authority**  
**CP Endeavor Holdings 18 LLC**  
**Map 54, BI 597, Lot 27, and Map 58, Block 597, Lot 147**  
**99-room hotel at intersection of Rt. 18 and Sea Drive**  
**\*NOTE: This is a discussion between Conservation Commission members and staff relative to possible submittal of a letter to the Southfield Redevelopment Authority, the issuing authority for this project. The Conservation Commission does not have jurisdiction; this is not a public hearing and the Commission will not be taking public comment**

Mr. Hultin gave the background behind this project. The Town has been provided with a copy of the project application and was invited to provide comment in writing on behalf of the Conservation Commission of Weymouth. Initial review concerns are:

The Town has already submitted a letter in general to the Southfield Redevelopment Authority outlining additional concerns:

- Project would result in the loss of approximate 12,000 square feet of land in the open space corporation district. This does not appear to be legal under the current zoning.
- The project proposes 6,975 of open space in the commercial district but it is not clear that that land was permanently conveyed as open space and would result in a net loss of existing open space.
- The applicant is seeking to waive many of the Environmental requirements that are included in the Redevelopment Authorities Zoning. Those include:
  - Low impact development techniques

- Landscape planting and buffers
- Heat island affect reduction through shade trees use of bioswales, storm water and water use reduction for landscaping
- Site contains bordering land subject to flooding, bordering vegetative wetlands and bank.
- The project proposes to fill 875 square feet of bordering land subject to flooding for creation of a parking lot
- The proposed replication area does not appear to be hydrologically connected to the flood plane
- There is a lot of development on the site within the buffer zone resource areas, a lot of trees and amenities that are currently used for open space, as trails, benches
- Construction is proposed to go right up to the Wetlands.

We would like a vote to issue a letter from the Conservation Commission.

A Motion was made by Cmmr. Donovan and seconded by Cmmr. Singleton to issue a letter.

5-0 Unanimous rollcall vote

**3. 1197 & 1215 Washington Street – Notice of Intent Public Hearing**

**Elksy Development, LLC**

**DEP File #81-1291**

**Map 35, Block 447, Lots 3 & 1**

**Demolition of Elks building, construction of senior residential facility, parking, drainage & utility improvements**

Jeffrey Tocchio, represents Elksy LLC  
Gabe Crocker, Crocker Design Group  
Maggie Laracy, Civil Engineer from Crocker Design  
Chris Mulrey, Civil Engineer from Crocker Design  
Chris King, one of the Principals is in attendance also

Gabe Crocker was first to present. They are here tonight to present an updated plan. On August 12<sup>th</sup> they were submitted to the BZA and this Commission which they have received their approval from the BZA with conditions. They provided two plans and went over them in detail.

One was an aerial view of the plans and the other was a frontal street view of the property.

Ms. Schloss recommends the following draft of special Conditions:

**Pre-construction**

1. Close out outstanding Order of Conditions, DEP File #81-22. This Order involved filling of wetlands and creation of a 3-foot wide waterway that was to be maintained.

2. Engineering comment #5. The applicant's engineer shall conduct an analysis to document that there is sufficient capacity in the new pipe that will connect Wetland A to Wetland B. The applicant is proposing to increase the size of the pipe to accommodate new inputs (roof runoff, some pavement and yard drains) and shallower slope. Analysis shall be submitted to Weymouth Engineering Division and conservation Commission for review and comment.
3. Engineering comment #7. Maximizing infiltration/water recharge on this site is especially important given that the site discharges to an area that experiences chronic flooding and that is within a 100-year floodplain. The Applicant shall expand the size of recharge areas to maximize infiltration/groundwater recharge at the site. Revised plans shall be reviewed by Engineering and Conservation prior to the start of construction.
4. Add pre-con condition re: submittal of revised plans to also include replacement of pipe between Westland A outlet and the drain system.
5. Most of the existing parking lot is ringed by an infestation of the highly aggressive invasive plant species Japanese knotweed (*Fallopia japonica*). The applicant has proposed restoration and landscape plantings within areas infested with knotweed. Prior to the start of construction, the applicant shall provide a plan for managing this infestation; the plan shall be submitted to the Conservation Commission for its review and approval (this may be done administratively). The management plan shall included:
  - a. Protocols for managing infested solid and knotweed plant materials that are proposed to be removed from the site.
  - b. Protocol documenting measures to be taken during construction to avoid the spread, on-site or off-site. The protocol shall document measures to be taken when working in areas near this plant and shall document the handling and disposal of infested plant materials and soils.
  - c. The plans shall include at last three years of management and monitoring with reports supplied to the Commission. Long-term inspections and management shall continue after the monitoring period.
  - d. The scope of the management area shall be identified. The Commission recommends that the management plans specify a minimum distance beyond the planting areas that the infestation should be managed. The plan shall also identify whether the infestation should be managed in areas not directly proposed for planting, such as the area around wetland A.

6. The landscape plan (LA-1) shall be revised and submitted for Conservation Commission review and approval prior to the start of construction (this may be done administratively) to include the following:
  - a. The species and size of plantings and the timing of plantings in the areas of Japanese knotweed infestation shall be modified as needed to coordinate with the invasive management plan and to maximize the chances of success for planting in these infested areas.
  - b. Buffer Restoration area. The landscape plan shall identify the area around wetland B, where pavement is being removed and plants added, as a wetland buffer restoration area. The planting plan shall be revised to include additional species of native plants for the restoration area ((only 2 plant species are now proposed). Only native species (no cultivars) shall be utilized in the buffer restoration area. The landscape/restoration area shall be monitored and managed and reporting provided for a three-year period in accordance with condition. A long-term, post COC management component shall also be added.
  - c. For discussion Tress canopy within the 100 ft. buffer will be removed at the southern end of the site where the parking lot is expanding into the wooded buffer. The existing understories in this a bit sparse, could we enhance this area with additional understory plantings?
  - d. For discussion. Would any restoration planting be proposed near Wetland A? Any knotweed removal near Wetland A.
  - e. Commission will want to limit the used of cultivar species within the 100-foot buffer or at least within the restoration area and in buffer areas that are not separated from the wetland by pavement/retaining walls or other structures. Could require that only native plants be used within the 100-foot buffer (or within the areas not separated by pavement/structures?) unless the wetland scientist documents that cultivars chosen will not affect function of the species for wildlife habitat value and will be able to reproduce naturally in the planted setting.
7. Prior to the pre-construction walk-through, trees that are over 6" dbh and proposed for removal shall be marked in the field for review during the walk-through.
8. Pre-construction walk through
9. See Standard Conditions. Includes Submittal of Revised plans/construction set.

**Construction**

10. Removal of debris in wetland A
11. Buffer restoration work. Work, including approval of all soil amendments, all plantings and planting locations and methods shall be overseen by wetlands professional.
12. Work within areas infested with the aggressively invasive plant species Japanese knotweed (*Fallopia japonica*) shall be conducted in a manner to prevent spread of

this species on or off the site. Pieces of the plant including roots, stems and seeds, shall be handled as a solid waste or in accordance with the approved management protocol.

13. Notification milestones:
  - a. Wetland buffer restoration soils and plantings
  - b. Invasive plant management
  - c. Installation of infiltration systems.

#### **Post Construction**

14. Wetland Buffer Restoration Area shall be monitored, and invasive plants actively management and provide annual reporting for a minimum of three years after the initial planting or until restoration goals are met. May rework this. Need to come up with a suitable goal. May refer to survival of planted species rather than coverage by natives.
15. Operation and Maintenance Plan and accompanying materials (sketches, inspection logs) shall be submitted to Conservation Commission for administrative review and approval prior to the submittal of a Request for Certificate of Compliance. To include the following elements:
  - a. Include Inspection of drainage system inlet at Wetland A to the narrative, sketch and inspection log.
  - b. On the sketch of BMP locations, add ID #s for BMP elements so they can be cross-referenced to the inspection log.
  - c. Narrative states cleaning at last once per year with removal of all liquids (shouldn't this require removal of solids as well?) Narrative states cleaning should be whenever sediment accumulation is allowable: could modify language.
  - d. Clarification where stone/pipe trenches are going
  - e. Narrative states that "runoff from paved areas and snowmelt shall be directed over vegetated areas to promote settlement of suspended solids before entering a wetland or resource area. "Paved areas discharge to the piped system. Is this referring to walkways?
  - f. The narrative states that snow is to be plowed to the edge of pavement. The BMP map, Note 3, states that snow is to be hauled from the site. What is the proposed snow management plan?
16. (Reference DEP General Condition #19 as an ongoing condition. Reference submittal of the O & M Certification as a requirement of Certificate of Compliance.
17. Ongoing condition, maintenance of restoration plantings and management of invasives. Should any responsibility for management of invasives continue post Certificate of Compliance (COC)? Require a long-term vegetation management plan for restoration area around Wetland B? (e.g. as done for Aeronaut/81-1216?

18. See Standard Conditions re: COC and Ongoing Conditions

With no comments from the Public,

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

5-0 Unanimous rollcall vote

Ms. Schloss wanted to remind the Commission that George Loring is not participating in this vote due to his absence at the last meeting. She recommends to issue an Order of Conditions (OOC) as discussed here tonight and will be finalized in accordance with our discussions.

A Motion was made by Cmmr. Donovan and seconded by Cmmr. Singleton to issue the Special Conditions together with the Standard Conditions mentioned here to night.

4-0 Unanimous rollcall vote

**4. 94 Prospect Hill Drive – Request for Determination, Public Hearing**  
**Marty Barnes**  
**Map 3, Block 4, Lots 3 & 1**  
**Raze and reconstruct single-family home**

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

5-0 Unanimous rollcall vote

Marty Barnes was here to present.  
Paul Seiberg Consulting was also available.

Mr. Seiberg went over the existing home together with swimming pool in the rear, where the home is proposed to be grazed. They are proposing to rebuild a home on the existing foundation and extend out to the rear of the property. Work will take place in existing lawn area.

Mr. Hultin states it is a pretty straight forward project. It is in the buffer zone of the Coastal Bank which we are 52 ft from the edge of the Coastal Bank. The big concerns on this project are:

- Erosion controls during the work
- Proposed erosion control around the site looks good
- Control sediments into the roadway
- Stockpiling of excavated materials
- Staff recommends a rain garden or flat area to infiltrate the water before it makes its way into the Coastal Bank

- Include a condition that roof and driveway runoff should not be directed onto neighboring property

Staff recommends the issuance of a Negative 3 Determination with those conditions.

Receipts were received and Legal Notices were published.

With no comments from the public,

A Motion was made by Cmmr. Loring 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 all the special conditions mentioned here tonight.

5-0 Unanimous rollcall vote

**5. 101 Shawmut Street – Notice of Intent, Public Hearing**

**Jean Conneely**

**DEP File #81-1293**

**Map 23, Block 302, Lot 15**

**Proposed addition**

Jean Conneely was present together with Terry McNulty, Contractor

Ms. Conneely owns the home and she would like to propose to add an addition which she has presented a plan here that will be respectful to the land and the Herring Run that runs behind the home. She has already demolished the garage, she is proposing to demolish the old addition and rebuild. It will not be the exact foot print.

Mr. McNulty described the scope of work that will take the building away from the river and put a new addition about 35 ft away from the river.

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

5-0 Unanimous rollcall vote

Mr. Hultin reviewed that this is a proposed addition in the river front area with the Herring Run and they are proposing to take down a garage that has already been removed. They are proposing removing some of the building and rebuild. They are also reconfiguring the driveways removing the asphalt by approximately 1,000 square feet.. We do have to meet River Front Performance Standards on this project, which are met by:

- Work shall be an improvement over existing conditions

- Runoff to be directed away from the river
- Steep slope in the rear of property that has debris and we want the slope protected throughout the construction with erosion control silk sock and silk fence of about 36ft at the top of the slope
- Stockpiling of erodible materials meet options given
- Protect roadway from sediment
- Reduction of asphalt in impervious area
- Redirection of roof runoff
- As built plan
- At completion a Certificate of Compliance (COC) will be needed

Staff recommends issuing and Order of Conditions (OOC) with special conditions mentioned.

With no comments from the public,

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

5-0 Unanimous rollcall vote

**6. 824 Washington Street – Emergency Certification**

**FX Messina – Rob St. John Director of Planning**

**Walt Marione Attorney**

**Map 30, Block 379, Lot 9**

**Stabilization of collapsed culvert**

Ms. Schloss states the reason we are here tonight is a collapsed culvert behind Shaw's. They were notified of the collapse back in March by MASDOT divers that were out there.

Mr. St. John from F.X. Messina has been in contact with contractors. They seemed to be all busy and he needed a company that was experienced in deep pipe excavation. R.H. White will be able to handle to project. They only agreed to take on this project minutes before this meeting. Contract will be signed and they will be ready to start next week. They will be inviting all of the Town Departments involved to get the best recommendations from all how to replace this pipe. He went into detail as far as the description and plan of construction and showed the plan to the audience to follow along. They would like for the 30 day countdown to begin when the machines are there and ready to roll, then they would be able to work within the confines of the Emergency Order. Optimistically they will start next week.

A Motion was made by Cmmr. Donovan and seconded by Cmmr. Singleton to approve the Emergency Certification with a date no later than Sept. 14<sup>th</sup>, 2022.



5-0 Unanimous rollcall vote

Ms. Schloss then explained that the Enforcement Order, she recommends be issued first before the Emergency Certification. This is a two part process, first stabilization has to happen, then they need to come back and permanently stabilize it.

- Work completed in accordance with Emergency Certification
- Culvert should be regularly inspected after rainfalls
- Owner to file Notice of Intent (NOI) no later than two weeks after certification by October 6<sup>th</sup>

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

5-0 Unanimous rollcall vote

**7. 201 Randolph Street – Request for minor modification**

**Gary Melville**

**DEP File #81-1279**

**Map 48, Block 546, Lot 15**

**Detached garage; request to alter building location**

Ms. Schloss reports that Mr. Melville was not present this evening, she explained that Conservation reviewed the building permit and compared it to the plan that was approved for this project and noticed there was a difference from the approved plan that Conservation had approved. She displayed the plans for audience to view, as she did the overview of the approved plan, Order of Conditions (OOC) was issued last summer. There was 10ft between house and garage. The closest distance to the wetland was 30.1 ft, and 10 ft to the building. They have filed on the application originally same size garage, but 15 ft, pushed over 5 feet and the distance to the street is now 29.2 ft but approved plan was 34.2 ft. The closest corner ends up being 28.8 feet. Still outside the 25 foot buffer and can have this erosion control, however the post condition is outside of the 25. It is minor and all work will be outside the 25 foot area.

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

5-0 Unanimous rollcall vote

**8. Acceptance of Land Donation for Conservation purposes**

**Green Street, Map 11, Block 103, Lot 11**

**Donation of 302, 699 sq ft of land as part of subdivision of 211 Green Str.**

Mr. Hultin told the Commission there is a block of land off of Green Street where there is a large marsh area, several of the parcels are already Town owned and there is a proposal to create a new buildable lot at the same time donate approximately 7 acres of this land through which the Town that has existing easements through the Conservation Commission.

Ms. Schloss displayed the outline of the land plan for the audience to view. All of parcel D would go to Conservation. The deed has been prepared and approved by the Mayor.

A Motion was made by Cmmr. Donovan and seconded by Cmmr. Dowd to accept this gift of land.

5-0 Unanimous rollcall vote

**9. CPC Update**

Cmmr. Loring states there was no meeting, so there is no report.

**10. Herring Run Update**

Cmmr. Loring updated the Commission that the juveniles are out and they put screens up to prevent the fish from going down the ladders and getting stuck in between.

**11. Conservation Report**

No report at this time

**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, September 27, 2022**

Weymouth Conservation Commission  
Meeting  
August 30, 2022

Weymouth Conservation Commission Minutes August 30, 2022



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Scott Dowd, Clerk

Respectfully submitted by,

Ann Flynn Dickinson  
Recording Secretary