

WEYMOUTH CONSERVATION COMMISSION MEETING  
TUESDAY, May 30, 2023  
McCulloch Building 182 Green Street  
Mary McElroy Room  
7:00 P.M.

Present: John Reilly, Chairman  
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

Not Present: Ann Flynn Dickinson, Recording Secretary

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

**1. Minutes –December 13, 2022 & April 25, 2023**

Mr. Hultin has remaining edits to the December 13, 2022 minutes. The vote will apply to the April 25<sup>th</sup>, 2023 meeting minutes only.

5-0 Unanimous rollcall vote to approve the April 25, 2023 minutes.

**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

**NOTE: The applicant has requested that the hearing be continued to June 27. There will be no testimony or deliberation.**

The applicant has requested a continuance until the next meeting on June 27<sup>th</sup>, 2023.

A Motion was made by Cmmr. Loring and seconded by Cmmr. Singleton to continue this item until the next meeting on June 27, 2023

5-0 Unanimous rollcall vote to continue the hearing

**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

**NOTE: The applicant has requested that the hearing be continued to June 27. There will be no testimony or deliberation.**

The applicant has requested this be continued until the next meeting on June 27<sup>th</sup>, 2023.

A Motion was made by Cmmr. Loring and seconded by Cmmr. Donovan to continue this item until the next meeting June 27<sup>th</sup>, 2023.

5-0 Unanimous rollcall vote to continue the hearing

**4. 475 Columbian Street – Violation of Hearing**

**Richard Compot**

**Map 40 & 38, Block 482, Lots 16**

**Outstanding Enforcement Order issued 8/2019 for unauthorized fill in wetlands**

Mr. Hultin reminded the Commission that this is an outstanding Enforcement Order that was issued in 2019 for extensive fill in wetlands. The Enforcement Order called for the removal of roughly 20% of the fill, deemed 'recent fill', leaving the remaining 'historical fill.' No action or movement was taken and the Commission requested the property owner to appear for a violation hearing, which occurred roughly a year ago. The Enforcement Order was extended for one year pending the outcome of the Superior Court Case. The property owner has again requested an extension until August of 2024 to allow this court case to play out.

Rick McLeod, Town Solicitor, appeared before the Commission. He states that the request to extend it until August 2024 is unacceptable and mitigation action should be taken immediately. The attorney for the property owner states his client does not have the financial resources (approximately \$83,000) to clean up the recent fill. He informed the attorney that the enforcement will have daily fines and by the time they get to trial any monies recovered will be turned over to the Town of Weymouth. He suggested a resolution, which would include the property owner, Mr. Campot, to accept a settlement by Mr. Macauley to clean the site. Mr. Campot's attorney outlined in his pre-trial conference that damages could amount to \$1.2 million. He suggested that if the Commission would waive the cleanup of the historical fill and only require cleanup of the recent fill, the two parties could settle. Mr. McLeod states that an order could be written and recorded at the registry of deeds that allows the Commission to take future enforcement action if the property changes hands, preventing a future developer from using the historic fill area as upland. Commissioners expressed concern about drawing a new wetland line at the extent of the recent fill, possibly allowing developers to use the area as upland. He suggested the Commission extend the matter for 60 days to prepare documents for the possible resolution he went into the details of the terms of this agreement/order.

A Motion was made by Cmmr. Donovan and seconded by Cmmr. Singleton to approve a 60-day extension to provide additional information for a proposed settlement.

5-0 Unanimous rollcall vote to extend the Enforcement Order deadline for 60 days

**5. Montcalm/Commercial St. Lower Central Interceptor Improvements – Notice of Intent, Public Hearing**  
**DEP File #PENDING**  
**Department of Public Works**  
**Map 13, Block 131, Lots 8, Map 13, Block 155, Lot 28; Map 13, Block 156, Lots 5, 28, 38**  
**Test boring within sewer easement**

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

5-0 Unanimous rollcall vote

Sabrina Castinado, Environmental Partners Group, was here to present. She explains the projects involves drilling a series of 8 borings along an existing sewer easement to gather data for future upgrades to the system, reducing flooding and overflow in the area. Plans were shown to the Public showing access areas and boring locations.

Mr. Hultin went into detail on the provisions of the work and feels confident that the work will be completed in a way that minimizes disturbance to resource areas. He then showed aerial imagery Marshes will be protected by marsh mats, minimizing impacts. He recommends issuing an Order of Conditions (OOC) approving the project with conditions:

- Minimize impact to wetlands by following the marsh protection measures outlined
- Staff to be notified if any significant vegetation clearing is required
- Boring holes will be backfilled with original materials and site shall be stabilized
- Biofuel will be used by machinery and spill protection measures will be outlined to avoid any impact in the case of unforeseen issues

Harry Castleman, 25 Hyde St, voiced concerns over the easement on Edison Street being overburdened. He outlined other options he felt were feasible He requested that the Commission reject the proposal until other access is provided.

With no further 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 an Order of Conditions (OOC) with all special conditions mentioned here tonight.

5-0 Unanimous rollcall vote

**6. 541 Front Street – Violation Hearing**  
**Tony DePalma**  
**Map 29, Block 373, Lot 14**  
**Fill in wetlands**

Mrs. DePalma, and her son Alfonzo were here to present as the property owners. Majed Hazaimh attended as well. She states her husband is in Italy and unable to attend tonight, but he met with Mr. Hultin on-site recently.

Mr. Hultin states a contact letter was sent roughly a year ago. There is an existing power line easement on the property, and during routine maintenance, Eversource observed and documented wetlands fill. He showed an ariel view of the area over different years, showing the extent of the fill. With no response, a Notice of Violation and Cease and Desist went to the two property owners on the powerline. Staff were able to view the violation from an adjacent property during the fall and it was clear that wetlands fill was continuing. Another Notice was issued, and contact was made. During the site visit, Staff observed fill of construction materials, asphalt, yard waste, barrels. Mr. Hazaimh explained that he used the area to store equipment for his company, Petra Services. The extent of the fill is unclear at this time, so the Commission recommends hiring a wetland scientist to delineate a wetland line through borings or field observations. This wetland line will inform the proper extent of mitigation and restoration. The parties understood the situation and agreed. Mr. Hultin recommends reaching out to a Wetlands Scientist and continuing this to the next meeting on June 27<sup>th</sup>, 2023.

A Motion was made by Cmmr. Donovan and seconded by Cmmr. Loring to continue this item until the next meeting on June 27<sup>th</sup>, 2023. The Commission recommended the parties retain a wetland scientist before the next meeting.

5-0 Unanimous rollcall vote

**7. 138 Fort Point Road – Request to Extend Order of Conditions, Public Hearing**  
**DEP File #81-1240**  
**Map 2, Block 6, Lots 33**  
**Gregg Correia & Dinara Konusevska Correia**  
**Raise an existing single-family dwelling**

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

5-0 Unanimous rollcall vote

Mr. Hultin states this is a request for extension to an existing Order of Conditions to raise a house out of the flood zone. He recommends approving the extension request for one year. He explains the project has started and will be completed within the next year, but there were several delays working with the FEMA grant program utilized by the town to complete the work.

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. Donovan and seconded by Cmmr. Singleton to extend the order of Conditions for one year.

5-0 Unanimous rollcall vote

#### **Other Business**

- Tree Replacement Policy and DRAFT: Mr. Hultin explains that Staff have been working on the Tree Replacement Policy discussed roughly a year ago. The policy would ensure the Commission is consistent with rulings. He asked Commissioners to have comments during the next meeting.
- Summer Intern: Mr. Hultin explains that an intern will be working from June – August to assist the Conservation and Planning Offices.

#### **8. CPC Update**

Cmmr. Loring no meeting, no update.

#### **9. Herring Run Update**

Cmmr. Loring reports migration is just about done. Waiting for about 250,000 to come out of the pond in the next couple of weeks. About 300,000 fish have come out this year.

#### **10. Conservation Report**

##### **New Construction**

- N/A

##### **Ongoing Construction (Partial list)**

- Elks – no updates, scheduling a visit for June.
- Hanover – Site visit with DEP May 31<sup>st</sup> at 10:45 to discuss the Amendment to OOC and wetland issue discussed last meeting. Andrew visited on May 5<sup>th</sup> after about ten days of wet/rainy conditions. He still did not observe standing water in the wetland, but did observe saturation about 3 feet down.
- Pleasant/Libbey Roadway Improvements – final paving underway.
- 792 Middle Street – construction of retaining wall permitted OOC October 2022.

**Compliance and Enforcement and Complaints**

- Bicknell St – material removed by homeowner and site visit conducted, cleaned to acceptable amount homeowner.
- 1099 Main Street – NOV sent for clearing vegetation within buffer zone. Also, storage of boats and other vehicles. Contact not made yet.
- 115 High St – Site visit to discuss potential wetlands violation. Discovered minimal fill of wetlands in form of manure pile. Advised Dwyer to remove the manure from the wetland and provide photos of cleaned up area.
- 215 Summer St – Complaints of flooding due to filling of drainage swale with yard waste. Letter sent to homeowner instruction then to remove rubbish and cease dumping.
- 115 Park Ave – Received notice of clearing of vegetation and possible fill within resource areas and buffer zone. After site visit, NOV sent May 9 requiring remedial action including cleaning materials sloping into wetland, loam and seeding with conservation seed mix, and native planting. Observed progress in recent days including removal of fill.
- 30 Carlson Cove – Contact made with homeowner, who explained enforcement action had already been complied within 2018 under Mary Ellen and Housing Authority guidance. Site visit revealed the plantings did not have high survival rate, so advised more appropriate shrub plantings to revegetate buffer. Fence marks ~ 25' from pond edge, creating no disturbance zone.
- Whitman's Pond Vegetation Management – Superseding Order of Conditions Issued and local Order upheld. Matt Ladwig from TRC plans to apply for pilot Diver Assisted Suction Harvest (DASH) project for late summer/early fall this year.
- Brook Trout Research Project – water sampling this week/next week and shipping to UMaine to do eDNA testing for trout eggs. Measuring dissolved oxygen as well. Grant funding received through Hingham Land Conservation Trust.
- Boston Harbor Ecosystem Network Presentation – Linda DiAngelo, Scott Dowd, and Andrew Hultin presented at the spring BHEN meeting to discuss herring run history, success, and challenges.

**Utilities**

- Mass Electric Company – routine maintenance of poles and grounding grids on Pond St., Liberty St, and Randolph St right-of-way.
- National Grid provided notice that routine maintenance will occur and 2023 maintenance maps are available on their website.

Weymouth Conservation Commission  
Meeting  
May 30, 2023

Planning Department Reviews

- N/A

Other

- N/A

Next Meeting

- June 26, 2023. New filings may include:
  - Ocean Honda
  - 192 Idlewell Blvd
  - 363 Neck Street
  - 2158 Park Ave West
  - 59 Lake View Road

**11. Adjourn**

A Motion was made by Cmmr. Loring and seconded by Cmmr. Donovan to adjourn the meeting at 8:15 p.m.

**12. Next regularly scheduled meeting – Tuesday, June 27, 2023.**

Weymouth Conservation Commission Minutes May 30<sup>th</sup>, 2023



Scott Dowd, Clerk

06/27/23

Respectfully submitted by,

Ann Flynn Dickinson  
Recording Secretary