

**WEYMOUTH CONSERVATION COMMISSION
RECORD OF MINUTES AND PROCEEDINGS**

**Tuesday, July 23, 2019, 7:00pm
John F. McCulloch Building, McElroy Room
182 Green Street, Weymouth, MA**

Present: Tom Tanner, Chairman
John Reilly, Vice Chairman
Frank Singleton, Commissioner
George Loring, Commissioner

Not Present: Scott Dowd, Commissioner and Clerk

Also Present: Mary Ellen Schloss, Conservation Administrator

Chairman Tanner called the Commission meeting to order at 7:00pm.

Election of Officers

Moved to later on the agenda.

Approval of Minutes

The minutes for June 25, 2019 were reviewed.

On a motion made by Cmmr. Singleton, seconded by Cmmr. Reilly, the Commission voted 4-0 to approve the minutes

51 Fort Point Road – Request for Certificate of Compliance

Tom Tasney

Map 2, Block 9, Lot 5

DEP File #81-1224

Construct pier footings & raise dwelling above FEMA base flood elevation

Ms. Schloss said all information needed to issue the Certificate of Compliance (COC) has been provided, she has performed a site visit, and is in favor of issuing the COC.

On a motion made by Cmmr. Reilly, seconded by Cmmr. Singleton, the Commission voted 4-0 to issue the Final Certificate of Compliance

593 Commercial Street – Request for Extension of Order of Conditions, Public Hearing

Estate of Timothy Richard Cronin

Map 13, Block 177, Lot 42

DEP File #81-1180

Single-family home

On a motion made by Cmmr. Loring, seconded by Cmmr. Reilly, the Commission voted 4-0 to open the public hearing.

In the audience was Timothy Haynes, executor of the Cronin estate.

Ms. Schloss said this extension is for an OOC for a single family house, on an undeveloped lot, that is due to expire Sept. 7th.

Public Comments – none

On a motion made by Cmmr. Singleton, seconded by Cmmr. Loring, the Commission voted 4-0 to close the public hearing.

On a motion made by Cmmr. Singleton, seconded by Cmmr. Reilly, the Commission voted 4-0 to approve the extension to the Order of Conditions to Sept. 7, 2020

475 Columbian Street – Violation Hearing, continued

Richard Campot

Map 40, Block 482, Lot 16

Unauthorized fill in wetlands

Appearing before the Commission were owner Richard Campot, Joseph Polsinello, Licensed Site Professional, and Mr. Campot's attorney Richard Nylen, Jr.

Atty. Nylen said the new fill removal line was located and plotted on a plan that was presented to the Commission. He said that, now, the Commission has extended the area that needs to be excavated, and is proposing is a 6:1 slope plus an increase in no-disturb area of an additional 150 feet; he would like to see that line go back to where it was agreed. He noted that any future buffer zone activity has to come back before the Commission anyway.

Cmmr. Tanner said he actually wanted a 12:1 slope and decreased it to a 6:1 slope. He said he hoped to be able to close this hearing tonight. Chairman Tanner suggested that the toe of slope be at the 143 elevation line, rather than the 141 elevation line, and that the 100-foot buffer be measured from the toe of slope, not the top.

Atty. Nylen asked that "do-not disturb" language be reworded to "any activity in the buffer zone must come before the Conservation Commission".

Ms. Schloss said she would like to see additional fill removed from the edge of the wetland if any work is done in the future within the 100-foot buffer.

Atty. Nylen said he does not have a problem with "any work proposed within the 100-foot buffer requires coming before the Commission" but he does have a problem with language regarding "remove other material" (condition #11 on the 7/19 version of the Recommended Conditions for the Enforcement Order) which will need to be reworded.

Ms. Schloss said she thinks it weakens the proposal and she expected that additional fill would be removed.

Atty. Nylen said there is a two-year statute of limitations (due to property transfer).

Chairman Tanner said he would be willing to move the slope from 6:1 to 4.5:1 slope as that will provide for a longer time for rain absorption than the 3:1 slope proposed by the owner.

Atty. Nylen said they can live with 4.5:1; all Board members felt that was reasonable.

Ms. Schloss asked if Oct. 1st was reasonable for the fill to be removed; Atty. Nylen said it might take a while for the fill removal and would prefer to do the work in the fall, but that it may have to be done in the spring.

Ms. Schloss said a signed and stamped plan needs to be provided before work begins and will need to include the erosion controls to be used and the type of seed, for wetlands and slope. She also said that fill removal and restoration will need to be completed by the end of spring 2020 planting season.

On a motion made by Cmmr. Singleton, seconded by Cmmr. Reilly, the Commission voted 4-0 to approve the conditions shown on document dated 7-23-2019 as modified by the discussion.

**720 Pleasant Street – After-the-Fact Notice of Intent (NOI), Public Hearing
Ryder Development Corp.
Map 35, Block 444, Lot 35
DEP File #81-1248**

After-the-Fact NOI for single-family home

On a motion made by Cmmr. Singleton, seconded by Cmmr. Reilly the Commission voted 4-0 to open the public hearing.

Abutter Notices were submitted.

Appearing before the Commission were Al Trakimas of SITEC, Justin Ryder, owner, and Kenneth Ryder, developer.

Mr. Trakimas provided an overview of the project:

- This is a 2 ½ story home with 2-car garage that will be served by municipal water and sewer
- Roof leaders will exit into driveway with crushed stone swale, so there will be no additional water
- Driveway will have a crushed stone turn around, located outside the 50 ft. buffer zone
- The 2-car garage, and a small portion of the house, are within the 100-foot buffer
- Property has a lot of ledge which has been blasted; no more blasting is expected
- Blasted ledge is to be backfilled

- Pre-blasting for utilities has been completed

Ken Ryder discussed the history of the project. He said that his son Justin had been working on the historic house for over a year. Justin applied for a building permit for the proposed house (#720) and originally the house was going to be high on the hill (out of the 100-foot buffer) but they decided to move the foundation (into the buffer) because of the extensive ledge and to “make a better fit.”

Public Comments

-Robert Bagley, of 714 Pleasant Street, said he has a deaf and blind daughter and appreciates the fence.

-Priscilla Wood, 711 Pleasant Street, said she wanted the new owner to know that, in the past, water has filled the cellar all the way to the ceiling.

-Russell Landrigan, 703 Pleasant Street, asked if the driveway would be asphalt; he was told ‘yes’. Later he asked if all blasting is done and Ken Ryder said “South Shore Drilling is all done”.

-Patrick Flaherty, 2, 4 & 6 Mutton Lane, said/asked:

- He is concerned about the work that was done before it was authorized
- He is concerned that anyone can get a blasting permit, so close to wetlands and a perennial stream, without conservation approval
- The natural ledge is all gone
- Stone wall was not there previously – ledge was blasted and boulders were pushed onto virgin land
- All blasted rocks are within the 25’- 35’ of Mr. Flaherty’s wetlands and pond (that feeds the perennial stream which crosses Mutton Lane and feeds the wetlands behind Weymouth Elks)
- He is concerned that water runoff and silt from the blasting affected the pond and stream on his property
- No work was to commence per Conservation until it was flagged and Notice of Intent application submitted
- Why should the boulders at the very bottom of the cliff be left in place?
- The area was not flagged; how do they know where the lot lines are?

Ms. Schloss said that the plan that Ryder Development submitted showed property lines that differ from Mr. Flaherty’s approved plan for his Mutton Lane development. Chairman Tanner said that property line disputes are not in the Commission’s jurisdiction.

Chairman Tanner agreed that the boulders should not have gone over the cliff and said he is comfortable with the fence.

Discussion ensued about the boulder wall that was constructed without authorization in the 100-foot buffer. The applicant proposed to remove all boulders except the bottom course, relocate the wall outside the 50-foot buffer as shown on the plan, and to allow the area between the

current wall and the relocated wall to revegetate. The Commissioners agreed that the bottom course of boulders could remain if they were stable.

The Commissioners and applicant discussed runoff from the driveway and agreed that runoff from the upper portion of the driveway would be directed to the crushed stone turnaround and that the remainder of the driveway would be pitched toward a crushed stone mat located adjacent to the bottom of the driveway.

Ms. Schloss said that Mayor Hedlund is putting together a departmental meeting to determine how this happened, adding that blasting permits aren't reviewed by the Conservation Administrator.

On a motion made by Cmmr. Reilly, seconded by Cmmr. Singleton, the Commission voted 4-0 to close the public hearing.

On a motion made by Cmmr. Loring, seconded by Cmmr. Reilly, the Commission voted 4-0 to issue the Order of Conditions with conditions discussed.

734 Pleasant Street - Notice of Intent, Public Hearing

Ryder Development Corp.

Map 35, Block 444, Lot 36

DEP File #81-1247

After-the-Fact NOI for single-family home

On a motion made by Cmmr. Reilly, seconded by Cmmr. Singleton, the Commission voted 4-0 to open the public hearing.

Abutter Notices were submitted.

Appearing before the Commission were Al Trakimas of SITEC, Justin Ryder, owner, and Ken Ryder, developer.

Mr. Trakimas said this proposal is for a single-family dwelling with a detached, 2-garage garage and a driveway constructed off Pleasant Street. He provided some project updates:

- They hope to keep the 36"+ oak tree
- They would like to use wattles for erosion control
- Ledge has been blasted and most is remaining
- There is a small vegetated wetland adjacent to the stream
- The garage and ¾ of the house are in the 100' buffer zone
- The lawn area will not exceed the limits of the erosion control barrier shown on the plan

Public Comments

-Russell Landrigan, 703 Pleasant Street, asked if the blasting is all done and Ken Ryder said "Yes".

Ms. Schloss asked if a berm could be put up to prevent water from running off the ledge; Mr. Trakimas and Ken Ryder agreed it was a good idea and can be done. It was agreed that a crushed stone infiltration strip would be installed adjacent to the driveway and that a fence would be installed adjacent to the steep ledge.

On a motion made by Cmmr. Loring, seconded by Cmmr. Reilly, the Commission voted 4-0 to close the public hearing.

On a motion made by Cmmr. Loring, seconded by Cmmr. Reilly, the Commission voted 4-0 to issue the Order of Conditions with conditions discussed.

7 Perkins Road – Request for Minor Modification
Ryder Development Corp.
Map 34, Block 438, Lot 7
DEP File #81-1217
Single-family home

Appearing before the Commission were Al Trakimas of SITEC, and Ken Ryder, developer.

Mr. Trakimas said that they made changes to the approved plans and are requesting a minor modification to incorporate these changes into the final plan. He said they built a wall along the front and left-hand side of 7 Perkins Road to tie into the wall that was being constructed at 19 Perkins Road. He presented a copy of the submitted plan and confirmed he had been out to the site after heavy rain and observed no washing-out or ponding of water along the wall. The other revision is that the front stairs were realigned to accommodate the wall.

On a motion made by Cmmr. Singleton, seconded by Cmmr. Reilly, the Commission voted 4-0 to approve the minor modification.

Election of Officers

On a motion made by Cmmr. Reilly, seconded by Cmmr. Singleton, the Commission voted 4-0 to open the elections.

On a motion made by Cmmr. Reilly, seconded by Cmmr. Singleton, the Commission voted 4-0 to continue the same officer positions for another year.

The Community Preservation Committee liaison will continue to be George Loring.

Other Business

Ms. Schloss reported on:

-38 Lake Shore Drive: Ms. Schloss said the lawn at this location is going to the shore line. Owner will be coming in for approval and they have been informed that the 25' no-disturb area is for new uses so they can keep it as a lawn. The Commission determined that Ms. Schloss can decide if a pathway on the existing lawn can be considered a minor modification.

-211 Green Street: fill removal will probably begin week of July 22nd.

-127 Puritan Road: a retaining wall was constructed at top of bank of tidal creek without authorization. Town plans show an existing retaining wall but the owners extended it onto the coastal bank. There is a state conservation restriction put on this property in 1987 that allows maintenance of existing uses but prohibits construction of new structures on wetland resource areas. Ms. Schloss recommended that the owners be allowed to maintain/reconstruct the pre-existing wall but that they need to find some other way to deal with the extension. Application for an After-the-Fact Notice of Intent will need to be filed.

Conservation Report was distributed.

CPC Update

Cmmr. Loring said there was no meeting held.

Respectfully submitted by

Patricia Fitzgerald
Recording Secretary

Adjournment:

On a motion made by Cmmr. Loring, seconded by Cmmr. Singleton, the Commission voted 4-0 to adjourn at 9:35pm.



Scott Dowd, Clerk



Date