

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

**Tuesday, October 22, 2019, 7:00pm,
Town Hall Council Chambers, Second Floor
75 Middle Street, Weymouth**

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.

Approval of Minutes

The minutes for September 24, 2019 were reviewed.

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

67 Regatta Road – Request for Final Certificate of Compliance

Carmen Mariano

Map 2, Block 12, Lots 10 & 16

DEP File #81-1171

Vegetation management on coastal bank

Appearing before the Commission was Edith Mariano. Mrs. Mariano said she is very pleased with the results of the coastal bank work.

Ms. Schloss said the project looks great and is a good example of what a coastal bank can look like. She told the Board that a site visit was done and all requirements have been met and she is in favor of issuing the Certificate of Compliance.

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

129 Randolph Street – Request for Determination, Public Hearing

Kathleen Sweezy

Map 48, Block 547, Lot 13

Construct new home, fill in pool

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

Appearing before the Commission was owner, Kathleen Sweezey, and contractor, James Smith. Abutter notifications were submitted.

Mr. Smith explained the project is for construction of a single-story ranch house within a small portion of the Mill River Riverfront Area. The existing house and two sheds will be demolished after the new house is built.

Ms. Schloss said this is a simple project with no concerns for the resource area, erosion controls are being used and the proposed dry well will have all roof leaders directing runoff to it. Ms. Schloss recommended a Negative 2 Determination.

Public Comments - none

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

On a motion made by Cmmr. Loring, seconded by Cmmr. Singleton, the Commission voted 4-0 to approve the Negative 2 Determination.

45 Regatta Road – Notice of Intent, Public Hearing

Warren Sponsler

Map 2, Block 12, Lot 19

DEP File # 81-1249

Replace existing garage; construct stairways and small patio

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

Appearing before the Commission on behalf of Mr. Sponsler was Celia Civello, Edgewood Design & Architecture. Abutter notifications have been submitted.

Ms. Civello said they hope to begin work this fall and explained the project as:

- Replace existing garage with a 14' wide, single-car garage
- Construct stairs from the street to the back yard
- Build a stair enclosure from the house, to the garage, and to the office

Ms. Civello said the garage floor will be raised 18" and all gutters will empty into a dry well. She said she doesn't think work will begin until fall of 2020.

Ms. Schloss noted that the project is separated from the coastal bank by a terrace and stated that, during construction, erosion controls will be needed as shown on the plan. In addition, the catch basin in Regatta Road will need to be protected.

Public Comments - none

On a motion made by Cmmr. Loring, 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 approve the Order of Conditions as discussed.

55 Alpine Road – Request for After-the-Fact Determination, Public Hearing

Philip Pedersen

Map 30, Block 348, Lot 26

Retaining wall and gravel parking area

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

Appearing before the Commission was Nelson Rodrigues, contractor, on behalf of owner, Philip Pedersen. Abutter notifications were submitted.

Mr. Rodrigues said the retaining wall had failed and the owner hired someone to put up a new retaining wall but that person did not get approval from Conservation. The wall was moved back about nine feet to provide some parking. He said the wall is finished and they want to put down the gravel.

Public Comments - none

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. Singleton, seconded by Cmmr. Loring, the Commission voted 4-0 to approve the After-the-Fact Negative 3 Determination.

211 Green Street – Enforcement close-out

Robert Tocchio

Map 11, Block 103, Lot 11

Unauthorized fill in wetland and buffer zone

Appearing before the Commission was Robert Tocchio, owner.

Chairman Tanner commended Mr. Tocchio on the work that was done. He also thanked David Bristol, of Bristol Brothers and J.F. Price Co., for his donated time and equipment, adding that he did a great job.

Ms. Schloss said she thinks the area should be left to go natural; Mr. Tocchio said he would happy to let it naturalize.

On a motion made by Cmmr. Singleton, seconded by Cmmr. Reilly, the Commission voted 4-0 to approve the closeout of the Enforcement Order.

Ms. Schloss said, after the erosion controls are removed, she will send Mr. Tocchio a letter to confirm that the Enforcement Order has been closed out

Cmmr. Reilly suggested a note of thanks to Mr. Bristol; Mr. Tocchio said he will send it.

Acceptance of Land for Conservation Purposes

“0” off Cottage Lane

Map 28, Block 361, Lot 2

This is relative to the Tirrell Woods project under DEP File # 81-1033. The Order of Conditions required the permanent preservation of approximately 51.83 acres as open space, and it was agreed this would be deeded as Conservation Land. An initial conveyance was made that deeded the land to Conservation with the exception of the Cottage Lane parcel, (approximately 6.2 acres). When the second conveyance was made for the Cottage Lane parcel, the deed only named the Town of Weymouth as Grantee, without noting the land was for Conservation purposes.

In order to prepare a new deed, the Conservation Commission will need to vote to accept the land then it will need to be voted by the Mayor and Town Council.

On a motion made by Cmmr. Loring, seconded by Cmmr. Reilly, the Commission voted 4-0 to accept “0” off Cottage Lane, assessors Map 28, Block 361, Lot 2 as land to be managed and controlled by the Weymouth Conservation Commission.

Continued discussion, proposed changes to the Weymouth Wetlands Protection Ordinance

7-301(d)(1) Conditional Exceptions, Public Services:

Ms. Schloss handed out a proposed revision to the 9/17/2019 draft language for Section 7-301(d)(1). The proposed revision would allow the public service exception for sewer projects if wetland impacts (not including Riverfront Area) are less than 500 sq. ft. The Commission discussed the language and agreed that they would like it revised to provide more flexibility so that projects with impacts slightly above the 500 sq. ft. threshold could be approved under this process.

**Discussion, Idlewell Village, Chapter 40B Project Eligibility/Site Approval Application
Off Hyde and Edison Streets
Map 13, Block 155, Lots 23,26,28; Block 156, Lots 28,59**

Chairman Tanner said he has no personal problem with the developer, Ken Ryder, but feels there are problems with this project including: it is too large a project for the area, the streets are not conducive to handling the increased number of cars and there is no nearby transportation. Chairman Tanner said he is opposed to the project adding that the foundations will have to be built below the shale bed and he hopes that blasting is not allowed.

Chairman Singleton commented that this is an isolated and fragile area.

Chairman Tanner said he feels that the best use of this area would be as a wild life sanctuary.

Ms. Schloss said there will be a site visit Oct. 24th; attendees will include a Mass Housing representative, Ms. Schloss, Conservation Administrator, plus someone from relevant town departments. She said that Mass Housing will have to determine if it is an appropriate site, then Mr. Ryder will have two years to file his 40B application.

Other Business

Chairman Tanner asked about the status of the culvert under Commercial Street, Jackson Square. Ms. Schloss said they are waiting for the green light on the Smelt Brook culvert.

Herring Passage and Smelt Habitat Restoration Project

Ms. Schloss said the previous bids were too high and the town hopes to rebid the project this winter.

Bridges

Cmmr. Reilly asked about the bridge by Master Cleaners and the Venetian Restaurant. Ms. Schloss said she thinks this will be going out to bid shortly.

Wessagussett Walk

A resident contacted Ms. Schloss to look at trees (quaking aspens) he wanted to remove to improve his view. She said the Order of Conditions for vegetation management only covers removal of invasives; no native trees were part of the tree removal plan.

Chairman Tanner said other plantings can be discussed if mitigation can be worked out.

Compressor Station

Cmmr. Singleton said that he is getting questions from people regarding the Commission's role in compliance inspections for the compressor station, which was approved under DEP's Superseding Order of Conditions; Ms. Schloss said she will talk to the town's counsel.

Community Preservation Commission (CPC) Update

Cmmr. Loring said there was no meeting held.

Conservation Report

Ms. Schloss said her written Conservation report included:

Enforcements, Complaints and Compliance

-Tamburlane Ridge, Enforcement: planting is done. Owner was told that he can apply for a Certificate of Compliance (81-0813) in the spring, after a site visit to check on the plants.

-1189 Main Street: work has been done.

-475 Columbian Street: owner would like to do the work in spring, 2020.

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 8:21pm.

Scott Dowd, Clerk

Date