

**MINUTES OF THE  
CONSERVATION COMMISSION  
June 24, 2015**

**Present:** Steve DeGabriele, Chairman  
Tom Tanner, Vice Chairman  
George Loring, Commissioner  
Scott Dowd, Commissioner & Clerk (until 8:40pm)  
Anthony Merlino, Commissioner

**Also Present:** Mary Ellen Schloss, Conservation  
Lee Hultin, Recording Secretary

Commissioner DeGabriele called the June 24, 2015 meeting to order at 7:00 pm at the Town Hall, Council Chambers, 75 Middle Street, Weymouth, MA.

Chairman DeGabriele recognized Tony Merlino and stated that this will be his last meeting on the Commission and thanked him for his services.

**Minutes for Review: May 13, 2015**

Cmmr. Tanner made a motion to approve the minutes of May 13, 2015 and was seconded by Cmmr. Loring. Voted unanimously

**71 Jessica Lane - Request for Determination of Applicability - Public Hearing**

**Marilyn Fernandez**

**Map 61, Block 639, Lot 44**

*Installation of aboveground pool*

On the application of: Marilyn Fernandez for a Request for Determination of Applicability for installation of a 24' round above-ground pool requiring minor grading only within the Buffer Zone of a Bordering Vegetated Wetland. Located at 71 Jessica Lane. Shown of Assessor's Map 61, Block 639, Lot 44.

Cmmr. Loring made a motion to open the public hearing on 71 Jessica Lane and was seconded by Cmmr. Dowd. Voted unanimously

Appearing before the board was Marilyn Fernandez of 71 Jessica Lane. Ms. Fernandez stated that this is a request for a 24' above ground pool in a fenced in yard. This area is currently lawn area.

Ms. Schloss stated that she has visited the site and everything looked good. This pool will be sitting on sand.

Public Comment:

There were no public comments at this time.

Cmmr. Tanner made a motion to close the public hearing on 71 Jessica Lane and was seconded by Cmmr. Dowd. Voted unanimously.

Conditions:

- No discharge to the wetlands from the filter backwash.
- Dewatering from the pool should be done when it has been open to the air for a week so there is no chlorine in the water.
- No work within 25 foot buffer.

Cmmr. Loring made a motion to issue a Negative 3 Determination with the conditions stated for 71 Jessica Lane and was seconded by Cmmr. Dowd. Voted unanimously.

**Greenwood Avenue - Notice of Intent, Continued Public Hearing**

**Aldon Electric, Inc., c/o Donald Mullaney**

**Map 38, Block 335, Lot 5; DEP File # 81-1156**

*Construction of accessory building*

On the application of: Donald Mullaney for a Notice of Intent to construct a 24'x45' accessory building within the Buffer Zone to vegetated wetlands bordering Whitman's Pond as per plan submitted. Located at 38 Greenwood Avenue. Shown on Assessors Map 38, Block 335, Lot 5.

Cmmr. Loring made a motion to reopen the continued public hearing on DEP File #81-1156 and was seconded by Cmmr. Tanner. Voted unanimously.

Chairman DeGabriele disclosed that he has listened to the tape of the past meeting as he was not in attendance and has signed a Mullin Rule affidavit to participate.

Appearing before the board was Greg Tansey with Patriot Permitting. He has gone before the BZA and had a public hearing and there were no plan changes. At the last meeting he was asked to provide a planting plan for buffer enhancement because of the cutting. They hired Mr. Brad Holmes, a wetland scientist, to view the site and he produced this plan for the plantings.

Chairman DeGabriele was wondering if the plantings could be done in the late fall of 2015 and it was stated that Mr. Tansey prefers the fall of 2015; the construction will start in the fall and he is not sure how long it will take. Chairman DeGabriele stated that there is usually a two year monitoring period.

Ms. Schloss agreed that there should be a monitoring period for the plantings required and then they could come back for a final Certificate of Compliance.

Cmmr. Tanner said he would prefer the planting takes place in the fall and would be finalized by the spring if some of them do not survive. Mr. Tansey agreed and will pass it along to his client.

There was no public comment at this time.

Cmmr. Tanner made a motion to close the public hearing and was seconded by Cmmr. Loring. Voted unanimously.

Conditions discussed included requiring the engineer's certification (but not an as-built plan); requiring plantings to be in the ground for 1 year and conducting replacement planting as needed prior to filing for a Final Certificate of Compliance; and ongoing maintenance of the leaching chamber and the trench.

Cmmr. Tanner made a motion to issue an Order of Conditions with the conditions described this evening and was seconded by Cmmr. Dowd. Voted unanimously.

**Whitman's Pond-Request for Extension of Order of Conditions, Public Hearing  
Town of Weymouth, DPW  
DEP File # 81-1041**

*Aquatic vegetation management*

On the application of: Weymouth Department of Public Works for an Extension of the Order of Conditions issued under DEP File # 81-1041 for management of aquatic invasive and nuisance vegetation in Whitman's Pond.

Appearing before the board was Ken Morse, Water Superintendent for the Town of Weymouth.

Cmmr. Loring made a motion to open the public hearing on DEP File # 81-1041 and was seconded by Cmmr. Dowd. Voted unanimously.

Mr. Morse stated this extension will be for three years.

Ms. Schloss stated that it covers harvesting, hydroraking, use of the herbicide sonar and some treatment for loose strife. She stated that the dredging or draw down would be on a separate Notice of Intent.

Cmmr. DeGabriele supports this extension but would like to clarify if it includes hydroraking or mechanical harvesting, and asked if there is anything in the existing approval that could be taken

off the table at this point. He said he believes any chemical treatment would need approval of the board.

Cmmr. Dowd asked if the letter from Mass. Fisheries regarding a time-of-year restriction for chemical treatment was interpreted as only being part of that particular season. Ms. Schloss read the letter and it stated from April 1 – June 30 of ANY year.

Mr. Morse stated the town is close to purchasing a harvester but it may not happen this year. Ms. Schloss stated that before the equipment is used DPW should come before the board for an understanding of what will, and will not, be cut prior to any work being done. Chairman DeGabriele agrees and would like a plan provided at that time.

Ms. Schloss stated she would like to see a line item in the budget for ongoing management and monitoring going forward. Chairman DeGabriele agreed.

Public comment:

District 4 Councilor Arthur Mathews, 15 Lakeview Road, stated he is in support of the Order of Conditions. He said this extension is important to keep the progress going forward; there has been progress in the past few weeks and he does not want to start from scratch (with the Order of Conditions). He stated that there is going to be a town-wide approach, with different departments and associations, and this will make it easier for the working group going forward.

Ms. Schloss said the original order was not recorded because there is not an actual parcel, but this could be recorded on the DPW main building at 120 Winter Street.

Cmmr. Tanner asked Ms. Schloss to run this by the town solicitor.

Cmmr. Tanner made a motion to close the public hearing on DEP File # 81-1041 and was seconded by Cmmr. Loring. Voted unanimously.

Cmmr. Tanner made a motion to extend the Order of Conditions for a 3 year period and to include a cover letter with this evening's discussion attached, and was seconded by Cmmr. Dowd. Voted unanimously.

Cmmr. Dowd had to leave the meeting at 8:40 pm and will listen to the meeting tape at a future date.

**Broad Street, Lot B1 - Notice of Intent, Public Hearing**

**John Lamparelli, K.M.L., LLC**

**Map 22, Block 291, Lot 29; DEP File # 81-1159**

***Single family house***

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On the application of John Lamparelli, K.M.L., LLC, for: a Notice of Intent to construct a single family home with driveway, clearing, grading and utilities within the Buffer Zone of a Bordering Vegetated Wetland. Located at Lot B1 Broad Street. Shown on Assessors Map 22, Block 291, Lot 29.

**Broad Street, Lot B2 - Notice of Intent, Public Hearing**

**John Lamparelli, K.M.L., LLC**

**Map 22, Block 291, Lot 7; DEP File # 81-1160**

***Single family house***

On the application of John Lamparelli, K.M.L., LLC, for: a Notice of Intent to construct a single family home with driveway, clearing, grading and utilities within the Buffer Zone of a Bordering Vegetated Wetland. Located at Lot B2 Broad Street. Shown on Assessors Map 22, Block 291, Lot 7.

Cmmr. Loring made a motion to open the public hearings on DEP File # 81-1159 and 81-1160, and was seconded by Cmmr. Merlino. Voted 4-0.

Appearing before the board and representing the applicant was Gregory Morse, Registered Engineer with Morse Engineering. This is to construct single-family homes on both Lots B1 and B2. There is 27,962 sq. feet on Lot B1 with no wetlands and a Bordering Vegetation Wetland (BVW) at the back. The property would be connected to municipal water and sewer services. Lot B2 is 97,611 sq. feet and is the same configuration. DEP had no comments on this. A site walk was done today with Ms. Schloss and Cmmr. DeGabriele. Erosion controls have been changed to a silt sock. Demarcation of the wetlands will be on the revised plan, along with measures to prevent future encroachment. The plan will locate, or include a count of, trees proposed to be removed (if greater than 6" in diameter).

Chairman DeGabriele would like to see the trees that would be removed staked out so he can view it. Perhaps some of them could be saved.

Cmmr. Loring asked if they will be raising the grading of the property and it was stated yes. He asked if stormwater runoff will adversely affect the neighbors and the applicant stated no.

Chairman DeGabriele asked if there could be a catch area for runoff to protect the neighbors so run off won't flood them.

Ms. Schloss provided an assessors map and drainage map showing the layout and noted that Lot B2 abuts 25 acres of important public open space with significant habitat value. The wetland flags are old and she would like to see new ones put in place.

Public comment:

Irving Murstein, 463 Broad Street asked whose responsibility it is to clean up the creek near McDonald Circle. He would like the fill taken out of town. He is not opposed to this project.

Bob Montgomery Thomas, 848 Washington Street commented that the engineer stated something about Natural Heritage and wanted to know where he got his information adding that the driveway runoff is a concern and the BZA may require an infiltration system and a snow management area. The applicant stated the source of his information was the MASS GIS website. None of these areas were on this map. The Planning Board has endorsed this application and it does not require any BZA approval. The runoff calculation will be addressed in the revised plans. One side of the driveway has 16 feet of grass and there is 20 feet on the other side of the driveway so there is no problem with snow removal.

Cmmr. Loring made a motion to continue this public hearing to July 22, 2015 and was seconded by Cmmr. Tanner. Voted 4-0.

**4-50 Commercial St. - Request for Determination of Applicability, Public Hearing  
GND Realty Trust****Map 20, Block 202, Lots 17, 18, 19 & 20***Demolition of Existing Building, Weymouth Landing*

On the application of: GND Realty Trust for a Request for Determination of Applicability to demolish existing structures at 4-50 Commercial Street including foundations and concrete slabs at basement area within the Riverfront Area of Smelt Brook. (Map 20, Block 202, Lots 17, 18, 19, 20).

Cmmr. Loring made a motion to open the public hearing on 4-50 Commercial Street and was seconded by Cmmr. Tanner. Voted 4-0

Appearing before the board was Jack O'Leary and the owners, Nick and George Delegas. This land is in Weymouth landing. This property abuts Smelt Brook and land from the Roman Catholic Archdiocese. Smelt Brook is almost completely below the ground in an 8 foot culvert. There are no BVW's associated with it. This plan is just for demolition of the building.

Daniel Dunn, from Adams Builders in Quincy, has been working on this property for over 1.5 years. They would like to leave the structure known as the Old Brick Grill and a portion of the commercial building. This would allow the town to have some time to figure out what to do with the daylighting.

The brick café and walkway would remain. The remainder of the building and slabs will be removed. These buildings have full foundations so portions of the sidewalk on Commercial Street

will need to be removed and replaced. He plans to cover the brook with plywood and plastic so no debris gets in it.

Chairman DeGabriele asked what problems they foresee. It was stated that they will have structural engineers onsite to monitor the situation.

Cmmr. Tanner asked, if the left hand wall that abuts the brook is 8 feet and made of concrete, is the bottom portion of Smelt Brook, above or below it? It was stated it is above it. Cmmr. Tanner asked if the wall will be undermined by Smelt Brook and it was stated no. Cmmr. Tanner asked what would happen when fill was removed from the wall – would it need to be shored up with bracing? The applicant agreed, if it is necessary, they will do it. They will prepare for a slab on grade.

Ms. Schloss stated there is a report with interesting photos.

Public comment:

Irving Murstein asked what will happen after the demolition; is there any prospect of people coming into the commercial space? It was stated that anything after the demolition is not before the board at this time.

Mike Richardi, 683 Summer Street, Bra/Wey Commissioner, stated that he is speaking on his behalf only. He is concerned about the productivity of the stream and the Back River. He thinks this building should be torn down to let the people see the stream.

Jodi Purdy-Quinlan, Fore River Watershed Association, 152 Middle Street, and Robert Kearns, 200 Pilgrim Road, Braintree of Sustainable Braintree, spoke in favor of day lighting the stream. Mr. Kearns stated that he is not against this proposal and believes it is a great step forward but is concerned about the future buildings over Smelt Brook. He would like to see a day lighting plan. Under the Brick Grill are the two walls of the brook and some stones. The day lighting is good for the environment.

Chairman DeGabriele stated that this public hearing is about the demolition of the building and not about the day lighting of the stream. He supports the concept of day lighting and would like to discuss it at a future date.

Jodi Purdy-Quinlan said she wants to be on the record for wanting to see day lighting.

Bob Thomas asked if these buildings have been tested for lead paint or asbestos. The applicant stated that there is a small amount of lead in the building but it is negligible. The applicant will have reports on this. It was evaluated and determined that there is no asbestos on site.

District 2 Town Councilor T.J. Lacey said he supports this application. All of the information you have heard this evening is accurate, particularly with the day lighting. It has been 10 years now and it is a legitimate concern. This application is critical to moving the Landing forward. Weymouth and Braintree need to commit to the day lighting and the applicant should not be held up by this.

Steven O'Brien, District 4 Town Councilor in Braintree who lives at 63 Pilgrim Road in Braintree, said he is in support of this application but would like to know what will exist between this property and the church property. As this land sits demolished, he would like the lots kept clean and is concerned about what is going to be surrounding this to protect it. The integrity of the wall, once the building is removed which supports it, is also a concern for him.

Chairman DeGabriele asked what the conditions will be after the slab is removed. The applicant stated they will bring in fill to go up to slab grade and the site will be secured with a driven construction fence with green screening around it.

Ms. Schloss would like the catch basins protected; he will put in filtration socks, catch basin inserts, etc.

District 2 Town Councilor T.J. Lacey asked them to add conditions of maintenance, clean up, security and upkeep, for short and long term, in case the project stalls.

Jodi Purdy-Quinlan asked if they could put up trees in front of the fencing during the time between demolition and construction. The applicant stated the time between demolition and construction would be this time next year - they want to move as fast as possible.

Cmmr. Tanner made a motion to close the public hearing on 4-50 Commercial Street and was seconded by Cmmr. Loring. Voted 4-0.

Ms. Schloss reviewed the conditions:

- Structural engineer's reports (during demolition) to be provided to Conservation
- Protection of open brook
- Onsite meeting prior to start of construction
- Inspected daily
- Catch basin inserts
- Time-of-year restriction March 1 to May 31 (when fish are running)
- Reserve the right to add additional protection measures
- Fence around the perimeter of the site
- Back fill and stabilize the site
- Ongoing maintenance of the area to remove debris and keep clean
- Copy of asbestos report, preconstruction



Cmmr. Tanner made a motion to issue a Negative 2 Determination with the conditions stated and was seconded by Cmmr. Loring. Voted 4-0.

**Alexan at Arbor Hill - Discussion re: Acceptance of Performance Guarantee  
Maps 42&38, Block 467, Lots 2&3; Block 469, Lots 2, 21- 23  
DEP File # 81-1046**

Discussion:

Ms. Schloss reviewed the bond with the board and said condition #33 was for a performance bond. The language and the amount were approved by Town Solicitor George Lane. The bond is in the amount of \$746,671.

Cmmr. Merlino made a motion to accept the bond as provided to us for Alexan at Arbor Hill to comply with condition #33 in the Order of Conditions and was seconded by Cmmr. Loring. Voted 4-0.

**Legion Field Renovation - Request for Partial Certificate of Compliance  
880 Commercial Street  
Map 18, Block 239, Lot 1; DEP File # 81-1140**

Ms. Schloss requested that this be continued to the July 22, 2015 meeting. It was decided to perform a site visit at Legion Field prior to the meeting.

**1255 Main Street - Issue Order of Conditions, Discussion  
Bike Realty, LLC  
Map 53, Block 593, Lot 7: DEP File # 81-1158  
*Construction of drive thru lane, Dunkin' Donuts***

Discussion of draft Order of Conditions that Ms. Schloss handed out. Ms. Schloss said she met with Brian Donahoe yesterday. She reviewed the Order of Conditions with the board.

It was decided to add a condition that the applicant is to comply with the entire Order of Conditions document.

Cmmr. Loring made a motion to issue the Order of Conditions as discussed this evening and was seconded by Cmmr. Merlino. Voted 4-0.

**Other Business**

Election of Officers:

Cmmr. Tanner made a motion to keep all officers in the same position and was seconded by Cmmr. Loring. Voted 4-0.

Cmmr. Tanner made a motion to approve George Loring as the CPC Representative and was seconded by Cmmr. Merlino. Voted 4-0

**Conservation Report:**

Ms. Schloss reviewed the report with the commission.

The shelf at Wessagussett needs to be maintained for the view. Cmmr. DeGabriele said it is more work for the DPW to keep coming back before the board instead of writing a maintenance program that we can approve. Conservation likes the idea and said they should incorporate it with the maintenance of Great Hill at the same time.

Route 3A coastal bank is coming along. They will be seeding the slope with a salt-tolerant seed mix; if the seed sufficiently stabilizes the bank, they will request that the Commission not require the beach grass planting. Ms. Schloss visits this site at least once a week and the chairman will join her next time.

Kibby property is an expansion of the Abigail Adams Park into the Kibby property. Ms. Schloss has draft plans. There is a lot of debris along the shoreline which will be hand removed only.

Chairman DeGabriele would like to see the water use projections that the town is preparing for DEP. Ms. Schloss will get this information.

*The July 22, 2015 meeting will begin at 7:00 P.M. in Council Chambers at Weymouth Town Hall*


**ADJOURNMENT**

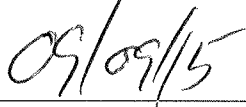
Cmmr. Loring made a motion to adjourn at 9:35 pm and was seconded by Cmmr. Tanner. Voted 4-0.

Respectfully submitted by,

Lee Hultin  
Recording Secretary

Approved by:

  
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Scott Dowd, Conservation Clerk

  
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Date