



August 12, 2022

Mary Ellen Schloss
Conservation Administrator
Town of Weymouth
75 Middle Street
Weymouth, MA 02189

RE: 1197 Washington Street, Weymouth MA
Cornerstone at Weymouth

Dear Mary Ellen Schloss;

The Applicant, Elksy Development LLC (Elks Development Project), has received comments from the Weymouth Conservation Commission (WCC) and Mary Ellen Schloss, the Conservation Agent. These comments were received in the following forums/formats:

- WCC Staff Comment Letter to BZA, dated 7/11/22 (copy attached as Exhibit A);
- WCC Site Walk, comments received during site walk on 7/18/22; and
- WCC – staff memo, dated 7/19/22 (copy attached as Exhibit B).

On behalf of the Applicant, CDG offers the following responses to each question below. In addition, the following revised and supporting documents are enclosed:

- Enclosure 1: Proposed Site Plans with revision date of 8/12/22 (under separate cover); and
- Enclosure 2: Stormwater Management Report, revised 8/12/22 (Under separate cover).

Original comments provided by the WCC indicated below in standard text with CDG's response in **bold text**.

WCC Staff Comments to BZA

Question 1: The proposed project will entail work within the 100-foot buffer to wetlands on the northern portion of the site. The applicant filed a Notice of Intent with the Conservation Commission on July 8. We expect that a public hearing will be scheduled for our next meeting on July 26. The Conservation Commission will be reviewing the application in detail, including compliance with the DEP Stormwater Management Standards. This memo provides an outline of the central issues that staff have identified at this point.

Response: Acknowledged.

Question 2: Wetland and Buffer Zone Impacts. There is a small wetland to the west of the project site, a small linear wetland on the east side of the project (adjacent to Pleasant Street) and a larger wetland to the south of the project that is bounded by Mutton Lane and Pleasant Street. Outflow from all three wetlands is to a culvert that crosses under Pleasant Street and empties into wetlands and a stream channel that discharges to the Plymouth River on the east side of Woodrock Road. Thus, all the wetlands are considered Bordering Vegetated Wetlands.

The site is mostly impervious surface (roof, pavement) and there is very little existing buffer adjacent to the wetlands. We strongly encourage the applicant to pull back pavement and reduce the amount of impervious surface within the 100-foot buffer to wetlands. Of most concern to Conservation staff are proposed impacts to the wooded buffer adjacent to the wetland that borders Mutton Lane and Pleasant Street, on the south side of the project. This is the most healthy wetland system on the site with the most significant natural buffer. The proposed project would entail cutting into that forested buffer to create additional parking area. Can this encroachment into the wooded buffer be avoided?

Response: The parking, as proposed, is essential to support the Project and to provide adequate parking for the residents, staff and visitors. The proposed spaces in the rear have been designed to remain on the project-side of the existing man-made earthen berms that exist today with minimal impact to existing trees over 6" DBH. The parking lot has been designed to be more than 50 feet from the wetland located on the back side of the earthen berm.

Question 3: Stormwater Design. Stormwater design will need to meet DEP Stormwater Management Standards. Most of the project is redevelopment, which require an applicant to meet standards involving peak runoff rates, infiltration, and water quality to the "maximum extent practicable." The proposed new pavement area where forested land is being removed adjacent to the Mutton Lane wetland is considered new development and will need to fully meet the stormwater standards.

We will recommend that the Conservation Commission require professional engineering review of the stormwater management design, either through our Engineering Division or through a peer reviewer. Some initial items identified through discussion with the Engineering Division are:

- a. Test pits will need to be advanced for all proposed infiltration systems. The applicant has submitted boring logs; DEP Stormwater Management Standards require test pits.
- b. Wetland areas should be excluded from the drainage analysis. They should not be included as "impervious area" which is what seems to have been done here.

Response: Supplemental Test Pits were performed at the site. The test pits confirmed the design assumptions in the original hydraulic analysis. A gleyed layer of soil was found to exist in the location of the rear underground drainage system which will need to be removed to allow the

underground system to interact with the natural glacial sands beneath it. This requirement for the removal and replacement of this layer have been addressed on the Demolition Plan, the Grading and Drainage Plan and the detail for the underground infiltration system in the attached revised plan set.

In addition, the HydroCAD Analysis has been revised to utilize a design infiltration rate in the underground systems toward the front of the site of 8.27 inches/hour and the rate of 2.41 inches/hour rate was utilized for the rear infiltration system, with the clarification that the gleyed layer will be removed and replaced underneath the system (and 5 feet beyond on all four sides) with free draining gravel. The results of this revised analysis result in an overall reduction of both peak rates and volumes discharging from the site.

Question 4: Discharge to Floodplain. Stormwater runoff from the project site would discharge to a culvert that runs under Pleasant Street and empties into a stream that runs between the properties at 805 Pleasant Street and 55 Woodrock Road. This stream is mapped as 100-year floodplain on the Preliminary FIRM maps (Panel 223F). The stream empties into the Plymouth River at Woodrock Road, an area mapped currently as 100-year floodplain and which experiences chronic flooding.

The proposed project must demonstrate that it will not exacerbate downstream flooding. Downstream flow paths should be studied to determine that they have adequate capacity to handle runoff from the project.

Response: The Project design results in a reduction of both peak rates and volumes discharging the site in the direction of the downstream floodplain. As a result, this project will not have any adverse impacts downstream and rather will help take pressure off of the downstream drainage system flood conditions.

Question 5: The project should show incorporation of low-impact development techniques that assist in reducing stormwater impacts from runoff and heat island effects from buildings and pavement. This could include a "green roof." Or given the extensive roof area, could solar panels be installed?

Response: The project has been designed to capture and infiltrate the roof runoff thereby reducing both the rate and volume of runoff leaving the site. The MA Stormwater Regulations only require peak rates be attenuated; however, the goal of the Applicant in this case was to also reduce total runoff volumes in order to take pressure off the downstream drainage system. The Applicant has also committed to utilizing a high-end "VRF" (Variable Refrigerant Flow) system for the HVAC system which is a highly efficient system. The Applicant is evaluating roof-top solar system(s) and is designing the building to be "solar ready".

Question 6: This development will have a large water supply requirement. While this is not something that Conservation has jurisdiction over, we note that the town is nearing its regulatory water withdrawal limit and that increased water withdrawals do have an impact on aquatic life. As the lakes and streams that provide our public drinking water become more depleted, it causes stress on heiring and the other aquatic life that depend on these water resources.

Response: The Applicant has worked proactively with the Town's Planning Department to identify and incorporate the proposed Independent Senior Living Use within the Commercial Corridor Overlay District rather than the conventional non-age restricted residential apartment mixed-use. The Independent Senior Living Use has a much lower demand for domestic water usage compared to the conventional non-age restricted mixed-use that has been typically constructed in the Commercial Corridor Overlay District to date. In addition, the Applicant intends to design the project to incorporate low-flow plumbing fixtures and sink/aerator fixtures to further minimize proposed water usage.

In addition, this project's stormwater ultimately discharges to the Plymouth River and thus does not flow to or towards Whitman's Pond (the Town's drinking water supply source).

Question 7: Given that there may be some changes to the project design during the Conservation Commission public hearing process, staff recommend that the BZA keep the hearing open until the Commission is ready to approve final plans.

Response: Noted.

WCC Site Walk

Question 1: Waiting on info re: trees proposed to be removed (at least 6" or greater).

Response: The revised Site development Plans included in this submission have been revised to incorporate the surveyed location of the trees within the property. These can be seen on the revised Existing Conditions Plans. In addition, the Demolition Plan has been revised to identify the trees within the property that are proposed to be removed as requested.

Question 2: Had discussed you would get us quantification of impervious surface under existing and proposed conditions (site wide, 100-foot buffer, 50-foot buffer, 25-foot buffer).

Response: Please refer to the attached Exhibits X-1 (Existing Impervious Area Exhibit) and X-2 (Proposed Impervious Area Exhibit). The table included in the upper left hand corner of X-2 provides a summary and comparison of existing vs. proposed impervious areas as requested. You'll see the Project results in a reduction in impervious area of (-1,542 SF) within the 0-25' wetland buffer zone; a reduction in the impervious area of (-1,330 SF) within the 25-15' wetland

buffer zone; only 370 SF of additional impervious area within the 50-100' wetland buffer zone; and only 73 SF of additional impervious area outside the 100' buffer zone. Overall, the Project results in a net reduction of total impervious area of (-2,429) SF.

Question 3: Expansion of parking lot into 100-foot buffer at south end of project is mentioned in memos. Can this parking lot expansion be reduced? It is about the only area on the site not completely infested with knotweed. And would entail loss of some larger trees.

Response: The parking, as proposed, is essential to support the Project and to provide adequate parking for the residents, staff and visitors. The proposed spaces in the rear have been designed to remain on the project-side of the existing man-made earthen berms that exist today with minimal impact to existing trees over 6" DBH. The parking lot has been designed to be more than 50 feet from the wetland located on the back side of the earthen berm and only results in 13 trees to be removed. Pulling back the rear lot would leave an odd swale between the lot and the berm that would serve no meaningful buffering function and would perpetuate the flow of untreated stormwater back into the existing drainage system to the east.

The Project includes a robust landscape plan which includes the planting of 75 NEW trees including 66 deciduous trees and 9 evergreen trees as well as the planting of more than 190 deciduous shrubs, more than 290 evergreen shrubs and more than 90 perennials/groundcover/vines. This landscape design will significantly improve and enhance the property compared to existing conditions.

Lastly, the Applicant has committed to performing an invasive knotweed removal program. The details of that program will be submitted separately as discussed between the Applicant and Mary Ellen Schloss.

Question 4: Knotweed infestation is noted in memo to ConCom. Is a significant issue as plantings are being proposed in areas infested with invasive knotweed. They will not survive without a management plan. Recommend that the wetland scientist and landscape architect be brought on to prepare a serious and realistic proposal for knotweed-infested areas. I did discuss this with Chris King the other day when he stopped in.

Response: The Applicant has committed to performing an invasive knotweed removal program. The details of that program will be submitted separately as discussed between the Applicant and Mary Ellen Schloss.

Question 5: Had discussed you would get us an overlay of existing vs proposed conditions (limit of work/impervious surface).

Response: Please refer to the attached Exhibits X-1 (Existing Impervious Area Exhibit) and X-2 (Proposed Impervious Area Exhibit). The table included in the upper left-hand corner of X-2

provides a summary and comparison of existing vs. proposed impervious areas as requested. You'll see the Project results in a reduction in impervious area of (-1,542 SF) within the 0-25' wetland buffer zone; a reduction in the impervious area of (-1,330 SF) within the 25-15' wetland buffer zone; only 370 SF of additional impervious area within the 50-100' wetland buffer zone; and only 73 SF of additional impervious area outside the 100' buffer zone. Overall, the Project results in a net reduction of total impervious area of (-2,429) SF.

Question 6: Staff reviewed wetland line and no proposed changes to flagging. Did note some debris in wetland A (tire, metal, asphalt) that we'll request be removed. Also saw an inlet (presumably from road catch basin) into wetland B (near wetland flag B10) that, at least historically, had dumped large quantities of sand into the wetland. Don't think this is shown on the existing conditions plans, but should be. Attached are photos of the culvert and stream channel with large amount of sand deposits.

Response: The Applicant agrees to remove the debris identified in the wetland and is amenable to this being a condition of approval. The Applicant will also coordinate with the Weymouth DPW to address/remove the excess sand build-up identified. The Existing Conditions Plan was also updated to identify the location of the inlet.

Question 7: Weymouth Engineering will need to review the calculations and test pit results. See comment in BZA memo re: whether wetlands were categorized as impervious surface. Let's discuss appropriate timing for review. If there are to be any changes to plans, they'll want to review after those changes are made.

Response: A revised Stormwater Report and Analysis has been included in this submission. The Analysis was revised to identify the boundary of the analysis as the wetland boundary so as to not include the wetlands themselves since no work is proposed in the wetlands.

Question 8: Re: the test pit results. Thanks for sending over. The silty loam layer, with gleyed soils, is presumably filled wetlands? That layer would be removed, correct?

Response: We concur this silt loam layer will need to be removed underneath the proposed infiltration system in the rear parking lot. The plans have been revised to identify the removal requirements on the Demolition Plan as well as the Drainage Plan.

Question 9: Re: the water use issue noted in my memo to BZA. Although not part of local or state wetlands rules, it is a deep concern of the Commission relative to impacts of water supply withdrawals on rivers and ponds. What can be done to limit the project's water use? Blue roof/re-use of rain water for irrigation? Drought-tolerant plantings? Extra water-efficient fixtures?

Response: The Applicant has worked proactively with the Town's Planning Department to identify and incorporate the proposed Independent Senior Living Use within the Commercial Corridor

Overlay District rather than the conventional non-age restricted residential apartment mixed-use. In addition, the Applicant intends to design the project to incorporate low-flow plumbing fixtures and sink/aerator fixtures to further minimize proposed water usage.

In addition, this project's stormwater ultimately discharges to the Plymouth River and thus does not flow to or towards Whitman's Pond (the Town's drinking water supply source).

WCC Staff Memo

Question 1: The applicant conducted a site visit with the Commission on July 18th. It was noted that there is a significant berm around parts of the site. This is expected to lessen impact of proposed activity within the wetland buffer (e.g., proposed expansion of the parking area at the southern end of the site).

Response: We concur.

Question 2: Test pits at the proposed infiltration locations were conducted today and a report from the engineer will be forthcoming.

Response: The test pit results have been incorporated into the revised Stormwater Analysis and Report and accompanying revised Site Development Plans. The overall results of the supplemental testing were favorable for the stormwater design.

Question 3: Staff will be checking the wetland line this week.

Response: We understand Staff checked and are agreeable with the wetland delineation as performed by John Zimmer.

Question 4: The perimeter of the parking lot is infested with the highly invasive Japanese knotweed (*Fallopia japonica*). A significant number of plantings are proposed along the parking lot in areas infested with knotweed. If this plan is to be pursued and be successful, the applicant will need to control and manage the infestation. I've asked the engineer/representative to reach out to the wetland scientist and landscape architect to provide input.

Response: The Applicant has committed to performing an invasive knotweed removal program. The details of that program will be submitted separately as discussed between the Applicant and Mary Ellen Schloss.

Mary Ellen Schloss
Weymouth Conservation Commission
August 10, 2022
Page 8

Question 5: The project as proposed will provide significant stormwater quality improvements and flood control benefits as the existing site does not have stormwater management controls. Because the project is before the BZA, we would typically rely on the Engineering Division to review the stormwater design. They are very short-staffed at the moment so we'll see what they can do. I had mentioned a possible peer review in my memo to the BZA, but given that the project is a significant improvement over existing conditions, I'm hoping that we can get a limited review by Engineering rather than go to peer review.

Response: We understand Weymouth Engineering is performing a review of the Stormwater Analysis and design and will be reviewing the enclosed revised materials. We will provide Engineering with pdfs and will hand deliver a hard copy to Jay Donovan and Jim McGrath's attention simultaneously with the delivery to the Conservation Commission and BZA.

Should you have any questions or require any further information, please do not hesitate to contact Gabe Crocker, P.E. at gabecrocker@crockerdesigngroup.com or 781-919-0808. We look forward to presenting the Commission at the upcoming hearing on 8/30/2022.

Sincerely,
Crocker Design Group, LLC

A handwritten signature in blue ink, appearing to read "Gabe Crocker".

Gabe Crocker P.E.
President

Mary Ellen Schloss
Weymouth Conservation Commission
August 10, 2022
Page 9

EXHIBIT A - WCC Staff Comment Letter to BZA, dated 7/11/22

**Town of Weymouth
Massachusetts**

Mary Ellen Schloss
Conservation Administrator
781-340-5007

Conservation Commission members:
John Reilly, Chairman
Frank Singleton, Vice-Chairman
Scott Dowd, Clerk
George Loring
Alexander Donovan



Robert L. Hedlund
Mayor


Robert J. Luongo, Director
Planning and Community Development

75 Middle Street
Weymouth, MA 02189

www.weymouth.ma.us

MEMORANDUM

TO: Eric Schneider, Principal Planner

FROM: Mary Ellen Schloss, Conservation Administrator 

CC: Jay Donovan, Town Engineer
Weymouth Conservation Commission

DATE: July 11, 2022

RE: Senior Living Center at Cornerstone
1197/1251 Washington Street (Sheet 35, Bl 447, Lots 1 and 3)
Planning Department Referral

I have reviewed the above-referenced application and have the following staff comments:

1. The proposed project will entail work within the 100-foot buffer to wetlands on the northern portion of the site. The applicant filed a Notice of Intent with the Conservation Commission on July 8. We expect that a public hearing will be scheduled for our next meeting on July 26. The Conservation Commission will be reviewing the application in detail, including compliance with the DEP Stormwater Management Standards. This memo provides an outline of the central issues that staff have identified at this point.
2. Wetland and Buffer Zone Impacts. There is a small wetland to the west of the project site, a small linear wetland on the east side of the project (adjacent to Pleasant Street) and a larger wetland to the south of the project that is bounded by Mutton Lane and Pleasant Street. Outflow from all three wetlands is to a culvert that crosses under Pleasant Street and empties into wetlands and a stream channel that discharges to the Plymouth River on the east side of Woodrock Road. Thus, all the wetlands are considered Bordering Vegetated Wetlands.

The site is mostly impervious surface (roof, pavement) and there is very little existing buffer adjacent to the wetlands. We strongly encourage the applicant to pull back pavement and reduce the amount of impervious surface within the 100-foot buffer to wetlands. Of most concern to Conservation staff are proposed impacts to the wooded buffer adjacent to

the wetland that borders Mutton Lane and Pleasant Street, on the south side of the project. This is the most healthy wetland system on the site with the most significant natural buffer. The proposed project would entail cutting into that forested buffer to create additional parking area. Can this encroachment into the wooded buffer be avoided?

3. Stormwater Design. Stormwater design will need to meet DEP Stormwater Management Standards. Most of the project is redevelopment, which require an applicant to meet standards involving peak runoff rates, infiltration, and water quality to the “maximum extent practicable.” The proposed new pavement area where forested land is being removed adjacent to the Mutton Lane wetland is considered new development and will need to fully meet the stormwater standards.

We will recommend that the Conservation Commission require professional engineering review of the stormwater management design, either through our Engineering Division or through a peer reviewer. Some initial items identified through discussion with the Engineering Division are:

- a. Test pits will need to be advanced for all proposed infiltration systems. The applicant has submitted boring logs; DEP Stormwater Management Standards require test pits.
 - b. Wetland areas should be excluded from the drainage analysis. They should not be included as “impervious area” which is what seems to have been done here.
4. Discharge to Floodplain. Stormwater runoff from the project site would discharge to a culvert that runs under Pleasant Street and empties into a stream that runs between the properties at 805 Pleasant Street and 55 Woodrock Road. This stream is mapped as 100-year floodplain on the Preliminary FIRM maps (Panel 223F). The stream empties into the Plymouth River at Woodrock Road, an area mapped currently as 100-year floodplain and which experiences chronic flooding.

The proposed project must demonstrate that it will not exacerbate downstream flooding. Downstream flow paths should be studied to determine that they have adequate capacity to handle runoff from the project.

5. The project should show incorporation of low-impact development techniques that assist in reducing stormwater impacts from runoff and heat island effects from buildings and pavement. This could include a “green roof.” Or given the extensive roof area, could solar panels be installed?
6. This development will have a large water supply requirement. While this is not something that Conservation has jurisdiction over, we note that the town is nearing its regulatory water withdrawal limit and that increased water withdrawals do have an impact on aquatic life.

As the lakes and streams that provide our public drinking water become more depleted, it causes stress on herring and the other aquatic life that depend on these water resources.

7. Given that there may be some changes to the project design during the Conservation Commission public hearing process, staff recommend that the BZA keep the hearing open until the Commission is ready to approve final plans.

Mary Ellen Schloss
Weymouth Conservation Commission
August 10, 2022
Page 10

EXHIBIT B - WCC Staff Memo, dated 7/11/22

**Town of Weymouth
Massachusetts**

Mary Ellen Schloss
Conservation Administrator
781-340-5007

Conservation Commission members:
John Reilly, Chairman
Frank Singleton, Vice-Chairman
Scott Dowd, Clerk
George Loring
Alexander Donovan



Robert L. Hedlund
Mayor

Robert J. Luongo, Director
Planning and Community Development

75 Middle Street
Weymouth, MA 02189

www.weymouth.ma.us

July 19, 2022

TO: Conservation Commission (*via email*)
FR: Mary Ellen Schloss, Administrator *MES*
RE: Conservation Commission Meeting, July 26

Attached is the draft agenda for our next meeting on Tuesday, July 26th. We will be holding this meeting in person, at the McCulloch Building (182 Green Street), beginning at 7:00 pm. We will NOT be running this with a hybrid option. We will send the final agenda electronically to everyone once posted and will bring final copies to the meeting. We'll have a copy of any plans so you have them available.

Site Visit – 29 Woodside Path

We are trying to schedule a site visit for **Monday July 25** for 29 Woodside Path. Still working with the attorney and the owner. Will ask for 10 a.m.; will relay info via email.

- 1. Review of Draft Minutes – June 28 2022.** Draft minutes are attached for your review.
- 2. 33 Laudervale Road – Request for Determination, Public Hearing**
This RDA is to expand a driveway and construct a stone pad for a camper. The work is across the street from the salt marsh. Closest point of work is a little over 25 feet from the marsh. A cobblestone pad will be constructed at the junction with the roadway. The new driveway section will be pitched toward an existing landscape bed, to the extent feasible. Much of the work is located within land subject to coastal storm flow (AE flood zone), however there are no performance standards for this resource area. Staff recommend the issuance of a negative three determination with conditions for sediment control during the work.

A link to the RDA filing is here:

https://www.weymouth.ma.us/sites/g/files/vyhlf8386/f/uploads/33_laudervale_rd_rda_application.pdf

- 3. Vegetation Management, Grape Island – Request to Extend Order of Conditions, Public Hearing**
The Conservation Commission issued an Ecological Restoration Order of Conditions (Rare Species Habitat restoration category) in May, 2016. The Order was issued for a 5-year period.

In February 2022, the Conservation Commission voted to allow a minor modification of the Order to allow use of Pendulum AC to treat mile-a-minute vine and Japanese Stilt Grass in expanded buffer areas. Mile-a-minute is an extremely aggressive invasive plant that is spreading through the Boston Harbor Islands. When the OOC was issued in 2016, mile-a-minute was not one of the invasive plants being managed.

With the COVID extension, the OOC expires on August 6th 2022. The National Park Service will be developing a long-term management plan, but additional time is needed to complete the treatment work before the project can transition to a long-term management phase. I request that we allow a two-year extension in this instance so that they can get the work done to prepare the management plan. The local Ordinance officially only allows one-year extensions, but longer timeframes have been allowed for maintenance work, such as for Whitman's Pond Vegetation Management which was twice given a three-year extension.

The one-page extension request letter is here:

https://www.weymouth.ma.us/sites/g/files/vyhlf8386/f/uploads/grape_island_ooc_extension_request_6_29_2022_mea.pdf

4. Brookpoint Development – Request for Final Certificate of Compliance

The owner's engineer (Nick Dellacava, PE of Allen & Major) has submitted a detailed package for the Final Request for a Certificate of Compliance. The submittal reviews the status of all conditions in the Order. Some of you received a hard copy of this submittal at our site visit on Monday. An electronic copy is available at:

https://www.weymouth.ma.us/sites/g/files/vyhlf8386/f/uploads/brookpoint_at_22_washington_st_weymouth_-_request_for_certificate_of_compliance_-_2022-07-07.pdf

In March of this year, in anticipation of building occupancy, the engineer submitted an as-built plan and certification letter for the stormwater system. Some deviations were noted. Most significantly, the outlet pipe from the roof runoff infiltration system was installed at an elevation that was too low. Modifications were made this spring. A raised elbow was added to the pipe prior to discharge to the drain manhole, in order to force water into the infiltration system.

Landscaping work was also completed this spring. The town is conducting hardscaping work at the adjacent Smelt Brook site, which abuts and melds with the Brookpoint project site.

Staff has scheduled a site visit with the applicant's engineer for Wednesday, July 20 at 11:30 a.m.

5. 1197 & 1215 Washington St – Notice of Intent, Public Hearing

This Notice of Intent is for construction of a 3-story, 147-unit independent senior living facility, with amenities, at the Elks property (1197 Washington), and a smaller adjacent residential property (1215 Washington). Except for an area at the south of the site, work within the 100-foot wetland buffer is generally within the confines of the existing impervious area.

A link to the NOI submittal and plans can be found here:

<https://www.weymouth.ma.us/conservation-commission/pages/1197-1215-washington-street-notice-of-intent>

The Board of Zoning Appeals opened their hearing on the project on July 13th. Staff provided a comment memo to the BZA; that letter is attached to this email.

We note:

- The applicant conducted a site visit with the Commission on July 18th. It was noted that there is a significant berm around parts of the site. This is expected to lessen impact of proposed activity within the wetland buffer (e.g., proposed expansion of the parking area at the southern end of the site).
- Test pits at the proposed infiltration locations were conducted today and a report from the engineer will be forthcoming.
- Staff will be checking the wetland line this week.
- The perimeter of the parking lot is infested with the highly invasive Japanese knotweed (*Fallopia japonica*). A significant number of plantings are proposed along the parking lot in areas infested with knotweed. If this plan is to be pursued and be successful, the applicant will need to control and manage the infestation. I've asked the engineer/representative to reach out to the wetland scientist and landscape architect to provide input.
- The project as proposed will provide significant stormwater quality improvements and flood control benefits as the existing site does not have stormwater management controls. Because the project is before the BZA, we would typically rely on the Engineering Division to review the stormwater design. They are very short-staffed at the moment so we'll see what they can do. I had mentioned a possible peer review in my memo to the BZA, but given that the project is a significant improvement over existing conditions, I'm hoping that we can get a limited review by Engineering rather than go to peer review.

6. 29 Woodside Path, Violation Hearing

We are hoping to arrange a site visit for Monday, July 25th. Stay tuned.

This Violation Hearing was originally scheduled for May but was postponed to June to

accommodate family members and then to July to accommodate the owner's (Mr. New's) new attorney (Karl Stammen). Attorney Stammen has verbally asked for another continuance to September since he says he still won't be ready to represent Mr. New on 7/26 and because he will be unavailable for our August 30 meeting. Chairman Reilly and I did not agree to a continuance, stating that we need to see the site and understand the issues before we can entertain a continuance.

Some history:

- I'd originally met with Mr. New in April, 2020 and informed him that he needed to work with Conservation to get approval for work any closer to the pond than the back of the swimming pool (rough approximation of the 100-foot buffer).
- I had a site visit with him in October 2021 which showed that he was working closer to the pond than the back of the pool. I took a photo from the side yard (see below), but once I asked to get closer to the pond he got very hostile and I left the property. I issued a Cease and Desist/Notice of Violation that same day (copy attached).
- Mr. New has continued to clear land and has been planting trees, etc. (photo below). Much of what he is doing may be approvable, but so far he hasn't allowed access so that we can see what he's doing.
- Commissioners may remember that we had interactions with Mr. New in the spring of 2020 when his neighbor at 7 Woodside Path was before the Commission for a Request for Certificate of Compliance. A site visit did show that the neighbor's contractor had likely disposed of some soil on Mr. New's property when they were placing sod on the 7 Woodside Path property. The Commission was unsuccessful at arranging a resolution as Mr. New refused to have contractors on his property to remove the small soil pile, but instead insisted that he be financially compensated at an amount well beyond what it would have cost to repair the damage.



29 Woodside Path, from on site, 10/28/21



29 Woodside Path, from street, 6/16/22

7. Election of Officers

The Commission needs to appoint officers – Chairman, Vice Chairman and Clerk – for FY23. Also need to appoint CPC Representative.

8. Banner Park Development – Discussion

Staff will give an update on the Braintree Banner Park Development, in preparation for the next Braintree Conservation Commission meeting on August 4. The applicant has submitted revised plans which are under review by the Town of Weymouth’s and the Town of Braintree’s peer reviewers. The Commission and the Town’s peer reviewer (Andrew Feingold, PE of Green International) have provided three comment letters to the Braintree Conservation Commission to date. Our peer reviewer will be preparing an additional letter. We are not yet clear on whether another letter from the Commission will be needed.

A few notes on the plan revisions/submittal:

- Limits of the certified vernal pool are shown (134’ from the property line)
- They have conducted test pits in the proposed stormwater infiltration areas

- Footprint of Building B (closest to the wetlands, vernal pool and Tommy Marks Way) has been reduced by 12,460 sf and the loading docks have been reconfigured to provide greater buffer to Tommy Marks Way residents and reduce impacts to the buffer zone in that area.
- Reconfiguration of infiltration chambers and other drainage system modifications.

9. Other Business

10. CPC Update

11. Herring Run Update

12. Conservation Report