

Weston Conservation Commission - Public Meeting Minutes
January 21, 2020
Approved: February 25, 2020

Members Present: Joseph Berman (7:40), Cynthia Chapra, Josh Feinblum, Rebecca Loveys, and Rees Tulloss
Members Absent: Alison Barlow and Ellen Freeman Roth
Conservation Staff: Michele Grzenda
Others Present: See Sign-in Sheet

7:35 p.m. Signing of bills and documents:

- o Motion by Cynthia Chapra to issue a Cert. of Compliance – Wellesley Street (DPW) 337-665; seconded by Rees Tulloss; vote 4:0:0.
- o Motion by Cynthia Chapra to issue a Cert. of Compliance for 10 Sudbury Road (337-1341); seconded by Rees Tulloss; vote 4:0:0.

7:40 p.m. Cont. Notice of Intent – 95 Newton Street; Thanya Rajkopal, Owner; Molly Obendorf, Stamski and McNary, Jesse Alderman, Attorney (DEP #337-1373)

This is a continued hearing on the Notice of Intent filed by T. Rajkopal to request a modification to the location of the buffer zone restoration areas which were required as part of an expired Order of Conditions (OOC) issued in 2015.

Attorney Mr. Alderman updated the WCC on the information submitted since the initial public hearing (held January 7, 2020). This included a Plant Management Plan from Stamski and McNary, Inc. dated January 17, 2020 and a response to the WCC Agent's email dated January 21, 2020. Mr. Alderman also confirmed that a site visit was held on January 13, 2020 with the Applicant, Ms. Obendorf, the WCC agent, and two WCC members.

The WCC Agent asked a number of questions regarding the planting plan submitted on 1/7/20 and the applicant provided responses. Some of the issues pointed out by the Agent included:

- a. Concern that one of the proposed plants listed on the planting plan was not native (Common Lilac). It was Ms. Rajkopal's opinion that this species was native.
- b. Concern that the planting plan is lacking adequate density of native plants to be successful in restoring the buffer zone strip, particularly in the area near WF4-WF6, where only 9 plants are proposed in an approximately 505 s.f. area which is currently lawn; the Applicant was willing to add additional native plants.
- c. Clarification as to how the oval hatched areas shown on the 1/7/20 plan as areas where 'invasive species will be removed' were chosen. The Applicant indicated both at the site walk and at the meeting that she is interested in taking a more wide-spread approach to the invasive species management on the property. WCC member Rees Tulloss concurred that a more encompassing invasive species removal plan would benefit the resources areas and natural buffer zone areas.
- d. Recommendation that the location of the proposed plantings should be field verified by the Commission prior to installation. The Applicant was amenable to this.
- e. Clarification as to why 3 native shrubs are proposed to be installed in a wetland resource area where the land was never disturbed near WF-10. It was the Agent's opinion that this location may already be sufficiently vegetated.
- f. Clarification why 3 shrubs are proposed to be planted in the wetland near WF4-WF5. From the site visit, that area appears to be heavily dominated by wetland plants currently.
- g. No Restoration Boundary Monuments were shown north of the boundary area closest to WF10, The Applicant is amendable to adding monuments along the entire edge of the proposed restoration area boundary.

- h. Clarification regarding the details of the “non-paved, slightly raised boardwalk-like access through vegetated areas”. The Applicant drew an approximate yellow line on the Planting Plan depicting where she would like to install some type of access. The length was approximately 60-linear feet within the BVW near WF8 to WF9. When Mr. Tulloss questioned whether this would be a 10” wide piece of wood placed on the ground, the Applicant thought she needed something wider but was unable to provide any details.

The Agent reminded the Commission that the Request for Certificate of Compliance for the 2015 Order of Conditions (337-1242) was submitted at the previous meeting (January 7, 2020) and therefore the Commission should discuss this request in order to act within 21 days of the submission. The WCC Agent indicated that should the Commission vote to close the hearing on this current NOI this evening, that it would be preferable to discuss both the request for Certificate of Compliance on 337-1242 and deliberate on the decision, findings, and conditions for 337-1373 at the next meeting on February 4, 2020. Mr. Alderman indicated that the Commission may continue the discussions on the Request for Cert. of Compliance until the next meeting. Mr. Alderman expressed interest that the Commission could impose a condition in the new OOC that stated ‘once the Order was final (10-day appeal period has lapsed) and the new Order was recorded, the Commission would issue a Certificate of Compliance on the former OOC).

Discussion ensued. Motion by Josh Feinblum to close the hearing; seconded by Rees Tulloss; vote 3:2:0. The Commission will deliberate, discuss findings and special conditions at the February 4, 2020 meeting. In addition, the Commission will discuss the Request for Certificate of Compliance for 337-1242 at the next meeting.

8:20 p.m. Cont. Notice of Intent - 0, 751 and 761 Boston Post Road, Weston BPR LLC; M. Romanowicz; Weston BPR LLC; Lars Unhjem; Rich Kirby, LEC Environmental Consultants; Rick Latini, HSH Associates

This is a continued hearing on the Notice of Intent for the construction of a 180-unit rental apartment community, including two apartment and ten townhome buildings and appurtenances.

Rich Kirby, LEC Environmental Consultants, reviewed the revised material submitted including a revised Page 3 of the NOI form showing the adjusted resource areas alteration numbers and the NOI Application Addendum II, dated 1/15/20. Mr. Kirby reviewed several revisions that were made to the plans including: (1) Revisions to the types and location of erosion controls proposed, (2) Revisions to tree protection and removal, (3) Revisions to the extent of historic fill removal and re-location of swale connection between C-series and D-series BVWs within compensatory flood storage area to minimize tree removal, (4) Revised Compensatory Flood Storage Calculations, and (5) Tree Evaluation and Mitigation Planting. Based on the above changes to the Revised Plan Set, only one (1) tree (Tree #14, a 7.5” dbh northern red oak) is proposed to be removed within the Commission’s 25-foot No Disturb Zone, in order to accommodate the proposed compensatory flood storage area. All remaining trees within the vicinity of the proposed compensatory flood storage area and retaining wall, within the WCC’s NDZ, will be protected during construction as specified.

Based on the reduction of historic fill removal within the compensatory flood storage area (per the Commission’s request and in an effort to minimize tree loss), the Flood Storage Calculations reflect a total fill of the floodplain (to Elevation 158) of 3,812.9 cubic feet and a total compensation of 5,515.5 cubic feet. There remains a deficit of compensatory flood storage between elevations 157 and 158; however, it is the Applicant’s opinion that this deficit is accounted for via compensatory flood storage well exceeding 1:1 at all lower elevations (153.75 to 157).

Mr. Garner summarized his Second Peer Review letter dated January 17, 2020. It was Mr. Garner's opinion that the project as revised according to the final plans and documents reviewed, complies with the performance standards and the Interests of the Wetlands Protection Act.

M. Romanowicz of Weston BPR LLC re-iterated the development's team in protecting the land which is not being developed. They have reached out to Weston Forest and Trail Association (WFTA) and are awaiting a response.

Motion by Josh Feinblum to close the hearing and deliberate on February 4, 2020; seconded by Rees Tulloss; vote 5:0:0.

8:50 p.m. Discussion – proposed invasive plant removal and native planting installation near Skating Pond – 36 Windsor Way.

David Burke, Wetland Scientist, requested the WCC give administrative approval for removal of invasive plants (including buckthorn, multiflora rose and honeysuckle) along the edge of Skating Pond, as flagged in the field. Mr. Burke estimated that approximately 100 plants will be removed. All removal will be by hand and ATV/winch, as needed. The ground will be then be tapped down. All pulled plants will be bagged and taken off site. Motion by Josh Feinblum to administratively approve the invasive species removal as proposed, contingent upon a site visit being held between the Agent and Mr. Burke prior to work; seconded by Cynthia Chapra; vote 5:0:0. If restoration planting is proposed within or close to the wetland resource area, an RDA (including a brief summary of the above-described removal activities, proposed sketch and list of possible native plantings, and future invasives removal plan) will be submitted to the Commission.

The next Con Com Meeting will be Feb. 4, 2020

Meeting adjourned at 9:05 p.m.