

Weston Conservation Commission - Public Meeting Minutes

April 28, 2020

Approved: May 12, 2020

Members Participating Joseph Berman (chair), Alison Barlow, Cynthia Chapra, Rees Tulloss, Josh Feinblum, Ellen Freeman Roth, and Rees Tulloss
Members Absent: Rebecca Loveys
Conservation Staff: Michele Grzenda

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020 Order concerning imposition on strict limitations on the number of people that may gather in one place, this meeting was conducted via remote participation via Zoom and the link was provided on the Posted Agenda. No in-person attendance of members of the public was permitted, but every effort was made to ensure that the public could adequately access the proceedings.

7:30 p.m. Admin. Matters

1. The Agent provided Land Management Updates where some field and garden edge improvements are occurring this spring: (1) Community Gardens; (2) Apple Orchard; (3) Case Estates; (4) Wellington Farm; (5) Green Power; and (6) Juniper Road Fields
2. Tree Concerns - 16 Carroll Circle -the landowner requested the Commission remove a pine tree and oak tree from conservation land which he felt were a threat to his property. Rees Tulloss and the Agent assessed the trees and requested a professional opinion from an arborist. The arborist assessed the trees and it was his opinion that although the pine shows signs of prior storm damage, the angle of the pine is such that should the tree fall, it will most likely fall onto conservation land, and not onto 16 Carroll circle. The oak is very young, is reaching for light, and poses minimal risk. Given the opinion of the arborist and the limited land management funds, it was the commission's opinion to decline to pay for the removal of these trees.
3. License Discussion: Waltham Fields Community Farm use of Wellington Farm commission authorizing the agent to work on codifying a license with WFCF.
4. Joe Berman summarized the memo he sent to the Select Board on 4/16/20 and the discussion with the Select Board on 4/21/20. Mr. Berman believes that the Emergency Management Team understands the Commission's hope that future land management decisions be brought to the Agent and Chair prior to final decision making; Joe was disappointed with the lack of flexibility in the part of the Town Manager and Emergency Management Team in regards to prohibiting the Agent from any Town Hall Access. Josh Feinblum agreed that the Commission's request was reasonable. Mr. Feinblum believes that under Open Meeting Law rules, The Commission can hold an emergency meeting even without 48 hours' notice. Some commission members believe that future policies need to be made so that there is more involvement with appointed boards/officials during Emergency Orders.
5. Approval 4/14/20 Con Com minutes – Motion by Cynthia Chapra to approve; seconded by Rees Tulloss; roll call vote: each member responded Aye.

7:35 p.m. Request for Opinion: 250 Boston Post Road By-Pass (337-1312) Jay Slater, Owner;

The Owner, Jay Slater, wishes to install aluminum driveway gate with two pillars 15' in from the street. One of these pillars will be within the 25-foot No Disturb Zone (NDZ). Mr. Slater is proposing this work for safety reasons to stop the abundance of cars that use his driveway to turn around on Rt. 20. In order to increase the safety of his property and dissuade cars from using his driveway as a turn around the gate and pillars need to be positioned as close to the road as possible. With that said, a portion of the gate and one pillar will fall within the 25' no disturb zone. In addition, the work proposed would be on land owned by Dept. of Transportation (DOT) as it is part of the Rt. 20 Right-of-way. The WCC was amendable to

allowing the post of the gate within the NDZ contingent upon mitigation (additional native plantings closer to the resource area). The WCC recommended that the Applicant either file a Request to Amend the OOC; or file a new NOI with DOT being the landowner. In either permitting case, the owner would need to demonstrate that he has received permission from DOT to conduct this work on their property.

7:45 p.m. Update: 751 Boston Post Road OOC DEP Appeal (337-1369); Lars Unhjem, Mark Romanowicz, Rich Kirby, Anand Boscha (Applicants and their representatives)

In March, DEP issued a memo to the Applicant and the WCC indicating their intent to intervene and appeal the WCC's Order of Conditions. The reason for the appeal was based on the fact that the approved project did not conform strictly to the performance standards for working within Bordering Land Subject to Flooding (BLSF) (310 CMR 10.57) which states "Compensatory storage shall be provided for all flood storage volume that will be lost as the result of a proposed project within Bordering Land Subject to Flooding." The Applicant's original proposal did not create equal flood storage at certain higher flood zone elevations since the WCC indicated they did not want a natural wooded buffer zone clear-cut and altered to create this level of flood zone compensation. Instead the WCC approved a proposal which saw an almost 2:1 increase in compensatory flood zone but at a slightly lower elevation than what was being lost. The Applicant has since conducted additional surveying and has identified another area for Compensatory flood storage which completely complies with the performance standards for work within BLSF. Specifically, a new proposed compensatory flood storage area has been identified in a field located within the northern portion of the site. A discrete section of the field will be lowered in elevation by 0 to 2.9 feet, with an average grade reduction of roughly 0.7 feet, resulting in a relatively subtle change compared to existing conditions. Despite the reduction in floodplain filling, and change in the location of the compensatory flood storage, the Applicant remains committed to removing the historic fill and restoration efforts adjacent to the D-series wetland as approved in the OOC. However, there is no longer a requirement for an open channel across the cart path, and that component of the restoration will be eliminated from the project. In addition, the stormwater management questions that DEP had are addressed.

The Applicant has requested an opinion from the WCC whether this proposal is acceptable from a local level. The Commission is in support of the proposal and revised plans.

8:15 p.m. WCCs interest in joining the Charles River Watershed Association's MVP grant proposal; Julie Wood, Charles River Watershed Association (CRWA)

CRWA is interested in having Weston participate in a watershed wide Municipal Vulnerabilities Preparedness (MVP) action grant application. Specifically, the Charles River Climate Compact (CRCC) (of which Weston is part of) is proposing to develop a watershed model that will forecast possible flooding scenarios and test adaptation strategies across the Charles River watershed. This initiative will produce both much needed technical information about where and when we expect to see riverine flooding from climate change, and to bring consistency across our watershed communities in regards to how we are planning and governing for expected climate impacts, to eliminate a patchwork approach. The CRCC identified the need for a watershed model as a necessary tool to assist municipal staff in protecting their citizens, especially vulnerable populations, and engage residents and businesses in enhancing climate preparedness and resilience. CRCC communities are eager to take a data driven approach to investing adaptation resources. To do this, municipal leaders need better information on where and when flooding will occur to begin to adapt both on the ground infrastructure and Town policies and permitting procedures. The proposed project will engage the communities of the Charles River watershed in the development of a watershed model to support resilience planning and regional adaptation at the local and watershed scale. The model will assess potential threats from future precipitation-based flooding across the watershed, and be designed to assess potential benefits from broad scale nature-based solutions. Part of this program will be to bring the municipalities together and work towards reaching a

consensus on priorities to address climate impacts in the region. Once the model is developed, it will help towns identify possible adaptation strategies at a local level.

The MVP program will require a financial match; CRWA is asking that each community put together a financial and/or staffing match of \$5,000 either by committing staff time which would amount to approximately 100 hours over a one-year timeframe or committing to a financial match. The WCC could consider providing \$1000-2000 funding and the rest of the match be through staff time. Alan Orth, a member of the water working group, resident recommended the Town participate in this grant program.

Weston was asked to provide a letter of commitment; and ideally to identify the breakdown of staff time and or money. Motion by Cynthia Chapra to become a partner in the CRWA grant application and commit up to \$5000 of staff time or monetary match; the motion was seconded by Ellen Freeman Roth; roll call vote: each member responded Aye.

8:35 p.m. Town Center Project: Center Street Terminus Discussion; (DEP #337-1350); Matt Soltys and John Michalak, Nitsch Engineering

The Applicant's team presented a proposal for dealing with the terminus of Center Street which abuts a wetland. According to Condition #29 of the OOC: The Commission required that the Applicant assess the pavement area at the Center Street Terminus. A plan shall be submitted to the WCC, for review and approval, which: (1) clearly defines the edge of pavement and prevents vehicles from impacting the wetland; (2) addresses stormwater management to the maximum extent practicable; (3) does not reduce the amount of flood storage capacity of the adjacent Bordering Land Subject to Flooding; and (4) prevents stockpiling of snow or other debris in the wetland. The Commission anticipates voting on this matter.

Nitsch Engineering submitted revised plans for the Commission to review. The proposed improvements included a reinforced pavement design that will reduce cracking and pavement distress, and a 5-foot stone apron for storm water runoff treatment prior to entering the wetland. A proposed wood railing is also proposed along the wetland edge to reduce the stockpiling of debris within the wetland. The edge of pavement is proposed to be shifted slightly further away from the wetland edge, without impacts to parking or large vehicle turning movements. The grades within the area are typically being raised up to 1-foot to reduce groundwater impacts on the pavement.

The revised plan proposes 25 SF of wetland impacts on the west side of the limits due to the geometric improvements. Since the proposal is to shift the pavement edge to the north on the east side, the applicant is able to replicate 210 SF of wetlands. The replication area will be excavated to remove any poor soils, and addition of suitable (hydric) soils with a wetland seed mix. In addition, the existing degraded wetland edge (approximately a 15-foot wide area adjacent to the pavement) will be restored by removing the accumulated sediments, and the installation of loam and wetland seed mix.

The intent is so that DPW will not be placing snow beyond the wood guardrail. DPW was supportive of the plan.”. Motion by Rees Tulloss to accept this revised plan; seconded by Josh Feinblum; roll call vote: each member responded Aye. Special Conditions include: The Applicant shall install two signs along the wooden rails which states “No Snow Dumping beyond this point”; prior to work in this area, the Applicant shall arrange a site visit with the Conservation Agent to review the work and restoration area sequence and timing.

9:00 p.m. Motion by Josh Feinblum to approve the minutes of 4-28-20; seconded by Cynthia Chapra; roll call vote: each member responded Aye. Joseph Berman asked this his memo sent to the Select Board on 4-16-20 be attached to the approved minutes.

Virtual meeting adjourned at 9:10 p.m.