

Weston Conservation Commission - Public Meeting Minutes
October 20, 2020
Approved: 11/10/20

Members Participating Joseph Berman (Chair), Alison Barlow, Cynthia Chapra, Josh Feinblum (arrived at 8:45pm), Ellen Freeman Roth, Rebecca Loveys, Rees Tulloss
Members Absent
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 Conservation Commission meeting was conducted via remote participation using Zoom.com. The Town provided access to such meeting via a link to call in. 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.

7:35 p.m. Notice of Intent, 75 Scotch Pine Road, Banner Construction (DEP# 337-1391), Jonathan Buckman (owner); R. Gemma, MetroWest Engineers

The Applicant has filed this Notice of Intent for work associated with demolition and reconstruction of a single-family house; a portion of the work will occur in the 100-foot buffer zone. A Bordering Vegetated Wetland is located on the west middle side of the property. Specifically, the work includes removal of the existing house, detached garage, pool, driveway, walks and supporting utilities, followed by the construction of a new single-family house, pool, patio, walks and supporting utilities. There is no increase of impervious area occupied within the 100-foot Wetland Buffer Zone. Only work proposed within the 25-foot No Disturb Zone, involves the removal of an existing retaining wall associated with the existing pool. This small area of the NDZ will be regraded and restored after the wall is removed. The Applicant will agree to some form of monumentation within the NDZ where it is being restored.

The project will include a stormwater management system to collect and manage runoff from all new impervious surfaces. The system will utilize a series of rain garden/bioretenion areas to store and infiltrate stormwater runoff. The project will decrease both the rate and volume of the stormwater runoff that is discharged into both the wetland and onto Scotch Pine Road. Cynthia Chapra recommended that a flat stone splash pad be added to the outfall to the rain garden.

Sedimentation and erosion control measures in the form of 12" Filter Mitt erosion control barrier will be installed around the limit of work. The Landscaping plan is still being designed. The Agent requested this be submitted prior to construction. Motion by Rees Tulloss to close the hearing and issue an Order of Conditions approving the project; seconded by Cynthia Chapra; roll call vote: each member responded Aye.

Request for Certificate of Compliance – 75 Scotch Pine Road (DEP # 337-1345)

This OOC involved an approval of a new single-family house that was never constructed. Motion by Cynthia Chapra to issue a Cert. of Compliance indicating that the work regulated by the OOC was never started; seconded by Rees Tulloss; roll call vote: each member responded Aye.

7:55 p.m. Notice of Intent, Leo J Martin Golf Course 190 Park St (DEP# 337-1392); R. Silva; A. Doroski, Tighe and Bond

The Applicant, Dept. of Conservation and Recreation, has filed this Notice of Intent for proposed Irrigation Improvements. A portion of the work is located within Riverfront Area, Bordering Land Subject to Flooding, the 100-foot Buffer Zone to the BVW, and the 25' No Disturb Zone. The purpose of this project is to provide an updated and partially combined water delivery system to improve the twelve-

month operation of this recreation facility, including seasonal snowmaking at golf course Holes 1 through 5 in Weston. Improvements proposed at the recreational facility within the Weston town limits include:

- Demolition/removal of the existing snowmaking pumphouse and associated amenities, including a dilapidated boardwalk on the Charles River.
- Installation of irrigation and snowmaking piping within limits of Concord Street / Park Road bridge sidewalk and throughout holes 1 through 6 and installation of valve vault building. Trench width in the sidewalk is approximately 5' wide; trench width in disturbed golf course areas is 3' to 5' wide depending on the number of pipes/conduits. Irrigation and snowmaking lines will be located in the same trench where feasible.
- Installation of utilities including electrical infrastructure to power the new pump house (located in Newton), and electrical distribution along holes 1 through 6 to provide power to the snowmaking fans and proposed site lighting.
- Site restoration consisting of loam and seed disturbed upland areas within the golf course.

Activities associated with removal of the existing snowmaking pump house and installation of the 8-inch combine irrigation/snowmaking pipes on Park Road are considered exempt "Minor Activities within Buffer Zone" and Riverfront Areas as per 310 CMR10.02(2)(b)2. Work in the LUW is necessary for the boardwalk removal; work within the BLSF and Riverfront Area is necessary for improvements associated with water distribution (i.e. removal of existing snowmaking pumphouse and replacement of irrigation/snowmaking pipes). No portion of the activities are located within BVW. The proposed activities will result in temporary and permanent alterations to LUW, BLSF and the Riverfront Area as described in Table 4-3 from the Applicant's NOI. Portions of the proposed activities are also subject to the Weston 25-foot No Disturb Zone policy. This includes removal of the boardwalk and snowmaking pumphouse and ensuing restoration of any disturbed upland area which will provide a net benefit to the function and value of the Riverfront Area at this location. Also, within the 25-foot No Disturb Zone is installation of subsurface utilities is proposed within existing paved Park Road sidewalk. No tree removal is proposed within the limit of work occurring within the Town of Weston.

While no flood storage will be lost, there will be a net increase of 144 SF of flood storage capacity resulting from the removal of the existing snowmaking pumphouse. The Applicant has requested that the Weston Conservation Commission formally acknowledge the net increase in flood storage capacity and allow its use for potential future projects within BLSF in the event that compensatory flood storage is required. The Commission indicated that they cannot credit the BLSF compensatory flood storage for a future project. Demolition and removal of the existing boardwalk and piers will occur during periods of low water level (anticipated July – September)

Questions regarding the lighting plan ensued. The applicant indicated that the lights will be used during the winter ski season months and are directed downward toward the ski areas. DCR intends to shut the lights off after night skiing ends- around 10pp. DCR is working on a lighting plan which will include a sketch showing the light locations; the type of lighting fixtures; and the plan will outline the hours of each day by season that the lights will be used. The Commission requested that DCR submit their Lighting Management Plan/Usage Plan prior to construction.

Motion by Rees Tulloss to close the hearing an issue an Order of Conditions approving the project; seconded by Cynthia Chapra; Roll call vote: each member responded Aye.

Special condition to include a reequipment that prior to construction the contractor shall submit to the Agent for review and approval, the means and methods and timeline for the demolition of the pump house and the boardwalk.

8:10 p.m. Notice of Intent: 272 North Ave (DEP# 337-1393); R. Waldron, AES; P Goodman (landowner)

The Applicant has filed this Notice of Intent the construction of three additions onto the westerly, southerly, and northerly sides of the existing single-family home. The northerly addition location was formerly occupied by a raised deck and is currently comprised of bare soil. The southerly addition location is currently comprised of bituminous driveway, a cellar bulkhead, and a flower garden. The westerly addition location is currently comprised of patches of ivy and herbaceous weed species. Proposed construction activities will take place within Riverfront Area and the 100-foot Buffer Zone to Bordering Vegetated Wetland (BVW). No disturbance is proposed within the 25-foot No Disturb Zone. The total new riverfront area impact amounts to 292 sq. ft. Erosion and sedimentation controls will be installed prior to the start of construction activities.

The Agent and Commission Member, Rees Tulloss conducted a site visit and raised questions about what appeared to be significant black fabric covering much of the backyard. Ms. Goodman indicated that the landscaping fabric was installed years ago to eradicate the poison ivy and weeds. Ms. Goodman indicated she could pull up the landscaping plastic if the Commission prefers and her intention was to add some landscaping in the area after the renovation was complete. The Agent inquired about the long-term plan for landscaping in this area. The agent indicated that the placement of the landscaping fabric should have been reviewed and approved. Ms. Goodman proposes to add some native plants in this area but has not developed a plan yet. The Agent asked that the landscaping fabric remain in place and for the owner to submit a plan to re-vegetated the area next spring. Motion by Rees Tulloss to close the hearing and issue an Order of Conditions approving the project; seconded by Cynthia Chapra; roll vote 6:0:1.

8:30 p.m. Notice of Intent: 245 Winter Street; S. Henderson (Henderson Consulting); D. Anderson, Wetland Scientist; J. Frangioni (landowner)

Scott Henderson, Henderson Consulting; Deb Anderson, Wetland Scientist presented the project. The Applicant has filed this Notice of Intent for the proposed installation of an in-ground pool with associated patios and landscaping. The southwesterly portion of the property contains Bordering Vegetated Wetlands associated with the Bogle Brook which flows north to southwest offsite and is located more than 200-feet from the property.

The Applicant proposes to replace the existing patio along the rear of the house with a new permeable patio with associated outdoor kitchen area and retaining walls. In addition, the Applicant proposes the installation of an in-ground pool and associate pool equipment shed, permeable patio, stormwater management system, and landscaping. A portion of this work is located within the 100-foot buffer zone, with work proposed within 26 feet of the wetland. No work is proposed inside the 25-foot No Disturb Zone. All proposed work will take place within existing lawn area. The project will require the removal of one (1) 8-inch diameter red maple located within the existing lawn. The Applicant proposes to replace 850 SF of existing lawn area with a native planting mitigation area located to the south of the proposed pool and retaining walls. The project will result in 2,748 SF increase in impervious area, including the pool surface and the permeable paver patio. The proposed stormwater management system will consist of the permeable patio and two infiltration systems that will handle stormwater from the new impervious areas as well as a portion of the existing house roof.

Motion by Rees Tulloss to close the hearing an issue an Order of Conditions approving the project; seconded by Cynthia Chapra; roll call vote: 6:0:1. The commission requires the dumped lawn clipping be removed from the NDZ;

8:45 p.m. Cont. Notice of Intent: 0, 518, and 540 South Ave; Hanover R.S. Limited Partnership Jonathan Buchman and James Ward

The Applicant filed this Notice of Intent for the construction of a 5-story, multi-family residential building, which will include a courtyard, parking garage, and a separate on-site sanitary wastewater treatment system. A portion of the work will occur within 100-feet of Wetland Resource Areas. Pat Garner, the Commission's Outside Consultant reviewed four areas of concern: (1) The proposed leaching field is sited 51' feet away from the edge of BVW. However, it is Mr. Garner's opinion that soil absorption systems associated with a waste water treatment plan must be situated at least 100-feet from surface waters (i.e. BVW). Mr. Chessier's previously submitted comment letter also raised this point. Mr. Garner has been trying to reach out to the DEP Wastewater Division, and has not been able to connect. (2a) The stormwater which flows onto the proposed porous pavement access road will infiltrate into a sub-surface retention area. Mr. Garner believes that the Applicant can take credit for infiltration since the Stormwater Management Regulations requires a minimum 50-foot setback from wetland resource areas. The access road in question is well within 25-feet of the wetlands for a significant stretch. (2a) a portion of the porous pavement goes over the leaching field; DEP requires a minimum of 25-feet separation between the leaching field and porous pavement. (3) questions were raised regarding how the applicant will be operating and maintaining a stormwater recharge system which is designed to be installed under the building. Access to maintain this system appears to be a challenge. (4) The question regarding the potential wetland impacts that the 38,000 gallons of effluent discharged per day may have on the adjacent resource areas has not been addressed.

Josh Feinblum asked whether the proposed Wastewater treatment plant building was at least 50-feet from the property line as required in the DEP regulations. The Applicant responded that the wastewater treatment plant building will be relocated to comply with this requirement.

The Agent informed the Commission that she did not receive any Peer Review submissions to her Request for Proposals sent out two weeks ago. Discussion ensued. Mr. Ward suggested that the commission try to compartmentalize the peer review services. Dan Hill believes (1) a Civil Engineer needs to review the stormwater design. Mr. Hill believes an infiltration trench can not be located within 20-feet of structure; therefore, having the infiltration basin under the building is a violation of the stormwater standards. (2) Based on his knowledge, Mr. Hill believes Mr. Garner might be the right person to assess potential wetland impacts; (3) wastewater – Mr. Hill believes a hydrogeologist is needed to assess whether the increase of water from the leaching field and stormwater systems will have an adverse impact on the groundwater and adjacent wetland.

Everyone agreed that a second round of RFQs should be sent out segmenting into categories 1 and 3 above. The Agent will distribute the RFQ to the consultant list again tomorrow with a request for submissions to be received by Nov. 4th. In the meantime, the applicant is in the process of putting together one comprehensive response addressing all comments received to date.

Questions were raised regarding the Mod flow source files. Mr. Hill has requested the original inputs needed and to analyze the volumetric balance and the Applicant indicated that the inputs are not readily available to distribute. The Mod Flow analysis was performed by the Applicant's consultant, Vern Kokosa, Sanborn, Head & Associates, Inc. Josh Feinblum will contact Mr. Kokosa and hopes that this data can be provided to the WCC and the Residents Group.

Action Items:

- The Commission will require Peer Reviewer RFQs be submitted by November 4th. The Applicant will work with Mr. Feinblum to share the ModFlow data.
- The Applicant will prepare a response to all comments received and believes that the report will be ready for submission by 10/30/20.

- The resident's group experts will provide final responses by November 13, 2020
- The hope will be that new peer reviewers will be vetted and hired on 11/10/20.
- A follow-up hearing will be held with the new peer reviewers virtually present (date to be determined).

Mr. Garner's initial peer review costs have been depleted and he is requesting an additional \$4,400. Motion by Josh Feinblum to require the Applicant pay an additional \$4,400 to allow Mr. Garner to continue his peer review under Chapter 44 section 53 G; seconded by Ellen Freeman Roth; Roll call vote: each member responded Aye.

Motion by Josh Feinblum to continue the hearing until 8:30 pm on 11/10/20; seconded by Rees Tulloss roll call vote: each member responded Aye.

(Rebecca Loveys and Josh Feinblum left the meeting).

10:00 p.m. Administrative Matters -

1. Notice of Violation – The Agent updated the Commission on the recent brush clearing work conducted by Eversource along the ROW in Weston. The original plan when the agent and J. O'Connell from Cambridge Water Dept met with Eversource a year ago was to focus more on specific undesirable species with select cutting and herbicide use. However, work never commenced. This year, rather than commencing with a more selective approach; Eversource hired Lewis Tree and performed more of a general brush clearing job. This approach was taken due to the extensive amount of undesirable and invasive species present along the row. Although broadcast cutting of the ROW is allowed under a WPA exemption, it still requires that best management practices are adhered to – i.e. equipment should not drive through or alter wetlands. Last week, the Agent received a number of calls from residents about the amount of alteration occurring. The Agent met with Mr. Babineau, Arborist with Eversource on 10/19 to walk the ROW. 4 areas were found where direct impact had occurred to wetlands or infrastructure near wetlands (steep embankment was slumping, a drainage flared end pipe was damaged, required coir logs as part of the access road/rail trail was destroyed). Mike Babineau discussed his dissatisfaction with the contractor's work on the recent impact to wetland resource areas and they are ready to proceed with rectifying the problem areas. Mr. Babineau explained that everything will be restored appropriately. Eversource is following up with the contractor to ensure additional impacts will not occur with the brush cutting. Eversource acknowledged more oversight of the contractor is needed. Motion by Rees Tulloss to issue a Notice of Violation requiring rectification by 11/19/20 of the items discussed tonight and in the Agent's email sent to Eversource the on 10/19/20; seconded by Cynthia Chapra; roll call vote: each member responded Aye.
2. Electronically Signing of Documents
 - Cert. of Compliance – 45 Cliff Road 337-1096; Motion by Cynthia Chapra to issue; seconded by Rees Tulloss; roll call vote: each member responded Aye.
 - Ratify Emergency Certification – Beaver Dam Breaching - Jericho Town Forest; Motion by Cynthia Chapra to ratify; seconded by Alison Barlow; roll call vote: each member responded Aye.
3. Approval 9/22/20 and 10/6/20 Con Com minutes: Motion by Rees Tulloss to approve; seconded by Cynthia Chapra; roll call vote: each member responded Aye.
4. Land Management Updates
 - Norway Maple removed at 40-acre field due to safety concerns after experience significant storm damage.

- Hemlock Pond Trail Improvements - Joseph Berman, Rees Tulloss, and Alison Barlow conducted a site visit to Hemlock pond trail system. Mr. Berman suggested Rees and Alison continue to work with WFTA. Everyone was ok with the bridge replacement. Questions remain about the other proposed trail improvements. Rees suggested meeting with Lynn Atkins, trail manager for WFTA to get her thoughts on this. Outstanding question that remain: how much site work does the Commission want to see there and who will dictate the type of equipment needed. Could the eroding trail be resolved with a less structural solution? The discussions will continue on 10/27.
 - Rachel Hoffman, Weston's Animal Control Officer has resigned.
5. Request for conservation old field to be mowed behind 11 Webster Road – The abutters at 11 Webster requested the Commission give permission to have the landowner request quotes from private contractors to provide a cost estimate for mowing the conservation land field behind their house. The Chair suggested the Agent send an email affirming that the Commission gives them permission to solicit quotes but that the WCC is not stating or implying that they have permission to cut the field. Additional discussion and permission will need to be requested in order to move forward with any cutting.
 6. Next Conservation Commission Meeting: October 27, 2020

Meeting adjourned at 10:52 pm