

Weston Conservation Commission - Public Meeting Minutes  
February 7, 2017  
Approved: February 28, 2017

Members Present: Laurie Bent (chair), Alison Barlow (arrived at 7:20 p.m.), George Bates, Joseph Berman, Cynthia Chapra, Roberta Pearle Lamb (arrived at 7:30 p.m.), and Rees Tulloss  
Conservation Staff: Michele Grzenda  
Others Present: See attached sign-in sheet

7:00 p.m. Admin. Matters –

1. Commission signed the Memorandum of Understanding regarding Cat Rock Park and Burt Field
2. Bay Circuit Trail (BCT) segment creation in Weston - Bill Fadden from the Bay Circuit Trail Alliance (BCTA), discussed his interest in creating a new segment of a portion of the BCT through Weston. Currently the trail is located west of Weston (in Wayland). Mr. Fadden has worked with George Bates to identify existing trails in Weston that could be used to create a new trail segment that would link together trails from Wayland, Weston, and Lincoln. A small portion of the future Mass Central Rail Trail is proposed to be used. Motion by George Bates to support the addition of a portion of the Weston trail system into a segment of the BCT; seconded by Cynthia Chapra; vote 5:0:0.
3. Motion by George Bates for the WCC to send a letter of support regarding the Open Space and Recreation Plan completion; seconded by Joseph Berman; vote 7:0:0

7:20 p.m. Request for Minor Plan Change: 168 Beaver Road; J. Fuller (owner – absent); J. Lavoie, Jillson Company

This was a continued discussion regarding the proposed changes to the driveway footprint in relation to the construction of a single-family house. The Commission performed a site visit in the morning and discovered that a portion of the newly constructed driveway exists beyond the approved limit of work, within the NDZ. Mr. Lavoie stated the Applicant proposes to remove the gravel within the NDZ and hire a landscape architect to create a mitigation plan to restore the NDZ with native plants. A small retaining wall is needed to hold back the fill in a section of the driveway and along a portion of the backyard. Motion by Cynthia Chapra to approve the proposed work; seconded by Roberta Pearle Lamb; vote 7:0:0. The Weston Conservation Commission (WCC) imposed the following Special Conditions: (1) By April 1<sup>st</sup> and prior to beginning work, a landscaping plan shall be filed with the Commission and reviewed and approved by the Agent; (2) By May 1<sup>st</sup>, the fill within the NDZ shall be removed; prior to work being conducted in the NDZ, a site visit shall be scheduled between the agent and contractor conducting the work. The Agent asked that the landscaping plan include the proposal for installation of native plants within the area to the east of the driveway which was cleared without a permit in 2016.

7:35 p.m. Request for Determination of Applicability: 1 Whitehouse Lane; J. Finnegan, MetroWest Engineering

The proposed work is to install a new Title 5 compliant Sub-Surface Disposal System to replace the failing cesspool. The current leach lines and septic tank are in the front lawn area, within the 100-foot wetland buffer zone. The proposed trenches will be toward the rear side yard outside both the 100' wetland buffer and 200' Riverfront Area. The new field will require a 2000 gallon two-compartment septic tank, pump chamber and forcemain. The proposed tanks will be in the same area as the existing tank in the front yard. Motion by Joseph Berman to issue a negative 3 Determination of Applicability; seconded by Rees Tulloss; vote 7:0:0.

7:40 p.m. Notice of Intent: Weston High School; 444 Wellesley Street (DEP #337-1285)

The Applicant has filed this Notice of Intent for the renovation of an existing track and field at the Weston High School at 444 Wellesley Street. The project area is approximately 8.95 acres, the majority of which are

natural grass playing fields and an asphalt track with resilient surfacing. The project site contains a pond (Wetland Flags # C1-C47) with associated Bordering Vegetated Wetland (BVW) (Wetland Flags # D1-D5) to the south, an intermittent stream (Bank) (Wetland Flags # B1-B10) to the southwest and a BVW (Wetland Flags #E1-E21) to the east.

The proposed work includes the following: (1) Renovation of an existing natural grass playing field and track (the majority of this work is outside the 100-foot buffer zone); (2) construction of a combined bathroom and concessions building; (3) Construction of new asphalt paths; (4) Removal of an existing gravel access road within the 100-foot buffer zone and restoration of this area with meadow grasses; (5) Improvements to the stormwater drainage structures; (6) Renovation of the grass slope leading from the elevation of the track down to the edge of the pond; (7) Re-grading of the natural grass field to the east of the track using fill and topsoil generated from the replacement of the natural grass field described above; (8) Replacement on the same footprint of the existing asphalt path that runs along the pond between the parking lot and the track and field; and (9) Renovation of Pastor Park, the small triangular park between the tennis courts and the sidewalk paths near the pond.

The following work is proposed within the 25-foot No Disturb Zone. (1) Approximately a 12-foot width of the existing natural grass playing field which will be regraded to improve drainage. Erosion controls will be placed along the existing edge of field to protect the nearby wetland resource area. No expansion of field area will occur. (2) Replacement on the same footprint of the existing asphalt path that runs along the pond between the parking lot and the track and field. The majority of this path exists within the NDZ. No expansion of path footprint will occur. (3) Cutting 3 pine trees within 25 feet of the pond for aesthetic reasons. The Proctor Field Working group wishes to remove them as there is some deadwood and they are growing close to the sidewalk.

Questions were asked about the need to cut the three pine trees. Mr. Bates opined that the trees appeared healthy and did not appear to be a safety threat. Therefore, Mr. Bates asked that the trees be preserved. The Applicant asked if they can inquire with an arborist. The Chair indicated that if the trees are deemed to be unsafe, or if the applicant wishes to prune more than just deadwood, the applicant shall request in writing, any plans to remove them and the Commission will discuss the matter at a future meeting. Dave Conway from Nitsche Engineering has reviewed the stormwater management form and indicated it complies with the WPA's requirements. Motion by George Bates to close the hearing and issue an Order of Conditions approving the project; seconded by Roberta Pearle Lamb; vote 7:0:0.

8:10 p.m. Cont. Notice of Intent – Utility Maintenance Road and Rail Trail paving; D. Bartone, Eversource, D. Hunniwell, VHB, and D. Driscoll Dept. of Conservation and Recreation (DEP #337-1280); Ms. Bent opened the continued Notice of Intent Hearing and introduced Jack Sands, Chair of the Rail Trail Advisory Committee (RTAC). Mr. Sands summarized the RTAC role and indicated that they will be working with the community to identify parking, lighting, and screening issues. Ms. Bartone from Eversource explained that the Department of Conservation and Recreation (DCR) is now a co-applicant to the NOI. This will change the design slightly such that Eversource will be installing a smaller gravel sub-base, and DCR will pave a 10-foot wide paved surface. Vanasse Hangen Brustlin, Inc. (VHB) intends to submit the following information by the end of next week: (1) revised stormwater management report, (2) a memo summarizing changes made to the original filing, (3) a revised NOI showing that DCR is a co-applicant, and (4) additions to erosion controls. Said materials will be sent to the WCC, City of Cambridge, and Mr. Patrick Garner, the WCC's outside consultant.

Dan Driscoll, DCR, summarized DCR's interest in paving an ADA accessible 10-foot wide paved path. DCR has no intention of lighting the rail trail. DCR has a safety standard that they will undertake before resurfacing of the trail to ensure that any road crossing will be properly signed. DCR sees the bridge rehabilitation the

responsibility of DCR in the future. It is unclear when DCR will find funding for the infrastructure improvements.

Mr. Harrity asked about the construction sequence and raised concerns about ensuring that all contractors involved will be aware of the historical artifacts the town wishes to keep. Mr. Harrity also indicated that the RTAC has hired Nitsch Engineering for a design and engineering study on the Conant road underpass. Under a separate landscaping contract after this project is complete, DCR intends to work with Eversource and the town to install low-growing native vegetation. An abutter raised concerns about noise and other impacts to her property. She urged DCR to mitigate with plantings along the edges and is hopeful the WCC will be amenable to fencing and plantings near the wetland along her property boundary. Questions were raised about whether any de-icing materials would be used. DCR indicated there is no intent to plow or use de-icing materials on the path. CWD requested that a condition be imposed that no salt be used on the path. Questions were raised about whether revised stormwater management calculations would be submitted to ensure there will be no increase in the rate or volume of stormwater runoff. DCR indicated that the pavement will sheet flow to the gravel shoulders of the path. DCR will install slope stabilization (fencing), where needed.

An abutter hired a wetland scientist and he felt the wetland existing on the old tracks west of Church Street is a marginal wetland at best and wishes to work with the applicant to assess whether the trail can be constructed along the tracks in this section. Dave Hunniwell indicated that the Applicant is required by the WPA to avoid wetlands where possible, and where that's not possible, mitigate to the practical extent. If Eversource were to build the access road in the impacted wetland along the rail bed in this location, 15,000-20,000 s.f of wetland loss would result. In addition, wetland replication options are limited in this area. The abutter asked that the Applicant consider alternatives to bringing the trail back into the cut railroad corridor in this location.

Motion by Roberta Pearle Lamb to continue the hearing until 8pm on 2/28; seconded by Cynthia Chapra; vote 7:0:0.

9:00 p.m. Deliberation: Abbreviated Notice of Resource Area Delineation (ANRAD) – 104 Boston Post Road; 104 Stony Brook, LLC. (DEP File #337-1283)

The Chair reminded the Commission that the hearing related to this ANRAD was closed on 1/24/17 and that this time is intended for the Commission to deliberate on the facts and law relative to wetland delineation and the determination whether the property is subject to an Historic Mill Complex exemption. Ms. Bent reviewed a draft summary and Findings of Fact that was prepared by Joe Berman and Ms. Bent.

The Commission reviewed two plans showing the old dwellings overlaid onto 104 Boston Post Road, including the Overlay of Dwellings on 104 Boston Post Road submitted by the applicant at the January 24, 2017 public meeting. In addition, the Commission reviewed the Preface to the 1997 Regulatory Revisions for the Rivers Protection Act Amendments of the Wetlands Protection Act which states that "As of 10/6/97, the revised 310 CMR 10.00 must be used to implement the Rivers Protection Act."

Motion by George Bates to approve the wetland delineation that the applicant provided; seconded by Joseph Berman; vote 6:0:1.

Motion by George Bates to deny the applicant's claim that the property is exempt from the Riverfront Area as a Historic Mill complex for the facts and reasons that the commission discussed. Motion was not seconded.

Motion by Joe Berman that the Commission disagrees that the property qualifies for an exemption under the Rivers Protection Act and the Wetland Protection Act Regulations as an Historic Mill Complex as described in the Findings of Fact and Conclusions of Law. Said Findings of Fact and Conclusions of Law will be

attached to the Order of Resource Area Delineation. The motion was seconded by Rees Tulloss; vote 6:0:1.  
(Roberta Pearle Lamb abstained)

10:10 p.m. Administrative Matters

The Commission reviewed and approved the draft Annual Report.

Meeting adjourned at 10:24 p.m.