

Weston Conservation Commission (WCC) - Public Meeting Minutes
February 23, 2021
Approved: March 9, 2021

Members Participating Joseph Berman (Chair), Cynthia Chapra, Ellen Freeman Roth, Josh Feinblum;
Rebecca Loveys, Rees Tulloss

Members Absent: Alison Barlow (arrived 9:05 p.m.), Becca Loveys (left at 9:05 p.m.)

Conservation Staff: Michele Grzenda, Sandra Gonneville

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.

7:30 p.m. Notice of Intent: 416 Conant Rd. (DEP # 337-1402); Z. Burnett

The Applicant filed this Notice of Intent for the demolition and construction of a single-family house at 416 Conant Road. 416 Conant Road is a 1.44 acre residential parcel that currently has a single family house, two sheds and associated utilities. The project proposes to demolish the existing 3,407 SF house and two backyard sheds and then construct a new 4,230 SF house, driveway, stormwater infiltration system, septic system and associated utilities. An intermittent stream and Bordering Vegetated Wetland (BVW) located in the back half of the parcel were delineated in July 2019 by Karon Skinner-Catrone and adjusted by the Commission's outside consultant, Patrick Garner. The proposed demolition and construction will take place within the 100-foot buffer zone. The closest work to the BVW boundary will occur approximately 35 feet from the boundary to remove the existing sheds. No disturbance is proposed within the 25-foot No Disturb Zone. The new septic system and all its components area proposed in the front portion of the parcel outside the 100-foot Buffer Zone. The applicant has estimated that the total structure buffer zone disturbance is equal to 974 SF. Erosion and sedimentation controls in the form of 12-inch filter mitt will be installed prior to the start of construction and maintained throughout the construction process. Stockpiled materials will be placed as far from the resources area as possible if necessary covered and contained with additional erosion control measures.

The Agent reminded the Applicant that a former OOC for the installation of the well was not complied with and the work resulted in unpermitted alteration of a portion of the NDZ. An Enforcement Order was issued to the previous owner which required the planting of native plants in the NDZ. The Applicant has agreed to comply with the order and the Agent will send the applicant the details of the required planting.

Mr. Tulloss asked that some type of monumentation be placed along the approved limit of lawn to ensure there is no lawn creep into the NDZ in the future. The applicant agreed to that. The applicant has made some revisions to the plan as he prepared to file with the Planning Board. Discussion ensued.

Jamie O'Connell from Cambridge of Cambridge Water Department asked whether the previously approved septic system had been installed. Mr. Burnett indicated that it had not yet been installed and that there was no septic work in the 100-foot Buffer Zone.

Motion by Rees Tulloss to close the hearing and issue an Order of Conditions approving the project. Seconded by Ellen Freeman Roth; roll call vote: each member responded Aye. Special conditions to

include (1) the applicant shall plant native plants in the altered NDZ per the requirement of the previous Enforcement Order; (2) prior to the start of work, the applicant shall submit the final Planning Board plan to the Conservation Office for review. There should be no additional impact to the buffer zone other than what is shown on the submitted plan.

7:45 p.m. Request for Determination of Applicability (RDA) 49 Woodchester Drive; W. Carter
The Applicant filed this RDA for the after-the-fact approval of a play structure in the wetland buffer zone at 49 Woodchester Drive. The structure was discovered when a site visit was conducted last fall for a request for a Certificate of Compliance for a project which involved a pool, patio, and lawn expansion. At that time the Commission discovered that the applicant had extended lawn and work into the NDZ. This 13'x13' unpermitted play structure was installed within the 100' Wetland Buffer Zone associated with a bordering vegetated wetland located at the rear of the lot. The structure is placed on cinderblocks and at the closest point the play structure is located approximately 40 linear feet from the wetland edge. The Commission issued an enforcement order requiring the restoration of areas in the NDZ which were illegally altered. In addition, the applicant was instructed to file an after-the-fact RDA should he wish to keep the structure within the 100-foot buffer zone. Although Mr. Ward has sold the property, he has agreed to work with the Commission to bring this property back into compliance. Mr. Ward hired New View (landscapers) to prepare a list of plants which will be planted in the disturbed NDZ by May 1st. In addition, Mr. Ward has filed this RDA to keep the structure in its current location.

Recently Mr. Ward received a ZBA decision that since the structure is located in the side-yard setbacks, ZBA requires that the structure be relocated. It is Mr. Ward's opinion that the structure is a "play structure" and therefore should not be subject to Zoning Bylaws. Mr. Ward will be appealing that ZBA decision and requests that the Commission move forward with the approval. Discussion ensued. Motion by Rees Tulloss to issue a Negative Determination #3; seconded by Cynthia Chapra; roll call vote: each member responded Aye. Special Conditions (1): If the applicant is required to relocate the structure due to ZBA's final decision, the owner shall submit the final plan to the Conservation Department for review and approval. Conservation Department staff may approve a revised plan contingent upon the shed not being placed any closer to the wetland than shown on the current plan. (2) Native Plantings required as part of the Enforcement Order issued 11/12/21 and shown on the approved New View, Inc. quoted dated 1/11/21 shall be installed by May 1, 2021.

8:05 p.m. Request for Determination of Applicability (RDA) 2 Laxfield Road; Hayes Engineering
Elizabeth Wallace presented the project; The Applicant filed this RDA for the construction of an addition to a single-family house at 2 Laxfield Road. A portion of the work lies within Wetland Buffer Zones. A pond exists in the backyard and was delineated in January 18, 2021. The property contains a single-family house and associated landscaping and appurtenances. An existing retaining wall, landscaping, and lawn exist within the 100-foot Wetland Buffer Zone. The pond is highly manicured with lawn currently existing to the pond edge. The project involves some minor grading in the buffer zone associated with the construction of a stormwater infiltration system and septic system. Both the infiltration system and septic system are proposed to be constructed outside the buffer zone. Motion by Josh Feinblum to issue a negative determination; seconded by Rees Tulloss. Ellen Freeman Roth disclosed that she had been previously acquainted with the project architect but that she can remain objective and impartial; roll call vote: each member responded Aye. The Determination of Applicability is to be forwarded to Elizabeth Wallis at Hayes Engineering.

8:15 p.m. Notice of Intent; 673 Wellesley St. (DEP # 337-1403); J. Scaparrotta (Owner); Angela Kearny (Minglewood Designs); Bill Doyle from Doyle Engineering; Dave Burke (Wetland Scientists)
The Applicant filed this Notice of Intent for the construction of an addition and septic system of a single-family house at 673 Wellesley Street. A portion of the work lies within Wetland Buffer Zones and Riverfront Area. The property consists of approximately 3.54 acres and is located on the west side of

Wellesley Street. The property is an existing narrow lot with 175.1 feet of frontage on Wellesley Street. A perennial stream exists on the southern portion of the property. A large wetland system associated with the perennial stream exists through much of the southern and southwestern areas of the property. The wetland resource areas were flagged by David Burke in September 2020.

The proposed project is to renovate and add living space to the existing single-family house at 673 Wellesley Street. Approximately one-third of the property is currently developed (lawn, house, driveway, etc.). The project will include renovation of the existing house, replacement of the existing septic system, removal of excess driveway pavement, and site landscaping improvements. An alternatives analysis was conducted and the applicant found that renovating the existing house offers the best protections for the jurisdictional areas, improves the condition at the site with a new septic system, improves landscaping and provides new stormwater management.

General Performance Standards for work in Riverfront Area

Because portions of the project site include previously developed Riverfront Area, the project constitutes Redevelopment within Previously Developed Riverfront Areas, the Applicant must comply with the Performance Standards set forth under 310 CMR 10.58(5)(a)-(e):

- a) work improves existing conditions of the capacity of the Riverfront Area to protect the Interests of the WPA (Agent Notes: Project results in 4,141 s.f. of existing lawn/degraded area being restored to a native planted area along the stream and wetland edge)
- b) Stormwater management is provided according to WPA stormwater standards (Agent Notes: under the WPA, no stormwater management is required for single family houses, however, under Weston's bylaw, the project is ensuring no increase in rate or volume of stormwater by the installation of recharge basin and this project is being reviewed by Richard Sweeney)
- c) Proposed work shall not be closer to the river than existing conditions or 100', whichever is less (Staff Notes; currently the existing house is 35' from the river at its closest point. Proposed addition will be 40' from the river at its closest point)
- d) Proposed work, including expansion of existing structures shall be located outside the riverfront area or toward the riverfront area boundary (Staff Notes: due to zoning setbacks and existing configuration of the house, the location of the additions are limited to where they are sited on the plan).
- e) The Area of proposed work shall not exceed the amount of degraded area (provided that the proposed work may alter up to 10% if the degraded area is less than 10% of the riverfront area) (Staff Notes: the lot contains 146,369 s.f. of which the entire lot is within Riverfront Area; Therefore, under the Redevelopment standards, the applicant cannot exceed 14,636 s.f. of degraded area. The current lot contains 5,841 s.f. of degraded area and the proposed conditions will result in a total of 7,679 s.f. of degraded – still far less than the allowable 10%.

The Applicant has demonstrated compliance with both 310 CMR 10.58 (5)

The applicant hopes to install a significant amount of restoration plantings this spring. The Commission requires that a secondary erosion control be shown on a revised plan to ensure that construction equipment does not drive within much of the NDZ. Conditions to this permit will also include the proper monitoring of the restoration work and future monitoring of the restoration area to ensure that it has been restored in compliance with the plans. Motion by Rees Tulloss to close hearing and issue and Order of Conditions; seconded by Cynthia Chapra; roll call vote: each member responded Aye. The Order of Conditions is to be forwarded to Joe Scaparrotta.

9:04 p.m. Cont. Notice of Intent; 14 Byron Road (DEP # 337-1400); Ha and Everett Orbon (owners); Mark Beaudry, Meridian Engineering

This is a continued hearing on the construction of additional parking, patio areas, squash court building, landscaping improvements and invasive species removal at 14 Byron Road. This item was continued from the meeting on 2/2/2021 to allow time for review of the proposed invasive species removal plan prepared by LEC environmental consultants. At the last meeting, the Agent requested the following items be included in the O&M Planting plan: (1) a NDZ waiver shall be filed; (2) wildlife features shall be shown and installed in the NDZ area (i.e. downed woody debris and boulders); (3) the report shall include language indicating the restored area will be monitored for 3 years; (4) the word “constructed wetland buffer” will be changed to “restored buffer”, and (5) the Commission requires a wetland scientist shall be present for any restoration work occurring in the NDZ. LEC addressed these items and reviewed them at the meeting. In addition, the applicant has been working with the abutters to address their concerns and feel they are all in agreement. The Commission has requested that the applicant provide a Phasing Plan for the construction and restoration prior to the start of work. Conditions to this permit will include the requirement of a phasing plan for construction and restoration; proper monitoring of the restoration work, future monitoring of the restoration area to ensure that it has been restored in compliance with the plans; some type of monumentation at the limit of the no 25-foot No Disturb Zone, said monumentation shall also to be shown on the as-built. Motion by Rees Tulloss to close hearing and issue and Order of Conditions; seconded by Ellen Freeman Roth; roll call vote: 5:0:0. The Order of Conditions is to be forwarded to Meridian Engineering.

At approximately 9:05 p.m. Becca Loveys left meeting and Alison Barlow arrived at the meeting.

9: 19 p.m. Request for Determination of Applicability (RDA) 57 Lexington St.; M. Houtchens

The Applicant filed this RDA for the removal and reconstruction of a portion of the dwelling within the existing footprint, the construction of a two-story deck off the back of the reconstructed portion of the dwelling, and adjusting the location of the existing sewage disposal system’s force main pipe as needed to accommodate the new deck. Applied Ecological Services (AES) delineated and field surveyed the bordering vegetated wetland (BVW) that runs in a southwest-northeast direction, along the eastern side of the dwelling and projects a 100’ Buffer Zone onto much of the property. A portion of the dwelling reconstruction, the entire proposed deck, and any force main work will be located within the 100’ Buffer Zone. The work is proposed approximately 82.3 feet from the wetland at its closest point, all within the existing lawn and previously disturbed area. Motion by Josh Feinblum to issue a negative determination; seconded by Rees Tulloss; roll call vote: each member responded Aye. The permit is to be forwarded to Maria Houtchens.

9:25 p.m. Cont. NOI: 518 South Ave; Hanover Weston (DEP File# 337-1983)

The Applicant of Hanover Weston has requested a continuance to allow time for additional test pit work and addressing the Commission’s consultant’s review letter. Motion by Josh Feinblum to continue the hearing to 8:30 p.m. on March 9, 2021, seconded by Cynthia Chapra roll call vote: each member responded Aye.

9:30 p.m. Admin. Matters

1. The Town has received a number of applications to fill the Conservation Administrator’s position. The Chair will participate in the interviews along with Town management. Second/future interviews may involve more involvement from other Conservation Commission members.
2. Motion to create the Weston Deer Committee Subcommittee and open the western portion of Case Estates; Josh Feinblum; seconded by Rees Tulloss; roll call vote: 6:0:1.
3. Proposed change to the Community Garden Policy - Freddie Wiss has requested the following modification to the Community Garden Policy: Amend 2. k) i) to read: "Unattended watering is not permitted. You must be present at the garden to use drip hoses or sprinklers. Due to the water pressure at the Garden, hand-held watering with a hose has priority over drip hoses and

sprinklers, which are restricted to times when no other gardeners are watering with hand-held hoses”. Apparently there have been issues with water pressure when the drip hoses are in use. The Commission encourages clear signage be installed to help to educate gardeners; motion by Josh Feinblum Cynthia Chapra; roll call vote: each member responded Aye.

4. Approval 2/2/21 Con Com minutes; motion by Ellen Freeman Roth to approve; seconded Josh Feinblum; roll call vote: each member responded Aye.
5. Con Com correspondence received:
 - o National Grid’s Notification to conduct Public Utility Maintenance Activities along 228-362 Glen Road; Old Colony Road; and Hickory Road.
6. Request to Extend Order of Conditions for three additional years - 317 Glen Road (MADEP# 337-1322); motion by Rees Tulloss; seconded Josh Feinblum; roll call vote: each member responded Aye.
7. Request for Certificate of Compliance: Eversource/DCR Rail Trail; motion by Josh Feinblum seconded by Ellen Freeman Roth; roll call vote: each member responded Aye.
8. Next Conservation Commission Meeting: March 9, 2021.