

Weston Conservation Commission (WCC) - Public Meeting Minutes

January 19, 2021

Approved: February 2, 2021

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

Members Absent: Josh Feinblum left meeting at 9:30 p.m.

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.

7:42 p.m. Staff Transition

Joe Berman, Chair, has communicated with the Town Manager and Town Human Resources Department regarding the search for the new Conservation Agent. The job was posted publicly on January 19, 2021. The Conservation Commission will have a role in the search for the new agent. The Chair will report back on the process once he learns more.

7:44 p.m. Notice of Intent; 40 Cart Path Road (DEP # 337-1399); S. Marcus

The Applicant filed this Notice of Intent for the demolition and reconstruction of a single-family house at 40 Cart Path Road. A portion of the work lies within Wetland Buffer Zones. Rob Gemma of MetroWest Engineers, Inc. presented on behalf of the applicant.

The subject parcel is an approximately 2.04 acre residential lot with a single-family house, asphalt driveway, stone patio and walls, a septic system, and associated utilities. There is maintained lawn around the existing dwelling with most of the remainder of the property is in a natural, wooded condition. On June 3, 2020 MetroWest Engineering, Inc. conducted a wetland delineation of the wetland resource areas located in the vicinity of 40 Cart Path Road. A wetland, BVW (Border of Vegetated Wetland) is located just beyond the northern property boundary, on a parcel located at 56 Cart Path Road. The associated 25-foot No Disturb Zone (NDZ) and 100-foot Wetland Buffer Zone extend onto to the 40 Cart Path Road property. The proposed project will raze the existing house and driveway and a new home and driveway will be constructed. The project will feature a stormwater management system to collect stormwater from impervious surfaces and direct the water to both an infiltration system and a rain garden. Septic system repairs are also proposed. The northerly portion of the proposed house and northerly driveway will be within the 100-foot Buffer Zone. No work is proposed within the NDZ. The project will include erosion and sediment control measures, as well as best management practices, to protect resource areas, streets and abutting properties from erosion and sedimentation issues.

The Chair opened up the hearing to public comments. David Huang, 56 Cart Path Road, expressed concerns regarding the project's stormwater management system. In recent years he has experienced flooding into his basement and wants to understand what the impacts will be to his lot. Mr. Gemma indicated that this was generally a low impact project and that all stormwater will be captured and treated and then recharged. The site will be stabilized during construction and as long as the conditions issued by the Conservation Commission and plan details are followed, there should be no impacts to adjacent lots. There is an Operation and Maintenance plan (O&M) for the stormwater system that requires the catch

basin sump and recharge system to be inspected and cleaned annually. The applicant must submit a copy of the final O&M approved by SWPA.

Motion by Cynthia Chapra to close the hearing an issue an Order of Conditions approving the project; seconded by Josh Feinblum; Roll Call Vote taken: unanimous.

8:10 p.m. Notice of Intent; 14 Byron Road (DEP # 337-1400); H. Orbon

The Applicant filed this Notice of Intent for Notice of Intent for the construction of additional parking, patio areas, and squash court building at 14 Byron Road. A portion of the work lies within Wetland Buffer Zones.

Mr. Berman, Chair, started the presentation by explaining that this project will not be closed tonight. There was information still required by the applicant and a significant amount of neighborhood interest. The Conservation Commission will look at impact to wetland and resource areas under WPA and local policies for 25' NDZ. Some questions and concerns brought forward by the public may be outside the Conservation Commission's purview.

Mark Beaudry of MAI Engineers presented on behalf of the applicant. The proposed Project consists of the construction of an approximately 1,060 square foot (SF) squash court, 430 SF tennis pavilion, and adjacent play area, pathways and drainage infrastructure within the 100-foot Buffer Zone. There are additional improvements proposed outside the 100-foot Buffer Zone adjacent to the existing house including driveway/parking reconfiguration, patio/pathway/garden areas, and associated drainage infrastructure. The proposed squash court will also have a bathroom and need to be tied in to the existing septic system. There is no disturbance proposed with the NDZ and no wetlands alteration proposed. The site is not located within a floodplain. On September 1, 2020 LEC Environmental Consultants, Inc. (LEC) conducted a site evaluation and Wetland Resource Area boundary delineation and determined that the wetland resource areas associated with the site include a Bordering Vegetated Wetland (BVW) and the 200-FT Riverfront Area associated with an offsite perennial tributary to Seaverns Brook. Approximately 8,400 SF of disturbance is proposed within the 100-foot Buffer Zone, of which 840 SF is impervious (tennis pavilion and part of squash court). No disturbance is proposed within the 200-foot Riverfront Area. 12" Compost Filter sock ("Filtrex Soxx") is proposed around the proposed limit of work area, with a break in the sedimentation and erosion control line at the tennis court. Outside the limit of work line, the plans call for "Existing dead trees located within the wetland buffer zone to be removed" and FACW Wetland Meadow Mix is proposed

The Chair opened up the hearing to public comments. George Hailer, attorney, representing the abutters, feels this is a large undertaking in this neighborhood and wants to better understand the project and has concerns about runoff affecting the wetlands and the abutter. Mr. Hailer will have a hydrogeologist (Geosphere) review the plans and calculations submitted for both the drainage and septic system to ensure they will work. Mr. Hailer requested more information on existing and proposed contours near his client's property.

Frank Twarog spoke on behalf of his father who resides at 22 Eliot Lane, which abuts the property. Mr. Twarog, is supportive in general of the project; but is concerned about any potential impact to the down-gradient wetland and would like to see the ash trees replaced. Mr. Towag is supportive of any invasive species removal that can be done.

Tricia and Scott Scarpato of 22 Byron Road appreciate the careful attention and review that is being done but have concerns about stormwater runoff resulting from the project and want to understand if the septic system was to fail could that end up leaching into the stormwater collection system.

Deirdre Zammit, the resident of 70 Oak Street had questions about stormwater runoff. She wanted to be assured that the proposed stormwater collection system was sufficient to mitigate the increased runoff and asked about the annual maintenance this type of system would require.

Mr. Beaudry explained that the project was designed per MassDEP standards to manage runoff overflows to wetlands and that the stormwater Operation and Maintenance Plan (O&M) plan has been submitted and requires both construction stage and post construction phase operation and maintenance.

The Chair reminded everyone that this project will not close tonight. The applicant and the abutters need to speak outside of this public hearing to address neighborhood questions/issues. He asked the project engineer if the project would be ready to close by the next hearing on February 2, 2021. Mr. Beaudry indicated he was hopeful that the issues could be addressed by then and asked that the abutters forward him the contact information for Geosphere. He further indicated that if it became clear that it was unlikely to close at the February 2, 2021 hearing he would request a continuance before the hearing.

Mr. Hailer indicated that he would like more than two weeks to conduct his review and that he would also like to be forwarded the SWPA information. The dates were discussed further and Mr. Beaudry was clear on the fact that he did not want to push this out any further.

Invasive work will be filed under a new filing or Request to Amend the Order of Conditions. All work currently proposed is permissible under the Wetlands Protection Act.

Motion by Ellen Freeman Roth to continue to the hearing scheduled for February 2, 2021 at 7:45 p.m.; seconded by Rees Tulloss; Roll Call Vote taken: unanimous.

9:19 p.m. Minor Plan Change; 7 French Road (DEP # 337-1370); E. Gaw

The applicant has a current OOC for the demolition and reconstruction of a single-family home at 7 French Road. This new request is to conduct brush cutting in the buffer zone but outside the 25' NDZ which is beyond the approved limit of work. The work proposed involves the removal of invasive brush and a few dead trees from the buffer zone area across from an intermittent stream. The owner wishes to maintain the area as lawn. The work area will be accessed via the driveway for 11 French Road and requires the removal of one (1) triple trunk tree to allow for this access. The following conditions will apply to the Minor Plan Change approval:

- Prior to brush removal, please install a 12" straw wattle or something similar along the approved limit of clearing.
- No herbicides and pesticides may be used within the 100-foot buffer zone

Motion by Rees Tulloss to approve the Minor Plan Change; seconded by Alison Barlow; Roll Call Vote taken: unanimous.

9:32 p.m. Request for Cert. of Compliance – 29 Deer Path Road (DEP #337-1009)

The project consisted of the construction of several additions to an existing single-family house, reconfigure a portion of the driveway and remove a pool in 2009 and was completed in 2011. The project also included the removal of accumulated sediment at the opening of a clogged drainage pipe. As mitigation, a rain garden was proposed along with approximately 6,000 sf of existing lawn being restored to a natural buffer zone with native tree, shrub and herbaceous plantings. The work was completed in approximately 2011, but no COC request was ever submitted. The majority of the work approved appears to have been completed per the OOC however the raingarden was not built and the restoration area is lacking many of the groundcover plants called out in the planting plan. It was the agent's opinion that the rain garden and the mitigation area were not required per the performance standards of the WPA. The

commission feels the applicant complied in good faith; motion by Rees Tullos to issue a Certificate of Compliance; seconded by Cynthia Chapra; roll call vote: each remaining member responded Aye.

9:50 p.m. Approval 1/19/2021 Con Com Minutes

Motion by Ellen Freeman Roth to approve; seconded by Cynthia Chapra; roll call vote: each remaining member responded Aye.

9:52 p.m. Land Management Updates –

- Boardwalk repair work behind Westerly Road (WFTA)
- Proposed new bridge over Cherry Brook – Jericho Forest - Rees Tulloss informed the Conservation and public that this work is currently on hold.

9:53 p.m. Signing of Documents

1. Request for Cert. of Compliance – 70 Laurel Road (337-1180) -Motion by Rees Tulloss to issue the Cert. of Compliance; seconded by Cynthia Chapra; roll call vote: each remaining member responded Aye.
2. Request for Cert. of Compliance – Concord Road Spur parking project for rail trail (337-1349) – motion by Ellen Freeman Roth to issue; seconded by Rees Tulloss; roll call vote: each remaining member responded Aye.

Next Conservation Commission Meeting: February 2, 2021.

Meeting adjourned at 10:00 p.m.