

Weston Conservation Commission (WCC) - Public Meeting Minutes
March 15th, 2022
Approved: March 29th, 2022

Members Participating: Joe Berman (Chair), Rees Tullos, , Cynthia Chapra, Ellen Freeman Roth, Alison Barlow,

Members Absent: Josh Feinblum, Becca Loveys

Conservation Staff: Jordan McCarron

Notes: Pursuant to Chapter 22 of the Acts of 2022, which includes an extension of Governor Baker's March 12, 2020 Order Suspending Certain provisions of the Open Meeting Law, G.L. c. 30A, §18, this meeting was held via an online meeting platform (Zoom). No in-person attendance of members of the public was available.

Joe Berman (Chair) opened the meeting at 7:30 pm with an opportunity for public comment.

Hearing none, the following hearings and meetings were taken up in order:

Cont. Notice of Intent: 120 Rockport Road, DEP 337-1439; B. Robinson

Joe Berman provided a brief overview of the project and a status report on the Applicant's permit application. The project involves construction of a single-family residence, driveway, septic and stormwater systems, landscaping, and associated grading and utilities all within the 100-foot Buffer Zone to a Bordering Vegetated Wetland and extending into the Commission's 25-foot No Disturb Zone.

The Commission's consultant, Patrick Garner, had conducted a preliminary review of the project and had identified several areas where insufficient information was provided in order to determine potential impacts to three of the Interests of the Wetlands Protection Act. Specifically, Mr. Garner had identified the need for more topographical information along the wetland edge, and clarification on the specifications for the proposed retaining walls along the wetland edge, in order to adequately assess impacts to wildlife habitat, groundwater protection, and pollution prevention. With Mr. Garner in attendance, Mr. Berman suggested that he field questions from both the Commission and the Applicant.

The Applicant, Brandon Robinson, clarified for Mr. Garner that all retaining walls proposed along the wetland edge, to the rear of the proposed residence, would be a 1:1 "Rock Stabilized Slope" with sub-surface intrusion down only 8-10 inches. With that new information, Mr. Garner explained that his concerns around groundwater protection and pollution prevention during construction activities were mollified.

Mr. Garner explained that due to the varied and micro-topography along the entire wetland edge, he would still need additional topographical information at a scale of 1-foot contours in order to accurately assess impacts to the wildlife habitat interest of the Wetlands Protection Act. Mr. Robinson agreed to have his engineer generate additional data for this purpose.

Ellen Freeman Roth questioned whether the house footprint could be reduced and there was general agreement between the Commission and Mr. Garner that the size and proximity of the house to the wetland remained problematic. Mr. Garner explained that the location of a Potential Vernal Pool near the proposed project area indicated to him that the upland Buffer Zone associated with the project site was likely utilized for migration by vernal pool and other semi-aquatic species.

Ms. Freeman Roth also expressed concern over the proposed tree removal on site. Mr. Robinson explained that only five (5) trees over 6” were scheduled to be removed within the 25-foot No Disturb Zone and none with the wetland itself. Mr. Garner added that the majority of the trees on site were small caliper, young growth, and that no old-growth or specimen trees were within the project area.

Mr. Robinson explained that the size of the house was expected to be approximately 3,500 sq. ft. and that it was not possible for him to reduce this much further based on his personal and family needs. He also pointed out that the size and location of the septic and stormwater systems were limited by regulatory setbacks.

Alison Barlow confirmed that the Board of Health had not issued a variance yet for the proposed septic system; Mr. Robinson indicated that he expected them to do so.

Rees Tulloss suggested that the Commission should view every project through the lens of “avoid, minimize, mitigate” and that more work was needed to demonstrate to the Commission that the proposed project was the least-impactful alternative.

The Commission requested that Mr. Robinson consult with a wildlife expert to provide the Commission with a reasonable assurance at the 1:1 “Rock Stabilized Slope” walls would actually allow for wildlife movement, particularly for small semi-aquatic organisms.

Finally- Mr. Berman indicated to Mr. Robinson that the Commission would need any deed restriction offered to the Commission as part of the project fully executed before an Order of Conditions could be issued.

A motion to continue the Notice of Intent hearing for 120 Rockport Rd, DEP 337-1439, at the request of the applicant, to 3/29/22 at 8:00 pm was made by Rees Tulloss; seconded by Ellen Freeman Roth. Roll call vote 5-0.

Request for Determination of Applicability: 180 Meadowbrook Road, 2022-006; S. Winchester

Chris Cantin, MetroWest Engineering, provided an overview of the project on behalf of the Applicant, which involves reconstruction of existing drainage features within the Meadowbrook Rd ROW in front of 180 Meadowbrook Rd to mitigate localized flooding.

Specifically, the project will remove an existing leaching basin and collapsed clay pipe and install a new leaching basin and overflow pipe. The new structure will be relocated to the low point within the Meadowbrook Rd ROW. The drywell will feature a four-foot deep sump to trap sediment and limit the amount of siltation that occurs. The drywell overflow outlet will be updated to a larger, 8-inch diameter HDPE pipe. The outlet will be directed to the same headwall as the old clay pipe. New rip rap protection will be installed at the headwall outlet. The new drywell should result in a slight decrease in surface runoff and an increase in groundwater recharge from existing conditions. The addition of the sump to the drywell will help reduce the runoff of pollutants towards Meadow Brook. A portion of the proposed work falls within the Outer Riparian Zone of the 200-foot Riverfront Area to Meadow Brook.

Jordan McCarron, Conservation Administrator, indicated that the Commission had received an e-mail from James Gerrity, President of the Weston Roads Trust (WRT), confirming that WRT would take responsibility for annual maintenance of the new drainage structures.

Mr. McCarron read comments from Jamie O' Connell, Cambridge Water Department (CWD), into the record. Ms. O' Connell indicated that the CWD viewed the project as an overall improvement over existing conditions and requested that the WRT commit to maintaining the structures.

A motion to issue a Negative 5 Determination for 180 Meadowbrook Rd/Weston Roads Trust, DOA 2022-006 was made by Rees Tulloss; seconded by Cynthia Chapra. Roll call vote 5-0.

Notice of Intent: Sherburn Circle-Bogle Brook Culvert Replacement, DEP 337-1441; Town of Weston DPW

Larry Rusiecki, Wright-Peirce, provided an overview of the project on behalf of the Applicant, which involves replacement of the existing 3 ft – 8 in high x 4 ft - 3 in wide x 33 ft long box culvert at the crossing of Sherburn Circle and Bogle Brook with a 4 ft -8 in high x 9 ft wide by 34 ft long precast concrete box culvert. The specific project components will include: removal of the existing roadway; installation of temporary erosion and sedimentation control measures; removal of select trees adjacent to the existing culvert structure; removal of the existing box culvert and headwalls; installation of the new culvert structure and large segmental block end walls; placement of boulders and natural stream bed material within the culvert structure; reconstruction of the roadway; installation of new timber guard rail; installation of bituminous curbing; installation of new catch basins; removal of temporary erosion and sedimentation control measures; and stabilization and restoration of disturbed stream and wetland areas.

All disturbed surfaces, outside of existing roadway pavement and gravel shoulders, will be loamed and seeded or planted for stabilization when construction is complete. A portion of the proposed work will occur within Bank, Land Under Water, Bordering Land Subject to Flooding, Bordering Vegetated Wetland and its 100-foot Buffer Zone, and the 200-foot Riverfront Area to Bogle Brook.

Mr. Rusiecki then reviewed the Dewatering plan for the project, which will involve multiple strategies at different stages of the project. A sandbag and pump diversion system as well as a temporary plastic culvert inserted inside the existing culvert during headwall construction will be deployed.

Steve Fogg, Town Engineer, explained that funding for the project requires approval at May Town Meeting and that the DPW hopes to take advantage of grant funding for culvert replacement issued by the State's Division of Ecological Restoration.

Chuck Caron, Caron Environmental Consulting, provided an overview of the restoration associated with the project. The Bank at the inlet and outlet of the replacement culvert are proposed to be stabilized with stone of 1'± diameter in size. This work will temporarily disturb 42 linear feet of Bank. The Bank is being restored in place. The boulder and stone abutments have been designed to ensure that natural wildlife habitat conditions are maintained while at the same time ensuring that scouring at the culvert's inlet and outlet does not take place. A wildlife habitat assessment has been conducted to ensure that no important wetlands wildlife habitat will be impaired by the project. There is no natural bank through the existing box culvert. The semi-natural bank proposed to be installed within the culvert will create an additional 68 linear feet of Bank that will provide wildlife habitat and improve the connectivity of the wetland system.

A full-time compliance monitor hired by Wright-Pierce will be on site for the duration of the project.

A motion to close the Notice of Intent hearing for Sherburn Circle-Bogle Brook Culvert Replacement, DEP 337-1441, and issue an Order of Conditions was made by Ellen Freeman Roth; seconded by Cynthia Chapra. Roll call vote 5-0.

Cont. Notice of Intent: 217 Summer St, DEP 337-1436; Howe Development Corp.

A motion to continue the Notice of Intent hearing for 217 Summer Street, DEP 337-1436, at the request of the applicant, to April 12th at 7:45 pm was made by Rees Tulloss; seconded by Ellen Freeman Roth. Roll call vote 5-0.

Notice of Intent: 95 Rockport Road, DEP 337-1440; B. Bai

Vito Colonna, Connorstone Engineering, Inc., provided an overview of the project on behalf of the Applicant, which involves a utility pad installation, repair to the existing patio, and a new proposed patio with fire pit in the rear lawn area. The proposed patio/fire pit will be located within the pre-existing rear lawn area, and no tree removal will be required. The limit of work will be approximately 40 feet from the edge of the wetland and the new patio will be approximately 42' from the edge of a Bordering Vegetated Wetland. The overall work will disturb 1,180 square feet within the buffer zone. Site disturbance has been mitigated through the use of 10" straw wattles and silt fence placed along the downgradient limit of work and a silt sack placed in the catch basin that is located just south of the house. Erosion controls shall be installed prior to any land disturbance and remain in place until the site is fully stabilized.

A motion to close the Notice of Intent hearing for 95 Rockport Road, DEP 337-1440 and issue an Order of Conditions was made by Cynthia Chapra; seconded by Ellen Freeman Roth. Roll call vote 5-0.

The following Administrative Matters were taken up at various points throughout the meeting:

Approval of Con Com minutes: 3/1/22

A motion to approve the 3/1/22 minutes was made by Rees Tulloss; seconded by Cynthia Chapra. Roll call vote 5-0.

Request for Certificate of Compliance- 104 Meadowbrook Rd, DEP 337-1343

A motion to issue a Certificate of Compliance for 104 Meadowbrook Rd, DEP 337-1343 was made by Rees Tulloss; seconded by Ellen Freeman Roth. Roll call vote 5-0.

Land Management Updates

Jordan McCarron updated the Commission on the next Stewardship Saturday event, apple pruning at the Concord Road orchard, scheduled for 3/19/22, 10-12 pm.

Discussion: Wetlands Bylaw

Mr. McCarron reported that the Wetlands Bylaw Working group would be meeting on 3/17/22 to discuss next steps.

Discussion: Water Storage Tank Replacement Project

Mr. McCarron reported that Planning Board would be opening its hearing on proposed zoning changes related to the replacement of the Town's three water storage tanks on Wednesday, 3/16/22, 7 p.m.

A motion to adjourn the meeting at 9:01 p.m. was made by Ellen Freeman Roth; seconded by Alison Barlow. Roll call vote 5-0.