

Weston Conservation Commission (WCC) - Public Meeting Minutes
July 12th, 2022
Approved: July 26th, 2022

Members Participating: Joe Berman (Chair), Rees Tullos, Alison Barlow, Ellen Freeman Roth, Josh Feinblum (left meeting at 8:38 p.m.)

Members Absent: 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: 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, to August 23rd, 2022 at 7:45 pm by request of the applicant was made by Josh Feinblum; seconded by Rees Tulloss. Roll call vote 5-0.

Cont. Notice of Intent: 355 Highland Street, DEP 337-1435; N. Keramaris

Jason Lavoie, WSP, provided an overview and update on the project's site plans and landscape plans, noting a reduction in permanent disturbance within the Buffer Zone by 3,500 sq. ft. from the original proposal; the current proposal calls for just under 5,000 sq. ft. of permanent disturbance.

Proposed work within 100-feet of a Bordering Vegetated Wetland includes grading associated with the construction of the proposed dwelling, construction of a portion of steps with retaining walls, construction of a subsurface drainage structure and associated drain lines, constructed of a fence, and tree clearing as well as invasive plant removal and restoration.

Rees Tulloss requested an invasive plant management plan be submitted to the Commission as part of the final plan submission.

Rob Nahigian, 365 Highland Street, expressed concern about stormwater impacts to his property and the neighborhood.

Roxanne Ferreiro, 368 Highland Street, requested that Mr. Lavoie and the Applicant flag all trees scheduled for removal before the Conservation Commission and Planning Board hearings are closed.

Mr. Lavoie noted that the project is still being reviewed by the Planning Board, with at least two additional hearings expected in front of that board.

A motion to continue the Notice of Intent hearing for 355 Highland Street, DEP 337-1435 to July 26th, at 8:45 pm, by request of the Applicant was made by Ellen Freeman Roth; seconded by Josh Feinblum. Roll call vote 5-0.

Cont. Abbreviated Notice of Resource Area Delineation: 225 Winter Street, DEP 337-1452; Cutting Edge Homes

A motion to continue the ANRAD hearing for 225 Winter Street, DEP 337-1452, at the request of the applicant, to July 26th, 2022 at 8:15 pm was made by Rees Tulloss; seconded by Ellen Freeman Roth. Roll call vote 5-0.

Request for Determination of Applicability: 30 North Ave, RDA 2022-013; K. Chan

Kenneth Chan, Owner and Applicant, provided an overview of the proposed work, which involves repaving the existing driveway, including excavation and removal of existing debris/undesirable material, installation of gravel up to 6", compaction of added material, and paving the driveway with 2" binder course and 2 inches of finish course. A portion of the proposed work falls within the 100-foot Buffer Zone to a Bordering Vegetated Wetland.

The limits of the driveway will be maintained and no new impervious area is proposed. There is an existing drainage culvert located across the driveway. If excavation is required at this location, the contractor will exercise caution so as not to disturb this culvert. The existing sedimentation and erosion control barriers are to be replaced/enhanced as directed by the Commission/Agent.

Rees Tulloss requested that all materials be removed from the site with no stockpiling done within the Buffer Zone or Resource Areas.

A motion to issue a Negative 3 Determination for 30 North Avenue, DOA 2022-013 was made by Josh Feinblum; seconded by Rees Tulloss. Roll call vote 5-0.

NOTE: Josh Feinblum left the meeting before the following hearing, at 8:38 p.m.

Request for Amendment to Order of Conditions 337-1443: 115 Country Drive, J. McGeough

Jason Lavoie, WSP, provided an overview of the proposed Amendment to Order of Conditions 337-1443- the overall project involves the construction of a new single-family residence, driveway, sewage disposal system, stormwater management system, landscaping, and utilities. A portion of the proposed work is within the 200-foot Riverfront Area to a perennial stream.

The proposed Amendment involves the following aspects:

During construction there was some work performed beyond the original limit of work, including:

- Secondary construction access located within the Outer Riparian. This work was performed based on the reduced access from the upper portion of lot and was determined to be safer for tree removal and vehicle access. The Applicant has indicated that this access was installed without the knowledge that any new disturbance within the Riverfront would be a violation of the Order of Conditions.
- Existing boulders found onsite were used to create a retaining wall in the Riverfront Area. This wall was not included in the approved plan and was installed based on a poor layout of the erosion control. The wall is outside the originally approved limit of work.
- The grading in the area of the approval and beyond does not match the original approvals. Some of this grading will be restored to existing conditions and some will be incorporated as temporary disturbance to allow for construction and then returned to existing conditions.

Additionally, the owner would like to modify the approved Site Development Plan with the following:

- Within the approved limit of work, add a small 3' high boulder wall and add some additional fill to provide and along the top, propose lawn.
- For the work found outside the original approval, with the exception of the temporary construction entrance, will be restored back to existing conditions and native plant species added.
- The Applicant would like to maintain the temporary construction entrance for use in developing the site. This area will be restored back to existing conditions at the end of construction.

Mr. Lavoie reviewed the following updated disturbance figures for work within Riverfront Area, noting that the final permanent disturbance is within the 5,000 sq.ft. threshold required under the Riverfront Area Performance Standards for New Development, 310 CMR 10.58(4):

Overall Current Disturbance = 8,004 SF

Disturbance to be restored at phase 1 = 2,732 SF

Remaining Temp and Permanent Disturbance = 5,272 SF

Recharge Basin Exemption – 663 SF

Total Temporary and Permanent Disturbance after exemption - 4,609 SF

Temporary Disturbance to be restored at end of construction = 1,635 SF

Final Permanent Disturbance = 3,637 SF

Final Permanent Disturbance plus exemption area = 4,300 SF

John McGeough, Owner and Applicant, explained that the unpermitted disturbance within the area of the new proposed secondary construction access and boulder retaining wall was due to the erosion and sedimentation controls being placed too far downgradient and beyond the approved limit of the work from the original Order of Conditions.

Jordan McCarron confirmed that the Amended Order of Conditions would include a two-year monitoring plan for the areas of restoration within the Riverfront Area as well as an Invasive Plant Management Plan.

A motion to close the public hearing and issue an Amendment to Order of Conditions 337-1443 for 115 Country Drive was made by Rees Tulloss; seconded by Alison Barlow. Roll call vote 4-0.

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

Approval of Con Com minutes: 6/21/22

A motion to approve the 6/21/22 minutes was made by Ellen Freeman Roth; seconded by Josh Feinblum. Roll call vote 5-0.

Request for Certificate of Compliance-Town Center Project DEP 337-1350

A motion to issue a Certificate of Compliance for the Town Center Project, DEP 337-1350, was made by Rees Tulloss; seconded by Ellen Freeman Roth. Roll call vote 5-0.

Request for Certificate of Compliance-9 Sanderson Lane DEP 337-929

A motion to issue a Certificate of Compliance for 9 Sanderson Lane, DEP 337-0929, was made by Josh Feinblum; seconded by Rees Tulloss. Roll call vote 5-0.

Request for Certificate of Compliance-45 Sudbury Road DEP 337-1354

A motion to issue a Certificate of Compliance for the 45 Sudbury Road, DEP 337-1354, was made by Josh Feinblum; seconded by Rees Tulloss. Roll call vote 5-0.

Land Management Updates

Jordan McCarron updated the Commission on the following items:

- New Land Maintenance Contractor for the FY23 budget cycle- Leone Landscape Contractors
- Major Improvements to the Community Gardens were completed in late June, including a new materials storage area for compost, rocks and brush, edge clearing for additional parking, regrading the access drive into the Gardens, a new spigot head for the Gardens, and burying Land's Sake's irrigation line for Green Power below the gravel access drive.
- Jennings Field received field edge work, including removing low-lying branches and downed trees that have impeded mowing for years.
- An additional cutting of the Japanese Knotweed at the Dickson Riding Ring is needed- Mr. McCarron and Rees Tulloss will coordinate on this.

Vote: Adoption of Electronic Signatures Provision

Motion: By Rees Tullos, seconded by Ellen Freeman Roth, that the Town of Weston Conservation Commission hereby recognizes and accepts the provisions of M.G.L. c. 110G regarding electronic signatures, and that its members will henceforth execute documents either with electronic signatures or with wet ink signatures, and that both will carry the same legal weight and effect.

Motion: By Ellen Freeman Roth, seconded by Rees Tulloss, that the Town of Weston Conservation Commission ratify the signature of Conservation Administrator Jordan McCarron on Conservation Commission documents issued between the dates of 5/11/21-7/26/22 as the duly authorized representative of the Conservation Commission.

A motion to adjourn the meeting at 9:03 pm was made by Rees Tulloss; seconded by Alison Barlow. Roll call vote 4-0.