

Weston Conservation Commission (WCC) - Public Meeting Minutes

August 24, 2021

Approved: September 14, 2021

Members Participating: Joseph Berman (Chair), Becca Loveys, Ellen Freeman Roth, Josh Feinblum, Cynthia Chapra, Rees Tullos

Members Absent: Alison Barlow (Josh Feinblum left the meeting at 8:15 pm)

Conservation Staff: Jordan McCarron

Notes: Pursuant to Chapter 20 of the Acts of 2021, 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 p.m. with an opportunity for public comment.

Hearing none, the Commission commenced with the following scheduled hearings and meetings, in order:

Notice of Intent: 520/528 Glen Road, 337-1417; Weston Department of Public Works

Commissioner Josh Feinblum, who resides at 528 Glen Road and is a direct abutter to this project, recused himself from the hearing.

Steve Fogg, Weston Town Engineer, provided an overview of the project on behalf of the Weston Department of Public Works; the project involves the installation of new drainage structures from the roadway in the area in front of 520/528 Glen Road cross-country to the rear yard area of 520 Glen Road. A portion of the work falls within the 25-foot No-Disturb Zone and the 100-foot Wetland Buffer Zone. The work includes installation of a deep sump catch basin in the roadway, a flared end outlet section and riprap pad near the woods at the rear of 520 Glen Road, approximately 165 linear feet of 12" HDPE pipe extending from the catch basin to the flared end section, and an intermediate manhole located on the 528 Glen Road parcel.

Mr. Fogg requested permission to conduct work within the 25' No Disturb Zone through Exemption B of the Commission's 25' No Disturb Policy: *No reasonable conditions or alternatives exist that would allow the proposed activity to proceed in compliance with the Wetlands Protection Act and this policy, and permitting the work will further an overriding public interest or prevent an unconstitutional taking of private property without just compensation.*

Commissioner Rees Tullos commented that the owner at 520 Glen Road had established lawn and a variety of landscaping shrubs within the 25' No Disturb Zone; the Commission requested that Conservation Administrator Jordan McCarron notify the owner of the issue and make clear that no further encroachment into the 25' No Disturb Zone would be allowed. The Commission also requested that the DPW protect a single hardwood tree near the area of the pipe outlet and that this tree protection be noted on an updated plan.

Speaking as a resident, Mr. Feinblum noted that the water volume coming off Glen Road and flowing between his property and his neighbors increased dramatically after Glen Road was re-paved and that, although this project involves work within the 25' No Disturb Zone, it would at least provide treatment to stormwater currently be discharged un-treated to a resource area.

A motion to close the Notice of Intent hearing for 520/528 Glen Road, DEP File # 337-1417, and issue an OOC was made by Ellen Freeman Roth; seconded by Rebecca Loveys. Roll call vote 5-0.

Notice of Intent: 200 Lexington Street, 337-14XX; M. Moukaddem

Mashhour Moukaddem, owner and applicant, provided an overview of the project which involves the construction of multiple additions to the existing home at 200 Lexington Street; two of the proposed four additions fall within the Outer Riparian Zone of the 200-foot Riverfront Area. The larger of the additions, located on the northwest side of the house, will be a first-floor master suite. The smaller addition, on the southwest side of the house will be a screened in porch constructed upon helical piles. All the landscaping and existing trees and flowers will stay in place and will not be disturbed. No work is proposed within the 100-foot buffer zone or the 25' No Disturb Zone. Sedimentation and erosion controls proposed include the installation of 9" straw wattle and silt fence located around the limit of work. The project meets all performance standards of the Riverfront Area and Wetlands Protection Act.

Mr. Tullos requested that the erosion and sedimentation controls be re-positioned around a chain-link fence proposed for removal.

Mr. McCarron relayed a request from Jamie O Connell at the Cambridge Water Department to add native plantings somewhere near the wetland border or in the inner 100-foot Riverfront Area for the benefit of improving the ability of the buffer zone/riverfront to perform its many valuable functions, such as stormwater retention and uptake, water filtration, and habitat.

The Commission questioned whether the project required any additional stormwater mitigation. Mr. Moukaddem explained that he had already received a Stormwater Permit from Richard Sweeney at the DPW and that Mr. Sweeney had not required any additional stormwater management for the project. However, Mr. Moukaddem expressed interest in installing one or more drywells on the property to attenuate stormwater runoff for his entire house, including the additions.

The Commission requested that Mr. McCarron include special conditions requiring approval of both a native planting plan and a drywell stormwater system as a pre-condition for construction.

A motion to close the Notice of Intent hearing for 200 Lexington Street and issue an OOC contingent on the DEP issuing a file number and providing no substantive comments was made by Rees Tullos; seconded by Josh Feiblum. Roll call vote 6-0.

Notice of Intent: 21 Sanderson Road, 337-1414; B. Lesser

Kevin O' Leary, Jillson Company, provided an overview of the project on behalf of the applicant; the project involves the construction of a new 18x40 pool, patio, adjacent lawn area, and perimeter fence at 21 Sanderson Lane. The proposed work falls within the 100-foot Buffer Zone.

Erosion control measures in the form of 12-inch straw wattle are proposed along the limit of work during construction. The construction access will be from the driveway with the stockpile area in the southwest corner of the lot. Approximately 15,000 SF of rear yard lawn area will be subjected to temporary construction disturbance. Around 3,000 SF of this will be permanent disturbance for the pool, retaining wall & stormwater collection system installation.

Mr. Tullos and Chairman Joe Berman requested that the proposed perimeter fence with construction detail be added to a final plan, along with a single poplar tree slated for removal.

Mr. McCarron noted that the owner may wish to fix some poor drainage on the east side of the house and if included in this project, would need approval from the Commission and a waiver from the 25' No Disturb Policy.

A motion to close the Notice of Intent hearing for 21 Sanderson Lane, DEP File #337-1414 and issue an OOC pending review and approval by the agent of a final plan noting perimeter fence and tree removal was made by Josh Feinblum; seconded by Cynthia Chapra. Roll call vote 6-0.

Notice of Intent: 694 Boston Post Road, 337-1415; E. and R. Johnson

Ron Strohsahl, Oxbow Associates, provided an overview of the project on behalf of the applicant, which involves the replacement of an onsite sewage disposal system in place of a currently failed system at 694 Boston Post Road. A portion of the work falls within the 100-foot Wetland Buffer Zone and tributary to an Outstanding Resource Water. Erosion and sedimentation controls in the form of 10-inch straw wattle and silt fence are proposed to encircle the entirety of the rear of the yard. Following construction, exposed areas will be permanently vegetated with appropriate ground cover/lawn grasses. Erosion and sedimentation control measures will remain in place until the exposed soil is seeded and stabilized.

Mr. Strohsahl explained that the Weston Board of Health issued a variance for the proposed system and that Jamie O Connell of the Cambridge Water Department reviewed the project and had no comments.

Mr. McCarron commented that the current owners were dumping yard waste and grass clippings within the BVW and that he can address this directly with the owners.

A motion to close the Notice of Intent hearing for 694 Boston Post Road, DEP File #337-1415 and issue an OOC was made by Rees Tullos; seconded by Josh Feinblum. Roll call vote 6-0.

Cont. NOI: 5 Warren Place, 337-1411, S. Kahn

A motion to continue the Notice of Intent hearing for 5 Warren Place, DEP File 337-1411, at the request of the applicant to the September 14th hearing at 7:45 pm was made by Ellen Freeman Roth; seconded by Rees Tullos. Roll call vote 5-0 (Josh Feinblum was absent). This Notice of Intent was filed for the construction of an addition to an existing single-family home. A portion of the work falls within the 100-foot Wetland Buffer Zone, 200-foot Riverfront Area and floodplain.

Eagle Scout Project- Bench at French Field; Teddy Glazen.

Eagle Scout candidate Teddy Glazen presented a plan to construct a trailside bench at French Field in the Jericho Town Forest. Mr. Glazen's plan involves the construction of two benches that would be movable and positioned in a scenic location at French's Field; additionally, he expressed an interest in creating some interpretive signage about the wildlife and history of the Field, to be placed either at the benches themselves, at a nearby kiosk, or online. The project is supported by the Weston Forest and Trail Association (WFTA) and covered under the Trail Maintenance and Invasive Species Management Order of Conditions, DEP File # 337-1016.

Ms. Freeman Roth asked for more detail on the proposed interpretive signage. Kirstin Dykema Barbieri, a WFTA Trustee, commented that signage, particularly about the wildlife in that area of Jericho Forest, would be interesting. Mr. Berman expressed support for signage, but indicated a desire to make sure that any signage was consistent with the aesthetic of other signage on Conservation Land in Weston and directed Mr. Glazen to coordinate any signage with Mr. McCarron.

A motion to approve the construction of two benches at French Field in Jericho Town Forest by Eagle Scout candidate Teddy Glazen per OOC 337-1016, "Trail Maintenance and Invasive Species Management" was made by Ellen Freeman Roth; seconded by Rees Tullos. Roll call vote 5-0 (Josh Feinblum was absent).

The following administrative matters were taken up throughout the meeting, in order:

A motion to approve the minutes from 8-10-21 was made by Cynthia Chapra; seconded by Josh Feinblum. Roll call vote 6-0.

A motion to issue a Partial Certificate of Compliance for 31 Jericho Rd, DEP File 337-842, was made by Ellen Freeman Roth; seconded by Cynthia Chapra. Roll call vote 5-0 (Josh Feinblum was absent).

A request for Full Certificate of Compliance for 95 Newton Street, DEP File 337-1242, was discussed by the Commission. Mr. Berman gave a summary of the history of this permit. The applicant, Thanya Rajkopal, purchased the home at 95 Newton Street in 2015 with permit 337-1242 outstanding. Between 2015-2019, Ms. Rajkopal remained out of compliance on required buffer zone restoration. To address issues Ms. Rajkopal had with the required restoration, the Commission worked with her to issue a new Order of Conditions (OOC), DEP File 337-1373, in January 2020, which modified the original buffer zone restoration requirements slightly. Ms. Rajkopal subsequently appealed this OOC to the DEP, which issued a Superseding Order of Conditions (SOOC) in July 2021.

At the time of this hearing, Ms. Rajkopal remained substantially out of compliance on the conditions of permit 337-1242 and had yet to begin any work on the SOOC under permit 337-1373. As such, Mr. Berman expressed the opinion that the Commission should deny this request and that at such time as the applicant had successfully completed all requirements of the SOOC for permit 337-1373, received a Certificate of Compliance from the DEP and a successful site visit by members of the Commission, the Commission would be in a better position to assess the applicant's compliance with the original permit, 337-1242.

A motion to deny a Request for a Certificate of Compliance, without prejudice, for 95 Newton Street, DEP File 337-1242 was made by Cynthia Chapra; seconded by Rees Tullos. Roll call vote 5-0 (Josh Feinblum was absent).

A motion to issue a Certificate of Compliance for 32 Rockport Rd, DEP File 337-1066, was made by Rees Tullos; seconded by Ellen Freeman Roth. Roll call vote 5-0 (Josh Feinblum was absent).

A motion to issue a one year extension for DEP File 332-1339, 256 South Avenue, to 10/31/22 was made by Rees Tullos; seconded by Cynthia Chapra. Roll call vote 6-0.

Mr. Berman adjourned the meeting at 9:03 p.m.