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March 3, 2020  
File No. 01.0174087.10

Zoning Board of Appeals  
Town of Weston  
11 Town House Road  
Weston, Massachusetts 02493

Re: Response to Proposed Conditions for Permitting  
Mill Creek Residential Development  
751-761 Boston Post Road  
Weston, Massachusetts

To Whom it May Concern:

At the request of Mill Creek Residential (MCR), GZA GeoEnvironmental, Inc. (GZA) has prepared this response to the draft memorandum developed by Arcadis U.S, Inc. (Arcadis) dated February 27, 2020, concerning proposed conditions for permitting for the above-referenced development (Site).

GZA understands that the intent of the Arcadis memorandum was to propose conditions specific to the management of impacted soils during construction. We understand that these conditions will be incorporated into the Comprehensive Permit for the redevelopment of the Site, along with a proposed timeline for the future submittals in advance of the start of construction. We have coordinated with Mr. James Luker, LSP, of Arcadis regarding the submittals and corresponding outlines, and appreciate his input.

MCR has indicated that it is committed to redeveloping the Site in a manner protective of both abutters and future residents. Further, MCR has agreed to most of the requirements set forth in the February 27 memorandum, even though many of these requirements are well beyond what is required by regulation or statute. However, several aspects of the memorandum are inconsistent with current practices on similar sites, and MCR requests that the ZBA consider the following changes to the proposed conditions for permitting:

***1.10. A survey plan of areas where impacted soil will remain along with details of the proposed cap over any impacted soil over MCP standards. The cap will include a minimum of 2 feet of clean fill with a demarcation barrier or 1 foot of clean fill under buildings or pavement.***

GZA concurs that the proposed cap thicknesses are appropriate and protective of future residential receptors; however, areas for which a cap is required should be limited to those portions of the Site where there is actually a potential risk to future residents and not necessarily based solely on exceedances of MCP standards. Consistent with the approach to risk assessment under the MCP, an exposure point concentration (EPC) will be developed for soil in those discrete areas where impacted material may remain. The EPC will then be used to assess potential risk, either through direct comparison to MCP standards or through application of site-specific methodologies. Should such risk exceed acceptable risk limits under the MCP, additional material will be removed or the noted cap will be utilized.



**1.11. Details of the procedures to track and document the location of impacted soil reused on site along with notification requirements to future residents.**

GZA recommends that the notification requirements to future residents be removed from consideration. As noted above, impacted soil remaining at the completion of construction will either be located beneath a clean cap, or will not present unacceptable risks to future residents. In addition, the proposed facility will be a managed residential community where lease agreements will restrict digging or gardening, except in raised community garden beds that may be offered as an amenity to residents. Collectively, the capping requirements and lease agreements serve to mitigate the potential exposure of future residential receptors to residual contamination, if present, and negate the need for further notification. We also note that post-construction conditions will pose significantly less risk than the current, unrestricted site usage where elevated lead and arsenic concentrations are exposed at the surface.

**1.12. A designated person whose solely [sic] responsibility is dust control and soil tracking will be on site during all active earthwork. The qualifications of the following personnel will be provided: Site foreman, Health and Safety Officer, Dust and soil tracking monitor, and License [sic] Site Professional.**

GZA concurs that providing qualifications for the Site foreman, Health and Safety Officer, and Licensed Site Professional (LSP) are appropriate steps. As noted in Item 1.1., “real time monitoring during all soil disturbance both in the impacted soil area and outside the impacted area” will be required. Further, Item 1.5. requires, “Tracking procedures for all soil.” As the requirements for dust monitoring and soil tracking have been included in these previous items, we recommend that the requirement to designate a single person for such responsibilities be struck. Such a change will provide flexibility in our approach to the meeting these requirements. For instance, dust monitoring may be conducted via automated systems which provide more detailed, comprehensive, and timely information than would be available from handheld monitoring by a single person at a single location. Such an automated system would be more protective. Further, both dust monitoring and soil tracking activities will be conducted under the oversight of the LSP, who will have ultimate responsibility for these activities.

**1.14. Daily field reports with dust monitoring logs, photographs and soil volumes provided during all days when active soil movement is occurring.**

GZA requests that this be revised to read, “Daily field reports with, as appropriate, dust monitoring logs, photographs, and soil volumes when active soil movement is occurring.” This change will allow better precision and flexibility in field reports, especially on those days when limited activity is conducted (e.g., grading of clean soils).

**2. Communication Plan**

GZA agrees that active and consistent communication with the Town and stakeholders will be a key component of this project; however, including the requirement for a communication plan specifically for soil management without consideration for the project as a whole will only serve to fragment communications and create confusion. As noted by Mr. Luker in his February 27 email, “This requirement is keeping the Town informed of the project-changes in schedule ect [sic]. It also involves the need to notify fire or police and/or abutters. We also need a clear understanding in the event there is a problem on site how that handled [sic] in a prompt manner to be resolved.” This further supports our position that this communication plan should be holistic, rather than focused on soil management. GZA recommends that Item 2, Communication Plan, be struck; however, we have proposed changes to Item 5, Monitoring of Earthwork, below. In our opinion, the proposed changes will provide a more appropriate method for communicating ongoing and future soil management activities.

**3. Hazardous Materials Surveys**

MCR has committed to conducting hazardous materials surveys of those buildings to be demolished or refurbished as part of this project. GZA recommends that the timing of completion of the Hazardous Materials Surveys be clarified as a condition of demolition and/or refurbishment.



**4. Milestone schedule by week for all earthwork**

GZA recommends that this Item be struck and incorporated in the revised Item 5. discussed below.

**5. Monitoring of Earthwork**

GZA recommends that Item 5. be revised as follows:

**5. Monitoring of Earthwork**

- 5.1. The Town of Weston should have a representative onsite to monitor the active earthwork and adherence to the permit conditions.
- 5.2. The Town’s representative will be provided with a weekly milestone schedule for all earthwork activities. The schedule will be updated as appropriate to reflect changes in proposed site activities or planned deviations from the prior schedule.
- 5.3. 48-hour notice will be given to the Town’s representative prior to starting earthwork activities, or restarting activities after a period of inactivity of a week or longer.

**6.3. As-built plans prepared by a professional engineer and stamped showing all excavations of impacted soil and areas where impacted soil is remaining.**

GZA requests that the requirement for as-built plans of excavations be struck as such a requirement will not materially add to an understanding of site conditions, particularly given the significant grading and site elevation changes that are contemplated. Item 1.6. already requires plans depicting the areal extent and elevation of impacted soils pre-construction, and GZA concurs that a plan showing areas where impacted soil remains post-construction is appropriate. The requirement to show individual excavations is unnecessary.

**The list of submittals above should be provided to the Zoning Board of Appeals for review and approval as part of the permit process.**

GZA recommends that the Zoning Board of Appeals appoints a designee, such as the Building Commissioner and/or LSP Consultant, to review such submittals prior to issuance of the building permit.

Please feel free to contact the undersigned at (781) 278-3700 with questions or comments.

Very truly yours,

GZA GEOENVIRONMENTAL, INC.

  
David E. Leone, LSP  
Associate Principal

  
Lawrence Feldman, Ph.D.  
Consultant Reviewer

cc: Anand Boscha, MCR