

Weston Conservation Commission (WCC) - Public Meeting Minutes

March 1st, 2022

Approved: March 15th, 2022

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

Members Absent: Alison Barlow, Josh Feinblum

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: 355 Highland Street, DEP 337-1435; N. Keramaris

A motion to continue the Notice of Intent hearing for 355 Highland Street, DEP 337-1435, at the request of the applicant, to April 12th, 2022 at 7:30 pm was made by Cynthia Chapra; seconded by Ellen Freeman Roth. Roll call vote 5-0.

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

A motion to continue the Notice of Intent hearing for 95 Rockport Rd, DEP 337-1440, at the request of the applicant, to March 15th, 2022 at 8:30 pm was made by Rees Tulloss; seconded by Ellen Freeman Roth. Roll call vote 5-0.

Notice of Intent: 21 Chestnut Street, DEP 337-XXXX; D. Black

Brian Nelson, MetroWest Engineering, provided an overview of the project on behalf of the applicant, which involves the demolition of the existing house and garage followed by the construction of a new, single-family house, hardscape and landscape areas, subsurface sewage disposal system, stormwater management system and supporting utilities. The site contains Buffer Zone associated with a Bordering Vegetated Wetland and Riverfront Area associated with an unnamed perennial stream, both located on the south (opposite) side of Chestnut Street from the subject property. The majority of site work, specifically the construction of the new house, parking court and grading will occur outside of any Resource Areas and Buffer Zone. Proposed activities located within the 200-foot Riverfront Area and 100-foot Buffer Zone are limited to the relocation of the driveway, construction of a subsurface infiltration system to manage stormwater, construction of a portion of the proposed Title V soil absorption system, installation of the gas/electric/water services, minor finish grading and restoration plantings.

Gianna Conracchini, landscape designer on the project, reviewed the planting plan, which includes invasive plant removal, a conversion of turf lawn to conservation meadow, and a diversity of low-maintenance native trees and shrubs. The project proposes a decrease in impervious surface of approximately 165 sq. ft. and a decrease in turf lawn of approximately 1,000 sq. ft.

Rees Tulloss cautioned against planting anything deep-rooted over the leach field and verified that the reserve trenches for the sewage disposal system are located adjacent to the active trenches.

A motion to close the Notice of Intent hearing for 21 Chestnut Street and issue an Order of Conditions, contingent on a DEP file number and no substantive comments from the DEP was made by Rees Tulloss; seconded by Cynthia Chapra. Roll call vote 5-0.

Request for Determination of Applicability, 80 Cherry Brook Rd, 2022-005; A. Farji

Bob Douglas, representative for the applicant, provided an overview of the project, which involves the construction of an in-ground pool with perimeter fence, deck and other amenities. Additionally, a portion of an 18-inch high wall will be built and tied into the dwelling's foundation. Mr. Douglas confirmed that the proposed fencing would not prohibit the passage of small wildlife.

All work is proposed within existing turf-lawn. A portion of the proposed work falls within the 100-foot Buffer Zone to a Bordering Vegetated Wetland.

Jordan McCarron read comments submitted by Jamie O' Connell of the Cambridge Water Department into the record:

1. Truck the pool water off site for appropriate disposal (not directly into a storm drain); OR
2. Follow the MWRA best management practices for pool discharge on site, such as de-chlorinating the water, removing scums/algae, pH neutralization, discharging onto lawn/ground rather than directly into a storm drain or pavement: <https://www.mass.gov/doc/dcr-watersheds-brochures-swimming-pools-and-surface-water-quality/download>

Mr. Douglas indicated that these requirements would be acceptable to his client.

A motion to issue a Negative 3 Determination for 80 Cherry Brook Road, DOA 2022-005 was made by Cynthia Chapra; seconded by Ellen Freeman Roth. Roll call vote 5-0.

8:30 p.m. Notice of Intent: 115 Country Drive, DEP 337-XXXX; J. McGeough

Jason Lavoie, WSP, provided an overview of the project on behalf of the applicant, which involves the demolition of the existing house and associated infrastructure, utilities, septic system, driveway and retaining wall followed by the construction of a new single-family house. Work for the new house includes a new driveway, septic system, retaining walls, pool, utilities and drainage system. The work for this project will be performed in both previously developed areas and undisturbed wooded areas based on the original development of the site.

The site contains a 200-foot Riverfront Area to a perennial stream; however, a majority of the work is located outside this Resource Area. Work located within the 200-foot Riverfront Area includes decommissioning the existing leaching pit, installation of a stormwater infiltration basin, and site grading.

The existing leaching pit is approximately 12 feet from the perennial stream. The proposed drainage system will be approximately 182 feet from the perennial stream, with the closest grading disturbance to the perennial stream being 166 feet. Total disturbance within the Riverfront Area will be approximately 4,000 sq. ft.

Mr. Lavoie indicated that the proposed pool will not be backwashed and the water will be neutralized before any discharge. The proposed fencing will be around the immediate pool area only. Sedimentation and erosion controls proposed on the downstream side of the work on the eastern side of the parcel is 12-inch filter mitt.

Barbara Fullerton, 3 Winter Street, requested that the project minimize tree removal and that only native species be utilized in the restoration of the site. Owner and developer John McGeough confirmed that both of these requests would be honored.

At the time of the hearing, the project had yet to receive comments back from Richard Sweeney and the Stormwater Permitting Authority on the applicant's Stormwater Management Permit application, nor had it been assigned a DEP file number. The Commission discussed the relative risks to the Commission and the applicant of closing the hearing without these items in place. Jordan McCarron, Conservation Administrator, expressed his comfort with closing the hearing due to the limited proposed development with the Riverfront Area and his opinion that the project could tolerate changes to the size of the proposed stormwater management system without causing any additional impact to the resource area.

A motion to close the Notice of Intent hearing for 115 Country Drive and issue an Order of Conditions, contingent on a DEP file number and no substantive comments from the DEP or SWPA was made by Rees Tulloss; seconded by Cynthia. 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, at the request of the applicant, to March 15th, 2022 at 8:15 pm was made by Rees Tulloss; 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: 2/1/22 & 2/15/22

A motion to approve the 2/1/22 minutes as amended was made by Ellen Freeman Roth; seconded by Cynthia Chapra. Roll call vote 5-0.

A motion to approve the 2/1/22 minutes as amended was made by Ellen Freeman Roth; seconded by Cynthia Chapra. Roll call vote 5-0.

Request for Partial Certificate of Compliance: 71 Concord Rd, DEP 337-1381

A motion to issue a Partial Certificate of Compliance for 71 Concord Rd, DEP 337-1381 was made by Rees Tulloss; seconded by Cynthia Chapra. Roll call vote 5-0.

Land Management Updates

Jordan McCarron provided an update on the next Stewardship Saturday, scheduled for March 19th, 2022, 10-12. The project will involve re-establishing and cleaning up an existing trail connection from the end of Hickory Road to Wellesley street.

Rees Tulloss pointed out that the trail sits on a "paper street", and that the legality of a trail in that location is likely tied to its continued use as a trail, so it is important to keep it open and in-use.

Discussion: Wetlands Bylaw

Joe Berman provided an update on the current way of thinking on the proposed Wetlands Bylaw. The Commission's goal remains to have an article ready for Special Town Meeting in Fall 2022. In the meantime, several things need to happen:

- The Bylaw Working Group needs to re-convene to prepare a "final" draft of the Bylaw for review by Town Council. Jordan McCarron agreed to send the Commission a clean version of the current Bylaw draft.

- Presentations to relevant boards and committees, including multiple public presentations, should occur before the summer. Mr. McCarron indicated that the Bylaw Working Group can use existing outreach materials and a Power Point presentation created by the Town of Concord to create a package of outreach materials for Weston.
- Mr. Berman is working on an article about the Bylaw effort for the Weston Town Crier and other online publications.

Rees Tulloss indicated that he would like more information on how the Bylaw would support Climate Resilience and Adaptation if that is to be included as a “Purpose” of the Bylaw. Mr. McCarron agreed to send along examples from other Town Bylaw’s, notably Arlington, that address Climate Resilience.

Discussion: Water Storage Tank Replacement Project

Jordan McCarron provided a short update on the Town’s water storage tank upgrade project- currently, the Town’s consultant has provided conceptual site-designs for the three water tank replacement sites, at Cat Rock, Paines Hill (Highland Forest) and Doublet Hill.

The Town’s consultants have asked that the Conservation Commission provide any initial comments or feedback on these three conceptual locations. Mr. McCarron requested that Commissioners look at the three concept plans on their own time and get back to him with feedback.

Rees Tulloss suggested that site visits to each location with a representative from the project team and/or after the proposed sites have been staked will be needed before the Commission can make any official recommendations.

Other Matters

Jordan McCarron updated the Commission that the State’s HAC and the Weston Zoning Board of Appeals re-negotiated the agreement for the 40B development at 751 Boston Post Road. It is unclear to Mr. McCarron whether any of the changes are relevant to the Commission’s Order of Conditions on the property and he agreed to discuss this offline with Mr. Berman.

Mr. McCarron updated the Commission that the remote meeting provisions that have allowed for Zoom-only meetings have been extended through July 15th, 2022. The Commission discussed its comfort with returning to in-person meetings, and Mr. Berman suggested that the Commission re-assess whether a hybrid approach might work in April.

Mr. McCarron asked for assistance from at least two Commissioners to staff a table for the Commission at the Sustainability and Earth Day Fair, being held at Land’s Sake on Saturday, April 30th. Mr. Berman suggested Mr. McCarron ask the Commission again, closer to the event date.

A motion to adjourn the meeting at 8:50 pm was made by Ellen Freeman Roth; seconded by Cynthia Chapra. Roll call vote 5-0.