

Weston Conservation Commission - Public Meeting Minutes

February 26, 2019

Approved: March 12, 2019

Members Present: Laurie Bent (Chair), Joseph Berman, Cynthia Chapra, Ellen Freeman Roth and Rees Tulloss
Members Absent: Alison Barlow and Josh Feinblum
Conservation Staff: Michele Grzenda

Others Present: See Sign-in Sheet

7:00 p.m. Notice to Convert to Residential Use - 751 Boston Post Road

The Commission reviewed a request from attorney Peter Freeman regarding conversion of parcels at 751 Boston Post Road (Weston Assessor's parcels 24/25, 26/2, and 26/4) from M.G.L. c. 61A (agricultural or horticultural use) to residential use. Motion by Joseph Berman to request that the Board of Selectmen make every effort to preserve as open space the 8.9-acre parcel identified as Weston Assessor's parcel 24/25. This upland parcel is highly valued as open space for the following reasons: (1) It is contiguous to Conservation Land and the Rail Trail; was identified as priority conservation land in the 2017 Open Space and Recreation Plan; it contains an active network of trails. (2) Concerns about the adjacent wetland, which is a large wetland system forming the headwaters of Cherry Brook; development of this parcel would require extensive wetlands alteration. The motion was seconded by Ellen Freeman Roth; vote 5:0:0. In addition to the preservation of parcel 24/25, the Conservation Commission would like to see the active trail system throughout parcels 24/25, 26/2, and 26/4 remain open to the public for passive recreation. A memo with this information was immediately submitted to the Board of Selectmen.

7:10 p.m. Notice of Intent: Town Center Project: Town of Weston; M. Soltis and M. Callahan, Nitsch Engineering

The Applicant has filed this NOI for the proposed Weston Town Center Improvement Project, which is partially located within jurisdictional wetland resource areas. The project includes the following: reconstruction of Boston Post Road from Fiske Lane to School Street, the reconstruction of Church Street from Boston Post Road to Town House Road, and reconstruction of Town House Road. Specifically, the project would reconstruct Boston Post Road to include full depth pavement, new sidewalks, on-street parking, landscaped areas, open space areas, and other related improvements. The work would include micro-milling and overlay on Town House Road and Church Street and minor roadway widening for on-street parking on Town House Road. The project would extensively upgrade utilities throughout the Town center, including burying existing electrical services. These improvements would be made in existing paved areas. No increase in impervious area is proposed within the Buffer Zone. The proposed Project will meet the Stormwater Management Standards to the maximum extent practicable as required for redevelopments. The proposed stormwater management system includes new deep sump hooded catch basins and water quality units.

Work within 25-Foot No Disturb Zone

Outfall Assessment and Cleaning - The applicant has agreed to assess and remove accumulated sediment and stabilize the drainage outfalls located at 598 Boston Post Road and 25 Church Street. Prior to work at the outfalls, the Applicant/contractor shall submit the means and method of cleaning the outfalls for review by Nitsch Engineering and the Conservation Commission. It is anticipated that the sediment will be removed by shovels or other hand equipment. The use of jetting is prohibited by the project specifications. The work shall be conducted during the summer months when the outfalls are dry. Erosion controls may be needed to prevent sediment from flowing downstream. In addition, the applicant proposes to stabilize the roadway shoulder with rip-rap where the existing country drainage has eroded the roadway shoulder.

Center Street Terminus

It was noted during the Commission's site visit on 2-12-19 that the limit of the project terminates approximately 20 feet from the edge of pavement at the southern terminus of Center Street. The southern terminus of Center Street abuts a Bordering Vegetated Wetland (BVW). The pavement is deteriorated, there is no defined limit of the pavement and as a result, tire tracks have been observed beyond the roadway pavement into the BVW. Untreated stormwater flows directly into the BVW. The project appears to bring thru-traffic closer to the edge of this BVW since as currently designed two landscape islands will be extended to within approximately 25 feet of the wetland/pavement edge. The Commission expressed concerns over the Town not addressing this area in the project. It was the Commission's opinion that establishing new landscape islands closer to the wetland and not

addressing stormwater management will limit the ability of the town to make significant improvements in this area. Nitsch Engineering agreed that this area should be assessed. During the meeting, representatives from Nitsch expressed the opinion that stormwater improvements and reduction in pavement could be designed. The Commission required that prior to commencing work the Applicant will re-assess this area. A plan shall be submitted to the Commission for review and approval. The plan shall: (1) clearly define the edge of pavement and be designed to prevent vehicles from impacting the wetland; (2) address stormwater management to the maximum extent practicable; (3) maintain the amount of flood storage capacity of the adjacent Bordering Land Subject to Flooding; and (4) prevent stockpiling of snow or other debris in the wetland both during and after the construction period.

Motion by Rees Tulloss to close the hearing and issue an Order of Conditions, approving the project with the conditions discussed; seconded by Cynthia Chapra; vote 5:0:0.

7:50 p.m. Notice of Intent: 333 Winter Street; Rivers School, T. Power, Activitas

The Applicant has filed this NOI proposing renovation and expansion of two existing natural grass playing fields into multi-purpose synthetic turf playing surfaces; the construction of a storage building with future bathrooms; and installation of asphalt and concrete walkways to provide access to the facility from the parking areas. The proposed renovation will expand the size of the playing fields such that a portion of the fields will now be located on the adjacent properties owned by The Rivers School in Natick, MA. The project is subject to the Wetlands Protection Act as work falls within the 100-foot Buffer Zone to Bordering Vegetated Wetlands (BVW), and a new stormwater management system is proposed to mitigate increases in impervious areas that will discharge within the Buffer Zone to the BVW areas. No work is proposed within the BVW. The applicant is seeking permission for a small amount of work within the 25-foot No-Disturb Zone. The work within the 25-ft No-Disturb Zone is associated with the stormwater management system outlets and a small amount of grading along the north side of the field. At present, there is no clear edge of the 25-Foot No-Disturb Zone. Areas within the buffer zone are maintained by The Rivers School as part of the regular field maintenance. As part of the proposed project, the edge of the 25-Foot No-Disturb Zone will be established with native plantings and the intent is for the area within the NDZ to become a naturalized, unmaintained area.

The Agent asked if work in the NDZ could be done by hand. The applicant indicated that the drain work would be difficult to be done by hand due to the depths of the pipes and the materials needed. In order to remove the existing flared end section and pipe that is proposed to be replaced, machines would need to work within the NDZ. However, for the installation of the new pipes and flared end sections, the applicant will try to pull back the flared end sections on the pipe runs so that the machinery could be placed on the edge of the NDZ and reach into the NDZ from there. The Agent asked that straw wattles be installed along the perimeter of the pipe work area.

Questions were asked about the type of infill used and whether the infill particles will erode from the field area towards the wetlands. With the exception of minimal tracking of infill onto the adjacent patio the first year, the Applicant does not expect any particles to erode. The Applicant is amenable to a condition that requires any infill that gets tracked onto the walkway area adjacent to the wetland be brushed or blown back into the field.

Currently, lawn exists approximately 10 feet from the wetland edge in certain locations. The project will create a defined edge along the NDZ. The NDZ shall be demarcated with the use of boulders, plantings, and signage. Prior to start of work, an NDZ restoration/demarcation plan shall be filed with the conservation agent for review and approval. The plan shall specify that the restoration area shall be left in a natural state and will allow for the removal of invasive species.

The Commission asked that the applicant revise the plans to remove the FEMA AE line which is not accurate and rather show the accurate BLSF line. Motion by Joseph Berman to close the hearing and issue an Order of Conditions, approving the project; seconded by Cynthia Chapra; vote 5:0:0.

8:20 p.m. Request to Amend the Order of Condition: 441 Glen Road; Glen Chestnut Realty, LLC; B. Nelson

The Applicant has filed a Request to Amend an Order of Conditions for relocation of a driveway and stream restoration at 441 Glen Road. The work will occur within the 100-foot buffer zone to Wetland Resource Areas.

Project History - The proposed redevelopment of the property (demolition and reconstruction of a single family house) was reviewed and approved by the Conservation Commission in the spring of 2014. The applicant submitted revised plans to the Conservation Commission in November 2017. The revised submittal included architectural changes to the house, relocation and adjustment to the width of the proposed driveway and minor grading changes.

Current Proposal - Now the applicant is seeking to amend the existing Order of Conditions to modify the location and grading of the proposed driveway. The previously approved driveway followed the existing driveway from the sideline of Glen Road for a distance of approximately 125-feet. The existing driveway meets Glen Road at the southeast corner of the property, where it also merges with the driveway that serves 425 Glen Road, creating an awkward and confusing entrance to both properties. The existing driveway extends in a northerly direction from Glen Road, crossing over an existing stone culvert that connects to segments of an intermittent stream. The existing driveway crosses through the 100-foot Wetland Buffer Zone and the 25-foot No-Disturb Zone. The applicant wishes to relocate the driveway entrance approximately 65 feet west along the northerly sideline of Glen Road to provide separation from the driveway at 425 Glen Road, thereby eliminating the confusing driveway geometry. The new location of the driveway will reduce the amount of impervious surface and provide more direct turning movements for fire trucks and emergency vehicles entering the subject property. The proposed relocation of the driveway will also eliminate the need for the existing stone culvert at the wetland crossing for the driveway and restore approximately 20 linear feet of stream channel. Relocation of the driveway will also have positive impacts on the 25-foot No-Disturb Zone and 100-foot Wetland Buffer Zone. Relocation of the driveway will significantly reduce the amount of impervious area located within the 25-foot No-Disturb Zone. Existing pavement and base gravel will be removed and replaced with loam and plantings. The existing culvert and pipe will be removed and replaced with a new section of stream channel approximately 20 feet in length. The relocation of the driveway will require the removal of six trees, two of which are located within the 25-foot No-Disturb Zone. The proposed planting plan will include the planting of five new trees and approximately 100 shrubs. A temporary erosion control barrier will be installed up-gradient of the stream area to prevent additional stormwater. Motion by Joseph Berman to close the hearing and issue an Amended Order of Conditions, approving the project, seconded by Rees Tulloss; vote 5:0:0.

8:40 p.m. Request for Determination of Applicability: 30 North Ave; K. Chan (owner – absent); J. Lavoie, Jillson Company

The owner wishes to construct a small addition on the existing single-family house. The proposed project includes the removal of a portion of the existing driveway and the construction of a single-family home addition at the existing garage façade. Erosion control measures will be utilized for the duration of the construction process, including a Filtermitt erosion control barrier along both edges of the driveway. The proposed potential stockpile area for construction materials is located on the driveway approximately 75' from the Bordering Vegetated Wetland and will utilize a straw wattle erosion control barrier.

Motion by Joseph Berman to issue a Negative Determination of Applicability with the following conditions: (1) the Commission shall be notified if the owner wishes to re-pave the driveway; (2) all stockpiled material shall be placed up-gradient of the work and on existing driveway; (3) any change to the approved plans requires the Applicant to contact the Conservation Commission in writing for an opinion as to whether the change is significant enough to require a new public hearing; and (4) once work is complete and the site is stable, the Applicant will remove and properly dispose of the straw wattles. The motion was seconded by Ellen Freeman Roth; vote 5:0:0.

8:50 p.m. Cont. Notice of Intent: South Side Drainage Project; Town of Weston; S. Fogg (DPW); L. Butler, Wright-Pierce, Engineering

The Applicant has filed this NOI for the following work associated with Phase II of the South Side Drainage Project: improvements of the spillway and installation of a new outlet at the pond behind 19 Pond Brook Circle; installation of a 30" storm drain conveying flow around 474 Glen Road, replacement of an existing 24" culvert with a 42" RCP culvert at 466 Glen Road and removal of accumulated sediment within a portion of the stream channel and restoration of the stream banks at 466 Glen Road. Portions of the work will occur within Wetland Resource Areas and the 100-foot buffer zone.

Lyndsay Butler of Wright-Pierce Engineering presented a revised set of plans. Since the last meeting, the work at 474 Glen Road was withdrawn to allow more time to work out details with the landowner. The Applicant was able to reduce the amount of resource area work and increase the amount of No-Disturb Zone (NDZ) restoration as follows:

19 Pond Brook Circle – the original NOI application indicated that there would be a permanent loss of 2,070 s.f. of NDZ due to the new outlet control structure construction. Since then, the Applicant has spoken to the landowner and he is amenable to the restoration of approximately 1,660 s.f. of existing lawn in the NDZ adjacent to the work area with 16 shrubs and 4 trees. The Applicant will supply a restoration plan prior to construction. The Commission requested that some type of monumentation, such as boulders, be installed along the edge of the restoration area to physically delineate the new edge of lawn/restoration area.

466 Glen Road – the original NOI application indicated that there would be a temporary impact of 370 linear feet of bank and 1,750 s.f. of Bordering Vegetated Wetlands (BVW). Since then, the Applicant has refined the scope of work and shows that the land under water impact will be limited to a section of approximately 100 feet upstream and downstream of the driveway culvert. The Applicant expects that the contractor will remove approximately 18-24” of accumulated sediment. The Commission asked that care be taken to minimize any disturbance of nearby tree roots. Bank stabilization locations have been shown on a revised plan; however, there will most likely be some changes to this plan. The Commission will require a pre-stream restoration site visit to assess the exact location of the restored bank areas. In addition, the BVW will be reflagged prior to construction. The majority of the BVW will be protected during construction. This will result in a reduction of temporary BVW impact by over 50%.

The Commission asked that DPW include in the bid (and bid invitation) a requirement that the contractor have expertise with this type of sensitive resource area work. The Applicant agreed that the pre-qualifications can specify in the front-end documents (instruction to bidders) general requirements including references and resumes showing that the bidders have done similar projects.

The Commission asked if DPW addressed the Department of Environmental Protection (DEP) concern that landowner signatures were not included in the NOI application. It was DPW’s opinion that the fact that DPW has easements to allow said work should constitute sufficient authorization. Ms. Butler will call DEP to determine if this is sufficient. The Agent requested that a condition be added to allow the Commission to hire an outside consultant to be available during sensitive construction periods for proper oversight. DPW was amenable to paying for the Commission’s outside consultant. The Agent drafted special conditions and asked that the Commission and applicant review and comment.

Motion by Joseph Berman to continue the hearing until 3/12/19 at 8:20 p.m.; seconded by Rees Tulloss; vote 5:0:0.

10:00 p.m. Admin. Matters

Approval of 1/29/19 Con Com minutes – motion by Joseph Berman to approve; seconded by Rees Tulloss vote 5:0:0.

1. Signing of bills and documents
2. Violation of Determination of Applicability issued for a shed installation – 37 Wellesley Street (Joseph Berman recused himself). The Agent informed the Commission that the landowner installed the shed in a different location than was approved in the Determination of Applicability issued in 2017. The new location is 29 feet from the wetland edge; however, it appears to be within the side yard setback (and therefore, the building inspection has requested the shed to be relocated, most likely to the location shown on the approved plan). Motion by Cynthia Chapra to issue a letter requiring the landowner to notify the Commission as to where the final shed location will be located; seconded by Rees Tulloss; vote 4:0:0.
3. Enforcement Order – 10 Woodward Lane; P. Ayers -The applicant is in violation of the Order of Conditions by conducting work outside the approved location. In addition, the project resulted in an alteration of conservation land and a violation of the Conservation Land Bylaw. Motion by Cynthia Chapra to ratify the Enforcement Order; seconded by Ellen Freeman Roth; vote 5:00.

Meeting adjourned at 10:15 p.m.