

Weston Conservation Commission - Public Meeting Minutes
July 9, 2019
Approved: July 23, 2019

Members Present: Joseph Berman (Chair), Josh Feinblum (left at 7:50 p.m.), Cynthia Chapra, Rebecca Loveys, and Ellen Freeman Roth
Members Absent: Rees Tulloss and Alison Barlow
Conservation Staff: Michele Grzenda
Others Present: See Sign-in Sheet

7:30 p.m. Admin. Matters

1. Tabled - Discussion and vote on new Con Com representative to the Community Preservation Committee
2. Approval of 6/18/19 Con Com minutes – Motion by Josh Feinblum to approve; seconded by Ellen Freeman Roth; vote 5:0:0.
3. WCC approved the following trail use permits – Land’s Sake 5K run on 9/14/19 and Weston High School Cross Country races on 9/18, 10/2, and 10/12

7:40 p.m. Request for Determination of Applicability: 30 Trailside Road; J. Boesse

The owner wishes to construct an addition and patio on an existing single family home. Bordering Vegetated Wetlands exits on the westerly half and at the southeast corner of the property. The proposed addition (358 square feet) will attach to the southeast corner of the existing house. The addition will be located on an area that is presently covered by turf lawn or existing patio and therefore only increases the amount of impervious by 35 square feet. The majority of the new patio will be installed on the footprint of the existing patio and therefore will only increase the impervious surface by 148 square feet. The new patio and addition will be at least 50-feet from the existing wetland. No trees will be removed. Some lawn will be temporarily disturbed and will be restored after construction. Motion by Josh Feinblum to issue a negative Determination of Applicability; seconded by Ellen Freeman Roth; vote 5:0:0.

7:51 p.m. Request to remove invasive species; 34 Brenton Road; E Freeman Roth

E Freeman Roth (owner) wishes to remove the invasive knotweed and bittersweet from portions of her property (hand swabbing and cutting). Much of the work is within the 100-foot buffer zone there will be no lawn expansion. The Commission is ok with the work proposed

7:55 p.m. Notice of Intent: 416 Conant Road; J. Shotwell (owner); K. Skinner-Catrone, Consultant

The Applicant proposes to construct a replacement septic system. Karen Skinner Catrone, Wetland Scientist, flagged a bordering vegetated wetland. According to her flags, the leaching field will be located within the 100-foot buffer zone to Wetland Resource Areas located on the north side of the property. All work associated with the new system will be installed approximately 50-feet from the wetland edge. Two sheds, which are in the footprint of the new leaching field, will be removed. The area will be loamed and seeded and will return to a pervious area. Sedimentation control consisting of a compost sock and orange construction fence will be installed along the limit of work.

The Agent expressed concern that the location of the wetland boundary appeared to be much closer than flagged and recommended the hiring of an outside consultant to review the wetland boundary. Motion by Joseph Berman to hire Pat Garner as allowed under Chapter 53G, paid for by the Applicant; the work shall not exceed three hours. The motion was seconded by Cynthia Chapra; vote 4:0:0. Motion by Cynthia Chapra to continue the hearing until 7/23/19 at 7:40 p.m.; seconded by Ellen Freeman Roth; vote 4:0:0. The agent reminded the Applicant that the property lies within the watershed of Cambridge drinking water and therefore Title 5 requirements may restrict the septic system from being within 100-feet of the wetland.

8:10 p.m. Notice of Intent: 42 Newton Street; Pine Brook Country Club; R. Gemma; MetroWest Engineering; D. Garfinkel, Golf Course President

The Applicant proposes to complete construction of a new Wastewater Treatment Plant and disposal field at 42 Newton Street. The existing plant is over 50-years old, discharges to Pine Brook, a tributary to the Charles River, and has reached the end of its functional life. The new plant will provide advanced and reliable treatment equipment and a sub-surface disposal system to allow for the elimination of the surface discharge. Both the replacement WWTP and the disposal field will be located on the south side of Newton Street. Once the new plant is constructed and operational, the existing WWTP on the north side will be removed and the area restored to a landscaped condition. Most of this work area is within the 100-foot buffer zone to an existing pond located along the south side of the 16th green, near the maintenance building. The removal and restoration work will require some work within the 25-foot No Disturb Zone (NDZ). The NDZ will be restored to a natural condition upon completion and planted with native species.

The proposed WWTP will be located on the south side of Newton Street, near the club's easterly boundary that abuts 35 Newton Street. The proposed plant location is not located within the buffer zone to any wetland resource areas. The sub-surface disposal field is located to the south of the club's three irrigation ponds and near the 14th tee box. A portion of the disposal field lies within the 100-foot buffer zone to the ponds. The delivery force main extend from the plant to the sub-surface disposal field. Where the main runs within the 10th fairway, it is located within the 100-foot buffer zone. Additionally, a portion of the force main falls within the 200-foot Riverfront Area to Pine Brook. A small portion of the force main will run within the NDZ. This pipe segment is located under the 13th tee box and is currently maintained turf. The proposed disturbance within the NDZ is 1079 s.f. The force main will be installed within a trench, approximately four feet below the ground surface. The main will be installed in areas already maintained as part of the golf course. Installation will not require disturbance of natural woodland areas. The ground surface disturbed by the trenching for the force main will be fully restored upon installation of the force main.

The Commission understands that the work is necessary to meet DEPs wastewater treatment requirements. The project will result in better protection of the adjacent wetland resource areas. Although some work is within the NDZ, those portions are existing golf course turf and will be restored after construction. The Commission reviewed the NDZ waiver and found that the project meets the following exception: "the work is proposed in an area of the NDZ that was altered prior to the adoption of Weston's 25-foot NDZ policy in 1998, or was legally permitted to be altered". Therefore, the Commission voted to grant the waiver for work in the NDZ as shown on the plan.

Motion by Cynthia Chapra to close the hearing and issue an Order of Conditions approving the project; seconded by Ellen Freeman Roth; vote 4:0:0. Special Conditions include: (1) no stockpiling shall occur within the NDZ; (2) All trenches within the NDZ shall be restored by the end of each work day; (3) The white plastic pipe observed within the stream channel near the existing wastewater treatment plant shall be cut and capped; (5) the engineer shall be present for the pre-construction meeting where the following topics will be discussed: (a) stockpiling, (b) dewatering; (3) erosion control; (4) construction sequence.

8:35 p.m. Request for minor plan change – Rivers School Constructed Wetland (337-1318);

At the request of the Conservation Agent, Rivers School has modified the limit of work associated with the approved constructed wetland along the edge of the parking lot at the Rivers School. When the Agent performed a site visit in June, she noticed that the work associated with creating the approved constructed wetland would require the removal of existing vegetation including mature trees and a natural buffer strip. She requested that Rivers revise the current design to remain within the limits of the existing pavement to protect the vegetation along the wetland's edge. Stantec Planning and Landscape Architecture, Inc was able to accomplish this by reducing the size of the constructed wetland. It maintains its features with a sediment forebay, vegetation, and hummocks and low points to force the meandering of stormwater for

treatment. The wetland will still be capable of holding the 10-yr storm event. The planting schedule required only minor adjustments. All trees and shrubs remain in the schedule with slight reductions of groundcovers and plugs reflective of the reduced wetland size. Motion by Cynthia Chapra to approve this as a minor plan change; seconded by Ellen Freeman Roth; vote 4:0:0.

8:40 p.m. Notice of Intent: Merriam Street Culvert; S. Fogg, Weston DPW, L. Butler, Wright Pierce Engineering

The project proposes to replace the existing 3'H x 3.5'W x 35'L granite block/stone culvert at the crossing of Merriam Street and Cherry Brook with a 5'H x 5'W x 35'L precast concrete box culvert. Work associated with this project includes: road closure and traffic detour; removal of existing roadway; installation of temporary erosion and sedimentation control measures; removal of four trees adjacent to the existing culvert structure; removal of the existing 3'H x 3.5'W x 35'L granite block/stone culvert and segments of stone walls; installation of the new culvert structure and end walls; placement of boulders and native stream bed material within the culvert structure; reconstruction of the roadway; installation of permanent and temporary roadside barriers, removal of temporary erosion and sedimentation control measures; and stabilization and restoration of disturbed stream and wetland areas. All disturbed surfaces, outside of existing roadway pavement and gravel shoulders, will be loamed and seeded or planted for stabilization when construction is complete.

The replacement culvert is proposed to be a 5'H x 5'W x 35'L precast concrete box culvert, embedded with 24" depth of native stream material to provide a semi-natural stream bed and open area cross section of 3'H x 5'W. Within the culvert structure 1' diameter boulders will be placed to construct stone weirs helping to shape the stream channel and keep stream bed material in place. The stream bed materials through this segment of Cherry Brook appear to be predominantly sand and gravel, with some cobbles. Concrete end walls will be installed at the inlet and outlet of the culvert to minimize impacts to the existing perennial stream and associated wetlands. The stream banks in the immediate vicinity of the culvert structure are stabilized by stone ranging in size from approximately 6" to 18" diameter. Stones removed from the existing culvert structure and stone walls will be stockpiled for reused in final stabilization of these stream bank areas. These stone will have voids and spaces between them and some of the larger spaces will be filled with native stream material. Accordingly, these stone banks will provide habitat for reptiles and small mammals, and vegetation will be established.

The project site and Cherry Brook is located entirely within Zone AE (Special Flood Hazard Areas subject to Inundation by the 1% Annual Chance Flood; Base Flood Elevation Determined) published by the Federal Emergency Management Agency (FEMA). The proposed project work will be completed within the footprint of the existing roadway and culvert footprint, there will be no additional fill placed within the floodway or floodplain areas. The proposed culvert structure has a slightly larger open cross-sectional area than the existing culvert structure, even with part of it occupied by the embedment material. The hydraulic capacity of the culvert will be slightly greater than that of the existing culvert reducing the extents of flooding upstream. The proposed culvert is designed to convey flows predicted for a 100-year storm event, while providing 1' of freeboard to the road surface. The proposed culvert will assure continuation of the existing flow pattern of Cherry Brook and preserve existing floodwater storage areas within the system so as to protect persons and property against the hazards of flood inundation.

The proposed project work will result in temporary impacts to Banks, Bordering Vegetated Wetlands (BVW), and Land Under Water Bodies and Waterways. The entire project area is located within the Riverfront Area. The work, however, is exempt from the provisions of the Rivers Act per 310 CMR 10.58 (6) a. The entire project area is also located within the 25-foot No Disturb Zone and the 100-foot Buffer Zone from Banks and BVW. The existing surfaces of these zones is primarily paved public roadway and associated embankments. All disturbed surfaces will be restored to match existing conditions when construction is complete. This project is eligible to be treated as a limited project per 310 CMR 10.53 (3)

f.; 10.53 (3) i.; and 10.53 (3) k. DPW believes that the proposed design meets the relevant performance standards to the maximum extent practicable.

Discussion ensued. DEP issued the following comments: “Project requires 401 Water Quality Cert. for any alteration (temporary or permanent) of an Outstanding Resource Water (314 CMR 9.04(2)). ENF may be required for greater than 1,000 sf of alteration to an ORW (temporary + permanent) (301 CMR 11.03(3)(b)1.c.)). Contact MEPA for an advisory opinion. Cherry Brook is a coldwater fishery (critical area). 404 might be required. Contact USACE for an advisory opinion.” DPW is looking into these comments. The Commission requested feedback from Cambridge Water Dept. Motion by Cynthia Chapra to continue the hearing until 7:50 p.m. on 7/23/19; seconded by Ellen Freeman Roth; vote 4:0:0.

9:30 p.m. 276 North Ave – request to install fence and unpermitted work in Riverfront Area

On July 1, 2019, the Conservation Office received a call that work was being conducted near the river at 479 North Ave. over the weekend. The Conservation Administrator immediately contacted the Mr. Miranda who agreed to meet with her at 6pm that night. Upon arriving at the site, the Conservation Administrator observed that approximately 500 square feet land in the backyard had been altered. Specifically, dirt was removed from near the house foundation and spread over an approximately 25-foot by 25-foot area downgradient of the house. The owner explained that he was trying to smooth out the steep slope to make the area more walkable. The dirt came from an area close to his foundation where he installed a new Jacuzzi and re-graded the area. The Conservation administrator re-iterated that the entire area of Mr. Maranda’s yard is within 200-feet of Stoney Brook and no activity was to occur. She directed the owner to install straw wattles along the unstable area of fill immediately (which he did) and to file a plan with an NOI before conducting any more work. In addition, the Agent notified the Building Department of the unpermitted Jacuzzi and new electrical box adjacent to it.

On July 9, 2019, Mr. Miranda submitted a request to install a fence. The Maps Online sketch submitted shows the fence being installed through the wetland and part of the river. At Weston Conservation Commission meeting on July 9th, the Agent update the WCC about the recent unpermitted work conducted and showed the WCC the fence sketch. The Commission did not approve the fence since it would impact wetland resource areas. Motion by Cynthia Chapra to issue an amended Enforcement Order; seconded by Joseph Berman; vote 4:0:0. The following will be required: (1) The owner shall attend the Commissions meeting on July 23, 2019 at 8:30 p.m. (2) The owner shall hire a wetland scientist and engineering firm to complete a Notice of Intent for the unpermitted work conducted. (3) Said Notice of Intent and engineered plan (showing wetland resource areas, topography, and unpermitted work) shall be filed by August 15, 2019. (4) The commission will hold a hearing to review said unpermitted work on September 3, 2019.

9:35 p.m. Admin. Matters

1. Signing of bills and documents
 - o Cert. of Compliance – 56 Nonesuch Road
 - o Cert. of Compliance – 25 Doublet Hill road
2. Next Con Com Meeting will be July 23, 2019

Meeting adjourned at 9:45 p.m.