

Weston Conservation Commission - Public Meeting Minutes
September 17, 2019
Approved: October 1, 2019

Members Present: Alison Barlow, Joseph Berman, Cynthia Chapra, Josh Feinblum, Rebecca Loveys, Ellen Freeman Roth, and Rees Tulloss
Conservation Staff: Michele Grzenda
Others Present: See Sign-in Sheet

7:30 p.m. Permitting Process Discussion: 98 Pine St.; S. Cataltepe (owner), D. Hornstein (architect)
David Hornstein, Architect, consulted the Commission on which side of the house an addition could be permitted. The existing house lies parallel to a perennial stream which exists approximately 25 to the east of the structure. The entire lot is within the 200-foot Riverfront Area. The purpose of the addition is to create a library. Two options were assessed: Option 1 would be to place the new addition on the existing driveway. Although this would result in less disturbance to Riverfront Area, this would necessitate reconfiguring the existing side entry garage and therefore not be desirable from an esthetic and practical purpose. Option 2 (owner's preferred option) would be to place the addition on the opposite side of the house, on an existing landscaped area. The slope of the land would allow the homeowner to construct a basement under, thus creating more interior storage space, which the homeowner prefers. It was the Commission's opinion that some type of addition could be permitted, however, the applicant must confirm that the project confirms to the performance standards for work in/near Wetland Resource Areas and the Commission's 25-foot No Disturb Zone (NDZ).

7:40 p.m. Notice of Intent: 681 Boston Post Road; M. Manion (owner)
The Applicant proposes to replace an existing retaining wall in the same location in her side and backyard. The work will involve installation erosion controls approximately 5-feet beyond the existing wall. A contractor will be hired to remove the wall and place a similar type of wall in the same footprint. All work will be conducted from the yard side. All work is outside the NDZ, but within the 100-foot buffer zone to wetland resource areas. Discussion ensued. Motion by Cynthia Chapra to close the hearing and issue an Order of Conditions approving the project; seconded by Ellen Freeman Roth; vote 7:0:0. Special Conditions include (1) Prior to work; the applicant shall submit a detail of the wall, (2) A preconstruction meeting will be held between the contractor and the agent to review a timeline for the proposed work and to inspect erosion control barriers. The contractor shall replace the wall immediately after the existing wall is removed to ensure that the downgradient wetlands are not adversely impacted.

8:00 p.m. Notice of Intent: 0 Gun Club Ln., Yet-Ming Chiang (owner); Olaf Vollertseh (Architect)
The Applicant proposes to install a dry hydrant in a farm pond for the use of fire suppression if needed. The farm pond qualifies as Isolated Land Subject to Flooding (ILSF). the work is also within the 100-foot buffer zone to the nearby Bordering Vegetated Wetland (BVW). The work will include: (1) Installing erosion controls and a turbidity curtain; (2) Drawing down the pond by 2-feet (there will still be water left in the pond); (3) A 4-foot wide trench will be dug from the dry hydrant to a point approximately 20-feet into the pond. This will result in the temporary alteration of approximately 20-linear feet of ILS; (4) The hydrant pipe will be placed into the trench and the end of the pipe will be anchored inside the ILSF, using a 3'x3' cement cube placed on the bottom of the pond; (5) Gravel will be used to fill the trench; Stone and rip-rap will be placed where the pipe exits the ILSF and (6) The excavation area will be finished with topsoil and seeded. Once stable, the erosion controls will be removed. Motion by Rees Tulloss to close the hearing and issue an Order of Conditions approving the project, seconded by Alison Barlow, vote 7:0:0. Special Conditions include (1) Prior to work; the applicant shall submit a dewatering detail; (2) A preconstruction meeting will be held between the contractor and the agent to review a timeline for the proposed work and to inspect erosion control barriers; (3) the Contractor shall confirm that a water resistant cement cube be used and that said cube will not deteriorate or impact the water quality.

8:20 p.m. Notice of Intent: 276 North Ave; Stephanie Miranda (owner); Jason Lavoie; Jillson Co.
This is an after-the-fact NOI filing for unpermitted work conducted in April and June of 2019 within Wetland Resource Areas and Buffer zones at 279 North Ave. The WCC issued an Enforcement Orders on 5/3/19 and 7/10/19 (amended EO) which required the owner to hire a wetland scientist and submit and Notice of Intent. The Applicant Dave Burke to flag the Wetland Resource Areas. The following Resource Areas were identified: Bordering Vegetated Wetland (BVW), Bank of Stony Brook, a perennial stream, Riverfront Area, and Bordering Land Subject to Flooding (BLSF). These resource areas were shown on the plan. Jason Lavoie, Jillson Company presented a plan showing these resources areas and work proposed on the property. Mr. Lavoie indicated that lot contains 57,250 s.f. feet of Riverfront Area. Of that, 3,627 s.f. is considered degraded prior to April 2019 on the north side of Stony Brook. It was difficult to ascertain how much riverfront area had been previously utilized as lawn/landscaping prior to April 2019 due to the amount of recent activity that occurred. Mr. Lavoie submitted photographs that the new owners where shown when they bought the property in the winter of 2018 which showed a considerable amount of manicured lawn on both sides of the river. It is obvious from existing conditions and review of historic aerial photographs that lawn does not exist adjacent to the river and that no lawn/landscaped area has existed on the south side of the river for many years.

The WCC discussed the various unpermitted activities and agreed to the following solutions:

1. Installation of a patio with spa below a new roof extension -this activity resulted in the alteration of 185 s.f. of Riverfront Area & buffer zone. The work was performed adjacent to the house, was minor in terms of overall disturbance and therefore the Commission will permit this activity
2. Spreading of soil obtained from the cut created by installation of said patio to fill the rear yard and create a flat lawn area – This activity resulted in the alteration of 2,505 s.f. of Riverfront Area and buffer zone. Approximately 50 s.f. of the 25-foot No Disturb Zone (NDZ) and WFPPD was altered. It is unclear whether this area was previously disturbed as a landscaped area or not, however remnant landscaping vegetation provided some evidence that at least a portion of this area was maintained previously. the Commission allowed the owner to keep the fill in place, loam and seed the area with the exception that any fill placed within the WFPPD and/or NDZ shall be removed and restored with native vegetation. In addition, stepping stones may be installed within the fill area to facilitate pedestrian access to the lower level of the property.
3. Landscape Maintenance performed within the wetland area, NDZ, and BLSF located in the backyard, east of Stony Brook – This activity (cutting of vegetation and stockpiling debris) resulted in the alteration of 330 s.f. of BVW, 1,030 s.f. of NDZ, and 1,360 S.f. of Riverfront Area. The Commission believes most of this area was not previously disturbed in recent times and therefore shall be restored. The applicant has agreed to remove the debris piles within the wetland and riverfront area. The Commission requires that a wetland scientist or landscape architect prepare a restoration plan at a 1"=10' scale showing the following: (1) location of additional erosion control/limit of work barriers to ensure adjacent wetland resource area and existing trees are protected; (2) locations of where proposed restoration plantings are proposed; (3) Specific types and quantities of native plants to be installed as part of the restoration, and (4) Some type of monumentation to delineate edge of restoration area/lawn-landscaped area edge.
4. Landscape Maintenance performed within Riverfront Area west of Stony Brook – several shrubs were cut and left on the west side of Stony Brook. The WCC asked that no additional work occur on the west side of Stony Brook (the cut brush shall remain as it will provide wildlife habitat)

Next, Mr. Lavoie requested several new activities be allowed:

1. Installation of screening plantings, along the southern property line, within Riverfront Area. The work will result in the conversion of approximately 520 s.f. of lawn to screening trees, such as Arbor vitae. The Commission agreed to allow the planting contingent upon a planting plan be submitted for review and approval.

2. Installation of 90-linear feet of fence parallel and adjacent to North Ave. and 115 linear feet of fence along the southerly property line from North Ave to 3-feet just outside the flood zone and NDZ. The Commission agreed to allow the fence installation so long as no vegetation was removed and the posts were installed by hand.
3. Installation of a foot bridge across Stony Brook - The owner wishes to place a non-fixed foot bridge to access the land on the westerly side of Stony Brook – the Commission indicated this area is within the 100-year flood zone and therefore additional information would be required including: (1) Hight and width of footbridge, (2) Assurance that the foot bridge will not displace flood storage capacity; (3) Assurance that the foot bridge will only be used by pedestrians (no vehicular equipment); (4) Assurance that the footbridge, if dislodged, will not cause downstream flooding during major storm events

Motion by Josh Feinblum to close the hearing and issue an Order of Conditions approving the project contingent upon the required items described; seconded by Rees Tulloss; vote 7:0:0.

9:10 p.m. OOC Violation – 83 Newton Street; 337-1335; J. Davidson (applicant)

WCC issued an OOC for the construction of a SFH in 2018. The approved plan shows erosion controls to be installed at the 25-foot NDZ in most locations. Prior to work, the applicant informed the agent they were preparing to install erosion controls. The Agent asked that the ECB line be staked in the field prior to any vegetation cutting and installation. The Agent inspected the site on 8-20-19 and the ECB stakes were too close to the wetland edge in several locations. The applicant indicated they would have the surveyor come back out. The Agent cautioned the applicant that it was critical the ECB not be installed in the NDZ. On 9-13-19 the Agent met the applicant to walk the ECB line and was disappointed to see that (1) In the majority of the areas, the siltation fence was not properly entrenched and they have to re-install it correctly; (2) The ECB was originally installed adjacent to Wetland flag 18, but when the Applicant realized it, they re-adjusted the ECB before the Agent’s visit. significant vegetation had been altered in the NDZ near WF#18 (225 s.f. area of the NDZ); (3) The Agent measured the newly located ECB line and in areas, it was still only 18-feet from the NDZ. The Agent issued a Violation Notice, stopped all work, and asked the applicant to attend tonight’s meeting. Motion by Alison Barlow to require the applicant to: (1) re-number the wetland flags in the field; (2) re-stake the correct location of the ECB as shown on the plan and contact the Agent for inspection; (3) once the agent verifies the limit of work states are correctly located, the Applicant shall re-adjust the erosion control barrier to comply with the approved plan; and (4) the applicant shall submit a restoration plan for any NDZ which was impacted. The motion was seconded by Josh Feinblum; vote 7:0:0.

9:40 p.m. Admin. Matters

1. Approval of 9/3/19 Con Com minutes; Motion by Cynthia Chapra to approve as amended; seconded by Josh Feinblum; vote 7:0:0.
2. Signing of bills and documents
 - o Req. for Cert. of Compliance – 500 Wellesley Street
 - o Req. for Cert. of Compliance – Black Oak Generator – DEP#337-1208
3. Request for wood from Conservation Land – Phil Wolfson is a wood bowl creator and requested a couple of 12”x12”x6” pieces of downed wood from Conservation Land for his personal use. Lynn Atkins, Trail Manager indicated she could cut up some downed pieces of wood and let Mr. Wolfson know where they are located. Mr. Wolfson would be responsible for gathering the wood with his hands or wheel barrow. The Commission voted to allow this request.

Meeting adjourned at 10:20 p.m.