

Weston Conservation Commission - Public Meeting Minutes
October 15, 2019
Approved: November 12, 2019

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

Rees Tulloss took the role as Chair for the evening

7:30 p.m. 83 Newton St. – Enforcement Order Update and Restoration Plan Discussion (337-1335); David Burke, Wetland Scientist; Phil D’Amato (owner), Kathy Schreiber (Landscape Architect)

The Applicant was issued an Enforcement Order for unpermitted work in the 25-foot No Disturb Zone (NDZ) and failure to install the erosion control barrier correctly. As required, David Burke, Wetland Scientist, has reestablished the wetland flags and Mr. Burke indicated that the surveyor has reestablished the correct limit of work line based on the re-established wetland flag locations. Kathy Schreiber, Landscape Architect, submitted a restoration report and plan which showed that two areas were impacted, totaling 985 s.f. within NDZ. The applicant has agreed to restore these two impacted areas by installing a suite of native plants by hand. In addition, any invasive species observed in this area will be hand pulled prior to installation of native plants. The area will be monitored by a wetland scientist/landscape architect for two growing seasons. The Weston Conservation Commission (WCC) agreed that only 2 trees are necessary in the restoration area due to the close proximity to the house but that 10 more additional native shrubs should be added in their place.

In addition, the applicant requested a minor plan change to allow for additional work in the buffer zone adjacent to the driveway. A new plan was submitted reflecting this change. The erosion control barrier (ECB) will be shifted slightly, but is still a fair distance away from the NDZ in most locations along the driveway. Motion by Josh Feinblum to approve the amended restoration plan and limit of work change adjacent to the driveway; seconded by Cynthia Chapra; vote 6:0:0. The WCC discussed a number of conditions.

7:55 p.m. 95 Newton Street: Restoration Monitoring Update; Molly Obendorf, Stamski and McNary, Inc; Thanya Rajkopal, owner

The Owner has filed a restoration monitoring report for the WCC to review. B & C Associates Inc. was retained by the owner to perform the required monitoring report for the required restoration of Bordering Vegetated Wetland (BVW) and portions of the NDZ. The restoration was required as a result of unpermitted activities in those areas from the previous owner. The restoration project required the placement of boulders along the restoration area boundary and the installation of native plants per the approved plan. No mowing within the restoration area was supposed to occur. Mr. Crossman of B&C associates indicated in his report that portions of the required restoration area near the house was not in compliance as there was a lack of native plants and portions of the area were being maintained as lawn. The second restoration area (closer to the septic system) appeared to be overgrown with invasive plants but was being allowed to grow in a natural state. Boulders were installed along the NDZ boundary. Mr. Crossman defers to the WCC regarding what should happen next. He recommended that an invasive species removal program be designed and implemented for the restoration area.

Molly Obendorf of Stamski and McNary discussed the status of the project with the Commission. Ms. Rajkopal requested to modify the location of the restoration area adjacent to her home due to concerns over ticks. To protect her health, Ms. Rajkopal would like to propose a Revised Restoration Plan,

revegetating an area that was approved as lawn under the OOC, and maintaining a modest area as lawn that was approved to naturally revegetate adjacent to her home. The majority of the proposed edge of lawn behind the dwelling will maintain a 10' minimum buffer between the edge of the BVW. The plan will be proposing a 1:1 lawn to restoration area. Ms. Obendorf proposes the following solution: (1) A request for Cert. of Compliance for the OOC will be submitted; and (2) a new NOI will be filed incorporating the restoration area swap.

The Commission was uncomfortable with the idea of closing out the old OOC without the New Notice of Intent being filed, a new OOC being issued and that OOC being recorded at the Registry of Deeds. The Commission is amenable to having the owner file a new NOI and would like to conduct a site visit before they opine on the ultimate decision they will render.

8:30 p.m. Notice of Intent - 0, 751 and 761 Boston Post Road, Weston BPR LLC; Richard Kirby, LEC Environmental Consultants; Rick Latini (HSH), Lars Unhjem (Mill Creek)

Richard Kirby, from LEC Environmental Consultants Inc., (LEC) presented the project. On behalf of the Applicant, Weston BPR LLC, LEC is filing this Notice of Intent (NOI) Application under the Massachusetts Wetlands Protection Act (M.G.L. c. 131, s.40, the WPA) and its implementing Regulations (310 CMR 10.00) for Modera Weston, a 180-unit rental apartment community located at 0, 751, and 761 Boston Post Road. The project is being proposed under the provisions of M.G.L. c. 40B, s. 20-23 and the Comprehensive Permit Application is currently under review with the Weston Zoning Board of Appeals.

Modera Weston is composed of 180 units situated within two apartment and ten townhome buildings, a network of private roadways and parking, a club house with swimming pool and patio area, three historic structures that house leasing activities and indoor resident amenities; a stormwater management system a wastewater treatment facility, utilities, and regrading/landscaping. The proposed project footprint will occupy 14.5± acres of the 61.79± acre project site.

An Order of Resource Area Delineation (ORAD, DEP File #337-1312) was issued on December 28, 2017, approving the boundaries of Bordering Vegetated Wetlands (BVW), Mean Annual High Water (MAHW), and Riverfront Area associated with Cherry Brook as depicted on the Perimeter and Wetlands Plans, prepared by Metrowest Engineering, Inc., dated December 20, 2017. As stated within the ORAD, the WCCC did not confirm the boundary to Bordering Land Subject to Flooding (BLSF).

Proposed work activities occur within the 100-foot Buffer Zone to BVW and within BLSF. No work is proposed within Riverfront Area to Cherry Brook. Richard Kirby indicated that, to the extent practical, the proposed work activities have minimized intrusion into BLSF and maximized setbacks to BVW. Mr. Kirby indicated that, on average, the work will be 38.5 feet away from the wetland edge. Although in one location, a 20-foot high retaining wall will be placed approximately 15-feet from the BVW edge. A 10-foot wide limit of work has been situated on the north side of the wall to provide sufficient room to install the footing.

The project provides compensatory flood storage for the proposed work within BLSF. Approximately 40 square feet/100 cubic feet of proposed grading encroaches within the FEMA-mapped Flood Zone A. the Applicant is proposing to provide a total of 11,753 cubic feet of compensatory flood storage for all fill located below elevation 159, one foot above the downgradient Flood Zone elevation at Warren Ave. Questions were raised regarding the site chosen for the compensatory flood storage area.

The agent expressed concerns about the natural area adjacent to the BVW where the compensatory flood storage will be created since the work will result in clear-cutting and excavating the area. Mr. Kirby believes this area has limited value as the adjacent wetland was created when the area was historically excavated. The WCC asked that the applicant assess the area for buffer zone quality and value and

determine if there is a more appropriate areas (currently altered) where the compensatory flood storage can be located.

The Stormwater Management System for the proposed project has been designed in compliance with DEP's Stormwater Management Policy Handbook and Performance Standards at 310CMR 10.05(6)(k). Proposed structural Best Management Practices (BMPs) include deep sump catch basins, water quality units, and subsurface infiltration systems to treat and control runoff from the development. The project as designed will maintain the volume and peak flows up to the 100-year storm event and treat the first 1" of stormwater since the area is in an Outstanding Resource Water (ORW) to City of Cambridge Drinking water.

The applicant proposes to implement an erosion control program that will function to demarcate the Limit of Work. The plans show the use of entrenched siltation fence only. The Agent indicated that more robust erosion controls, such as 12" filter mitt, in addition to the siltation fence will be needed in areas where the slopes exceed 3:1 and where work is within 100' feet of the wetland edge.

Motion by Alison Barlow to hire Patrick Garner as the Commission's outside consultant, paid for by the Applicant as required in Section 53G; seconded by Ellen Freeman Roth; vote 6:0:0.

Cambridge Water Department submitted a comment letter to the WCC and the Applicant is addressing those concerns.

Several abutters expressed concern over the extent of the development in the Buffer zone, particularly the work proposed in the 25 NDZ. Other abutters expressed concern over the stormwater runoff that will be generated and the lead arsenic contamination on the site. The Agent indicated that ZBA will be discussing the extent of Lead Arsenic which needs to be addressed.

The Commission requested the following:

1. A phasing plan showing construction period erosion controls and stormwater retention shall be submitted for review
2. The applicant shall submit a request for waiver of the WCC's 25-foot NDZ Policy
3. Additional information whether a more degraded area can be used for the compensatory flood storage area.
4. Patrick Garner will review the Applicant's assessment that the 100-year flood zone is contained in elevation 159
5. Patrick Garner will review the stormwater report for compliance with the regulations, in partnership with ZBAs Stormwater Engineer, MetroWest Engineering
6. The Commission requested a site visit for 9:00 a.m. on October 29th

Motion by Cynthia Capra to continue the hearing until November 19th at 8:00 p.m.; seconded by Ellen Freeman Roth; vote 6:0:0.

9:45 p.m. Emergency Certificate Request – Cherry Brook Culvert Repair; Mass Central Rail Trail; Robert Lowell, DCR; Thomas Volton, DCR

Department of Conservation and Recreation (DCR) proposes to conduct emergency repair work to the Cherry Brook Culvert crossing at the Mass Central Rail Trail (MCRT). After some emergency clearing of the culvert was conducted in July 2019, DCR inspected the stone culvert and determined that several stones had become dislodged from the sidewalls and ceiling. These stones are currently restricting flow and will result in future backups. DCR proposes to conduct immediate repairs beginning on October 21st and have outlined their proposal in a letter submitted to the commission. Motion by Ellen Freeman Roth to approve an emergency certification contingent upon the following: (1) Care shall be taken to ensure no

downstream erosion or sedimentation occurs as a result of the repair; (2) The flow capacity of the culvert shall not be impaired as the result of the project; (3) Cambridge Water Department shall be contacted to review the proposed work since Cherry Brook is a tributary to Cambridge's drinking water; (4) Notify the Conservation Office at the commencement of the project and at the completion of Work; and (5) DCR shall ensure the area is permanently stabilized at the end of the project. The motion was seconded by Rebecca Loveys; vote 6:0:0

10:00 p.m. Admin. Matters

1. Approval of 10/1/19 Con Com minutes; motion by Josh Feinblum to approve; seconded by Rees Tulloss; vote 6:0:0.
2. Signing of bills and documents
 - o Req. for OOC Extension – 405 North Ave – DEP#337-1281
3. Social Media Policy – tabled until next meeting
4. Wetlands Bylaw Update – tabled to next meeting
5. Next Con Com Meeting will be Oct. 29, 2019

Meeting adjourned at 10:10 p.m.