

Town of Westwood

Commonwealth of Massachusetts



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Grace Weller, Chair
 Michael Walsh, Vice Chair
 Debra Odeh
 Elias Fares
 Todd Sullivan
 Vesna Maneva
 Stephen Harte
 R.J. Sheer - Associate

CONSERVATION COMMISSION

Minutes: Conservation Commission Meeting Date: July 10, 2024 at 7:00 p.m.
Location: Champagne Meeting Room, 50 Carby Street, Westwood, MA

7:00 p.m. Call to Order

The Conservation Commission meeting of July 10, 2024 was called to order at 7:00 p.m. in the Champagne Meeting Room, 50 Carby Street, with the following members present: Grace Weller, Elias Fares, Michael Walsh, Vesna Maneva and Debra Odeh. Members Todd Sullivan and Stephen Harte and associate member R.J. Sheer are absent. Also present is Karon Skinner Catrone, Conservation Agent.

Ms. Weller announces the meeting is being recorded.

- Approval of minutes –April 24, 2024, June 12, 2024 and June 26, 2024
 Minutes will be discussed at the end of the meeting.

Action items:

1. 18 Trailside Drive – DEP #338-0764 – Request for Minor Modification
2. 49 Margery Lane – DEP #338-0339 – Request for Certificate of Compliance
3. 229 High Street – SMP - #061 – Request for Extension of Land Disturbance Permit
4. 229 High Street – SMP - #061 – Request for Minor Modification

Action items will be discussed later in the meeting.

Public Hearings:

This hearing is taken out of order.

Update Rules and Regulations

Discuss and vote on the adoption and/or amendment of various sets of Rules and Regulations of the Town of Westwood Conservation Commission, including the following:

Stormwater Management Regulations.

Phil Paradis of BETA, acting town engineer, is present to discuss the Stormwater Bylaw and associated Regulations.

Mr. Paradis states we started working on the Bylaw in 2014. On April 4, 2016 EPA issued a final NPDES general permit for discharges of stormwater from small MS4's in Massachusetts. Treatment of runoff for 80% TSS removal and 50% of phosphorus removal is required for redevelopment and 90% TSS removal and 60% phosphorus removal is required for new development. This is important because 1/3 of the town is within the Charles River Watershed.

Mr. Fares states most of this document (the Stormwater Regulations) is procedural. He asks why construct for a 50 year storm.

Mr. Paradis states today's engineers are aware of the MA Stormwater Handbook. That is their bible.

Mr. Fares states the definitions should be looked at again.

Mr. Paradis explains the triggers for a stormwater permit. We are currently trying to get the rain fall data up to date. We have received a grant to study flooding issues in town. He states the bylaw and regulations comply with EPA and DEP's standards.

Brian Marsolonis of 124 Farm Lane is present and states dumping water on a neighbor's property has been mentioned. We have flooding issues all over Westwood. What can be done about preventing water from flowing from a neighbor's property?

Mr. Paradis states we can look at this under our study.

Mr. Sittler of 38 Reservoir Road states there have been a lot of flooding issues on Reservoir Road. There was a house built at the end of the street (72 Reservoir Road) that has had heavy flows of water the last two years.

Mr. Paradis states we can look at this area also.

Ms. Weller thanks Mr. Paradis for presenting at tonight's meeting.

This Commission discusses the edits to the Stormwater Regulations which include references to the Westwood Tree and Plant Removal Guidelines and the requirements for digital submittal with no paper copies required.

Motion made by Mr. Walsh, seconded by Ms. Odeh, to approve the Stormwater Management Regulations with edits. Ms. Maneva abstains because she believes she missed a meeting regarding these regulations. Mr. Fares is opposed. Vote passes 3 in favor, 1 abstention and 1 opposed.

Sean Weller of 48 Clapboardtree Street reads MA General Law language pertaining to the Mullin Rule. He states this only applies to adjudicatory hearings.

Another motion is made regarding this hearing.

Motion made by Mr. Walsh, seconded by Ms. Odeh, to approve the Stormwater Management Regulations with edits. Mr. Fares is opposed. Vote passes 4 in favor and 1 opposed.

Ms. Weller states the next hearing is being taken out of order.

220 Fox Hill Street – Stormwater Notice of Intent – SMP-#112 – Beacon Point Dev. – continued from 6/26/24

New construction - single-family house

The Commission opened the public hearing and reviewed copies of the Stormwater Land Disturbance application for 220 Fox Hill Street, including the following:

1. Land Disturbance Permit Application and associated documents submitted by Scott Henderson of Henderson Consulting Services, P.O. Box 626, Lexington, MA 02420, including fourteen (14) pages;
2. Plan – SITE PLAN 220 FOX HILL STREET ASSESSOR'S ID 9-63 WESTWOOD, MASSACHUSETTS, dated June 19, 2024, drawn by Scott Henderson, including five (5) pages;

Present are Scott Henderson of Henderson Consulting Services, and Tony Champa, owner.

Mr. Henderson states this project consists of demolishing the existing single family home and building a new single family home. The proposed work crosses the threshold of land disturbance of over ½ acre which requires a land disturbance permit. The site is landlocked. There is a driveway easement from 214 Fox Hill Street. We are proposing removal of the retaining wall and re-grading the lot. There is an existing pool in the rear which will remain. There is a reduction of the runoff volumes. We have filed with the Planning Board for Earth Material Movement. We will be bringing in 390 cubic yards of fill.

Mr. Henderson explains the review from BETA and that the review has been completed. He states there is a sport court in the rear to be removed.

Ms. Maneva states the replacement trees should be a minimum of 3" – 3.5" DBH as opposed to the 1.5" DBH proposed.

Mr. Paradis is present and states he has completed the review.

Ms. Odeh states the tree removal along the south side of the lot should be revisited.

Mr. Henderson states we may be able to tighten up the grades and save some of the trees.

Ms. Catrone states the health of the Hemlocks should be noted.

Ms. Odeh states due to the number of trees being removed we would be looking for more than a 1 to 1 ratio for replacement.

Mr. Henderson asks if trees under 10" DBH could have a 1 to 1 replacement and those over 10" have 2 to 1 replacement.

Ms. Odeh states in lieu of trees shrubs can be used. Grass is an ecological dead zone.

Ms. Weller states a native seed mix can be used instead of grass.

Ms. Catrone states the applicant should be required to submit an invasive plant removal plan to include removal of Mile-a-Minute Vine which is on the site.

The Commission agrees they would like the applicant to revise the plan and return to the next meeting.

Motion made by Mr. Walsh, seconded by Ms. Odeh, to continue the hearing for 220 Fox Hill Street to July 24, 2024 at 7:00 pm at 50 Carby Street. Unanimous.

Action items - continued

18 Trailside Drive – DEP #338-0764 – Request for Minor Modification

Ms. Catrone states the Commission requested a plan showing proposed trees to be removed at 18 Trailside. This plan has not been received.

Motion made by Mr. Walsh, seconded by Ms. Odeh, to continue the Action Item for 18 Trailside Drive to July 24, 2024 at 7:00 pm at 50 Carby Street. Unanimous.

18 Hedgerow Lane – Stormwater Notice of Intent – SMP #? – Ajjouri – continued from 6/26/24

New construction - single-family house

Ms. Catrone states 18 Hedgerow Lane is on the agenda later in the meeting but will be continued. BETA has not completed the review. This hearing should be continued to allow BETA to complete the review.

Motion made by Mr. Walsh, seconded by Ms. Odeh, to continue the hearing for 18 Hedgerow Lane to July 24, 2024 at 7:00 pm at 50 Carby Street. Unanimous.

28 Thatcher Street – Request for Determination – 28 Thatcher Street Realty Trust

Vegetation removal to expand yard

The Commission opened the public hearing and reviewed copies of the Request for Determination of Applicability (RDA) for 28 Thatcher Street, including the following:

1. DEP form 1 Request for Determination of Applicability submitted by Robert Schiavo, 28 Thatcher Street, Westwood, MA 02090, including six (6) pages;
2. Plan – SITE PLAN IN WESTWOOD, MASSACHUSETTS 28 THATCHER STREET, dated 6/3/24, drawn by Gregory Bunavicz of Borderland Engineering, Inc., 500 Turnpike Street, Canton, MA 02021, including one (1) page;

Present are Robert Schiavo, owner of 28 Thatcher Street and Charles Goodfriend, arborist.

Mr. Schiavo states he would like to remove invasive plants from the rear right side of yard, replant bushes and trees and expand his lawn. No trees over 6” DBH will be removed.

Ms. Weller asks what is the sq. ft. of land disturbance proposed.

Mr. Schiavo states over 6,000 sq. ft.

The Commission explains land disturbance over 5,000 sq. ft. requires a Land Disturbance Permit. This would be covered under a Notice of Intent but not under a Request for Determination. They agree a construction sequence plan should be submitted.

Sean Weller of 48 Clapboardtree Street reads the definition of land disturbance from the Stormwater Regulations.

Ms. Maneva states a long term invasive plant management plan will be needed.

Mr. Schiavo states that he will look into keeping the land disturbance under 5,000 sq. ft.

Motion made by Mr. Walsh, seconded by Ms. Maneva, to issue a Negative Determination #3 for vegetation removal, outside the 50 foot buffer zone at 28 Thatcher Street with the following conditions:

1. **An Invasive Plant Management Plan is submitted to the Commission prior to start of work,**
2. **Organic fertilizer is used on the lawn in perpetuity,**
3. **15 trees or appropriate ratio of trees and shrubs be planted in the buffer zone, and**
4. **The applicant must file for the appropriate stormwater permit or scale work down to under 5,000 sq. ft. of disturbance. Unanimous.**

Action items - continued

1. 18 Trailside Drive – DEP #338-0764 – Request for Minor Modification – This Action Item was continued to 7/24/24 earlier in the meeting.

2. 49 Margery Lane – DEP #338-0339 – Request for Certificate of Compliance

Ms. Weller states the original work was done in 2003. The approved plan shows an infiltration trench along the driveway. The trench does not exist. The driveway has been resurfaced and does not slope in the direction of the proposed trench. Adding this trench as shown on the plan would not make sense. Four (4) Maple trees were also required. The owner stated that the trees were planted. Maples of approximately that age are present. Invasive plants are present in the rear of the property but invasive removal was not addressed in the Order of Conditions. Since the plan does not match what is on the site, do we want the owners to rectify this now and is there anything else we want the applicant to do.

Ms. Odeh states she has concerns with the stormwater and although the Commission did not require invasive removal, the owner left the Order open for 20 years. It should have been closed.

Ms. Maneva states they need to have a civil engineer look at the driveway.

Motion made by Mr. Walsh, seconded by Ms. Odeh, to continue the Action Item for Request for Certificate of Compliance for 49 Margery Lane to July 24, 2024 at 7:00 pm at 50 Carby Street. Unanimous.

3. 229 High Street – SMP - #061 – Request for Extension of Land Disturbance Permit

Present is Gamze Munden, P.E., of Munden Engineering, P.O. Box 286, Canton, MA 02021.

Ms. Munden states we are requesting an extension to the Land Disturbance Permit due to a change in contractors mid-way through the project. The requested changes include reduction of impervious surface from 50,000 sq. ft. to 38,000 sq. ft., a trench for a new electrical conduit and 2 new manholes and sewer piping. The existing electrical infrastructure does not accommodate the new requirements. The trench will be 24" deep and 4' wide.

The Commission agrees the applicant must maintain erosion control to contain the disturbance behind the wall.

Motion by Mr. Walsh, seconded by Ms. Odeh, to issue a one year extension to the Land Disturbance Permit for 229 High Street – SMP - #061. Unanimous.

The Commission inquires about the dumpsters on site and requests that they are moved within the limit of work.

Ms. Munden states she will move the dumpsters inside the limit of work.

4. 229 High Street – SMP - #061 – Request for Minor Modification

Modifications discussed above.

Motion made by Mr. Walsh, seconded by Mr. Fares, to approve the Minor Modification to the Land Disturbance Permit for 229 High Street – SMP - #061 for additional disturbance from proposed trenching between the street and the new trench for electrical conduit, laying and installing sewer manholes and replacing a section of the existing sewer pipe near the bottom of the driveway. Unanimous.

The Commission tables the minutes of June 26, 2024 to the 7/24/24 meeting at 7:00 pm at 50 Carby Street.

Discussion Items:

1. Commissioners' observations around town and next scheduled site visits
2. Update on significant projects and other topics not reasonably anticipated

Motion made by Mr. Walsh, seconded by Ms. Odeh to adjourn the meeting. Unanimous.

Upcoming Meeting: 7/24/24 – 50 Carby Street