

Weston Conservation Commission (WCC) - Public Meeting Minutes

April 25<sup>th</sup>, 2023

Approved: May 9<sup>th</sup>, 2023

Members Participating: Joe Berman (Chair), Rees Tullos, Glenn Butcher, Alison Barlow, Ellen Freeman Roth

Members Absent: Sean Rush, Alison Barlow; Josh Feinblum absent from 6:30 pm Joint Meeting with Select Board; Josh Feinblum joined regular meeting at 7:50 pm

Conservation Staff: Jordan McCarron, Joshua Baker

Notes: Under current state law public bodies may continue holding hybrid and fully remote meetings, without a quorum of the public body physically present, as long as adequate, alternative access is provided. As such, no in-person attendance of members of the public is available but every effort will be made to ensure that the public can adequately access the proceedings in real time including a dial-in option.

The Commission began this meeting at 6:30 pm as a joint meeting with the Select Board using the Select Board's remote meeting link. Joe Berman, Chair, opened the meeting on behalf of the Commission.

**Joint Meeting with the Select Board: Conservation Restrictions for Parcels 4&5 at the Case Estates**

The Conservation Commission and Select Board discussed a proposed memorandum of understanding between both boards for the oversight of proposed conservation restrictions on Parcels 4 & 5 at the Case Estates.

Michael Harrity, resident and former Select Board member, provided an overview of the history of the Case Estates' purchase, soil remediation, and the plan for the sale of parcels 4&5 as well as the need for Conservation Restrictions (CRs) to be placed on a portion of those parcels in order to maintain the "Hillcrest Corridor Viewscape" from Wellesley Street.

Joe Berman, Conservation Commission, inquired about the nature of the historic restrictions present on the current buildings and future changes to the current structures would be permissible. Mr. Harrity explained that the buildings will be maintained as-is but there is allowances for expansion or additions to the historic buildings in the rear of the structures. Inside the buildings there is more flexibility offered to the buyers of the parcels.

Rees Tullos, Conservation Commission, pointed out that the current language regarding the Conservation Restrictions indicates that the "Town" is required to mow the restrictions and that the wording is unclear on whether the Town could hire a contractor in its place. It was in general agreement among the Select Board and the Conservation Commission that the wording needed to be more explicit to make clear that the Memorandum intended to mean all mowing will occur under Town oversight.

Nina Danforth, resident, requested that the meadow grass restriction on Conservation Restriction A be expanded to allow meadow plants like blueberry or grapes. The Select Board responded that native meadow plants would be allowed so long as they are kept low, and its understood that the area will be mowed annually, though with town oversight this can be discussed further with the buyer. Ms. Danforth further inquired about the driveways available and if it were possible to build new ones. Mr. Harrity said it is anticipated that owners will use the existing driveways but the owner could request a new driveway through the normal town processes for putting in a driveway on a scenic road.

Leslie Glynn, resident, inquired about whether grazing would be allowed. Mr. Harrity explained that the Conservation Commission could potentially lease a portion of the Hillcrest Corridor North for grazing.

A motion to approve the Memorandum of Understanding between the Weston Select Board and Weston Conservation Commission for the statement, management and enforcement of the conservation restrictions on Parcels 4&5 of the Case Estates property, subject to any amendments as may be consistent with conversations from the joint meeting between the Select Board and Conservation Commission on 4/25/20 and/or other mutually agreeable changes between the chairs of the Conservation Commission and Select Board, and to authorize the Chair to execute the Memorandum of Understanding on behalf of the Commission was made by Glenn Butcher; seconded by Ellen Freeman Roth. Roll call vote 4-0.

**Starting at 7:30 pm, the Commission re-convened on its own Zoom Link. Mr. Berman allowed time for public comment. Hearing none, the following hearings and meetings were taken up in order:**

**Case Estates- Proposed Native Planting Project**

Susan Erickson, K-5 Science Curriculum Coordinator for the Weston Public Schools, provided an overview of the project proposal, consisting of a long-term, native planting project for second-grade students at the Case Estates, Hillcrest Corridor North. The project would be a collaboration between the Town of Weston, Weston Public Schools, and Zoo New England and would serve as a long lasting and interactive way to teach the students about local ecology while being within walking distance of the Case School Campus.

The Commission inquired how long any fencing installed to prevent animal browse on new plants would remain in place. Jordan McCarron, Conservation Administrator, indicated that fencing would need to remain in place until all plantings were sufficiently established and could withstand the impacts of browse- typically through the first year of growth. Further the Commission inquired how the water barrels for the project will be filled, Mr. McCarron answered that while this proponent is still under discussion, the usual method is via truck.

A motion to approve the proposal for a native sustainability garden, located along the Legacy Trail at the Case estates, for a long-term wildflower restoration project between the Weston Conservation Commission and Weston Public Schools by Ellen Freeman Roth; seconded by Glenn Butcher. Roll call vote 4-0.

**Case Estates- Proposed License for Animal Grazing at Hillcrest Corridor North**

Michael Harrity, representative for the Select Board, presented a proposal to license a portion of Hillcrest Corridor North at the Case Estates for animal grazing as a component of a planned RFP for the sale of the existing barn on Parcel 4 at the Case Estates. Under this license, the property owners of Parcel 4 would be able to utilize a portion of the Hillcrest Conservation land for grazing. This proposal is aimed at encouraging both the sale of the property as well as encourage the traditional use of the barn.

The Conservation Commission inquired if the abutters would need to be consulted prior to allowing grazing, but Mr. Harrity reminded the Commission that Weston is a right-to-farm community, which negates the need to notify or consult abutters prior to farming activities. The Commission further inquired if the owner of Parcel 4 would be allowed to sub-lease the barn as well as the land for grazing. Mr Harrity explained that such a factor would have to be considered and approved or denied by the Conservation Commission prior to issuance of the license.

Lastly, the Commission questioned the emergency egress present on the original 2006 plan of the parcel and if the Town decided to utilize it in the future, how that might affect any grazing activities. Mr. Harrity

explained the history behind the egress and suggested that the license be short-term and renewable in the case that there are changes, such as the egress being opened, to the layout of the parcel.

A motion to authorize the Town, through its authorized representatives, when issuing the RFP for Parcel 4 at the Case Estates, to indicate that the Conservation Commission would be amenable to discussing with any future owner of Parcel 4 a license agreement that would allow limited grazing on an agreed upon portion of Parcel 1 with the addition that any language in the RFP pursuant to a grazing license must be approved by the Chair of the Conservation Commission by Glenn Butcher; seconded by Ellen Freeman Roth. Roll call vote 4-0 with one abstention.

**Request for Determination of Applicability: 76 Brook Road; DOA 2023-006; Y. Karukin**

Yuri Karukin, Owner, presented an overview of his project, which involves the extension of lawn over a previously degraded area, associated tree removal, and the planting of native shrubs and trees. A portion of the proposed work falls within the 200-foot Riverfront Area associated with a perennial stream and 100-foot Buffer Zone associated with a Bordering Vegetative Wetland.

The Commission asked for clarification on the limitations of his proposed project and how he could extend lawn in a Riverfront Area. The Conservation Assistant answered, explaining that the lawn expansion would occur on previously developed land and that Mr. Karukin would be restricted to this degraded area, so as not to extend into pristine Riverfront. It was then requested that Mr. Karukin submit a tree removal request to the Conservation Office regarding the three dead and hazardous trees he proposed to remove.

The Commission asked if Mr. Karukin would consider planting a meadow mix instead of lawn, to which Mr. Karukin answered that he intends to make the extension usable lawn, but is replacing the removed trees with ample native vegetation along the new edge of the lawn.

A motion to issue a Negative 2 Determination of Applicability for 76 Brook Road, DOA 2023-006, was made by Josh Feinblum; seconded by Glenn Butcher. Roll call vote 5-0.

**Notice of Intent: 2 Legion Road, DEP# 337-1464; M. Whelan**

Vito Colonna, Connerstone Engineering, provided an overview of the project, consisting of the removal of an existing failed septic system and installation of a new Title V compliant system. Only the removal of the existing failed systems occurred inside the 100-foot buffer zone.

The Commission had no questions.

A motion to close the Notice of Intent hearing for 2 Legion road, DEP 3371464, and issue an Order of Conditions was made by Glenn Butcher; seconded by Josh Feinblum. Roll call vote 5-0.

**Continued Notice of Intent: 27 Golden Ball road, DEP #337-1465; A. Leblanc**

The applicant's representative for the Notice of Intent for 27 Golden Ball road, DEP 337-1465, failed to attend the scheduled meeting. A 15-minute window of opportunity was allotted.

A motion to close the Notice of Intent hearing for 27 Golden Ball road, DEP 337-1465, and issue an Order of Conditions was made by Glenn Butcher; seconded by Josh Feinblum. Roll call vote 0-5.

**The following Administrative Matters were addressed throughout the meeting:**

Approval of 4/11/2023 Conservation Commission Meeting Minutes:

A motion to approve the minutes of the 4/11/2023 Conservation Commission Meeting was made by Glenn Butcher; seconded by Ellen Freeman Roth. Roll call vote 5-0.

Land Management Updates:

- The trail improvements by Orchard Avenue commenced were completed as part of the April 15<sup>th</sup> Stewardship Saturday, though there is one turn that is considerably sharp and needs adjustment.
- An Invasive Plant Removal training on garlic mustard took place at the Town Green on April 18<sup>th</sup> and 22<sup>nd</sup>. Volunteers managed to clear the majority of the garlic mustard from the area.
- Update: Wetlands Protection Bylaw
  - The Wetlands Bylaw working group is meeting on 4/28 to review the final presentation for the Town Meeting.

The meeting adjourned at 8:50 pm.