

Weston Conservation Commission (WCC) - Public Meeting Minutes

April 26th, 2022

Approved: May 10th, 2022

Members Participating: Joe Berman (Chair), Rees Tullos, Ellen Freeman Roth, Becca Loveys, Josh Feinblum,

Members Absent: Cynthia Chapra, Alison Barlow

Conservation Staff: Jordan McCarron

Notes: Pursuant to Chapter 22 of the Acts of 2022, which includes an extension of Governor Baker's March 12, 2020 Order Suspending Certain provisions of the Open Meeting Law, G.L. c. 30A, §18, this meeting was held via an online meeting platform (Zoom). No in-person attendance of members of the public was available.

Joe Berman (Chair) opened the meeting at 7:30 pm with an opportunity for public comment.

Hearing none, the following hearings and meetings were taken up in order:

Presentation: Weston Sustainable Tree Initiative- Article 30

Laurie Bent, Weston Select Board member and member of the Sustainable Tree Initiative Working Group (the Working Group), provided a brief overview of the proposed amendments to the Town's Zoning Bylaw, otherwise known as the Sustainable Tree Initiative or Article 30 of the 2022 Annual Town Meeting Warrant. Alicia Primer, Weston Planning Board (PB), Lori Hess, PB and Weston Tree Advisory Group (TAG), and Barbara Fullerton, TAG and Weston Plan Pollinator Alliance (WPPA) joined Ms. Bent for the presentation.

The proposed Bylaw amendment seeks to protect trees of a minimum caliper within the Town's zoning setback areas on private residential and commercial lots by requiring mitigation for tree removal in the form of replacement trees, payment to a new "Tree Mitigation Fund", or some combination of the two. The Bylaw would be triggered during new construction, total demolition of an existing structure, or an increase of 100% or more over an existing building footprint only. Mitigation requirements for replanting and for payment into the Tree Mitigation Fund would be set on a sliding scale depending on the caliper of the tree removed and whether the tree was native or invasive. The Bylaw would include a two-year "look-back" period from the time of adoption. Importantly for the Commission, Ms. Bent pointed out that the Bylaw would not apply within Resource Areas and Buffer Zones under the jurisdiction of the Commission.

Ms. Bent pointed out that the Bylaw would include exemptions for solar array installations as well as an appeal process for trees deemed to be dead or hazardous. Additionally, the Bylaw would include a provision that would allow an applicant to apply trees retained within the interior of a lot towards the mitigation requirements for trees removed within the zoning setback area.

At the conclusion of Ms. Bent's presentation, Joe Berman invited comments and questions from the Commission:

Becca Loveys expressed concern for the mitigation fee requirements and wondered whether there were provisions for applicants of lower income who might not be able to afford the mitigation fees. Ms. Lovey's also suggested that regardless of the outcome of the Bylaw vote at Town Meeting, a lot more education on the value of trees and tree canopy was needed in Weston.

Mr. Berman expressed concern over a number of aspects of the proposed Bylaw. First- Mr. Berman wondered how the two-year “look-back” period would be enforced fairly and wondered if the impending Bylaw would cause worried residents and builders to remove trees now ahead of the proposed restrictions. Ms. Primer indicated that data gathered from Wellesley’s Sustainable Tree Bylaw experience did not show this to be true- at least not in Wellesley. Ms. Primer also indicated that Google Earth and other “remote sensing” tools would be used to assess current and past tree cover on lots suspected of removing trees within the two year “look-back” period.

Second, Mr. Berman expressed concern that the proposed Bylaw would not apply evenly to every lot in Weston, both private and public, and would only be triggered by specific development scenarios and not applied generally for all tree removal. As an example, Mr. Berman pointed out that the Town had removed a large number of trees to construct the new Josiah Smith Tavern parking lot and that this would not be covered under the proposed Bylaw. Both Ms. Primer and Ms. Hess explained that the focus on new construction and/or total demolition on private lots only was born out of survey results that overwhelmingly supported this approach.

Ellen Freeman Roth seconded Mr. Berman’s concern that the Bylaw was too limited in scope and should be applied to every lot, and every tree, in Weston.

Josh Feinblum commended the Working Group on their passion, noting the hard work and dedication it takes to get a new Bylaw proposal to the floor of Town Meeting. Mr. Feinblum questioned whether trees planted previously by a homeowner might be provided an exemption from the mitigation requirements provided the same homeowner was the applicant under a new construction or total demolition scenario.

Rees Tulloss asked how the proposed Tree Mitigation Fund would be spent. Ms. Hess explained that TAG was proposing a Tree Management Plan for the Town’s public tree canopy, under Article 29 of the upcoming 2022 Annual Town Meeting, and that mitigation funds would pay partly for the plan and partly for new tree planting and management of the Town’s existing tree canopy.

Terry Eastman, 50 Pigeon Hill Road, applauded the efforts of the Working Group and supported Ms. Lovey’s recommendation that a lot of public education about the importance of trees is still needed in Weston regardless of the outcome of the Bylaw vote at Town Meeting.

Mr. Berman concluded the discussion by re-stating his own unease with the current narrow scope of the Bylaw, the difficulty in enforcing the two-year “look-back” period, and the steep mitigation fee requirements that would be imposed under the Bylaw. Mr. Berman suggested that without unanimous support for the Bylaw from each member of the Commission, it would be most prudent for the Commission to take no position on the Bylaw. Mr. Feinblum agreed with this approach. No vote or other action was taken on this matter.

Discussion: Case Estates Capital Improvements

Michael Harrity, former Select Board member who was intimately involved in the Town’s purchase of the Case Estates, provided an overview of the remaining Community Preservation Act (CPA) funds available for capital improvements at the Case Estates. Through planning work done by Mass Audubon and the Conservation Department was part of the Case Estates Ecological Management Plan, stone wall preservation and invasive vegetation management along the scenic views into the Case Estates from Wellesley, Newton and Ash Streets were recommended as priority capital improvements at the property. Mr. Harrity was joined by Lori Bent, current Select Board member.

Mr. Harrity then reviewed four areas of proposed stone wall and vegetation management improvements with cost estimates put together by Conservation Staff- the four areas of improvements would occur along

“The Nose”, south of 226 Ash Street, south/west of 102 Wellesley, and along the “Henstooth Wall” on the north side of Welleley Street.

As a technicality, Mr. Harrity explained that only work on “The Nose” and south/west of 102 Wellesley Street would qualify for CPA funds since those areas are owned by the Conservation Commission. The other two locations are owned by the Select Board and would require funding from a separate source.

Mr. Harrity and Ms. Bent explained that before the Select Board would feel comfortable approving funds to be spent on these four improvements, a recommendation by vote or letter of support from the Commission would be needed.

Rees Tulloss cautioned that the Commission and Conservation Staff should think through and have a plan for maintenance of the four areas once the invasive and woody vegetation is removed.

Barbara Fullerton, member of the Tree Advisory Group (TAG) and the Weston Plant Pollinator Alliance (WPPA), suggested that the Commission consider planting native species as restoration along the Henstooth Wall after the woody and invasive vegetation is removed.

A motion to recommend to the Select Board that CPA funding previously allocated for capital improvements at the Case Estates be utilized for suggested improvements to select stone walls, including vegetation management, at The Nose and south/west of 102 Wellesley Street and an additional motion that municipal funding be allocated for improvements and vegetation management along the Henstooth Wall on Wellesley Street and along the stone wall south of 226 Ash Street was made by Josh Feinblum; seconded by Ellen Freeman Roth. Roll call vote 6-0.

Cont. Notice of Intent: 120 Rockport Road, DEP 337-1439; B. Robinson

A motion to continue the Notice of Intent hearing for 120 Rockport Road, DEP 337-1439, at the request of the applicant, to 5/24/22 at 7:45 pm was made by Josh Feinblum; seconded by Ellen Freeman Roth. Roll call vote 6-0.

Request for Amendment to Order of Conditions: 157 Country Drive, DEP 337-1305; JP Fine

Brian Nelson, MetroWest Engineering, provided an overview of the project on behalf of the applicant, which involves the construction of a new addition to the existing pool cabana within the 100-foot Wetland Buffer Zone. The proposed addition will have a footprint of approximately 208 square feet and be constructed to the northerly side of the existing cabana. The new addition will attach to the first floor of the existing cabana and will be supported by piers rather than a full foundation. The pier supports will allow the area below the addition to remain open, limiting work near the resource area while significantly reducing the amount of excavation required for the foundation. Restoration plantings in the form of 10 highbush blueberry and arrowwood viburnum are proposed within the 25-foot No Disturb Zone to mitigate the impacts of the proposed addition and increase the natural buffer between the rear lawn area and intermittent stream. All runoff from new impervious areas will be routed to the existing stormwater management system. Erosion and sedimentation controls in the form of 18-inch filter mitt located along the downstream limit of work will be in place for the duration of the project.

The site was previously improved in 2018 with a new cabana, inground pool, storm water management system and supporting utilities. A Notice of Intent was filed on August 3, 2017 for these improvements and an Order of Conditions was issued on September 22, 2017. The Order of Conditions expired 12/28/21. The original proposed work permitted by the Order was completed in 2019 and the site is fully stabilized.

In addition to the proposed amendment, the applicant is requesting to extend the duration of the existing Order of Conditions to September 22, 2023.

A motion to extend the Order of Conditions for 157 Country Drive, DEP 337-1305, to September 22, 2023 was made by Josh Feinblum; seconded by Rees Tulloss. Roll call vote 6-0.

A motion to close the Request for Amendment hearing and issue an Amended Order of Conditions for the 157 Country Drive, DEP 337-1305 was made by Josh Feinblum; seconded by Ellen Freeman Roth. Roll call vote 6-0.

Land Use Permit Application: Wellington Farm

Jose Carrillo, 520 Glen Rd, requested permission to park up to 10 cars on the Glen Road field at Wellington Farm, 505 Wellesley Street, for a private party in June in order to avoid a potentially dangerous situation of cars parked along the shoulder of Glen Road.

Ellen Freeman Roth inquired of Jordan McCarron, Conservation Administrator, whether there would be any ecological damage done by temporary parking at that field. Mr. McCarron explained that the Land's Sake currently operates tractors and trucks on those fields and that there should be no discernable damage done. Alison Barlow agreed and stated that the Town has allowed parking on the field for Land's Sake events at Gateways Farm in the past.

Joe Berman suggested that Mr. Carrillo notify the immediate neighbors to the field, Nick Danforth and Pete and Julie Hyde, as a courtesy.

NOTE: Josh Feinblum, as a direct neighbor to Mr. Carrillo, recused himself from the discussion and left the meeting at 8:50 pm.

The Commission then took up the following Administrative Matters at various points throughout the meeting:

Approval of Con Com minutes: 4/12/22

A motion to approve the 4/12/22 minutes was made by Rees Tulloss; seconded by Ellen Freeman Roth. Roll call vote 5-0.

Land Management Updates

Jordan McCarron, Conservation Administrator, provided updates on the following items:

- Town Clean-Up: Members of the Weston Forest and Trail Association (WFTA), Conservation Staff, and Ellen Freeman Roth participated in the Town's Clean-up Week by picking up trash and pulling invasive plants at Sunset Corner on Highland Street on April 25th.
- April 30th Trail Construction Training: The Conservation Department has hired trainers from the Appalachian Mountain Club to lead a trail construction training at the Ogilvie Town Forest on Saturday, April 30th for volunteers from the WFTA, Lincoln Land Conservation Trust (LLCT), and staff from the Weston and Lincoln Conservation Departments.
- Russ Cohen Tree Planting at the Case Estates: A total of nine (9) new trees were planted along the Legacy Trail at the Case Estates in partnership with Russ Cohen, who donated the trees from his native plant nursery in Weston. The species- bur oak, persimmon, American redbud, American plum, and slippery elm- all contain parts that are edible by humans.
- Sustainable Landscape Educational Grant: Mr. McCarron and Kortni Wroten, the Town's Sustainability Coordinator, are working on a grant proposal to develop a sustainable

landscape education program for Weston, which will include a demonstration garden and meadow restoration project adjacent to the Compass Rose at the Case Estates.

Discussion: Wetlands Bylaw

The Bylaw Working Group will be meeting in early May for a 2-3 hour work session in order to put together a draft bylaw that can be reviewed by the Commission and sent to Town Council for review

Other Matters

Jordan McCarron, Conservation Administrator, provided updates on the following items:

- CWRA Funding for Flood Model Phase III: The Conservation Department will be contributing up to \$250 for the next phase of the Charles River Watershed's flood model project, in addition to staff time.
- The Weston Town Crier's last print edition will be Thursday, May 5th- legal ads for wetland hearings will now be placed in the Boston Globe.
- Picklball Court at Burchard or Melone Field: The Recreation Commission is proposing a new pickleball court at either Burchard Park or Melone Field. To do this, the current MOU between the Conservation and Recreation Commissions that allows for recreational activities at those areas will need to be amended. Mr. McCarron explained that at this point the Recreation Commission would like to know whether the Commission is amendable to this. Mr. Berman indicated that the Commission would support a well thought-out proposal.

A motion to adjourn the meeting at 9:18 pm was made by Ellen Freeman Roth; seconded by Rees Tulloss. Roll call vote 5-0.