

Weston Conservation Commission (WCC) - Public Meeting Minutes

June 7th, 2022

Approved: June 21st, 2022

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

Members Absent: Becca Loveys, Josh Feinblum

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 8:00 pm with an opportunity for public comment.

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

Note: Ellen Freeman Roth joined the meeting at 8:15 pm. Only business not requiring a vote by quorum was taken up before then.

Discussion: Weston Wetlands Bylaw

Jordan McCarron, Conservation Administrator, provided an update on the status of the draft wetlands bylaw. Currently, Conservation Staff have a draft ready for initial review by Town Council; the only outstanding question at this time is how to create oversight from the Select Board or some other entity over the rule making progress.

Joe Berman confirmed that the Commission should aim for having the Bylaw on the warrant for a Special Town Meeting in September.

Alison Barlow, a member of the Wetlands Bylaw Working Group, suggested that the Commission rely on Town Counsel to advise it on how and whether a third-party review of regulations (like the Select Board) would be preferable.

Mr. McCarron asked that the Commission think about which boards/committees should be approached, and how many public presentations are necessary and feasible, to adequately prepare the public to vote on the Bylaw in advance of Special Town Meeting. Additionally, Mr. McCarron reminded the Commission that a draft set of regulations, though not something that would be voted on at Special Town Meeting, should be ready to share with the public as part of any Bylaw outreach as it is the implementing regulations that would have the most impact on a homeowner within the Commission's jurisdiction.

Mr. Berman cautioned that the Commission should first have a firm draft, with little anticipated changes, before any public outreach efforts are undertaken.

Mr. McCarron agreed to convene the wetlands bylaw working group again in the near future to develop an outreach plan and begin to draft outreach materials, including a public presentation.

Cont. Notice of Intent: 217 Summer St, DEP 337-1436; Howe Development Corp.

A motion to continue the Notice of Intent hearing for 217 Summer Street, DEP 337-1436, to July 12th, 2022 at 7:45 pm by request of the applicant was made by Alison Barlow; seconded by Rees Tulloss. Roll call vote 4-0.

Request for Determination of Applicability: 501 Glen Road, DOA 2022-10; J. Cohen

Julia Hoozeboom, LEC Environmental, provided an overview of the project on behalf of the applicant, which involves landscaping and hardscaping improvements including fencing, retaining walls and plantings. Work to be completed within the 100-foot Buffer Zone includes removal of an existing 12-inch diameter tree and one shrub, removal of four existing play structures, relocation of one play structure, replacement of existing fence with board and wire mesh fencing, installation of a retaining wall, grading, planting, and expansion of lawn by 410 SF into an area currently maintained as a mulched play area. Work to be completed within the 50' buffer zone includes grading, planting, and reduction of lawn by 240 SF. No work will take place within the 25-foot No-Disturb Zone. Erosion controls (18-inch filtermitt) are proposed along the downstream limit of work line.

The Commission had no substantive comments.

A motion to issue a Negative 3 Determination for 501 Glen Road, DOA 2022-010 was made by Rees Tulloss; seconded by Ellen Freeman Roth. Roll call vote 4-0.

Request for Determination of Applicability: 24 Bogle Street, DOA 2022-11; J. Newbury

Julia Hoozeboom, LEC Environmental, provided an overview of the project on behalf of the applicant, which involves replacing and relocating an existing septic system and the leaching pit. The existing septic tank and leaching pit will be abandoned in place. A new 2,000-gallon septic tank will be installed south of the patio. A new pipe will extend from the dwelling through the disconnected septic tank to the new septic tank. The septic tank will connect to a septic geotextile sand filter system. In order to install the new septic tank, one (1) American linden landscape shade tree will be removed; Joe Berman requested that property owner consider replanting one native tree or two native shrubs to mitigate for the removal of this tree.

The proposed activities are located more than 100 feet away from the Bank-Mean Annual High Water Line (MAHW) of Bogle Brook and are located within the outer 200-foot Riverfront Area. Since the existing septic tank is located under the patio, the patio will be removed and replaced in kind after construction is complete and the project will not result in an increase in impervious or Degraded Riverfront Area.

The proposed septic tank and septic geotextile sand filter system are located within the existing lawn and landscape areas, and all areas disturbed during construction will be restored in-kind following construction. Erosion controls (12-inch compost filter tube) are proposed along the downstream limit of work to minimize the potential for impacts on the resource areas during construction.

Ms. Hoozeboom noted that the Bank-Mean Annual High Water Line (MAHW) and associated 200-foot Riverfront Area on site was previously delineated by a third-party and that LEC used field indicators and observations to confirm this delineation since Bogle Brook and its bank are located off the property. Jordan McCarron, Conservation Administrator, confirmed that this was an acceptable method of Resource Area confirmation for this specific site since all work was proposed within existing Turf Lawn in the Outer Riparian Zone.

A motion to issue a Negative 2 Determination for 24 Bogle Street, DOA 2022-011 was made by Rees Tulloss; seconded by Ellen Freeman Roth. Roll call vote 4-0.

Notice of Intent Application: 7 Woodchester Drive, DEP 337-1451; M. Umlas

David Fisher, Fisher Design, provided an overview of the project on behalf of the Applicant, which involves replacement the front steps on the north side of the house and construct a new screened porch on the west side of the house. The front yard work will involve demolition of the existing steps and walls and replacement with new walls and steps. The replacement of the front steps is in kind with an extension of the top landing in order to make a safer transition space for people entering and exiting the front door. The extension adds 67 SF. of impervious surface.

The screened-in porch being constructed off the west side of the house is proposed 8 feet above grade supported by 13 columns set in Sonotubes. The porch construction will require the excavation of 13 holes for these Sonotubes and associated soil displacement will be approximately 3 C.Y. Work will also include the installation of two 4-foot diameter drywells to collect roof runoff from the new screened porch. The porch and drywells are located within the 100-foot buffer zone in existing turf lawn area of the yard. All work is proposed outside the 25' No Disturb Zone; erosion controls (8-inch siltation barrier) are proposed just inside of the 25-foot No Disturb Zone line.

Alison Barlow asked for confirmation that both proposed drywells can be accessed for construction without incursion into the 25-foot No Disturb Zone.

A motion to close the Notice of Intent hearing for 7 Woodchester Drive, DEP 337-1451 and issue an Order of Conditions was made by Ellen Freeman Roth; seconded by Rees Tulloss. Roll call vote 4-0.

Abbreviated Notice of Resource Area Delineation: 225 Winter Street, DEP 337-1452; Cutting Edge Homes

David Cowell, Hancock Associates, provided an overview of the Resource Areas associated with 225 Winter Street on behalf of the Applicant, which include Bordering Vegetated Wetland and its 100-foot Buffer Zone, Bordering Land Subject to Flooding, and a 200-foot Riverfront Area associated with Bogle Brook.

On May 16, 2022, LEC Environmental Consultants, Inc. (LEC), conducted a field review and evaluation of the Mean Annual High Water (MAHW) Line associated with portions of Bogle Brook on the subject parcel. During this field review, the southerly MAHW Line was delineated with flags numbered 83 through 123. Additionally, Hancock Associates conducted field wetland delineations on January 25th, April 20th, and May 17th 2022.

A total of approximately 1,025 linear feet of Bordering vegetated wetland was field delineated and labeled on the plans as the A-series wetland, flags A100 through A123. The limit of the BVW occurs at the toe-of-slope below the elevated peninsula and is fairly pronounced, transitioning to uplands up gradient from the toe-of-slope. The Bordering Land Subject to Flooding was established using the FEMA Flood Insurance Rate Maps. The 100-year floodplain elevation occurs around the developable peninsula at elevation 178.1.

Ranga Narayan, 231 Winter Street, inquired about the extent of the Resource Area delineations; Mr. Cowell confirmed that it was limited to the subject parcel at 225 Winter Street.

A motion to hire Patrick Garner under Chap 44, Section 53G, for review of an ANRAD application on 225 Winter Street under DEP 337-1452, was made by Ellen Freeman Roth; seconded by Rees Tulloss. Roll call vote 4-0.

A motion to continue ANRAD hearing for 225 Winter Street, DEP 337-1452, at the request of the applicant, to June 21st, 2022 at 8:30 pm. was made by Ellen Freeman Roth; seconded by Rees Tulloss. Roll call vote 4-0.

Discussion: Pickleball Courts at Burchard Park

Chris Fitzgerald, Recreation Director, gave a brief presentation to the Commission on the Recreation Commission's plans for a proposed Pickleball Court at Burchard Park- Burchard Park is subject to regulatory review under the Wetlands Protection Act and a Management Agreement between the Conservation and Recreation Commissions.

Mr. Fitzgerald explained that the Management Agreement would need to be amended to allow a Pickleball Court. Joe Berman indicated that the Commission would be amenable to this.

Mr. Fitzgerald also indicated that any tree removal associated with a new Court could be mitigated for regardless of whether it is subject to the Commission's Tree Removal Policy.

While the Commission did not make any formal motion on this matter, Mr. Berman indicated that the Commission would be willing to work with the Recreation Commission on developing a project that meets the intent of the existing Management Agreement between both Commissions and the performance standards of the Wetlands Protection Act, if applicable.

Cont. Notice of Intent: 141 Cherry Brook Rd, DEP File 337-1447; S. Hsu

Kevin O' Leary, Jillson Company, provided an overview of updates made to the proposed project plans since the last hearing on 5/24/22; the applicant, Shih Hsu, filed the Notice of Intent for the construction of a driveway, addition to the existing residence and new sewage disposal system. Grading and vegetation removal associated with these improvements falls within the 100-foot Buffer Zone to a Bordering Vegetated Wetland.

Mr. O Leary highlighted the proposed restoration plan for the area of clearing and grading proposed within the 100-foot Buffer Zone, which includes the planting of a wildflower-meadow mix from New England Wetland Plants as well as two native trees and four native shrubs.

Additionally, the final restoration plan, titled " Buffer Zone Planting Plan for 141 Cherry Brook Road" by The Jillson Company, Inc. signed and stamped by Kevin O'Leary, P.E., dated 6/1/2022, includes a note restricting mowing of the meadow area to twice annually and requires a Japanese Knotweed management plan for the property- both of these requirements will be included as Special Conditions in the Order of Conditions for the project.

Jamie O' Connell, Cambridge Water Department, offered the following comments via e-mail, which were read in the record by Jordan McCarron:

I have reviewed the "Septic Design & Site Development Plan" dated April 8, 2022 and last revised June 1, 2022. I have also reviewed the "Buffer Zone Planting Plan" dated May 19, 2022 and last revised on June 1, 2022. I believe that the revised plans proposing a wildflower meadow mix to restore the buffer zone disturbance areas, along with the proposed plantings, will allow the buffer zone to continue protecting the interests of the Wetland Protection Act.

CWD requests that the Conservation Commission include in the Order of Conditions the following "In perpetuity" conditions requiring:

- The restored buffer zone area to remain in a meadow or forested state*
- The applicant to limit mowing to no more than twice a year as proposed in the "Buffer Zone Planting Plan" last updated on June 1, 2022*
- The submission and implementation of an invasive species management plan for knotweed and/or other relevant invasive species*

A motion to close the Notice of Intent hearing for 141 Cherry Brook Rd, DEP 337-1447, and issue an Order of Conditions was made by Rees Tulloss; seconded by Alison Barlow. Roll call vote 3-0-1. (*Ellen Freeman Roth abstained, having missed the 5/10/22 hearing and not having reviewed the minutes or video recording from that meeting*).

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

Request for Certificate of Compliance – 47 Ash Street, DEP 337-1357

A motion to issue a Certificate of Compliance for 47 Ash Street, DEP 337-1357 was made by Ellen Freeman Roth; seconded by Rees Tulloss. Roll call vote 4-0.

Request for Certificate of Compliance – 139 Hickory Road, DEP 337-1382

A motion to issue a Certificate of Compliance for 139 Hickory Road, DEP 337-1382 was made by Ellen Freeman Roth; seconded by Rees Tulloss. Roll call vote 4-0.

Conservation Commission Associate Members: Reappointments

A motion to recommend to the Select Board the reappointment of Jeri Cooper, Freddie Weiss, Brian Donahue, and Paula Nicholas, subject to their concurrence with this reappointment, as Associate Conservation Commissioners for a one-year term, was made by Ellen Freeman Roth; seconded by Rees Tulloss. Roll call vote 4-0.

Land Management Updates

Jordan McCarron reported that the next Stewardship Saturday work event is scheduled for June 11th, 10-12 pm and will feature Japanese Knotweed cutting at the Dickson Riding Ring. Rees Tulloss suggested contacting the direct abutter to the Knotweed cutting site to determine whether volunteers can also remove Knotweed on their side of the stone wall property line.

Mr. McCarron updated the Commission on conservation field mowing- 80-Acre Field, the Weston Reservoir and The Nose at the Case Estates have received their first cuts.

Mr. McCarron updated the Commission on the invasive plant removal and restoration project being conducted at Sunset Corner by the Weston Plant Pollinator Alliance; the project was approved by the Commission at its 5/24/22 meeting. Thus far, Barbara Fullerton and Diana Chaplin have removed woody invasive growth and accumulated brush in preparation for established planting beds for various seed mixes and native plugs.

A motion to adjourn the meeting at 9:46 pm was made by Ellen Freeman Roth; seconded by Rees Tulloss. Roll call vote 4-0.