

Weston Conservation Commission - Public Meeting Minutes
June 18, 2019
Approved: July 9, 2019

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

7:30 p.m. Request to install pond aerator - 154 Winter street

The new owners wish to request to install a small aerator to keep the water moving in their pond. The work would involve floating the aerator into the pond and securing it with a rope so the owners can retrieve it prior to winter. There will be no digging and no machinery. It was the Commission's opinion that a permit will not be necessary to conduct this activity.

7:30 p.m. Request for Determination of Applicability: 30 North Ave; K. Chan

The owner wishes to remove 5 evergreen trees adjacent to a pond and their house. The work will occur in the Buffer zone to a wetland. A crane will be used to remove the existing evergreen trees and the trees will be cut flush to the ground with no ground disturbance. For mitigation, the owner will plant 5 new trees, approximately 7-feet tall each in approximately the same location. The Commission requires that prior to work, the owner schedule a site visit between the Agent and the tree company to review the following parameters: (1) all equipment shall remain on paved surfaces (2) the cut trees shall be removed offsite or at least 100-feet from the wetland edge; (3) the new planting area for the new trees shall be dug by hand unless the size of the root ball requires small equipment. If any ground is disturbed around the newly planted trees, temporary straw wattles shall be placed on the down-gradient side of the disturbance; Motion by Alison Barlow to issue a Negative Determination of Applicability; seconded by Josh Feinblum; vote 4:0:0.

7:45 p.m. - Project update – 300 Glen Road (337-772)

The Order of Conditions issued in 2006 for the construction of a new home and the relocation of a stream channel was never properly closed out. There are a number of outstanding items that will need to be addressed before the Conservation Commission can issue a Cert. of Compliance. The OOC required that after two growing seasons, the applicant shall submit a narrative detailing the progress of the revegetation of all compensatory areas of the BVW. In the event that any area has failed to become revegetated with indigenous wetland species, the applicant shall explain, in detail, how it is planned to revegetated said area. The conservation Agent conducted a site visit on June 3, 2019 and noted that although the relocated stream channel area was well vegetated, however, much of the vegetation was non-native bittersweet and multiflora rose. Since these plants are pervasive in this area, it is not advisable to try to re-plant the area with native species at this time since any newly planted vegetation would become choked by invasives. Siltation fencing was observed in the area and that needs to be removed. In addition, landscape dumping was occurring in the NDZ. Prior to closing out the project, the Agent recommends the owner remove the dumped yard waste and debris, restore the area with native plants and native leaf mulch, and place some type of No Disturb Zone markers to alert the future owner of the sensitive nature of this area. The Commission was ok with this strategy.

7:50 p.m. Request for Determination of Applicability: 358 Boston Post Road

The Town of Weston requested confirmation of the wetland resource area status and boundary at 358 Boston Post Road (Josiah Smith Tavern). Rob Gemma of MetroWest Engineering presented on behalf of the Applicant. A plan entitled "Existing Conditions Site Plan MetroWest Engineering, dated June 18, 2019 was presented to the Commission. The property includes two distinct isolated wetlands separated by a former causeway. The wetlands were determined by MetroWest Engineering to not be hydraulically

connected. Neither wetland has an outlet to a stream, river, pond, or other wetland resource area. Therefore, the wetlands are considered Isolated Land Subject to Flooding under the Wetlands Protection Act. ILSFs do not have a protectable buffer zone or a NDZ and therefore, any future work on the property is not subject to Conservation Commission review unless work is proposed within the limits of the ILSF. Motion by Ellen Freeman Roth to issue a Positive #2 Determination of Applicability; seconded by Josh Feinblum: vote 4:0:0. The Weston Conservation Commission strongly encouraged the Town to refrain from any work within 25-feet of the isolated wetlands. In the Commission's experience, activities undertaken within 25 feet of the edge of a resource area have a high likelihood of adverse impact upon the protected resource area as a consequence of either construction activity or the daily use and operation of the completed project.

8:10 p.m. Progress Update - Beginnings School – 210 South Ave.; D. Housma and J. Summer, Beginnings School; K. O'Leary, Jillson Co

(Joe Berman disclosed that he represented the Beginning School in a case of law 10 years ago; however he feels he can act objectively in this matter). In 2014, the WCC issued an OOC approving a 5 year management program to rid a portion of the property of invasive-species and install native plants. Some of the work was to occur in the NDZ. In addition, the project included the installation of 4-foot wide woodchip footpath and a fence within portions of the 100-foot buffer zone. Work commenced in August 2015. An annual monitoring report was submitted each year. Initial restoration planting included 45 native trees and shrubs were planted in the NDZ. Maples were placed along NDZ as a demarcation. In May 2017, a portion of the fence was installed beyond approved location. WCC approved fence on 4/25 with the exception of the portion in the NDZ along westerly property line. The WCC would permit the planting of screening trees along the property line in the NDZ. In June 2017, additional restoration plants installed; the school requested permission to install 1-2 stations as shown on a plan entitled "Nature Explore Plan". All stations were outside the NDZ. The Agent administratively approved the installations and requested more information on Transition Walk since it's within the NDZ. In 2018, the school installed a floating stage with subbase processed gravel. In the spring of 2019, the school installed a central lawn with a native, fescue seed mix and install a small area of sod for toddler play area outside of NDZ; installed permeable psyllium surface on all paths to allow for better drainage. On June 11th, the Agent met with the restoration specialist and the school to review the work to date. The only activity conducted in the NDZ that appears not to have received permission from the WCC was that a 7-foot wide strip of woodchips have been placed adjacent to the path leading from the bridge into the main area of the property. It was the Agent's opinion that the school and wetland restoration specialist has worked very hard in restoring hundreds of native plants and find a balance which allows them use of the buffer zone area with the exception of approx. 200 s.f. of a woodchip area, all nature classroom improvements have been conducted outside the NDZ. It was the commission's opinion that the work conducted to does not adversely impact the wetland resource areas and therefore are agreeable to the activities conducted. Mr. O'Leary showed the Commission a preliminary Phase II plan which would involve some additional play striations and stations, outside the NDZ. The Commission was amendable to the plan. The agent reminded the Applicant that if any work is done to improve the walkway on the school side that the WCC be notified to review and approve the project. The Agent recommended that the school request an extension prior to Dec. 2019 for another 5-year extension.

8:30 p.m. Req. for Cert. of Compliance – 92 Shady Hill Road; Denise and Ali Lofti (owners)

The project involved the construction of an addition in the buffer zone with storm water infiltration requirements. The Agent conducted a site visit on June 14h and noted that one of the gutters from the addition was not property attached to the underground drainage pipe as required in the OOC. Motion by Alison Barlow to vote to issue a Cert. of Compliance contingent upon the Agent confirming that the broken gutter is re-connected to the underground drainage pipe. Seconded by Josh Feinblum; vote 4:0:0.

8:40 p.m. Progress Update – EverSource Access Road and DCR Rail Trail; Paul Jahnige (DCR), Hans Vanlingen, EverSource

Paul Jahnige, from DCR called in and provided an update on the Rail Trail. The Commission's discussed the as-built pavement width difference from what was permitted. On average, the paved rail trail width was measured at 10.5 feet (rather than the approved 10-feet). EverSource and DCR reviewed the Agent's end of project punch list. EverSource acknowledged it is their responsibility to (1) provide final solution recommendation re: rip-rap slope placed south of cattle pass near Utility Pole #141; (2) remove substantial fill build-up on silt fence on north side of rail trail near Pole #147; (3) provide recommendation to install vegetation plugs on wildlife trail restoration area at cherry brook crossing; stabilize staging area and remove cement wash-out area near Gun Club Lane Intersection; (5) final removal of ECB after work area is stable; (4) hiring VHB to prepare as-built plan and request cert. of compliance. EverSource will provide the agent with an updated timeline to complete the work by July 1st.

DCR acknowledged it is their responsibility to (1) remove small piles of asphalt near Pole #144, #154, and #163; (2) correct trail crossing Treadway with firmer material at Point #137 (trail to Jericho Town Forest); (3) add fill to the south side of rail trail where there is a 5" drop off the pavement near Pole #140; (4) remove all temporary DCR signage when not needed anymore.

9:10 p.m. Admin. Matters, Cont.

- Approval of 5/28/19 Con Com minutes - Motion by Josh Feinblum to approve; seconded by Ellen Freeman Roth; vote 4:0:0.
- Signing of bills and documents:
 - Req. for Cert. of Compliance – 40 Radcliff Road
 - Determination of Applicability – 30 North Ave
 - Determination of Applicability – 368 Boston post Road

9:20 p.m. Progress Update - Mill Creek Residential: 751 - 761 Boston Post Road, L. Unhjem & M.Romanowicz, Development Team

Lars Unhjem presented an update on Mill Creek Residential project. Several abutters have expressed concern that the amenity center, which is currently proposed to be located near the entrance on Boston Post Road, be moved further away from the street and abutters. Therefore, the owners are considering moving the amenity center between the two larger rental buildings; where a bordering vegetated wetland exists. The relocation will result in the alteration of approximately 5,000 s.f. of BVW. Discussion ensued. Several Conservation Commission members expressed concern over filling wetlands and the 25-foot No Disturb Zone when it appears it can be avoided by keeping the amenity center in the front near the street.

9:45 p.m. Admin. Matters, Cont.

- Request to cut trees – 23 Stonecroft - The owners of 23 Stonecroft have submitted a tree removal request to remove 18 trees within the 100' buffer zone. 4 are within the 25' NDZ (2 crab apples and 2 ashes) and 14 are outside of the 25' but within 100', located on a mossy slope. All of the trees are dead or dying and most would fall into the roadway or driveway if they fall. No lawn expansion will occur. No mitigation is required due to size and distance from wetland. Stump grinding is requested for the 2 crab apples so that the owner can replant with new crab apples or small shrubs. If her landscaper does not think that they will be able to replant directly on the ground stump, they will not stump-grind and will replant next to or in front of the stump instead.
- Request for minor plan change – Rivers School Walkway location – 333 Winter Street - Rivers School is requesting to modify the location of the Riverfront Area trail located to the east of the permitted and newly built boardwalk and to the west of Nonesuch Road. The original trail was permitted to be 400 feet long and run parallel to Nonesuch Pond. The revised plan would allow the trail to connect to Nonesuch Road much quicker than originally planned and therefore the new trail would only need to be approximately 100 feet long. By shortening the path, there will be

fewer grading challenges. The original approved trail crossed several areas that would need steep grade changes, retaining walls, or a much larger area of disturbance than anyone would want. The shorter path would mean significant reduction in disturbance with the riverfront area. The original approved trail would have created 3,600 s.f. of Riverfront Area alteration (5-foot path plus at least 2' of disturbance on either side). Whereas the revised path will only disturb 1,000 s.f. of Riverfront Area disturbance. In addition, three dead/dying trees will need to be removed and 2-4 highbush blueberry bushes may need to be relocated.

- Next Con Com Meeting will be July 9, 2019

Meeting adjourned at 10:10pm