

Weston Conservation Commission - Public Meeting Minutes  
*July 23, 2019*  
*Approved: August 13, 2019*

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

7:30 p.m. Request for Minor Plan Change – 95 Newton Street (337-1242); T. Rajkopal and D. Wickremasiya (owners)

The former landowner illegally cleared much of the 25-foot No Disturb Zone (NDZ) and a portion of the wetland without a permit. The Weston Conservation Commission (WCC) issued an Enforcement Order in 2015 requiring the area to be restored. The landowner filed an NOI for the construction of a septic system and submitted a restoration plan showing the restoration of the wetland and a portion of the NDZ. An Order of Conditions was issued permitting the construction of the septic system and requiring that the applicant restore a portion of the property as shown on the submitted restoration plan. Boulders were required to be placed along the boundary of the Restoration Area. With the exception of the invasive species control program authorized above, the restored 25' NDZ shall be allowed to grow in a natural state. No mowing, leaf removal, vegetation clearing, etc. shall be allowed within these areas unless the Applicant requests in writing and receives permission to conduct said work from the Commission. Plantings and boulders were installed in 2015. The property sold and the new owner expressed concerns about ticks and snakes and has asked a number of times to be allowed to mow portions of the NDZ. The Agent has re-iterated that the permit required the restoration area be allowed to grow in a natural state. On July 16<sup>th</sup>, the Agent met with the owner and observed that approximately 300 s.f. of the restoration area was being mowed as lawn. The Agent indicated to the owner that she was not allowed to cut in this area.

Ms. Rajkopal attended the meeting and requested to modify the approved restoration area. Specifically, the owner wishes to maintain a larger area of lawn around her house. The Chair explained she has two options: (1) comply with the existing OOC or (2) Hire a wetland scientist and surveyor to file a new NOI and submit a new plan/proposal. The WCC will consider a new application; however, it's not likely that the Commission will allow a change in the restoration area. The Commission ordered that the applicant cease mowing the restoration area. The WCC reminded the Applicant that the OOC creates a cloud on her title and that the Commission cannot issue a Cert. of Compliance until the restoration area is allowed to grow in a natural state.

7:50 p.m. Cont. Notice of Intent: 416 Conant Road (337-1362)

The Applicant has requested a continuance. Motion by Josh Feinblum to continue the hearing until August 13, 2019 at 7:40 p.m.; seconded by Cynthia Chapra; vote 4:0:0.

7:55 p.m. Cont. Notice of Intent: Merriam Street Culvert; S. Fogg, Weston DPW

This was a continued NOI hearing for the replacement and enlargement of the Cherry Brook Culvert under Merriam Street. Josh Feinblum submitted a signed certification pursuant to GL chapter 39, Section 2D indicating that he missed the prior hearing on this matter but has reviewed the official minutes and documentation. Cambridge Water Department has reviewed the proposal and feels satisfied with the proposal. Planning Board is expected to issue a decision on 7/24/19. Mr. Fogg indicated that the town is working on obtaining a License Agreement with 159 Merriam Street to allow for temporary access on a portion of their property in order to gain access to the cherry brook headwall.

Motion by Cynthia Chapra to grant a waiver under the WCC's NDZ Policy as the project meets the exceptions in sections A, B, and C. The motion was seconded by Rebecca Loveys; vote 4:0:0. Motion by Cynthia Chapra to close the hearing and issue an Order of Conditions approving the project; seconded by Josh Feinblum; vote 4:0:0. The WCC will impose a condition that work in the stream shall be conducted only during the time between July 1 - September 15<sup>th</sup>.

8:20 p.m. Request for minor plan change – Southside Drainage Project (337-1347)

Steve Fogg and the Agent presented a memo and Site Plan sheet C-6 (466 Glen Road) from Wright Peirce dated 7/23/19. The requests mainly involve clarifying and adjusting the temporary construction access area limits on the Plan to accommodate the means and methods required for construction. In addition, the proposed means and methods to install the new 42" RCP culvert shifted the alignment and layout approximately 2' to the north instead of directly on top of the old culvert. The existing 24" culvert will be utilized as the stream bypass during installation of the new pipe. The new pipe will be installed from the west to east in order for the existing stream flow to be maintained through the existing. Upon completion of the work within these areas, the restoration details will be in accordance with the submitted Restoration Plan. Motion by Josh Feinblum to approve the changes as a minor plan change; seconded by Cynthia Chapra; vote 4:0:0.

8:40 p.m. Admin. Matters

1. Tabled - Discussion and vote on new Con Com representative to the Community Preservation Committee
2. Approval of 7/9/19 WCC minutes; motion by Joseph Berman to approve; seconded by Cynthia Chapra; vote 4:0:0.
3. Site Visit at 43 Warren Ave. and 3 Warren Lane – The Agent updated the WCC on a site visit she performed at these properties as a result of flooding concerns reported by the landowners. The flooding was a result of a blocked Cherry Brook culvert under the Rail Trail downstream which has been cleared. However the Agent observed that work had been conducted in and near the wetland and stream. Specifically, at 43 Warren Ave., a 10 foot swath of land adjacent to Cherry Brook was recently mulched. Cut stems of shrubs were observed. The landowner indicated that a large willow branch had fallen and impacted this area. During the cleanup, the damaged shrubs were cut and chipped. Mr. Lingley's intention is to allow the mulched area to re-grow. At 3 Warren Lane, a 1,500 s.f. area appeared to be recently cleared. Mulch was placed along the ground; a large pile of lawn clippings was being stockpiled. The Area was within the 100-year flood zone, and within the Inner Riparian Zone of the Riverfront Area to Cherry Brook. Mr. Lingley indicated that he had been removing historically dumped material and now is trying to suppress the knotweed by placing mulch and lawn clippings over the ground. Although the WCC is supportive of Invasive Species removal, placing mulch and lawn clipping over the area is not an appropriate mechanism to manage invasive species and constitutes as filling in the flood zone. The Commission requested the landowner attend the next Conservation Commission meeting to discuss his intention.
4. Enforcement Order Update – 276 North Ave. – Mr. Miranda was unable to attend tonight's meeting but has hired Jillson Company. They intend to file the required NOI for the September 17<sup>th</sup> WCC meeting.
5. DPW has requested to stockpile loam in field near Compost Dump – Con Com reviewed the request and agreed to allow the stockpiling contingent upon (1) the stockpiling be limited to what was shown on the sketch prepared by DPW director, Tom Cullen, (2) the downgradient side of the stockpile be protected with entrenched siltation fence and 12" Straw Wattle, (3) the stockpile be removed after 24 months; and (4) the area that is disturbed be restored with conservation meadow seed mix and the contractor is responsible to ensure the area becomes vegetated again.
6. The Agent updated the WCC on the July Land Management Activities.

- Sunday Woods Culvert Repair – The Agent and Commission member R. Tulloss noted a blocked culvert in Sunday Woods which needs to be replaced. The agent met with Anza Outdoor Solutions, who provided a cost estimate for repair of the culvert and adjacent woods road which has eroded. Although woods road culvert replacement was not originally part of the Blanket OOC for Trail maintenance (337-1062), the Agent recommended this type of activity be added in the category of “needs Con Com review but not a new Notice of Intent”. Motion by Josh Feinblum to add this type of activity allowance in the Blanket OOC Permit; seconded by Rebecca Loveys; vote 4:0:0. The Commission voted to authorize Anza Outdoor Solution to conduct the necessary improvements contingent on the work being done in dry conditions.
  - Knotweed Removal Proposal – College Pond Conservation Area – The Commission authorized Lynn Atkins to spend up to 10 hours on eradicating the knotweed on the college pond conservation area.
- 7. Update – Rail Trail Status- The Agent provided updates to the Commission on current status including the recent wetland impacts incurred at the Conant Road underpass as a result of a major storm event on 7/17/19. The Contractor is restoring the wetlands.
- 8. Update – 300 Glen Road – The former and new property owners at 300 Glen Road in Weston are seeking to file a Request for Certificate of Compliance for the Order of Conditions that was granted for the project in 2006. The project was reviewed and approved for the construction of a new house, driveway, subsurface sewage disposal system and relocation of a stream channel. Construction at the site was completed approximately 10-years ago and the Order of Conditions was not closed out. While reviewing the project file, MetroWest Engineering and the Agent became aware of several outstanding issues and conditions that need to be addressed prior to the Conservation Commission issuing a Certificate of Compliance. The Agent and MWE met on June 3, 2019, and MWE has prepared a Proposed Restoration Plan (dated July 18, 2019) to provide specific items that need to be addressed as part of the process for requesting a Certificate of Compliance. The Commission reviewed and approved the MWE Proposed Restoration Plan (dated July 18, 2019) and memo.
- 9. Update – Legacy Trail and Connector Path – The Commission reviewed an email from HSH which suggested not changing the Wellesley Street Connector Path entrance to the site north of Wellesley Street. HSH expressed concerns that by reducing the gate width to 16-feet (vs. 18-feet), that emergency vehicles and larger pieces of maintenance equipment would have difficulty accessing the property. The HSH proposed design allowed vehicles to enter the site without crossing the path. It would be preferred for maintenance vehicles to enter the site completely, like the current design allows for, and later cross the path perpendicularly elsewhere on the site. The Agent spoke with the Fire Chief who also requested the gate be kept to 18-feet wide. The Commission voted to keep the entry driveway, path design, and gate width as-is.
- 10. Signing of bills and documents
  - Req. for Cert. of Compliance – 46 Rolling Lane (337-849)

Meeting Adjourned at 9:50 p.m.