

Weston Conservation Commission - Public Meeting Minutes
October 1, 2019
Approved: October 15, 2019

Members Present: Joseph Berman, Josh Feinblum, Rebecca Loveys, Ellen Freeman Roth
(left at 7:30 p.m.), and Rees Tulloss
Members Absent: Alison Barlow, Cynthia Chapra
Conservation Staff: Michele Grzenda
Others Present: See Sign-in Sheet

7:00 p.m. Admin. Matters

(Rebecca Loveys acted as Chair)

1. Opportunity for Public Comment – Paul Penfield from the Rail Trail Advisory Committee requested permission to allow various trail events on Weston Conservation Land during the Rail Trail opening on 10/19/19. Specifically, Larry Kiernan from Wayland will be hosting a mountain bike ride, partly on the Rail Trail and partly on Weston Conservation Land. The agent indicated that the activities occurring on Conservation Land require a Land Use Permit. Motion by Josh Feinblum to allow trail use permits for any activities proposed for October 19th, and for the Agent to approve them; seconded by Rees Tulloss; vote 4:0:0.

2. Wetlands Bylaw discussion – Josh Feinblum summarized a 2-page document he created and discussed the primary objectives of a potential wetlands bylaw. Some items to consider include: (1) codifying the 25-foot no disturb zone; (2) providing new protection over isolated vegetated wetlands & vernal pools (along with their buffer zones); (3) considering some creative ideas to encourage compliance of wetland laws such as utilizing the non-criminal disposition bylaw (fines), requiring landscapers to be certified (and if they violate the wetlands laws, fining the landscaper on each property where they violate wetland laws), and requiring realtors to disclose when a property has wetlands on or near it. Ellen Freeman Roth suggests we provide justification and education on why we protect wetlands. Discussion ensued. Joe Berman suggested that he, Rebecca Loveys, Josh Feinblum continue moving forward. The Agent will talk with the Town Manager to request time during an October Selectmen meeting for the Commission to discuss the concept of drafting a Wetlands Bylaw

(Joseph Berman took over as Chair)

7:40 p.m. Request to Cut Trees: Concord Road/Burchard Park/Warren Avenue; Eversource

Eversource requests permission to remove a total of 27 trees (23 trees along Concord Road, 3 trees in Burchard Park, and 1 tree on Warren Avenue) that are located on Conservation Land. A map and table identifying the location, type, size and condition/reason for removal of each tree has been submitted. Most of these trees are dead or dying and in close proximity to the electrical conductors. Following approval, trees will be marked with spray paint to ensure that only approved trees are cut. Trees will be cut flush, with the exception that those that are downslope and not visible from the roadway will only be partially cut and the trunk left for wildlife habitat. Most cut trees will be removed. Work is anticipated to be completed this calendar year. The Applicant is also seeking approval from the Planning Board for removal of many other trees that are not on Conservation Land but within the right-of-way. Motion by Josh Feinblum to approve Eversource's request; seconded by Rees Tulloss. Vote 5:0:0.

7:55 p.m. Request for Determination of Applicability: 30 Warren Avenue; Linyan Zhou

The Applicant proposes to replace and enlarge a shed at 30 Warren Avenue. The existing shed is 9x10 and is located within BLSF (155' contour) and approximately 35-feet from the BVW edge. The

replacement shed will be 10x12' and placed approximately 60-feet from the wetland edge and at the 158' contour. The project will result in moving the shed out of the 100-year flood zone and further away from the wetland. Motion by Josh Feinblum to issue a Negative Determination of Applicability; seconded by Rees Tulloss; vote 5:0:0. Special conditions (1) contact the Conservation Office to review/confirm where the new shed will be placed prior to construction; (2) properly dispose of the old shed; and (3) loam and seed the bare ground where the old shed was located to ensure no erosion into the wetlands.

8:00 p.m. Request for Determination of Applicability: 43 Pineroft Road; D. Caso

The Applicant has filed this RDA for proposed activities within the 100-foot buffer zone at 43 Pineroft Road. The proposal is to raise an existing house and construct a replacement home. The front of the property contains an Isolated Land Subject to Flooding, which, under the Wetland Protection Act (WPA), does not have a 100-foot buffer zone. However, the 100-foot buffer zone associated with a BVW located across the street extends onto the front portion of 43 Pineroft Road. Proposed work occurring in the 100-foot buffer zone includes the enlarging of the existing 10-foot wide driveway to 14-feet per fire department requirements and some grading and brush removal adjacent to the driveway for the purpose of installing a 2-foot by 2-foot infiltration trench consisting of a perforated pipe in crushed stone for stormwater management. The owner has filed for a Stormwater Permit with the Stormwater Permitting Authority. The Commission requested that straw wattle be added to the boundary of the driveway at the end of each construction day to ensure there is not runoff onto the street. Motion by Rees Tulloss to issue a negative Determination of Applicability; seconded by Rebecca Loveys Vote 5:0:0.

8:20 p.m. Request for Minor Plan Change – 12 Westerly Road (337-1295)

On 9/3/19, the WCC approved a minor plan change which allowed the applicant to install a generator and underground utilities, adjacent to the 25-NDZ, contingent upon Agent review and approval. However, when the agent conducted a site visit on 9/26/19. She observed: (1) the grading on-site appears different in some areas than what was shown on your approved plan - In particular, it appears that the fill line/slope is more abrupt and closer to the No Disturb Zone than shown on the approved plan; (2) it was unclear whether there may have been some encroachment into the approved limit of work on the right side of the yard; and (3) the location of the utility lines which will feed the generator in the back would require the removal of several mature trees. In addition, the Applicant requested the removal of a large double trunk maple in the front yard, near the street. Several Commission members conducted a site visit and met with Jason Lavoie from Jillson Company. Mr. Lavoie confirmed (1) as-built grading was steeper near the NDZ, however no work exceeded the limit of the approved erosion control barrier in the front and side yard; (2) erosion controls would be re-installed along the existing toe of slope (3) it was agreed that the utility line would be placed along the top of the slope for much of the side yard; (4) the location of the utility lines can be shifted in the backyard in order to save the group of tree. Mr. Lavoie agreed to revise the plan showing the changes as discussed and showing the double trunk maple tree to be removed. A site visit will be scheduled with the Agent to confirm the new location of the ECB and utility line in the field prior to work. In addition, the applicant agreed to correct any unstabilized sections of the slope. Motion by Rees Tulloss to approve the work as discussed; seconded by Josh Feinblum; vote 5:0:0.

8:30 p.m. Order of Conditions - Restoration Plantings Discussion: 276 North Avenue; Gilvan Miranda– DEP#337- 1368

Jason Lavoie, Jillson Company, submitted a revised memo and plan dated 10-1-19. Specifically, the owner wishes to expand their patio beyond what was presented at the last meeting and remove an oak tree in decline. Mr. Lavoie confirmed that new erosion controls in the form of 12" filter mitt and siltation fence will be used. In addition, the Agent reviewed the draft conditions with Mr. Lavoie and the Commission. Motion by Rees Tulloss to approve the work discussed, to be included in the OOC to be issued; seconded by Rebecca Loveys; vote 4:0:0. More information regarding the restoration of the altered Riverfront Area is needed prior to work.

9:00 p.m. Discussion – Recent Yard Work at 321 South Avenue; Adel Elazzouzi

Mr. Elazzouzi attended to the Conservation Commission meeting to discuss the clearing and filling that he conducted on his property at 321 South Ave. The Agent was alerted to the work from Weston's Stormwater Engineer. The agent expressed concern over the amount of work being conducted adjacent to a wetland and asked Mr. Elazzouzi to hire a Wetland Scientist to assess the extent and type of wetland observed in his side and backyard. Earlier in the day, the Agent and Commission member Rees Tulloss met with Mr. Elazzouzi's wetland scientist (Russ Waldron) who found that the nearby wetland is an isolated wetland. According to the Massachusetts Wetlands Protection Act and its implementing Regulations (310 CMR 10.00), isolated wetlands do not have a 100-foot buffer zone. Therefore, most of the recent activity Mr. Elazzouzi conducted is not subject to Conservation Commission review. In addition, Mr. Elazzouzi asked to remove a couple leaning/unsafe pine trees in his yard. Those were found to be outside the Commission's jurisdiction. The Commission asked that by October 16, 2019, Mr. Elazzouzi stabilize the steep slope adjacent to the wetland and to plant a row of shrubs to create a clear delineation between his maintained yard and the wetland edge.

8:20 p.m. Admin. Matters

Approval of 9/17/19 Con Com minutes; Motion by Josh Feinblum to approve; seconded by Rees Tulloss; vote 4:0:0

Signing of bills and documents: Req. for Cert. of Compliance – 27 Bemis Street – DEP#337-1303

Request to cut trees – Legacy Trail – the contractor has laid out the proposed ADA accessible path through the pine woods trail (municipal land) and discovered that due to the amount of cutting/filling to achieve the proper slopes to make this an accessible trail, significant tree roots will be impacted on 9 adjacent trees; therefore, the contractor has requested removal of said trees. Steve Fogg and Michele Grzenda attended a site visit on Thursday. Although the Agent agrees with the assessment, she expressed her extreme disappointment in Howard Stein Hudson (HSH), the project engineering company that designed, permitted, and now is overseeing the construction, since the town was told by HSH that no trees would need to come down for this work. The Agent has spoken with Michael Harrity and he too expressed dissatisfaction with the HSH project engineer however, agrees that the main priority is to construct this ADA accessible path and therefore if the necessary grades are going to impact the trees, then they should go. There are two additional dead trees adjacent to the trail that the Agent advised to come down at the same time for safety reasons. Closer to Ash Street, there are two additional trees in decline that will be removed. Motion by Rees Tulloss to support the cutting of the trees as discussed; seconded by Josh Feinblum vote 4:0:0.

Social Media Policy- tabled to next meeting

83 Newton Street – Request to Ratify Enforcement Order - Violation of OOC (337-1335) In the process of “renumbering the wetland flags so they were clearly visible”, the surveyor apparently removed the wetland flags, deposited them on the ground, and placed new wetland flag stakes on site, approximately 2 feet into the wetland (not in the proper location) in some locations. Motion by Josh Feinblum to issue an Enforcement order requiring the applicant to: (1) correctly re-establish the wetland line with the assistance of the wetland scientist, re-locate approved erosion control barrier line as shown on plan, field verify this has been done correctly, (3) relocate and properly install ECB; by 10/9/19, prepare a restoration plan with describes the amount of disturbance which occurred in the NDZ, propose to plant a variety of native trees, shrubs and groundcover to properly restore the area. conduct said plantings this fall. Consider seeding area with winter rye if there is concern over proper stabilization of surface this fall. Removal of invasive bittersweet, multiflora rose, and buckthorn for two years in the restoration areas.

Monitoring reports be provided by a landscape architect or wetland scientist for two growing seasons. The motion was seconded by rt: vote 4:0:0.

Field Management Discussion – Case Estates –The WCC received a request from Penny and Colin Peddie of 102 Wellesley Street dated September 27, 2019. The Peddie's asked for permission to mow a portion of the Conservation Land field located to the east of their side yard on the Case Estates property. The WCC does not have a budget to mow all areas and must prioritize. The Commission approved their request with the following conditions: (1) Mowing may occur once per year after October 1. (2) The Peddie's must notify the WCC at least one week prior to any field work. (3) the name of which landscaper with wish to use shall be submitted to the WCC; (4) The approximate area to be mowed must be marked in the field prior to any site work and (5) the Peddie's may remove invasives, such as bittersweet vines, by hand only. No herbicides are allowed.

Next Con Com Meeting will be Oct. 15, 2019

Meeting adjourned at 9:40 p.m.