

Weston Conservation Commission (WCC) - Public Meeting Minutes

April 6, 2021

Approved May 25, 2021

Members Participating Joseph Berman (Chair), Allison Barlow, Cynthia Chapra, Ellen Freeman Roth, Josh Feinblum; Rebecca Loveys, Rees Tulloss

Members Absent: Cynthia Chapra (left at 9:45 pm), Alison Barlow (arrived 7:55), Josh Feinblum (left the meeting at 8:00 p.m.)

Conservation Staff: Michele Grzenda, Sandra Gonneville, Emily Schadler

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020 Order concerning imposition on strict limitations on the number of people that may gather in one place, this Conservation Commission meeting was conducted via remote participation using Zoom.com. The Town provided access to such meeting via a link to call in. No in-person attendance of members of the public was permitted, but every effort was made to ensure that the public could adequately access the proceedings.

7:35 p.m. Tree Removal Request: 271 Glen Road

The homeowner is concerned about dead/dying trees that are located on Conservation Land falling onto the overhead wires. Stumpy's Tree Service visited the site and assessed the trees. Their professional opinion is that 9 trees pose a hazard to the property and utility lines. The estimated cost of tree removal is \$2,800. Eversource was contacted regarding this issue and they have stated that they will not cut trees along a private utility line. The Commission would like some snags to be left for wildlife habitat. The Conservation Department recommends that the Commission approve and fund taking down these trees with the following conditions:

- (1) No ground disturbance.
- (2) All stumps to remain in place.
- (3) All cut material is left in the area for which it originated.
- (4) All equipment must stay on the lawn or driveway at 271 Glen Road.

Motion by Rees Tulloss to approve the removal of the nine trees; seconded by Cynthia Chapra; roll call vote: each member responded Aye.

7:45 p.m. Request for Determination of Applicability (RDA); 58 & 36 Love Lane; S. Lynes, Weston Landscape and Tree Co. Inc.

The Applicant proposes to construct driveway drainage improvements in the wetland buffer zone at 36 & 58 Love Lane. Stephen Lynes presented the project on behalf of the property owner. The subject properties are of common ownership and the work proposed will be on both lots. At this time there only exists a dwelling at #36 and there are no plans for future development of the lot at #58 given the limitations of that lot. The boundary of the Bordering Vegetated Wetland (BVW) and Riparian Bank were flagged by Dave Burke, Wetland Specialist, in March 2020 and field located in May 2020. There is BVW located to both the north and south of the driveway entrance for 26 & 58 Love Lane.

The goal of the project is to mitigate the flow of storm water entering the drive from the street. The Applicant has indicated that the existing configuration allows runoff from the entire street up gradient to enter the driveway opening at #36 and deposit all the debris and wash out areas within the landscape area and creating a hazardous condition during the winter when the runoff enters the drive and creates sheets of ice on the paved surface. The plan proposes the installation of a 7-inch wide by 12" deep linear trench drain installed across the width of the driveway that will capture all the water and debris that tries to enter

the mouth of the drive. The drain will then discharge to a 6" diameter pipe that passes through a cleanout (with 2' of sump) and then daylight at a rip rap fan on lot #58 on the north side of the driveway. The applicant proposes 12" straw wattle at the limit of work line located off the paved surface. The work is proposed outside the 25-foot No Disturb Zone and approximately 47 feet away from the BVW. A portion of the work is located in a "No Development Area" which is land granted to the Weston Forest and Trails Association for conservation purposes. The applicant has indicated that nothing in this restrictive easement precludes them from doing proposed work. Motion by Ellen Freeman Roth to issue a negative 3 determination of applicability with a special condition that the erosion control barriers shall be inspected prior to start of work; seconded by Josh Feinblum; roll call vote: each member responded Aye.

7:54 p.m. Notice of Intent: 137 Sherburn Circle (DEP # 337-1406); M. Alagna (owner) D. Burke (wetland scientist), Angela Kearney, Landscape Architect

Mario Alagna, Dave Burke (Wetland Scientist) and Angela Kearney (Minglewood Designs) were present for the meeting and participated in presentation of the project. The proposed work is associated with removal of an existing home and the reconstruction of a new, slightly larger home in almost the same footprint. It will also include enlarging the existing driveway. Bogle Brook nearly bisects the property and therefore, the entire lot is within the 200 foot Riverfront Area. Addition resources areas on the lot include Bank and Bordering Vegetated Wetland (BVW) and Bordering Land Subject to Flooding. Bogle Brook is to the rear, or east of the existing home. Lawn exists to the edge of Bogle Brook in some locations. Work will involve construction of a new home, installation of a new, contemporary septic system and Cultec infiltration chambers installed to recharge groundwater. For mitigation, the Applicant is proposing to convert two areas of lawn (940 SF) back to a natural state adjacent to Bogle Brook.

The applicant has demonstrated that they comply with 310 CMR 10.58(5). Because portions of the project site include previously developed Riverfront Area, the project constitutes Redevelopment within Previously Developed Riverfront Areas and thus the Applicant must comply with the Performance Standards set forth under 310 CMR 10.58(5)(a)-(e):

- a) Work improves existing conditions of the capacity of the Riverfront Area to protect the Interests of the WPA (Project results in 914 SF of existing lawn/degraded area being restored to a native planted area along the stream edge.
- b) Stormwater management is provided according to WPA stormwater standards (under the WPA, no stormwater management is required for single family houses, however, under Weston's bylaw, the project is ensuring no increase in rate or volume of stormwater by the installation of recharge basin and this project is being reviewed by the town of Weston)
- c) Proposed work shall not be closer to the river than existing conditions or 100 FT, whichever is less (currently the existing house is 55LF from the river at its closest point). Proposed addition will be approximately 55 LF from the river at its closest point.
- d) Proposed work, including expansion of existing structures shall be located outside the riverfront area or toward the riverfront area boundary
 - a. The Area of proposed work shall not exceed the amount of degraded area (provided that the proposed work may alter up to 10% if the degraded area is less than 10% of the riverfront area) (except in accordance with 310 CMR 10.58(5)(f) or (g)). The lot contains 42,292 SF. of Riverfront area; Therefore, under the Redevelopment standards, the applicant cannot exceed 4,296 SF. of degraded area. The current lot contains 3,602 SF of degraded area and the proposed conditions will result in a total of 4,437 SF of degraded this number is GREATER than the allowable 10% threshold (approximately 141 SF. over). Since the Applicant has NOT demonstrated compliance with both 310 CMR 10.58 (5)(d) and (e) mitigation is necessary.
- f) "When an applicant proposes mitigation in the riverfront area, alteration may be allowed notwithstanding the criteria of 310 CMR 10.58(5)(c), (d), or (e) at a ratio in square feet of at least 2:1 of mitigation area to area of alteration not conforming to the criteria" The applicant is

proposing 940 SF. of restoration (lawn to natural). Since the applicant exceeded the thresholds in the applicant must mitigate at least 350 SF. The applicant complies with this requirement.

Alex Jesurum resident of 147 Sherburn Circle, is supportive of the project.

Motion by Rees Tulloss to close the hearing and issue an Order of Conditions approving the project; seconded by Ellen Freeman Roth; vote 5:0:0. Special conditions to include: (1) final Planting plan to be submitted with at least one maple sapling included; a watering schedule and a notation that the restoration area shall be monitored for 2 growing seasons; (2) a secondary erosion control barrier shall be installed to protect the bank from any lawn removal in the restoration area; the applicant shall submit a timeline for the mitigation planting; and a Revised plan showing the final stormwater management infrastructure shall be submitted prior to work. The permit should be forwarded to Mario Alagna.

Josh Feinblum left the meeting at 8:00 p.m.

8:19 p.m. Notice of Intent: 89 Cherry Brook Road (DEP # 337-1404):

The project was presented by Naomi Valentine of SWCA Environmental Consultants. This Notice of Intent has been filed by the Friends of Pollywog Pond for aquatic vegetation management in Pollywog Pond at 89 Cherry Brook Road. A portion of the work lies within Wetland buffer zones. The pond spans across eight residential parcels in the town of Weston, Massachusetts. These properties range in size but average approximately 1.6 acres. The pond is located in the wooded area behind these houses and is oriented roughly in a northeast to southwest direction. These 8-separate shore-holder properties make up the Applicant's group (Friends of the Pollywog Pond).

The proposed work includes chemical applications to manage invasive and nuisance aquatic and emergent plants as well as algae within Pollywog Pond. Aquatic vegetation and algae management has been conducted within Pollywog Pond for the past several years under a previous Order of Conditions (OOC) (MassDEP File No. 337-851). In order to complete the sale of a property to which this OOC was linked, the Applicant requested and received a Certificate of Compliance (COC) for this permit in 2020. SWCA is now requesting a new 5-year OOC for management within Pollywog Pond. Overall, the proposed pond management plan will be limited to as-needed applications and is predicated on continued annual monitoring. This work would be set to begin in the summer of 2021.

The herbicide Sonar is proposed to treat duckweed present in the pond and the herbicide Reward is proposed to manage nuisance submerged and emergent aquatic plants such as pondweed species. Clearcast will be utilized to manage cattails on the western bank of the pond. This will be applied as a spot foliar treatment directly to the cattail. The goal of all aquatic and emergent plant species management is to prevent the creation of a monoculture on the banks and bottom of Pollywog Pond and therefore maintain and/or increase the biodiversity of the pond ecosystem. Captain XTR (or other copper-based algaecide) will be used to manage algae within the pond when necessary. SWCA is also requesting the conditional application of a buffered alum, should algae become more persistent or phosphorus levels need to be managed. Nutrient and algae management will decrease the risk to human and wildlife health as well as reverse or slow the process of eutrophication within the pond.

All chemical applications will be conducted by SWCA's Massachusetts-licensed aquatic applicators. Immediately prior to treatment, the pond's shoreline will be posted with signs indicating the act of pesticide application to the public and residents. Treatment will be scheduled when the forecast calls for little or no precipitation, in order to increase the efficacy of the treatment. Applications will also not occur during high wind events, to increase accuracy of targeted algal and vegetative management. All

management areas will be accessed by a small boat via an existing boat launch. All applications will be administered on a small boat and will be selectively applied. The launching of this boat will not disturb any bank on entry to the pond and no additional access will be created to implement this pond management program.

The Bank of the pond will only be disturbed during the management of the nuisance cattail population located on the western portion of the pond. No aquatic management will impact Bank. The proposed work involves the chemical treatment of Clearcast to treat the Cattail population and other chemicals to treat other nuisance and invasive vegetation as well as algae within the pond. Due to the ever-changing nature of these species, the scope of work will potentially impact the entire extent of the LUW in the pond. Therefore the NOI was filed as a restoration limited project.

Prior to any treatment application, the Commission shall be notified at least 48 hours in advance. The Conservation Department is to send Ms. Valentine the “living near ponds” education brochure for her to send to abutters of the pond.

Motion by Cynthia Chapra to close the hearing and issue an Order of Conditions approving the project; seconded by Rees Tulloss; roll call vote: each member responded Aye.

8:33 p.m. Request for Determination of Applicability (RDA); 45 Cliff Road; William Numa and Monica Neuman

Rob Gemma of Metrowest Engineering presented the project. The proposed work includes the construction of a new swimming pool in the 100-foot buffer zone. The pool will be located approx. 88 feet from the bank of Pierce Pond and constructed in an area that is currently lawn. Approximately 2,834 SF. of disturbance will occur onsite but only 687 SF. of this is within the buffer zone. The applicant believes the project is considered a minor activity not requiring a filing as conversion of lawn to pools are exempt so long as the work is at least 50 feet from a wetland edge. Agent agrees and recommends the issuance of a Negative 3 determination. A 12-inch filter mitt will be installed prior to work. Motion by Cynthia Chapra to issue a Negative 3 Determination; seconded by Rebecca Loveys; roll call vote: each member responded Aye.

8:40 p.m. Request to plant trees along the Legacy Trail (Tree Advisory Group and 5th Grade Tree Committee)

Nina Danforth, on behalf of the Tree Advisory Group and the 5th Grade Tree Committee, requests permission to plant four native trees along the Legacy Trail at Case Estates over the next 3 years. These plantings are in line with recommendations in the Ecological Management Plan. Ms. Barbieri reviewed the proposal. Ms. Danforth is still researching watering needs. The Tree Advisory Group (TAG) would need to have someone water it twice a week for the first 1-2 summers. The Commission is comfortable with TAG working out the watering details. Motion by Rees Tulloss to allow TAG to plant trees as discussed; seconded by Ellen Freeman Roth; roll call vote: each member responded Aye.

8:50 p.m. Notice of Intent: 69 Scotch Pine Road (DEP # 337-1405); Banner Construction

Jonathan Buchman of Banner Construction and Rob Gemma of Metrowest Engineering presented the project. The Applicant has filed this NOI for the construction of a single-family house. A portion of the project will occur in buffer zones to resource areas. The property lies across the street from a pond and the buffer zone to the pond extends onto the front, or southerly portion of the property. A wetland resource area is also located on the 75 Scotch Pine property, and the 100-foot Buffer Zone from that wetland extends into the property along its westerly border. No resource areas are located on the subject property. All proposed improvements, with the exception of the first 60-feet of the access driveway, will be located outside of the buffer zone. This includes the house, pool and septic system. The project will alter approximately 9,000 SF of Buffer Zone along Scotch Pine Road, and 1,800 SF of Buffer Zone along the

westerly property border. No work is proposed within the inner 50-feet of the Buffer Zone, or within the Town of Weston 25-foot No Disturb Zone (NDZ). Stormwater will be managed onsite by means of a large sub-surface infiltration system. The infiltration system will recharge to groundwater all stormwater runoff from the roof of the house, as well as runoff from the majority of the driveway. The drainage system and hydrologic analysis will be reviewed, under an application for a Major Stormwater Permit, by the Town of Weston Stormwater Engineer. A 12-inch filter mitt will be installed prior to construction.

Property Connectivity to Open Space - The project will provide connectivity to open space within the Town of Weston by means of a 20-foot wide Trail Easement. The project proponent has agreed to provide a 20-foot wide trail easement across the rear of both 69 and 75 Scotch Pine Road to the Weston Forest and Trail Association (WFTA).

A total of 24 trees are proposed to be cut in the 100-foot buffer zone. Special conditions to include (1) Prior to start of work, the Commission shall receive a planting plan and (2) Prior to the occupancy permit, the applicant shall donate a trail easement to WFTA as discussed. Motion by Rees Tulloss to close the hearing and issue an Order of Conditions, approving the project; seconded by Cynthia Chapra; roll call vote: each member responded Aye.

9:03 p.m. Cont. Request for Determination of Applicability (RDA); 7 Westerly Road; D. Keene
The Commission opened the continued meeting on this RDA for the installation of a fence and vegetation removal at 7 Westerly Road. At the last meeting, the Commission asked for the Applicant to have the wetlands flagged on his property and have a survey prepared and submitted on a plan for review. The wetland scientist completed the delineation but the applicant is awaiting the survey from Jillson Company. Motion by Rees Tulloss to continue to 8:00 p.m. on 4/27/21; seconded by Ellen Freeman Roth; roll call vote: each member responded Aye.

9:13 p.m. Request for Minor Plan Change - 154 Winter Street – (337-1389), B. Corson
The Applicant seeks permission to conduct additional invasive plant management. Specifically, the owner wishes to chemically treat (cut and dab) the multiflora rose, bittersweet Multiflora rose. The majority of the treatment will be along the yard and pond edges. Invasive plant removal will be conducting in late spring, after the restoration planting. Motion by Ellen Freeman Roth to approve the work as a minor plan change; seconded by Rebecca Loveys; roll call vote: each member responded Aye.

Next Conservation Commission Meeting: April 27, 2021

Meeting adjourned at 9:40 p.m.