

Weston Conservation Commission (WCC) - Public Meeting Minutes
April 27, 2021
Approved May 25, 2021

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

Members Absent: NA

Conservation Staff: Emily Schadler, Sandra Gonneville

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. Abbreviated Notice of Resource Area Delineation (ANRAD): 120 Rockport Road; B. Robinson

The Applicant filed this Abbreviated Notice of Resource Area Delineation to confirm the delineation of a Bordering Vegetated Wetlands (BVW) at 120 Rockport Road. The Applicant has consented to continue this meeting until May 11, 2021 at 8:15 p.m. to allow time to address comments made by the Commission's wetland scientist. Motion made to continue the hearing by Josh Feinblum; seconded by Cynthia Chapra; roll call vote: 7-0-0.

7:37 p.m. Signing of Documents

1. Request for Certificates of Compliance – 95 Rockport Road (337-0056 & 337-0759). Motion made by Rees Tulloss to issue both of the Certificates of Compliance contingent on a satisfactory site inspection to be conducted by staff; seconded by Ellen Freeman Roth; roll call vote: 6-0-0 (Rebecca Loveys experienced technical difficulties and did not vote).

2. Request for Extension of Order of Conditions – Herscot-Silver Pond, 77 Possum Road (337-0273). Motion made by Ellen Freeman Roth to extend the Order of Conditions for 3 years; seconded by Josh Feinblum, roll call vote: 7-0-0.

7:45 p.m. Request to place 2 new benches at Case Estates, Ash Street side

Ms. Schadler reported that the Weston 300th Committee has requested permission to place 2 more benches on the Ash Street side of the Case Estates, near the two benches that are already in place. They are seeking Conservation Commission support, but the request will require final approval by the Select Board because the location is on Parcel 9 (Select Board land). Discussion ensued. The Commission came to a consensus that they do not have any opposition to the placement of these 2 additional benches.

7:50 p.m. Cont. Notice of Intent (NOI): 15 Warren Place; C. Nash (DEP# 337-1407)

The Applicant filed this Notice of Intent for construction of a 2-car garage at 15 Warren Place. The work lies within Wetland Resource Areas and buffer zones. The Applicant has consented to continue this meeting until May 11, 2021 at 7:35 p.m. to allow time to complete work to address the comments made

by the Conservation Office and by the MassDEP. Motion made to continue the hearing by Josh Feinblum; seconded by Cynthia Chapra; roll call vote: 7-0-0.

7:51 p.m. COVID Leash Order Discussion

Joe Berman reminded the Commission that at their March 23 meeting, the Commission voted to keep the COVID leash order on conservation land in place for the time being and revisit the discussion at the end of April. He asked for input from the Commission regarding the COVID leash order; discussion ensued. The order was initially put in place for safety reasons regarding COVID. The Commission agreed that there is no longer a COVID-safety related reason to keep the leash law in place and discussed whether there are other reasons, such as dog waste being left on the trails, to keep the order in place, even at specific properties like Cat Rock. The Commission discussed ideas for addressing problems related to dog waste on trails. Motion made by Josh Feinblum to state that the Conservation Commission approves the recommendation of the Emergency Management Team to lift the leash law; seconded by Rees Tulloss; roll call vote: 7-0-0.

8:06 p.m. Cont. Request for Determination of Applicability (RDA): 7 Westerly Road; D. Keene

This is a continued meeting to discuss a proposal to relocate a fence and conduct some landscaping improvements in the buffer zone to a wetland. The Applicant has consented to continue this meeting until May 11, 2021 at 7:55 p.m. to allow time to complete field work to address the Commission's comments. Motion made to continue the meeting by Cynthia Chapra; seconded by Rees Tulloss; roll call vote: 7-0-0.

8:07 p.m. Conservation Land Use Permit Application

Resident Josh Weisman submitted a Conservation Land Use Permit Application to use motor bikes on a portion of the Conservation Land fire road trails. Mr. Weisman presented his request to use motor bikes with his son on select fire roads; discussion ensued. The Commission discussed the following with Mr. Weisman: the precedent that such a permit would set; the noise level that by motor bikes emit; concerns about public safety; the opportunity for Mr. Weisman to be a trail steward and to lead by example; the need for input from our public safety officials as well as Weston Forest and Trail Association and the general public; and the intention for Conservation Land permits being issued primarily for one-time events. The Commission agreed that they would not approve the permit application and suggested that if Mr. Weisman wanted to continue to pursue this request, he would need to talk with Weston Forest and Trail Association, public safety officials, and other stakeholders to explore what a policy for motor bike use on trails would entail and bring a drafted policy before the Commission for consideration.

8:45 p.m. Notice of Intent (NOI): 444 Wellesley Street, Weston High School Pond; Town of Weston (DEP # 337-1408)

This Notice of Intent has been filed by the Town of Weston for an Aquatic Management Program in the Weston High School Pond at 444 Wellesley Street. The proposed work lies within Wetland buffer zone and Land Under a Water Body. Dominic Meringolo of SOLitude Aquatic Management presented on behalf of the applicant. The proposed project is seeking approval to initiate an Aquatic Management Program at Weston High School Pond. Multiple techniques including mechanical hydroraking, submersed aeration, and USEPA/MA registered aquatic herbicides & algaecides will be utilized to manage nuisance aquatic vegetation and algae to protect the interests of the Wetlands Protection Act by impeding eutrophication and improving habitat value. Pat Garner was contracted by the Commission to review the Notice of Intent (NOI). Mr. Garner reported that the proposal is conventional and relatively benign in impacts and that if implemented as proposed, the multiple strategies should be effective. Mr. Garner noted that the project conforms to the requirements for a limited project Ecological Restoration; it includes a required Alternatives Analysis, which is itself complete; the methodologies proposed to reverse the pond eutrophication adhere to MaDEP guidance and USEPA recommendations for projects of this type; and

that the applicant has noted that they are requesting a five-year permit to allow time to monitor and manage conditions. He also noted that there is no BVW in the area where the will be conducted work; the only resource area they are working in is the pond itself. Mr. Meringolo noted that they made need to put in an aeration system in the future to provide oxygenation. Motion made by Josh Feinblum to close the hearing and issue and Order of Conditions; seconded by Rebecca Loveys; roll call vote 7-0-0.

8:56 pm Request for Minor Plan Change: 36 Bullard Road (337- 1398)

The applicant is requesting a minor plan change to remove a single tree that sits on the 25' NDZ line at their property at 36 Bullard Road, which has an active Order of Conditions. Erica Busa presented on behalf of the applicant. Ms. Busa reported that an arborist has identified a tree sitting on the 25' NDZ line as unsafe and recommends that it be taken down. Motion made by Cynthia Chapra to approve a minor plan change to allow for the removal of this tree with mitigation to include the planting of a native sapling or two native shrubs to be shown on the landscaping plan that needs to be submitted to the Commission, seconded by Ellen Freeman Roth, roll call vote: 7-0-0.

9:02 pm Request for Certificate of Compliance - 1 Columbine Road (337-1171)

Motion made by Rees Tulloss to issue a Certificate of Compliance contingent on a satisfactory site inspection to be conducted by staff; seconded by Ellen Freeman Roth; roll call vote: 7-0-0.

9:05 pm: Forbes Land Discussion

Cynthia Chapra reported that the Garden Club is planning to add native plantings to the Forbes Land this coming weekend and requested permission to remove 2 dead pine trees that are located in the location of the plantings. The location is not within 100' of a wetland resource area. The Commission gave their approval. She also requested permission to remove pavers that someone has placed in the stream for a wet crossing and to replace them with more natural looking stones. The Commission directed her to consult with Weston Forest and Trail Association.

9:15 pm: New Boardwalk at Jericho Town Forest

Rees Tulloss reported on a boardwalk that he is preparing to install at Jericho Town Forest and has previously discussed with the Commission. He requested approval on a modified boardwalk design to arch the boardwalk because of concern about potential rising water levels caused by beaver activity. Motion made by Ellen Freeman Roth to approve the modified design for the boardwalk: seconded by Josh Feinblum; roll call: 6-0-0 (Rees Tulloss recused himself).

9:20 pm: Discussion regarding Commission policies and possibly bylaws

Rebecca Loveys raised a question about the possibility of the Commission attempting to pass a tree bylaw and/or no disturb zone bylaw. Discussion ensued. There was a subcommittee to discuss the question of a bylaw a number of years ago, but they decided not to pursue it at that time. The Commission agreed to table further discussion until after the new Conservation Administrator has started.

Next Conservation Commission Meeting: May 11, 2021.

Meeting adjourned at 9:30 p.m.