

Weston Conservation Commission (WCC) - Public Meeting Minutes

May 25, 2021

Approved: June 15, 2021

Members Participating: Joseph Berman (Chair), Cynthia Chapra, Rebecca Loveys, Ellen Freeman Roth, and Rees Tulloss

Members Absent: Allison Barlow, Josh Feinblum

Conservation Staff: Jordan McCarron

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.

Notes: Joe Berman joined the meeting at 8:20 pm and only participated during Administrative Matters and the hearing for a minor plan change for 23 Old Road; Rees Tullos assumed the chairmanship for all hearings and other agenda items. Mr. Tullos called the meeting to order at 7:30 pm.

The following Administrative Matters were taken up at various points throughout the meeting:

Approval of Con Com minutes: 3/19/21, 3/23/2021, 4/6/2021, 4/27/21

Joe Berman motioned to approve minutes from March 19th, March 23rd, April 6th, and April 27th, 2021; Ellen Roth seconded. Vote 5-0-0.

Reissue Certificate of Compliance – 63 Westcliff Road (337-1152)

The original Certificate of compliance was issued on July 20th, 2015 and was never recorded; the owner has requested another copy. The Order of Conditions was issued on 9/30/2014 for the raze and rebuild of a single family home. A motion to re-issue a Certificate of Compliance for 63 Westcliff Road, DEP FILE 337-1152, originally issued 7/20/2015, was made by Ellen Roth; seconded by Becca Loveys. Vote 5-0-0.

Request for Cert. of Compliance – 54 Brook Road (337-1141)

This Order of Conditions was issued for a septic replacement on 10/24/2012. A motion to issue a Certificate of Compliance for 54 Brook Rd, DEP FILE 337-1141, was made by Rees Tullos; seconded by Cynthia Chapra. Vote 5-0-0.

Request for Certificate of Compliance – 400 Concord Road (337-0845)

This Order of Conditions was issued for a stormwater management area associated with new home construction on 4/1/2005. A motion to issue a Certificate of Compliance for 400 Concord Road, DEP FILE 337-0845, was made by Cynthia Chapra; seconded by Ellen Roth. Vote 5-0-0.

Request for Certificate of Compliance – 28 Bogle Street (337-0440)

This Order of Conditions was issued for a septic replacement on 5/20/1997. A motion to issue a Certificate of Compliance for 28 Bogle Street, DEP FILE 337-0440, was made by Rees Tullos; seconded by Becca Loveys. Vote 5-0-0.

Joe Berman suggested that the Commission ratify the Enforcement Order for 15 Warren Place at its 6/15/21 meeting, at which time the applicant is expected to present a wetland replication plan for approval. Conservation Administrator Jordan McCarron issued an initial Enforcement Order on 5/13/21 for historic wetland fill that was discovered on the property during the course of permitting a new garage per DEP File 337-1407. Mr. Tullos requested that markers installed along the approved wetland edge be boulders or some other highly visible marker that will prevent mowing or other management within the wetland restoration area.

Land Management Updates

Mr. McCarron updated the Commission on a new Japanese knotweed population that has cropped-up along the stone dust Legacy and Connector Paths at the Case Estates. Mr. McCarron described a two-phased approach that would involve an initial Triclopyr herbicide treatment by Ben Polimer, Fields and Grounds Coordinator with the Town of Weston. Then, later in the season, the area would be re-treated as part of follow-up treatments already scheduled elsewhere on the property by Land Stewardship, Inc. Mr. McCarron indicated that he would notify the immediate neighbors and post signage about the spraying. The Commission approved Mr. McCarron's proposal; no formal vote was taken.

Other Matters

Mr. Berman updated the Commission on the Governor's lifting of the State of Emergency, scheduled for June 15th, to which the Commission's ability to hold its meetings by remote participation has been tied. A bill is proposed to be filed to extend the remote hearing provisions through September 1st; Mr. Berman and Mr. McCarron will keep the Commission updated.

The following hearings and meetings commenced at 7:30 p.m.; Mr. Berman did not participate or vote in the following proceedings with the exemption of the minor plan change for 23 Old Road.

Request for Determination of Applicability (RDA): 126 Pine St., M. Noe

Merideth Noe, applicant and owner, presented her plan for the planting of grass over a former garden bed at 126 Pine Street; a portion of the work may fall within the outer 100' buffer zone to a wetland resource area.

Mr. Tullos requested that any loam or soil brought onto the sight for the project be free of any invasive weed seed or plant material; the Commission had no other comments. A motion to issue a Negative 3 Determination to Meredith Noe, 126 Pine Street, for the planting of grass over a former garden bed within the 100' buffer to a bordering vegetated wetland, subject to the condition that any loam or imported soil is free of invasive plants, was made by Ellen Roth; seconded by Cynthia Chapra. Roll Call Vote 4-0-0.

Cont. 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. On May 20, 2021, the Applicant requested that the previously submitted and pending ANRAD be withdrawn without prejudice.

Mr. McCarron explained that the applicant is likely to come forward with a Notice of Intent for the construction of a single family home on the property.

Weston-Wayland Rotary Club Weston Sears Driveway Field Operations and Maintenance Plan

Rotary Member Robert Moser reviewed the proposed project for the Commission. The Weston-Wayland Rotary Club has offered their volunteer services over a five-year time frame to steward the Sears Driveway Field on Weston Conservation land, including recovering and maintaining the field edges and reducing invasive species, especially black swallowwort, as well as increasing native pollinator-friendly plant species, especially milkweed. The Rotary Club has submitted a detailed plan for the project, titled "Sears Driveway Field Operations and Maintenance Plan".

Mr. Tullos asked a few questions related to the sequencing of the work and noted that Choke Cherry, listed as invasive in the project plan, is not invasive. Rotary Member Katya Portnaya explained that the Rotary Club is being advised by UMASS weed-science expert Dr. Prosnik on gaining control of the black swallowwort in the meadow.

Mr. McCarron agreed to contact Dr. Lisa Tewksbury, University of Rhode Island, who is spearheading a black swallowwort bio-control experimental project with a sub-species of *Hypena* moth. Mr. McCarron had worked with her on setting up a research plot in Lexington, which is currently ongoing; Dr. Tewksbury has a permit from the Mass Department of Agricultural Resources to release the moth in Massachusetts.

Rotary Member Charlie Hamlin confirmed with the Commission that was acceptable for them to commence the project, starting with identifying and clearing the edges of the meadow at the property line. The Commission agreed to approve the project, subject to annual monitoring and reporting to the Commission. Conservation Assistant Debbie Howell was assigned to assist the Rotary Club with identifying and marking the property and field boundaries.

A motion to approve the Weston-Wayland Rotary Club Weston Sears Driveway Field Operations & Maintenance Plan was made by Cynthia Chapra; seconded by Ellen Roth. Roll Call Vote 4-0-0.

Request for Minor Plan Change - 14 Byron Road (DEP# 337-1400), H. Orbon

Mark Beaudry of Meridian Associates, project engineer, provided an overview of the proposed plan change, which involves a revised design of the stormwater management system and associated site work in order to meet the requirements of the Town of Weston SWPA permit. Plan changes include the elimination of two originally proposed rain gardens and replacement by an expanded subsurface stormwater storage and recharge system.

Mr. Beaudry also explained that the revised plans provided the required separation from seasonal high groundwater for the subsurface stormwater system. He noted that the revised plans include an additional 70' of disturbance within the 25' NDZ.

Mr. Tullos asked whether the 12" outlet pipe and rip rap pad for the enlarged subsurface system would be sufficient to manage the volume of water expected for the system. Mr. Beaudry explained that the model for the 100 storm event indicated that it would be more than sufficient but that he could enlarge the rip rap pad as a cautionary measure.

The Commission had no further questions or comments. A motion to approve a minor plan change request for 14 Byron Road, DEP FILE 337-1400, by Meridian Associates, was made by Cynthia Chapra; seconded by Ellen Roth. Roll Call Vote 4-0-0.

Request for Extension of the Order of Conditions for 21 Center Street (DEP# 337-1275), S. Bradley

Stephen Bradley, applicant and owner, provided an overview of his proposal to repave the rear parking lot in order to reestablish the grade back to the elevations that were approved in 2019 under an amendment to the Order of Conditions (OOC). At the same time, Mr. Bradley requested a three-year extension to his Order of Conditions, originally expired on 10/5/2019.

Mr. Bradley explained that the parking area, located between the new parking deck and the rear of the shopping center (Brother's Marketplace), was re-paved with bituminous concrete pavement in 2019. This paved parking area is constructed over organic soils, which has contributed to significant and on-going settlement of the pavement since the work was completed in October 2019. The parking deck and the storm drains are all on pilings, and are stable and firmly in place while the paved area has settled up to 9" in places. With the settling of the paved parking area, the stormwater no longer flows to the storm drains, but instead settles into the low areas causing "ponding" on the parking spaces. The work would include grinding up the existing paved area, bringing in gravel to re-establish the approved grades, and then installing new pavement. Mr. Bradley anticipates that there will be further settlement over time, but that the rate of any future settlement should be much slower. Paving and reestablishing the pavement elevations may be required again in 5-7 years.

Mr. Tullos asked about safety measures to prevent animals and/or children from falling through the gap between the lower parking lot and the parking deck as the parking lot settles over time. While not strictly within the purview of the Commission, Mr. Bradley agreed to install a chain-link fence against the parking deck should this occur.

Mr. McCarron explained that Richard Sweeney, Assistant Town Engineer, had issued an amended Stormwater Permit for the project.

A motion to issue a three-year extension from 10/5/2019 for the Order of Conditions associated with 21 Center Street, DEP FILE 337-1275, was made by Ellen Roth; seconded by Becca Loveys. Roll Call Vote 4-0-0.

Request for Minor Plan Change – 23 Old Road – (337-1375), N. Seddon

(Joe Berman participated in this hearing). Nicole Seddon, applicant and owner, provided an overview and update on her project, which involves invasive plant management and restoration of a sloped area on her property within the buffer zone to a wetland resource area. Ms. Seddon's original proposal, which involved mechanical removal, mulching and solarization of Japanese knotweed, was only partially effective at eradicating the plant.

Ms. Seddon's consultant, Jonathan Bransfield, presented a new plan to the Commission, involving a cut/paint/monitor treatment plan for the knotweed and utilizing the Glyphosate herbicide. Cynthia Chapra pointed out that knotweed is an aggressive re-sprouter and can reproduce vegetatively, making mechanical management difficult and risky. Ms. Seddon submitted an updated planting plan to Mr. McCarron as part of this minor plan change request but explained that she would not be pursuing any replanting until she had gained control over the knotweed.

The Commission had no specific comments on the project with each member expressing support and luck to Ms. Seddon. A motion to approve the minor plan change request for 23 Old Rd, DEP FILE 337-1375, by the owner, Nicole Seddon, was made by Joe Berman; seconded by Cynthia Chapra. Roll Call Vote 5-0-0.

The meeting was adjourned at 9:13 pm.