

Weston Conservation Commission (WCC) - Public Meeting Minutes  
*June 15, 2021*  
*Approved June 29th, 2021*

Members Participating: Joseph Berman (Chair), Cynthia Chapra, Josh Feinblum, Ellen Freeman Roth, Rees Tullos, Allison Barlow (via Zoom)

Members Absent: Rebecca Loveys

Conservation Staff: Jordan McCarron

Notes: This meeting was held in-person in the lower level meeting room at Town Hall as well as via Zoom. All applicants attended in-person as did all Commissioners with the exception of Allison Barlow, who joined the meeting at 8:30 pm via Zoom and voted by roll call vote on administrative matters only. Rees Tullos left the meeting at 8:40 pm. Several members of the public attended the meeting via Zoom, but no public comment was taken via Zoom.

The following hearings and meetings commenced at 7:30 pm:

Notice of Intent: 85 Newton Street Drainage Project (DEP# 337-XXX); Fogg S. (Weston DPW)

Steve Fogg, Town Engineer, presented the project on behalf of the Town of Weston. A 1,054 sq. ft. driveway addition is proposed behind the existing garage to provide an additional parking area at 85 Newton Street as compensation for a drainage easement being granted to the DPW. This easement is required for work associated with DPW's Newton Street Drainage Project (DEP File# 337-1387) being constructed to reduce the drainage issues and road flooding in the roadway in front of 83 & 85 Newton Street.

The proposed Driveway addition is located completely within the 100-foot buffer zone to a Bordering Vegetated Wetland, delineated on site as wetland flags #A6-A16. Currently the land behind the garage is lawn to the edge of a stone wall that is located just beyond the 25' No Disturb Zone. The stormwater runoff from half of the existing garage roof and lawn area flow over land in a westerly direction towards the wetland area. The increased impervious area will result in an increase in stormwater runoff. This additional runoff will be managed by a 3' wide x 2' deep stone drainage trench approximately 60 feet in length located along the western edge of the proposed driveway addition. The trench will collect and infiltrate stormwater runoff mitigating any increase in runoff towards the wetland area. Sedimentation and erosion controls (silt fence and 12-inch straw wattle) are proposed along the westerly and northerly edge of the limit of work. No work is proposed within the 25-foot No Disturb Zone.

Rees Tullos requested that a Special Condition be added to allow repair of the existing stone wall, which acts as a retaining wall at the edge of lawn, as needed for this project. Additionally, Mr. Tullos requested a Special Condition be added that allows for the drainage on the existing garage to tie-in to the stone drainage trench during the completion of this project, if needed. The Commission discussed these two issues and concurred with Mr. Tullos's assessment.

A motion to close the Notice of Intent hearing for 85 Newton Street and issue an OOC, contingent on the DEP issuing a file number and providing no substantive comments, was made by Josh Feinblum; seconded by Rees Tullos. Vote 5-0.

Notice of Intent: 39 Country Drive (DEP# 337-1410); Kane Built, Inc.

Scott Hayes, Foresite Engineering, presented the project on behalf of the applicant. The project proposes the demolition of the existing dwelling, construction of a new dwelling, construction of a new sewage disposal system, drainage improvements, construction of a new driveway, and associated sitework and utilities. The lot currently has a single-family house, driveway and surrounding lawn and landscaped areas. Caron Environmental Consulting delineated the wetland and Bank of an intermittent stream on site in December 2020.

Work occurring within the 100-foot buffer zone to a bordering vegetated wetland includes abandoning in place the existing septic system, demolition of approximately 350 sq. ft. of the existing dwelling, and installation of a foundation drain and site grading associated with the new house. No work is proposed within the 25-foot No Disturb Zone. Erosion and sediment controls include silt fence and staked 18-inch straw wattle at the limit of work line.

The Commission discussed the amount of grading and fill needed to achieve the proposed grades for the abandoned septic system on site. Both Joe Berman and Josh Feinblum indicated that the project appears to reduce impact on the resource areas on site.

Resident Julianne Townsend, 31 Country Drive, inquired how many trees would be removed and whether the wooded, secluded feel of the lot would be altered- she noted that the proposed new home is closer to her residence at 31 Country Drive. Mr. Hayes responded that only six total trees are scheduled to be removed, mostly due to hazardous conditions, and all to the rear of the lot. None of the trees proposed to be removed are within the 25' No Disturb Zone.

A motion to close the Notice of Intent hearing for 39 Country Drive, DEP File 337-1410, and issue an Order of Conditions was made by Rees Tullos; seconded by Ellen Freeman Roth. Vote 5-0.

Request for Determination of Applicability (RDA): 180 Meadowbrook Road; Stephen and Gretchen Winchester

Chris Cantin, MetroWest Engineering, presented the project on behalf of the applicant. Meadow Brook, a perennial stream, is located on the opposite side of Meadowbrook Road, approximately 180 LF from the project site. Approximately 696 SF (10%) of the lot along the Meadowbrook Road frontage is within the 200-foot Riverfront Area. The lot is currently being improved with a new house, paved driveway, new sewage disposal system, new stormwater management system, and landscaped areas. Limited work is proposed within the Riverfront Area including replacement of an existing gas service, installation of an underground, electrical splice box, minor grading associated with the breakout slope of the septic field, and installation of plantings as mitigation for disturbance within the RFA. No existing trees will be removed within the 200-foot Riverfront Area.

The Commission discussed the need to ensure that the mitigation plantings, proposed in the Right of Way of Meadowbrook Road, would be allowed. Mr. Cantin agreed to get a written statement from the Weston Golf Club, who effectively manages the ROW, approving of the plantings.

A motion to issue a Negative 3 Determination to Gretchen and Stephen Winchester, 180 Meadowbrook Road, for replacement of an existing gas service, installation of an underground electrical splice box, minor grading associated with the breakout slope of the septic field, and installation of plantings to stabilize the septic slope within the outer Riverfront Area, subject to written approval for the mitigation plantings within the Meadowbrook Road ROW from the Weston Golf Club submitted to the Conservation Agent, was made by Cynthia Chapra; seconded by Josh Feinblum. Vote 5-0.

Enforcement Order & Wetland Replication Review: 15 Warren Place, Nash, Clifford

Cliff Nash represented himself before the Commission. Jordan McCarron, Conservation Administrator, gave a short overview of the history of the Enforcement Order. Mr. Nash received an Enforcement Order on May 18, 2021, when historic wetland fill, approximately 4,500 sq. ft., was discovered on his property while delineating the wetland as part of a garage addition project (File 337-1407) in spring 2021.

The Enforcement Order required that Mr. Nash present a reasonable restoration plan for the area. As a point of process, the Conservation Commission would need to first ratify the Enforcement Order issued by Mr. McCarron on 5/18/21, then review and approve the restoration plan, and finally close the Enforcement Order.

Mr. Nash presented a restoration plan designed by his engineer, Jack Malony, Dillis & Roy, that includes the originally proposed 5 highbush blueberry and 5 red maple, an overseeding of a New England Wetmix seed mix, and the installation of a permanent visual barrier along the delineated wetland edge to prevent any future alteration. Additionally, per direction by the Agent, 5 inkberry holly were proposed as mitigation for a triple-stemmed pine that will be removed within the 25' NDZ as part of the garage addition project.

Mr. Nash explained that he is unsure as of yet which type of permanent visual barrier he will go with but is inclined towards installing a split-rail fence. The Commission expressed support for either a split rail fence or large rocks/small boulders.

Mr. Nash then presented a plan to cut and chemically treat the knotweed currently growing within the project area and throughout his lawn. Since the OOC for his garage extension (File 337-1407) prohibits the use of chemical inputs within all resource areas and associated buffer zones, Mr. Nash was seeking permission from the Commission to allow this activity. The Commission expressed unanimous support for gaining control of the knotweed on the site.

A motion to ratify the Enforcement Order issued to Clifford and Amy Nash, 15 Warren Place, by Jordan McCarron, Conservation Administrator, on 5-18-21, was made by Rees Tullos; seconded by Cynthia Chapra. Vote 5-0.

A second motion to approve the Wetland Replication Plan for 15 Warren Place, prepared by Dillis & Roy and dated 5-28-21, to be completed by a date mutually agreeable by the applicant and the agent and will allow the use of herbicides for the treatment of Japanese knotweed pending the approval of the conservation agent, and to close the Enforcement Order against Clifford and Amy Nash, issued 5-18-21 and ratified on 6-15-21, was made by Rees Tullos; seconded by Joe Berman. Vote 5-0. Josh Feinblum asked that it be noted that the Commission has no objection to the applicant proceeding with any other application processes associated with their proposed garage addition concurrent with this wetland replication process.

The following Administrative Matters were reviewed with Allison Barlow participating via Zoom; Rees Tullos left the meeting at this time:

Approval of Con Com minutes: 5/11/21 & 5/25/21

Ellen Freeman Roth motioned to approve minutes from 5/11/21; seconded by Josh Feinblum. Roll call vote 5-0. Ellen Freeman Roth motioned to approve minutes from 5/25/21; seconded by Josh Feinblum. Roll call vote 5-0.

Request for Cert. of Compliance – 57 Oxbow Road (337-0340)

This Order of Conditions was issued for the extension of a garage on 12/21/95; no perpetual conditions were included. A motion to issue a Certificate of Compliance for 57 Oxbow Rd, DEP FILE 337-0340, was made by Josh Feinblum; seconded by Cynthia Chapra. Roll call vote 5-0.

### Nominate liaison to Community Preservation Committee

The Commission discussed the need for a representative to the Community Preservation Committee. No Commissioners present at the meeting were willing to take on this roll. Mr. Berman asked Mr. McCarron to inquire whether an Associate Member of the Commission could be nominated and/or whether the Commission could designate someone else from the Weston community to represent them on the CPC.

### Land Management Updates

3 Summit Road Tree Removal: Mr. McCarron explained that the owner at 3 Summit Road has requested that the Conservation Commission determine whether it would pay to remove a dangling branch hanging over his yard from a tree on the boundary with Conservation Land. Debbie Howell, Conservation Assistant, visited the site and determined that the branch would not cause any damage to life or property if it fell; further, it was difficult to determine whether the tree was actually on conservation land.

The Commission agreed to give the owner permission to remove the branch at his expense but did not vote to expend Town funds to do so.

### Other Matters

Mr. McCarron explained that the Select Board and Town Managers Office are putting together a Preliminary Planning Group to look at the replacement of three water storage tanks in Weston, all of which sit on small postage-stamp parcels and would require either the relaxing of zoning setbacks or the disposition of adjacent conservation land in order to replace them. The water storage tanks are located at Paines Hill- 150 Highland Street, Cat Rock- 0 Overlook Drive, and Doublet Hill- 85 Doublet Hill Road. The group requires participation from the Conservation Administrator and one Commissioner. Allison Barlow volunteered to sit on this group.

The meeting was adjourned at 8:55 pm.