

Weston Conservation Commission (WCC) - Public Meeting Minutes

July 13, 2021

Approved: July 27, 2021

Members Participating: Joseph Berman (Chair), Becca Loveys, Ellen Freeman Roth, Josh Feinblum

Members Absent: Cynthia Chapra, Rees Tullos, Alison Barlow

Conservation Staff: Jordan McCarron

Notes: Pursuant to Chapter 20 of the Acts of 2021, which includes an extension of Governor Baker's March 12, 2020 Order Suspending Certain provisions of the Open Meeting Law, G.L. c. 30A, §18, this meeting was held via an online meeting platform (Zoom). No in-person attendance of members of the public was available.

Joe Berman, Chair, opened the meeting at 7:30 p.m. with an opportunity for public comment. Hearing none, the Commission commenced with the following hearings and meetings:

Request for Amendment to Order of Conditions, 272 North Avenue, 337-1393, Phyllis Goodman

Phyllis Goodman, owner, provided the Commission with an overview of the request for amendment, which includes the construction of a garage and gravel driveway at 272 North Avenue. A portion of the work falls within the 100-foot Wetland Buffer Zone and 200-foot Riverfront Area.

Ms. Goodman previously obtained an Order of Conditions for the construction of three additions (5' x 10', 11.8' x 4.6', 18.2' x 10') onto the westerly, southerly, and northerly sides of the existing single-family home respectively. The northerly addition location was formerly occupied by a raised deck. The southerly addition location is currently comprised of bituminous driveway, a cellar bulkhead, and a flower garden. The westerly addition location is currently comprised of patches of ivy and herbaceous weed species.

Currently Ms. Goodman proposes to amend that Order of Conditions to remove the westerly addition (5'x10') and to add on a garage addition (22.5'x22.5') and gravel driveway (approx. 978 SF) to the east side of the house.

Proposed construction activities will take place within Riverfront Area (outer riparian zone) and the 100-foot Buffer Zone to Bordering Vegetated Wetland (BVW). No disturbance is proposed within the 25-foot No Disturb Zone (NDZ).

Jordan McCarron, Conservation Administrator, explained that the project appears to meet the Riverfront Area performance standards, which allows the disturbance of up to 10% of the Riverfront Area, or 5,000 sq. ft., whichever is greater, on previously disturbed lots provided any new activity is no closer to the resource area than existing conditions. Since these conditions have been met, and the existing Order of Conditions appears sufficient to protect the resource areas on site, Mr. McCarron advised the Commission to approve this new activity.

A motion to issue an Amendment to Order of Conditions 337-1393 for the addition of a garage and gravel driveway at 272 North Avenue was made by Josh Feinblum; seconded by Ellen Freeman Roth. Roll call vote 4-0.

Request for Determination of Applicability: 384 Glen Road (RDA 2021-013); Elaine Duguay

Elaine Duguay, owner, provided the Commission with an overview of the Request for Determination of Applicability (RDA), which includes the enclosure of an existing deck at 384 Glen Road in Weston, MA. A portion of the work will occur within the 100-foot Buffer Zone to a Bordering Vegetated Wetland; no work will occur within the 25' No Disturb Zone (NDZ). The area immediately surrounding the deck includes a small buffer of ornamental shrubs and lawn grass. Ms. Duguay explained that the shrubs would be removed during construction and then likely replanted; no disturbance to the grass will occur and a 9" filter sock and silt fence will be installed just upgradient of the 25' NDZ.

Ms. Duguay's contractor, Russ Busa of Sterling Homes Development, explained that the sonnet tubes supporting the existing deck would need to be replaced with a knee wall foundation. Since this information had not previously been relayed to the Commission or the agent, the Commission spent some time discussing whether a foundation should trigger a full Notice of Intent review. Mr. Busa explained that a small, zero-turn excavator would be used to dig the foundation and that all materials would be stored on the driveway and moved off-site the same day. As previously stated, there would be no disturbance to the grass, or the buffer zone, beyond the existing footprint of the deck.

Mr. McCarron and the Commission agreed that a foundation would not substantially change the project's impact on the site. A motion to issue a Negative 3 Determination to Elaine Duguay, 384 Glen Road, for the enclosure of an existing deck within the 100' buffer to a wetland was made by Ellen Freeman Roth; seconded by Josh Feinblum. Roll call vote 4-0.

Cont. NOI: 5 Warren Place; (DEP# 337-1411); Sayem Kahn.

The Applicant has filed this Notice of Intent for the construction of an addition to an existing single-family home. A portion of the work falls within the 100-foot Wetland Buffer Zone, 200-foot Riverfront Area and floodplain.

A motion to continue the Notice of Intent hearing for 5 Warren Place, 337-1411, at the request of the applicant to the July 27th hearing at 8 pm., was made by Josh Feinblum; seconded by Ellen Freeman Roth. Roll call vote 4-0.

The following administrative matters were then addressed in order:

A motion to approve the minutes from 6-29-21 was made by Ellen Freeman Roth; seconded by Josh Feinblum. Roll call vote 4-0.

Mr. McCarron explained that Bill Geizentanner, a Mass Audubon staff member who worked on the Case Estates Ecological Management Plan alongside Emily Schadler, has placed a request with the Commission to harvest some black locust from the Case Estates for use on boardwalk projects for Mass Audubon and Minuteman National Historic Park.

Mr. McCarron explained that at the time that Mr. Geizentanner was working on the Case Estates plan and had posed this request initially, both Michele Grzenda and Brian Donahue had been amenable to the idea. Mr. McCarron asserted his opinion that the Case Estates plan does not include any recommendations to remove the black locust from the property and that, at such time that the Commission wishes to thin or remove the black locust, it would make better sense to use the wood locally in Weston. The Commission agreed and directed Mr. McCarron to politely decline Mr. Geizentanner's request.

Mr. McCarron updated the Commission on the Deer Hunting Program; the Weston Deer Subcommittee has selected hunters for the 2021 season and sent confirmation e-mails.

Mr. Berman then opened the floor for discussion on forming a Wetlands Bylaw Working Group. The Commission discussed the merits of including other boards and committees on this working group. Mr. Feinblum suggested that soliciting feedback on a bylaw draft from other constituencies might be easier politically than involving them on the working group itself. Ultimately, Mr. Berman directed Mr. McCarron to reach out to his colleagues involved with relevant boards and committees, like the Planning Board, Zoning Board of Appeals, Sustainability Committee, Tree Advisory Group, etc. to gauge their interest in sitting on such a group. Additionally, Mr. McCarron will speak with the Town Manager to get a better understanding of the right format for such a working group and report back to the Commission at its next meeting.

A motion to authorize the Conservation Administrator to write a letter of support on behalf of the Conservation Commission to support the replacement of Weston's streetlights with LEDs through grant funding and some municipal funding as proposed by the Town's Sustainability Coordinator, Kortni Worten in a memo to the Town Manager dated 6/30/21, with a preference towards mimicking the Town's existing color and temperature, was made by Josh Feinblum; seconded by Ellen Freeman Roth. Roll call vote 4-0.

The Commission then discussed the merits of appealing a Superseding Order of Conditions on 95 Newton Street, File 337-1373. Mr. McCarron reviewed the history of the filing for the Commission:

- Previous owner at 95 Newton Street was issued an OOC to update the septic on site and restore unpermitted alterations to the BVW and 25' NDZ in 2015 (File 337-1242).
- New owner inherited this OOC and then started maintaining one of the restoration areas as lawn; thus putting her in violation of this original OOC.
- New owner was issued an Enforcement Order and refused to comply with original OOC, then filed new NOI requesting that the Commission allow her to reduce the original restoration area to allow for more lawn.
- The Commission issued a new OOC (337-1373) in February 2020, which allowed her to reduce the original restoration area minimally, but not as substantially as she wanted; new OOC was very specific and detailed.
- New owner appealed the OOC 337-1373 to the DEP in February 2020.
- DEP upheld the appeal and issued an SOC on 7/6/21, which permits the proposal that the applicant wanted

While Mr. McCarron and Mr. Berman expressed the opinion that an appeal on this SOC would be unlikely to succeed. Mr. Feinblum expressed concern over the DEP's use of an SOC in this circumstance and that an appeal, if only symbolic, would uphold the integrity of the Commission's process and decision making.

A motion to authorize Jordan McCarron to file an appeal on behalf of the Commission on a Superceding Order of Conditions for 95 Newton Street, File 337-1373, was made by Josh Feinblum; seconded by Ellen Freeman Roth. Roll call vote 4-0.

A motion to adjourn the meeting at 8:41 pm was made by Josh Feinblum; seconded by Ellen Freeman Roth. Roll call vote 4-0.