

Weston Conservation Commission (WCC) - Public Meeting Minutes

August 8th, 2023

Approved: August 22nd, 2023

Members Participating: Joe Berman (Chair), Alison Barlow, Ellen Freeman Roth, Sean Rush

Members Absent: Rob Mosher, Rees Tullos, Glenn Butcher

Conservation Staff: Jordan McCarron, Joshua Baker

Notes: Under current state law public bodies may continue holding hybrid and fully remote meetings, without a quorum of the public body physically present, as long as adequate, alternative access is provided. As such, no in-person attendance of members of the public was available but every effort was made to ensure that the public could adequately access the proceedings in real time including a dial-in option.

Joe Berman, Chair, opened the meeting at 7:30 pm with an opportunity for public comment. Hearing none, the following hearings and meetings were taken up in order.

7:30 pm Class 1 Pedal Assist E-Bikes: Policy Discussion

The Conservation Commission discussed the use of Class 1 Pedal-Assist E-Bikes on Town trails. Joe Berman, Chair, opened the discussion by noting that the Conservation Commission does not currently permit the use of motorized bikes on Town trails and that the intention of the discussion was to educate the Commission and public on E-Bikes and address whether the Conservation Commission should amend their regulations to allow Class 1 Pedal-Assist E-Bikes specifically and/or to differentiate them from motorbikes.

John Connolly, WFTA Trustee and mountain biking advocate, provided a short overview of Class 1 Pedal-Assist E-Bikes; while Mr. Connolly is a WFTA trustee, he was not representing the WFTA or its position on the issue. Mr. Connolly cited findings from the International Mountain Biking Association as well as the New England Mountain Biking Association that Class 1 E-Bikes do not pose any more of an impact on trails than non-electric mountain bikes. Mr. Connolly explained that Class 1 E-Bikes do not contain a throttle and only assist a rider when he/she is actively pedaling; additionally, the State of Massachusetts had passed legislation in November 2022 defining Class 1 E-Bikes as nonmotorized vehicles. Further, Mr. Connolly stressed that Class 1 E-Bikes allow individuals with physical limitations to enjoy biking.

Mr. Berman inquired whether proactively allowing E-Bikes on Weston's trails would create a huge influx of users/visitors. Mr. Connolly indicated that Weston trails are primarily used by Weston residents and that proactively allowing Class 1 E-Bikes would not place a large number of new users on the trails. Alison Barlow, Commissioner, raised concerns over the speed at which users can travel on E-bikes and whether this would create unsafe conditions/conflicts with other trail users. Further, Ms. Barlow expressed general unease for allowing any type of electric or motorized bike on Weston's trails. Mr. Connolly explained that the only real speed difference between how traditional mountain bikes and a Class 1 E-Bikes are used is the speed applied when going uphill or over obstacles. Mr. Berman also explained that the Commission is not required to allow any other type of electric bicycle by allowing Class 1 E-Bikes and further the Commission could revoke the allowance of Class 1 E-Bikes if problems did arise.

Adrian Adolot, 26 Crescent Street & 251 Boston Post Road, expressed concern over the allowance of Class 1 E-Bikes and general unease over potential conflicts and collisions between E-bike users and pedestrians. Peter Hill, 687 Wellesley Street, described himself as an owner and user of an E-Bike on Weston trails and supports the allowance of pedal-assist bikes. Mr. Hill said he finds the fear of pedestrian/bicycle collisions to be unfounded.

Mr. Berman asked Kristen Barbieri, WFTA Trustee, if the WFTA has an official position on the matter. Ms. Barbieri indicated that would be discussing it as a board in early September.

Joe Berman closed the discussion, indicating that the Commission would need to understand the WFTAs position, and take more public comment on the matter, before voting on whether to allow or prohibit these bikes. This issue will be placed on a future Conservation Commission agenda no sooner than September 19th, 2023.

7:45 pm Cont. Notice of Intent: 169 Ridgeway Road, DEP 337-1470; M. Harkins

The applicant has requested a continuance to August 22nd at 8:30PM via email.

A motion to continue the hearing for 169 Ridgeway Road, DEP 337-1470, to August 22nd, 2023, at 8:30 pm at the request of the applicant was made by Alison Barlow; seconded by Sean Rush. Roll call vote 4-0.

8:00 pm Notice of Intent: 12 Robin road, DEP 337-1474; K. Zhao

Jerry Zhao, applicant and owner, reviewed the changes to the project design since the last presentation on 7/11/23. The revised site plan includes moving the proposed dwelling further from the resource area, and moving the sewer line connection further back from the Zone A public drinking water supply designation. Mr. Zhao also addressed concerns regarding the location of the proposed dwelling, stating that the existing barn/paddock area has shallow ledge and bedrock, making construction of a new foundation and home in that area economically prohibitive. Todd Hadden, 21 Robin Road, further pressed that the existing paddock and barn area seemed sufficient to accommodate the home. Mr. Zhao indicated that the existing barn would be razed, and that the entire barn and paddock area would be re-vegetated with turf lawn- this would be an improvement over existing conditions, which includes large areas of bare ground as well the barn structure itself.

Jamie O'Connell, Cambridge Water Department, expressed that the relocated sewer line satisfies the Cambridge Water Department's concerns regarding the proposed septic. Further, Ms. O'Connell stated that she would need to review the updated plan to understand whether the applicant has moved the proposed structure and impacts as far back as possible and that the applicant provide some improvement to the buffer zone, such as mitigation plantings. Joe Berman, Chair, suggested another site visit before the next hearing.

A motion to continue the Notice of Intent hearing for 12 Robin road, DEP 337-1474, to August 22nd, at 8:45 pm, by request of the applicant, was made by Sean Rush; seconded by Alison Barlow. Roll call vote 4-0.

8:15 pm Notice of Intent: 17&21 Blake Road, DEP 337-1472; J. Nitsch

Judy Nitsch, applicant, provided a short presentation on the history of the issues with her pond, showcasing the increasing dominance of duckweed since approximately 2016. Keith Gazaille, Solitude Lake Management, explained that the duckweed proliferation is displacing the once-present watershield while also interfering with the water-air oxygen exchange, causing advanced eutrophication. To remedy the duckweed infestation, Mr. Gazaille is proposing the use of Fluoridone (Sonar) as well as the installation of aeration devices to promote natural aeration and nutrient cycling. The proposed chemical interferes with the plant's ability to synthesize carotene, which in turn protects chlorophyll. The sunlight will break down the unprotected chlorophyll, and inhibit photosynthesis. This process occurs relatively fast and is generally considered to be low risk to non-target species and human health. Mr. Gazaille explained further that Fluoridone can be safely applied to public drinking water supplies if under 20 parts per billion. Several other herbicides were proposed as contingencies, but Mr. Gazaille explained that Fluoridone was expected to be the only herbicide used.

Gary Wetreich, 20 Tamarack Road, raised concerns over the application of Fluoridone in close proximity to his private potable water well. Due to this proximity, Mr. Wetreich asked if Solitude could test his water

supply before and after the application of herbicides; Mr. Wetreich also inquired if mechanical management of duckweed was possible and preferable over the use of herbicides. Joe Berman, Commission Chair, explained that Mr. Wetreich's personal water supply was outside of the Commission's technical jurisdiction and encouraged Ms. Nitsch and Mr. Wetreich to come up with an agreement on testing Mr. Wetreich's well and on what the process would be should Mr. Wetreich's well test positive for Flouridone.

A motion to close the Notice of Intent Hearing for 17/21 Blake Road, DEP 337-1472, and issue an order of conditions was made by Ellen Freeman Roth; seconded by Sean Rush. Roll call vote 4-0 in favor.

The following Administrative Matters were discussed throughout the meeting:

Approval of the 7/25/23 Conservation Commission Meeting Minutes:

A motion to approve the 7/25/23 Conservation Commission Meeting Minutes was made by Sean Rush; seconded by Alison Barlow. Roll call vote 3-0-1 in favor.

Request for Certificate of Compliance; 12 Wits End, DEP# 337-0493:

A motion to issue a Certificate of Compliance for 12 Wits End, DEP# 337-0493 was made by Sean Rush; seconded by Ellen Freeman Roth. Roll call vote 4-0 in favor.

Request for Certificate of Compliance; 12 Wits End, DEP# 337-0101:

A motion to issue a Certificate of Compliance for 12 Wits End, DEP# 337-0101 was made by Alison Barlow; seconded by Sean Rush. Roll call vote 4-0 in favor.

Jordan McCarron, Conservation Administrator, provided the following Land Management Updates:

- Four new hunters were added to the roster this season; two are Weston residents. Hunter permits are to be issued on September 23rd at the next Stewardship Saturday event; details on that Stewardship Saturday event are forthcoming.
- Emily Schadler will present a proposal for CPA funding for stewardship endowments for several Conservation Restrictions that the WFTA holds on Town Conservation Land at the August 22nd Conservation Commission meeting.
- Jim Anza was awarded the mowing contract and is busy with the summer mowing.

The meeting adjourned at 8:59 pm.