

Weston Conservation Commission (WCC) - Public Meeting Minutes
August 22nd, 2023
Approved: September 5th, 2023

Members Participating: Ellen Freeman Roth (Acting Chair), Rob Mosher, Glenn Butcher, Sean Rush

Members Absent: Joe Berman, Rees Tullos, Alison Barlow

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.

Ellen Freeman Roth, Acting 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.

Presentation: Community Preservation Act Request for Conservation Restriction Stewardship Endowments

Emily Schadler, Conservation Stewardship Program Coordinator, provided an overview of the funding proposal. Ms. Schadler explained that Parcels 1 & 2 at the Case Estates and Wellington Farm were purchased with Community Preservation Act (CPA) funding in 2016 and 2019. Because these properties were purchased with CPA funding, they are required to have Conservation Restrictions (CR) placed on them. Since CR's are perpetual and exist beyond the timeframe of the participants who initially placed the CR, a dedicated endowment fund is necessary for the long-term stewardship of the CR.

Ms. Schadler is proposing that each CR for each property receive a one-time endowment contribution of \$15,000 for a total of \$30,000. The proposed amount would provide a \$600 return each year to be used on CR monitoring efforts and other expenses. Sean Rush, Commissioner, asked if \$600 a year for monitoring efforts would be sufficient to which Ms. Schadler said it would be and that the WFTA would take control of the money and management of the endowment fund.

Rob Mosher, Commissioner, asked how the WFTA would manage the money and how does the Town ensure that it is being spent on the intended purpose. Kristen Barbieri, WFTA, explained that the WFTA has an accountant that manages endowments and that the WFTA is required to disclose its financial practices.

A motion to support the submittal of a CPA funding request for a \$15,000 stewardship endowment (\$30,000 in total) for the Wellington Farm and Case Estates Conservation Restrictions was made by Sean Rush; seconded by Glenn Butcher. Roll call vote 4-0 in favor.

Presentation: Beaver Issues along Warren Avenue/Gun Club Lane

Jason Lavoie, Town Engineer, provided an overview of the beaver damming along Warren Avenue and Gun Club Lane, citing that over the last 18 months, significant flooding has been occurring along both roads and residences. Together with Beaver Solutions, who maintains the beaver-deceiver at the Warren Ave culvert, they concluded that there were no issues with the culvert and its beaver-deceiver. After investigating further downstream, a large beaver dam was discovered. The beaver dam in question is holding back approximately 8-10" of water, causing flooding along Gun Club Lane and its residences. Beaver Solutions constructed a plan to alleviate the issue, recommending that the dam be breached and the

beavers trapped. The ideal timeframe for this project would be in September and the dam would be slowly and gradually removed with shovels and rakes to lower the water in increments.

The Commission expressed concern over the trapping. Jordan McCarron, Conservation Administrator, reminded the Commission that state regulations don't allow the relocation of wildlife for ecological and ethical reasons and that the trapping of beavers outside of trapping season isn't under the jurisdiction of the Conservation Commission but rather the Board of Health. The only part of the proposal under the jurisdiction of the Conservation Commission is the breaching of the dam in a resource area.

Kristin Barbieri, Weston Forest and Trail Association, expressed a general concern over trapping and dam breaching and suggested that the Commission and/or the Town develop some guidelines on how to determine when breaching and/or trapping is warranted. Glenn Butcher, Commissioner, agreed that it would be helpful to establish guidelines as a Town to determine when beavers have become a nuisance and when removal is necessary but also pointed out that the current residences and streets in question are being flooded and the situation is time sensitive. The Commission agreed that the current issue at hand should be solved expediently and that separately guidelines for future beaver issues should be formed. Mr. Lavoie was amenable to working on guidelines with the Commission.

A motion to approve the beaching of the beaver dam along Warren Avenue as proposed by the Town Engineer and Beaver Solutions and presented to the Commission by Jason Lavoie, Town Engineer, on 8/22/23, was made by Sean Rush; seconded by Glenn Butcher. Roll call vote 3-0-1 in favor.

Cont. Notice of Intent: 4 Briar Lane, DEP 337-1462; H. Lu

The applicant has requested a continuance to September 19th, 2023 at 7:45pm via email.

A motion to continue the Notice of Intent hearing for 4 Briar Lane, DEP 337-1462, to 9/19/23 at 7:45 pm, at the request of the applicant, was made by Rob Mosher; seconded by Glenn Butcher. Roll call vote 4-0 in favor.

Cont. Notice of Intent: 21 Warren Place, DEP 337-1475; M. McDade

The applicant has requested a continuance to 9/5/23 at 8:00 pm via email.

A motion to continue the Notice of Intent hearing for 21 Warren Place, DEP 337-1475, to 9/5/23 at 8:00 pm, at the request of the applicant, was made by Glenn Butcher; seconded by Rob Mosher. Roll call vote 4-0 in favor

8:30 pm Cont. Notice of Intent: 169 Ridgeway Road, DEP 337-1470; M. Harkins

Diane Simonelli, Field Resources, provided an update on the project. The project is still waiting to be issued stormwater and septic permits, but has received comments back from both and anticipate the current plans to be acceptable by the Board of Health. There will be additional revisions to the stormwater management system for the project, but those changes will not impact any work within the Commission's jurisdiction.

Glenn Butcher, Commissioner, inquired about the increase in impervious surface cover within the Riverfront Area. Ms. Simonelli responded that total impervious surface cover would increase by 1,700 square feet for a total of 3,119 square feet of degraded area, or 6.9% of the total Riverfront Area on the lot. This keeps the total degraded area under the 10% threshold required under the Wetlands Protection Act.

Melissa Galton, 171 Ridgeway Road, questioned whether the applicant would need a stormwater management permit from the Town before the Commission would close the hearing and issue an Order of Conditions. Jordan McCarron, Conservation Administrator, clarified that while legally the Conservation Commission only votes on items under its jurisdiction as described in the Wetlands Protection Act, which

for single-family homes does not include stormwater management, the Commission typically prefers that applicants have filed for other necessary local permits with initial comments back and that no significant changes are likely to occur within the Commission's jurisdiction. Now that the Commission has comments back from the Town's Health Director and Stormwater Engineer indicating that the plans they have reviewed are either permissible or require changes that will not impact the Commission's jurisdiction, the Commission would be in a better position to close the hearing than at previous meetings.

Ms. Galton then questioned how the project would result in an improvement to the Riverfront Area on the property- this was in response to a comment made by Mr. McCarron that the performance standards for Redevelopment of Riverfront Area under the Wetlands Protection Act require that a project improves existing conditions. Ms. Simonelli replied that after the removal of 14 trees, 12 shrubs would be planted and strategically placed to support wildlife habitat in compliance with the Commission's Tree Removal Policy. Ms. Galton disagreed that replacing canopy trees with shrubs would constitute an improvement. Ellen Freeman Roth, Acting Chair, agreed, noting that despite the removal of large and established trees, there were no trees proposed as replacements. Ms. Simonelli was amenable to adding trees to the restoration plan. Glenn Butcher, Commissioner, pointed out that these types of projects require the Commission to consider trade-offs. In this case, the removal of canopy trees and excavation/blasting required to remove ledge within the garage footprint could be significant; at the same time, the applicant is proposing to make major improvements to stormwater management and ultimately the quality of water that discharges from the site.

Ken Galton, 171 Ridgeway Road, commented that the hill with the proposed construction is steep and the trees proposed for removal sit directly on ledge and will be difficult to replace. Mr. Galton further expressed concern over stormwater management and that improper management could result in the flooding of his property.

The Commission requested a more robust and detailed planting and restoration plan that demonstrates a real improvement to the Riverfront Area and suggested that an additional site visit be scheduled before the next hearing.

A motion to continue the Notice of Intent hearing for 169 Ridgeway Road, DEP 337-1470, to 9/5/23 at 8:30 pm, by request of the applicant, was made by Glenn Butcher; seconded by Rob Mosher. Roll call vote 4-0 in favor.

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

The applicant has requested to continue their Notice of Intent hearing to 9/5/23 at 8:15 pm via email.

A motion to continue the Notice of Intent hearing for 12 Robin Road, DEP 337-1474, to 9/5/23 at 8:15 pm as per the applicant's request was made by Glenn Butcher; seconded by Rob Mosher. Roll call vote 4-0 in favor.

The following Administrative Matters were discussed throughout the meeting:

Approval of 8/8/23 Conservation Commission Meeting Minutes:

A motion to approve the 8/8/23 Conservation Commission Meeting Minutes was made by Sean Rush; seconded by Rob Mosher. Roll call vote 2-0-2.

Issuance of Compliance Letter for Violation: 10 Woodward Lane:

A site visit was conducted the morning of August 22nd 2023, and while the restoration required through the Enforcement Order issued to the property was found in compliance, there was landscaping present that may

be on conservation land. The issuance of the Compliance letter was postponed until the property owner could provide assurances.

Land Management Updates:

Jordan McCarron, Conservation Administrator, provided the following updates:

- The next Stewardship Saturday will take place on September 23rd and will involve a trail re-route at College Pond.
- In late September or October, Mr. McCarron will convene a trail management working group in conjunction with the WFTA. Two or three Commissioners are needed to join the group.
 - Glenn Butcher suggested that neighborhoods be targeted to form volunteer steward groups with the potential to hold friendly competitions for the “best managed trails.”
 - Jordan McCarron suggested that the “Park Steward” program already created by the WFTA could be expanded to recruit more volunteers from the neighborhoods adjacent to our conservation areas.

Meeting adjourned at 9:18 pm.