

Weston Conservation Commission (WCC) - Public Meeting Minutes  
*September 14th, 2021*  
*Approved: September 28th, 2021*

Members Participating: Rees Tullos (Acting Chair), Ellen Freeman Roth, Josh Feinblum, Cynthia Chapra, Alison Barlow

Members Absent: Joe Berman, Rebecca Loveys

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.

Rees Tulloss, Acting Chair, opened the meeting at 7:30 p.m. with an opportunity for public comment.

Hearing none, the Commission commenced with the following scheduled hearings and meetings, in order:

Abbreviated Notice of Resource Area Delineation: 390 Highland Street/0 Forest Lane, 337-1416; L. Revers

Mitch Maslanka, Goddard Consulting, presented the project on behalf of the applicant, Lise Revers. Ms. Revers has filed this Abbreviated Notice of Resource Area Delineation for confirmation of all wetland resource areas on the parcels known as 390 Highland Street and 0 Forest Lane, Assessors Map 43, Parcels 18-21.

Mr. Maslanka agreed to the use of Pat Garner as an outside consultant hired by the Commission though Chapter 44, Section 53G.

A motion to employ an outside consultant, at a reasonable fee to the applicant and in accordance with MGL Chap. 44, Sec 53G, for the purpose of conducting a detailed review of the wetland delineation associated with the ANRAD application for 390 Highland St, DEP File 337-1416, was made by Josh Feinblum; seconded by Ellen Freeman Roth. Roll call vote 5-0.

A second motion to continue the Abbreviated Notice of Resource Area Delineation hearing for 390 Highland Street, DEP File 337-1416, at request of the applicant, to September 28<sup>th</sup>, 2021, at 9:15 pm. was made by Ellen Freeman Roth; seconded by Josh Feinblum. Roll call vote 5-0.

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, DEP File 337-1411, at the request of the applicant to the October 26th, 2021 meeting at 7:45 pm was made by Josh Feinblum; seconded by Cynthia Chapra. Roll call vote 5-0.

Notice of Intent: 449 Old North Avenue, 337-1419; D. Rhodes

Bill Doyle, Design, Engineering & Innovation, provided an overview of the project on behalf of the applicant. The proposed work includes repairing the existing septic system, specifically replacing the failed leach field, with a new leach field generally in the area of the proposed reserve area trench. The new leach field consists of a single new subsurface absorption trench, 8' wide by 92' long. The project will require the temporary disturbance of the area above the existing and proposed leach field as well as the area adjacent to the driveway for access and staging. A portion of the is located within the outer 200-foot Riverfront Area to the Stony Brook, a tributary to an Outstanding Resource Water. The project does not include an increase in impervious area or change in surface coverage from existing conditions. Two trees are proposed to be removed in the 200-foot Riverfront Area.

The proposed septic design is only partially within the outer 200-foot Riverfront Area to the Stony Brook. Mr. Doyle explained that there is an unnamed second stream and wetland system on the west side of 3 Lincoln Street- to the west of the subject property- that was not examined for the presence of Riverfront Area. If a second 200-foot Riverfront Area were present, it would impact the subject property and place the entire proposed septic system within a 200-foot Riverfront Area.

Mr. Doyle, Jordan McCarron, Conservation Administrator, and Jamie O Connell, Cambridge Water Department, conducted a site visit in preparation for the hearing and determined that the potential presence of a second Riverfront Area would not change the proposed septic design and thus the second stream and wetland system were not investigated. Mr. Doyle explained that Ms. O Connell has requested that the Conservation Commission make this clarification clear in their findings for this project. Ms. O Connell also requested that the Commission add a condition requiring the removal of *Asiatic* bittersweet vines along the western property boundary and within the project area.

Commissioner Rees Tulloss requested that the erosion control barrier be adjusted to provide room for any stockpiling of materials on the existing driveway.

A motion to close the Notice of Intent hearing for 449 Old North Avenue, DEP File # 337-1419, and issue an OOC was made by Ellen Freeman Roth; seconded by Josh Feinblum. Roll call vote 5-0.

Notice of Intent: 128 Rockport Rd, 337-1420; B. Gold

Bill Doyle, Design, Engineering & Innovation, provided an overview of the project on behalf of the applicant. The proposed work includes repairing the existing septic system, specifically the leach field, with a new leach field generally in the area of the proposed reserve area trench. The project will require the temporary disturbance of the area above the existing leach field as well as the area adjacent to Rockport Road for access and staging. The area that is to be disturbed for the proposed work will be replaced in in the same condition as currently exists. The project does not include an increase in impervious area or change in surface coverage from what exists today. A portion of the work falls within the 100-foot Buffer Zone to a Bordering Vegetated Wetland. All equipment and vehicles will access the site over the existing sidewalk and lawn area.

Mr. McCarron pointed out that the Board of Health had asked for a number of revisions to the septic design and plans and that the Order of Conditions would include a Condition requiring Board of Health approval before any work commences.

A motion to close the Notice of Intent hearing for 128 Rockport Rd, DEP File # 337-1420, and issue an OOC was made by Ellen Freeman Roth; seconded by Cynthia Chapra. Roll call vote 5-0.

Request for Determination of Applicability: 1 Warren Place; P. Caro

Peter Caro, owner and applicant, provided an overview of the project, which includes the construction of an approximately 200 sq. ft. brick patio within existing lawn. The work will be done by Blade of Grass using hand tools only. The design calls for stacked slate and field stone retaining walls, a fire pit, and reclaimed red brick that will be set to allow grass to grow between each piece.

Mr. McCarron pointed out that the project falls within the 100-foot Buffer Zone to Bordering Vegetated Wetland, the inner 200-foot Riverfront Area, and Floodplain. Any filling of the Floodplain will require compensatory storage and any alteration of the Riverfront Area beyond the allowable 10% of total Riverfront Area on the property, would require mitigation at a ratio of 2:1, per 310 CMR 10.58(5)(e).

To address the Floodplain requirements, Mr. Caro provided a cross-section of the proposed patio and explained that the area would be excavated down 6-10" with no fill being brought in.

Mr. Caro and Mr. McCarron then discussed the definition of Riverfront Area and regulatory thresholds for work within this area. Mr. Caro expressed his opinion that the stream behind his house is man-made and thus not "natural", which is at odds with his understanding of the definition of a "river" in the Wetlands Protection Act.

Mr. McCarron reviewed the Wetlands Protection Act Riverfront Area definition and regulations with the Commission and Mr. Caro and explained that the immediate abutter to his property at 5 Warren Place, as well as 15 Warren Place, both have plans on file by professional wetlands scientists classifying the stream as a tributary to the Cherry Brook and thus classified as Riverfront Area under the Act.

Mr. McCarron explained that while the project appears minor in scope and would likely not have an adverse impact on the resource areas on the property, a Determination of Applicability does not generally cover Riverfront Area work unless the project is sufficiently far from the resource.

Mr. McCarron suggested that if Mr. Caro is willing to work with the Commission by calculating the total amount of impervious area on his property, including the proposed patio, and providing mitigation somewhere else on his property in a ratio of 2:1 for any impervious cover over 10% of the total Riverfront Area, that the Commission could feel comfortable issuing a Negative Determination for the work. Mr. McCarron suggested installing a native vegetative buffer along the stream as a potential mitigation strategy.

Mr. Caro agreed to work with Mr. McCarron on this additional information in preparation for the 9-28-21 meeting.

A motion to continue the Determination of Applicability for 1 Warren Place, RDA File # 2021-014 to the September 28th, 2021 meeting at 9:30 pm was made by Josh Feinblum; seconded by Ellen Freeman Roth. Roll call vote 5-0.

Notice of Intent: 44 Ripley Lane, 337-1418; J. Gerrity

Brian Nelson, MetroWest Engineering, provided an overview of the project on behalf of the applicant. The proposed work includes the demolition of a portion of the existing barn and house, followed by construction of a new two-story addition to the northerly side of the existing house, new paved driveway, hardscape and landscape areas, stormwater management system and supporting utilities. Work proposed within the 100-foot wetland buffer zone includes the demolition of a portion of the existing house and construction of a new driveway. No sitework is proposed within the 200-foot Riverfront Area or the 25-foot No Disturb Zone.

Of the 2,301 SF of impervious area proposed for this project, 842 SF are located within the 100-foot buffer zone. The work will require the removal of two trees, both located outside of the 100-foot buffer zone. The plan includes 18-inch filter mitt for sedimentation and erosion control to be installed at the limit of work.

Mr. Nelson explained that the project will create approximately 9 sq. ft. of additional impervious area within the Commission's jurisdiction. A motion to close the Notice of Intent hearing for 44 Ripley Lane, DEP File # 337-1418, and issue an OOC was made by Ellen Freeman Roth; seconded by Josh Feinblum. Roll call vote 5-0.

#### Trail Work Proposal at College Pond, 337-1016; Weston Forest and Trail Association

Ted Cavan, Trustee with The Weston Forest and Trail Association, presented a plan to construct a bog-bridge over a section of wet trail at the College Pond Conservation Land, consistent with the requirements of the General Order of Conditions for Trail Maintenance and Invasive Species Management, DEP File # 337-1016.

A motion to approve the construction of a "Bog Bridge" at College Pond Conservation Land by the Weston Forest and Trail Association under OOC 337-1016, "Trail Maintenance and Invasive Species Management" was made by Ellen Freeman Roth; seconded by Cynthia Chapra. Roll call vote 5-0.

#### The following administrative matters were taken up throughout the meeting, in order:

A motion to approve the minutes from 8-24-21 was made by Ellen Freeman Roth; seconded by Josh Feinblum. Roll call vote 5-0.

A motion to issue a Certificate of Compliance for 719 Wellesley Street, DEP File 337-1286 was made by Cynthia Chapra; seconded by Josh Feinblum. Roll call vote 5-0.

A motion to re-issue a Certificate of Compliance for 199 Winter Street, DEP File 337-1101 was made by Josh Feinblum; seconded by Ellen Freeman Roth. Roll call vote 5-0.

#### Land Management Updates:

Mr. Tulloss provided an update on the Japanese Knotweed removal project at the Town Brush Dump- currently, the Conservation Department has received an estimate for herbicide work from Vegetation Control Services (VCS).

Mr. McCarron provided an update on the upcoming Deer Hunting Program proficiency exam scheduled for 9-18-21. Additionally, the Weston Conservation Department and WFTA's first *Stewardship Saturday* volunteer program, which will involve water bar construction on Trail E-F in the Highland Forest, is also scheduled for 9-18-21. Mr. McCarron will provide a review of both events at the Commission's next meeting.

Mr. Tulloss reported that the Apple Orchard on Concord Road is having an extremely productive year and is open to the public for picking.

Mr. Tulloss asked the Commission for thoughts on how to engage more existing groups to provide stewardship of our conservation meadows- as an example, Mr. Tulloss pointed out the new project to restore the Sears Driveway Field being undertaken by the Weston-Wayland Rotary Club. Commissioners Josh Feinblum and Alison Barlow suggested approaching the High School and all Scout Troops in Weston, many of which have community service components to their mission/work.

Mr. Feinblum requested that the Wetlands Bylaw Working Group, comprised of Ms. Barlow, Commissioner Rebecca Loveys, Mr. McCarron, and Mr. Feinblum re-commit to setting up a first meeting.

Lastly, Barbara Fullerton, resident at 3 Winter Street, requested that the Commission limit its use of chemical herbicides, particularly glyphosate, due to its adverse impact on the sub-soil biome in addition to emerging research on the deleterious effects of the chemical on human health.

The meeting adjourned at 9:32 pm.