

Weston Conservation Commission (WCC) - Public Meeting Minutes

May 10th, 2022

Approved: May 24th, 2022

Members Participating: Joe Berman (Chair), Rees Tullos, Cynthia Chapra, Alison Barlow

Members Absent: Ellen Freeman Roth, Becca Loveys, Josh Feinblum

Conservation Staff: Jordan McCarron

Notes: Pursuant to Chapter 22 of the Acts of 2022, 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 pm with an opportunity for public comment.

Hearing none, the following hearings and meetings were taken up in order:

Notice of Intent: 141 Cherry Brook Rd, DEP File 337-1447; S. Hsu

Kevin O' Leary, Jillson Company, provided an overview of the project on behalf of the applicant, which involves an addition to the rear of the existing house, replacement of the existing driveway with a new circular driveway, installation of a drainage infiltration system, and removal of the existing septic tank and leach pit. Work proposed within the Commission's jurisdiction includes the clearing and leveling off of the rear portion of the yard. Approximately 7,800 sq. ft. of rear yard area is proposed to be cleared, filled, and regraded within the 100-foot buffer zone for the propose of providing a breakout slope for the leach field and expanding the yard/lawn area. The closest portion of grading to the wetland resource area will be approximately 45 feet. No work is proposed within the 25-foot No Disturb Zone.

The Commission requested that Mr. O' Leary update site plans to include the 16 jurisdictional trees scheduled for removal.

Joe Berman asked whether the applicant, Shih Hsu, would be willing to provide mitigation for the tree and natural vegetation removal. Rees Tulloss suggested that Mr. Hsu consider investing in a long-term Japanese Knotweed management program, as it is prevalent on the site.

Mr. O' Leary and Mr. Hsu agreed to work on a replanting/mitigation plan and to consider whether the Commission should include a Knotweed management program in its Order of Conditions.

A motion to continue the Notice of Intent hearing for 141 Cherry Brook Road, DEP 337-1447 to 5/24/22 was made by Cynthia Chapra; seconded by Alison Barlow. Roll call vote 4-0.

Cont. Notice of Intent: 217 Summer St, DEP 337-1436; Howe Development Corp.

A motion to continue the Notice of Intent hearing for 217 Summer Street, DEP 337-1436, at the request of the applicant, to 6/7/22 at 7:45 pm. was made by Alison Barlow; seconded by Cynthia Chapra. Roll call vote 4-0.

Cont. Notice of Intent: 355 Highland Street, DEP 337-1435; N. Keramaris

A motion to continue the Notice of Intent hearing for 355 Highland Street, DEP 337-1435, at the request of the applicant, to 5/24/22 at 9:00 pm. was made by Cynthia Chapra; seconded by Alison Barlow. Roll call vote 4-0.

Request for Determination of Applicability: 90 Cherry Brook Rd, DOA 2022-007; D. Elmes

Ted Doucette, Doucette Engineering, provided an overview of the project on behalf of the Applicant, which involves the replacement of the existing septic system including installation of a new two-compartment septic tank and soil absorption system consisting of an Infiltrator soil absorption system. The design capacity of the proposed system is for four bedrooms, *including* a garbage disposal. The area where the system is proposed is currently lawn that will be restored following construction. The proposed work is to remove the existing septic tank then filling it with soil or other clean fill; the existing leach pit will be removed as it is within the limits of the proposed soil absorption system. Erosion controls (12-inch straw wattle) are proposed along the limit of work between the work area and the wetland. The disturbed areas will be returned to lawn after construction and erosion controls will be removed once the lawn has been established. A Bordering Vegetated Wetland sits approximately 50 feet from the proposed Limit of Work.

Jamie O' Connell, Cambridge Water Department, provided the following comment via e-mail to Jordan McCarron on 5/10/22; Mr. McCarron read it into the record at the public meeting:

CWD is comfortable with this project. Please pass along to your Con Com members that CWD reviewed the project and that we do not have any outstanding concerns. The system is now setback as far as possible and the project will not increase the capacity of the system.

A motion to issue a Negative 3 Determination for 90 Cherry Brook Road, DOA 2022-007, was made by Rees Tulloss; seconded by Alison Barlow. Roll call vote 4-0.

Notice of Intent: Charles River Aquatic Vegetation Management, DEP 337-1446; Department of Conservation & Recreation

Kara Sliwoski, Massachusetts Department of Conservation and Recreation (DCR), provided an overview of the project, which involves a single all-encompassing Aquatic Vegetation Management Program throughout the Lakes District of the Charles River. The primary objective of the management program is to provide site specific control of submersed non-native and invasive aquatic plant species and also to restore and maintain the natural capacity of the Charles River to provide suitable open water and native plant habitat. Based on the type, distribution, and density of the current vegetation assemblage within the Lakes District, it has been concluded that these restoration goals can best be achieved through an integrated management program focused on monitoring, the prudent use of USEPA/MA Department of Agricultural Resources (MDAR) registered aquatic herbicides, and mechanical control strategies.

The secondary objective of this plan is to provide a single comprehensive management program that will replace/supersede the other individual programs that have preceded it. A single plan, unified under one Order of Conditions, will not only allow for better system level management, but will create a more consistent set of regulatory conditions for the project. Consistent regulatory conditions will simplify ongoing monitoring, reporting, and general regulatory compliance and oversight. Once new Orders of Conditions are issued in all municipalities for this Notice of Intent filing, Certificates of Compliance will be requested for the respective existing Orders of Conditions that will be replaced. In Weston, this will include DEP 337-1191, filed for Water Chestnut management in 2014 and currently extended through 2024.

Keith Gazaille, Solitude Lake Management (Solitude), reviewed several maps of the Lakes District showing species coverage and concentrations. Target species in Weston include Eurasian watermilfoil, Fanwort, and Variable watermilfoil- Solitude and the DCR is seeking a 5-Year Order of Conditions to manage these species. ProcellaCOR and/or Sonar are proposed as the primary herbicides; however, the Notice of Intent application requests permission to utilize a variety of products.

Mr. Gazaille pointed out that those two herbicides in particular are manufactured specifically for the target species they would be used on, making them very effective at low dose levels.

Jordan McCarron, Conservation Administrator, explained that he and the Conservation Agents from Newton, Waltham and Watertown were working collaboratively with the DCR in order to issue standardized and compatible Orders of Conditions for all work within the “Lakes District” of the Charles River.

Mr. McCarron inquired of the Commission whether it would want to review the Order of Conditions issued for Weston, assuming the conditions developed for Watertown, Newton and Waltham were adequate for conditions in Weston.

After confirming that there was nothing special or unique about the river conditions in Weston relative to the other communities, Alison Barlow, Rees Tulloss and Joe Berman all expressed comfort with Mr. McCarron and his staff issuing an Order of Conditions on the project without further review.

A motion to close the Notice of Intent hearing and issue an Order of Conditions for the Charles River Aquatic Vegetation Management Project, DEP 337-1446 was made by Cynthia Chapra; seconded by Alison Barlow. Roll call vote 4-0.

Notice of Violation: 44 Sherburn Circle, Rise Design and Build

Jordan McCarron, Conservation Administrator, explained that the home at 44 Sherburn Circle was under renovation and that the owner/contractor, Rise Design & Build, had removed ten (10) large caliper trees and created significant ground disturbance within the Riverfront Area to Bogle Brook

Ilya Zvenigorodskiy, Rise Design & Build, explained that he and his team had been unaware that the tree removal and landscaping on the property required approval by the Commission.

Mr. Zvenigorodskiy agreed to have erosion and sedimentation controls installed immediately and to develop a planting and mitigation plan consistent with the Commission’s Tree Removal Policy, to be presented for approval at the Commission’s next meeting on May 24th.

Notice of Intent: 38 Chestnut St, DEP 337-1448; S. Tarbox and Marshall Reed

Matt Marro, consultant for the Applicant, provide an overview of the project which involves replacement of the existing failed septic system within 100-feet of a Bordering Vegetated Wetland; no work is proposed within the 25-foot No Disturb Zone.

The existing system consists of a septic tank and a leach pit, and will be replaced by a septic tank, pump chamber and leach field. The existing system will be decommissioned and removed from site. Construction access to the property will be through the existing driveway; the area of the leach field will be loamed and seeded after construction. The existing water line will be relocated so that it is a minimum of 10-feet from the septic components. There is an orangeburg drain line in the area of the proposed SAS that will be replaced with schedule 40 PVC and rerouted around the septic system. The septic system has NOT been designed for a garbage grinder and any existing grinders are to be removed. The plan calls for erosion

controls (12-inch straw wattle) along the southern and eastern limit of work and Mr. Marro agreed to add an additional line of sedimentation control along the east side of the shared driveway.

A motion to close the Notice of Intent hearing and issue an Order of Conditions for 38 Chestnut Street, DEP 337-1448, subject to providing the Conservation Office with proof of abutter notification was made by Rees Tulloss; seconded by Alison Barlow. Roll call vote 4-0.

Request for Determination of Applicability: 42 Brook Rd, DOA 2022-008; D. Jones

Ted Doucette, Doucette Engineering, provided an overview of the project on behalf of the Applicant, which involves the replacement of the existing septic system including installation of a new two-compartment septic tank and soil absorption system consisting of a Presby ES soil absorption system. The design capacity of the proposed system is for three bedrooms, *without capacity for* a garbage disposal. The system is proposed in an area at the front of the house which is currently lawn and driveway that will all be restored as lawn following construction. The work includes removal of the existing septic tank and leach pit as well as the relocation of the house water service so that it is a minimum of 10-feet from the proposed soil absorption system. Erosion controls (12-inch straw wattle) are proposed along the limit of work. Erosion controls will be removed once the lawn has been established. The project is located within the 100-foot Buffer Zone to Bordering Vegetated Wetland (BVW).

The BVW on this property is defined as a “Surface Water Supply or Tributary Thereto” under Title V regulations and thus requires a 100-foot separation from the septic tank/soil absorption system.

Jamie O’ Connell, Cambridge Water Department (CWD), was contacted to see how she would interpret the regulation for this specific case. Although this project will not meet the 100-foot setback requirement, CWD agrees that the proposed septic system is setback as far as possible, will improve existing conditions, and that there isn’t a reasonable alternative location.

A motion to issue a Negative 3 Determination for 42 Brook Road, DOA 2022-008 was made by Alison Barlow; seconded by Rees Tulloss. Roll call vote 4-0.

The following Administrative Matters were taken up at various points throughout the meeting:

Approval of Con Com minutes: 4/26/22

A motion to approve the 4/26/22 minutes was made by Alison Barlow; seconded by Rees Tulloss. Roll call vote 4-0.

Land Management Updates

Jordan McCarron, Conservation Administrator, provided the following updates:

- April 30th Trail Construction Training Recap: The Conservation Department and Weston Forest & Trail Association held a trail building training for volunteers led by two experts from the Appalachian Mountain Club in the Ogilvie Town Forest.
- 2021 Deer Management Summary: The 2021 deer hunting season was below average for deer harvests, deer observations, total time that hunters spent hunting in Weston, total hours hunters spent volunteering in Weston, among several other indicators. Mr. McCarron did not know how to account for this; however, Mr. McCarron still felt the season was highly successful in terms of perception from the public, participation in recent volunteer initiatives, and harvesting 30 deer from Town of Weston Conservation Land.

Joe Berman suggested that the hunters be provided with an opportunity to get together once a year and offer feedback about the program. Mr. McCarron indicated that the hunters do complete a post-season survey each year, but that gathering in-person or over Zoom would be a good idea.

Mr. McCarron requested that the Commission vote to formally recommend to the Select Board that the hunting program be continued for the 2022 season, consistent with a memo Mr. McCarron had drafted on behalf of the Commission to the Select Board.

A motion to recommend to the Select Board that the Weston Deer Management Program be continued for the 2022 season was made by Rees Tulloss; seconded by Alison Barlow. Roll call vote 4-0.

- Next Stewardship Saturday: Japanese Knotweed removal at the Dickson Riding Ring/Jericho Forest, Saturday June 11th, 10-12.
- Small bridge in Jericho Forest: Conservation and WFTA staff have reported a small foot bridge being built over a small stream, consistent with the blanket Trail Maintenance and Invasive Species Management Order of Conditions. Although the bridge is being built by a third-party not known to the Conservation Department or WFTA, Mr. McCarron indicated that it was being built properly, would serve an important function, and thus should be permitted and allowed to stay.

A motion to approve the construction of a small bridge at Jericho Town Forest under the Trail Maintenance and Invasive Species Management OOC, DEP 337-1016, Section II(2) was made by Cynthia Chapra; seconded by Rees Tulloss. Roll call vote 4-0.

Discussion: Wetlands Bylaw

Alison Barlow updated the Commission on recent meeting of the Wetlands Bylaw Working Group, consisting of Ms. Barlow, Josh Feinblum, Jordan McCarron, Sandra Gonnevill, and Becca Loveys, on May 9th.

The current approach is to develop a working draft, based on the Wellesley, Concord, and MACC Model Bylaws and focus exclusively on codifying the 25-foot No Disturb Policy and establishing Isolated Vegetated Wetlands and Vernal Pool Habitat as Resource Areas with 100-foot Buffer Zones.

The current goal is to have the Bylaw ready for a Special Town Meeting in Fall 2022; the details of which boards should be presented to, and how many public information sessions and public outreach in general should be done, has yet to be fully determined.

Mr. McCarron and Ms. Gonnevill will have another working draft ready for review and discussion by the June 7th Commission meeting.

A motion to adjourn the meeting at 9:50 pm was made by Cynthia Chapra; seconded by Alison Barlow. Roll call vote 4-0.