

**Minutes**  
**Conservation Commission**  
**June 13, 2023**

**Attendance:** David Miller, Chair, Steve Cohn, Reed Pugh, Zeke Nims, Martha Hoyt, Ann Storer, Elaine Vreeland, Administrator.

**Minutes:** The minutes of May 23, 2023, were read and approved with changes.

**Town Day:** Martha reported that attendance at the table was good, and that there was much interest in conservation areas and some interest in membership.

**Conservation Spaces:** David reported that he had spoken to Adam Lubomirski who has not yet completed his Eagle Scout project and has not yet built the kiosk. There followed some discussion about using his design and hiring someone to build a number of them suitable to place at least one in each conservation space. Ann stated that Friends of Winter Pond would like to have Adam's design installed at the pond. Reed added that Girl Scouts are also interested in projects, and will contact him for further guidance.

**Wedge Pond Landscaping:** Public Hearing, Notice of Intent. Moved, seconded, and approved by unanimous roll call vote to open and continue the hearing to June 27, 2023.

**Lynch School:** Public Hearing, Notice of Intent

- **Representatives:** Michelle Callahan, Nitsch Engineering  
Meg White, Town of Winchester
- **Information Submitted:** Notice of Intent and associated plans

It was moved, seconded, and approved by unanimous roll call vote to open the hearing.

Impacted areas include Bordering Vegetated Wetland, Bank, Land Under Water, Buffer Zone, and Riverfront Area.

Michelle gave an overview of the project, explaining that the existing area contains no stormwater attenuation, and that an extensive stormwater system is proposed. There will be some increase in impervious area. There will be no impacts to Bordering Land Subject to Flooding, and temporary impacts to Land Under Water with construction of the pedestrian bridge. Three bioretention areas are proposed to capture driveway, parking lot, and roof runoff, and will connect to the drainage system. Sheet flow from the parking lots has been eliminated, and pre and post runoff rates are similar. All runoff will be treated before discharge to Horn Pond Brook. David noted that herring migration and other wildlife issues may require peer

review. Steve Cohn agreed to meet (accompanied by Elaine) offline with the applicants to get more into the details of their proposal with regard to its compliance with the Commission's methodology for assessing riverfront redevelopment. There will be a pedestrian bridge located north of the vehicular bridge, which meets the state stream crossing standards, with some temporary impacts during installation. There was a group discussion as to whether the installation of the bridge was of complexity such that a peer review would be beneficial. The majority of the group did not think so. No changes in grade are proposed, and all work will be located outside the 100-year floodplain. The Landscaping Plan was reviewed, showing irrigation areas and native plantings. For naturalized areas, weeding as necessary will be done for three years to allow plants to become established. Temporary irrigation was discussed. Bittersweet vines could be cut, and an education sign could be posted on the pedestrian bridge. Snow storage will be located outside the 200' Riverfront Area and snow will melt into the drainage system. Reed stated that he (accompanied by Elaine) would review the native species plant list offline with the applicants. More information regarding the demolition was requested, particularly asbestos management if necessary. Michelle will send a lighting plan. There was a group discussion as to who was leading the stormwater plan review and whether a peer review would be beneficial in assessing the plan. It was decided to wait on the peer review until the town's Engineering Department weighed in on the plan and their desired next steps. A SWPPP will be provided, and the contractor will provide information regarding the laydown areas. There were no public comments. A site visit was scheduled, and it was moved, seconded, and approved by unanimous roll call vote to continue the hearing to June 27, 2023,

**Winchester Boat Club:** Public Meeting, Request for Determination of Applicability

- Representative: Jonathan Silverstein, Esq.
- Information submitted: Request for Determination of Applicability and associated plans

Attorney Silverstein gave an overview of the request, which included a determination as to whether proposed work is subject to regulatory jurisdiction, and whether an area is subject to regulatory jurisdiction.

Work: The proposed work is in response to a neighborhood request to lower the height of arbor vitae along Everett Avenue, and to remove other trees. He stated that he regarded this as vista pruning, and an exempt minor project under the Wetlands Protection Act. He requested a Negative Determination without conditions, as any conditions may expose them to enforcement, fines, or other legal action. He noted that the club has hired a certified arborist to gradually reduce the height of the trees. It was moved, seconded, and approved by unanimous roll call

vote that vista pruning is a valid reason to trim trees to 6', and that file Notice of Intent will not be required. A negative Determination of Applicability under the Wetlands Protection Act and the Winchester Wetlands bylaw will be issued with a condition to maintain the trees to a height of 6' on an annual basis once the height of 6' is reached. Trees are to be removed shall be determined by a certified arborist.

Area: The next question was whether the area behind 48 Everett Avenue is outside jurisdiction. It was determined that the area in question is 106' from an intermittent stream and deemed to be non-jurisdictional under the Wetlands Protection Act and the Winchester Wetlands Bylaw.

**Eversource at Cross Street:** Con't. Public Hearing, Request for Amended Order of Conditions.

- Representative: Chris Newhall, Eversource  
David Klinch, Epsilon Associates
- Information Submitted: Verbal updates on progress with Select Board

It was moved, seconded, and approved by unanimous roll call vote to open the hearing. Chris reviewed the change from a jack and bore to a horizontal directional drill river crossing and stated that the Select Board wanted the grassed area rather than the bike path to be used. He explained that sections of the pipe are to be fused then pulled into a bore hole under the river. It is anticipated that 13,000 SF of the park is to be used within Bordering Land Subject to Flooding, Buffer Zone, and Riverfront Area. The area is grassed and will be restored following the project. A mitigation plan for the west side of the river will be submitted later and will include native trees and shrubs. Existing trees will be strapped for protection, plates will be placed over tree roots, and erosion control installed. Zeke noted that he would like to see 20 1" caliper trees and 100 shrubs to supplement the area along the bike path. It was noted that the planting plan would take place on parkland and would need to be approved by the Select Board. There were no public comments. It was moved, seconded, and approved by unanimous roll call vote to approve an Amended Order of Conditions, with a condition that a planting plan that incorporates 20 1' caliper trees and 100 native shrubs is to be submitted later.

**18 Sunset Road:** Con't Public Hearing, Notice of Intent. It was moved, seconded, and approved by unanimous roll call vote to open and continue the hearing to June 27, 2023.

**Commission Logo:** Members approved a proposed logo. The next step will be to create a brand identification sheet, which will give the Commission a ready-to-use account.

**Regulations:** David noted that new regulations are in the drafting process, and that regulations from other towns could be used as templates. He said that commissioners could volunteer to draft sections, such as trees, aesthetics, conservation areas, etc. David will send a sign-up sheet.

**Trees:** David noted that the Permanent Street Tree Committee will present their progress to the Select Board on July 17, which will focus on the purpose of street trees. Reed noted that he expected many trees to be lost due to two droughts in the last three years. It was noted that the MWRA trees will be donated to the Department of Public Works, which is part of the Street Tree Committee.

**Canoe Put-Ins:** In response to a suggestion that put-ins be installed, Commission members felt that it would be better to leave gaps in the landscaping around Shore Road and Mill Pond on the Mystic Valley Parkway side to allow for launch. David noted that the Commission does not have authority to take town land and turn areas into a boat launches, but he did believe that we could leave areas open for that purpose.

**Summer Schedule:** Members will send in their schedules to ensure a quorum for each meeting.

Submitted by: Elaine Vreeland