

**Findings of Fact to Accompany
Generic Order of Conditions for
Trail Maintenance and Invasive Species Management
Applicant: Town of Weston and Weston Forest and Trail Association
(DEP File# 337-1016)**

Many local organizations own and manage land and passive recreation facilities for the public. Said land often has wetlands and/or buffer zones associated with them. Such organizations should be allowed to practice certain maintenance and/or minor activities without having to file individual RDAs or NOIs for each activity.

The landowning organizations identified below shall be allowed to undertake specified activities in areas subject to Commission jurisdiction, under special conditions, without further application to the Conservation Commission.

- A. The identified organizations are:
- Weston Conservation Commission,
 - Weston Recreation Department,
 - Weston Forest and Trail Association,
- B. The specified maintenance and development activities are listed below in Sections I and II
- C. Special conditions are listed in Section III.

**SECTION I. WORK ALLOWED UNDER THIS GENERIC ORDER OF CONDITIONS
WITHOUT FURTHER NOTIFICATION TO THE COMMISSION**

No additional Conservation Commission notification will be required for the following activities.

1. Removal of trash and unnatural debris from anywhere

2. Routine maintenance of existing trails and fire roads

Routine maintenance of trails and fire roads is work on the existing trail treadway, the airspace above the trail treadway, and vegetation control within 4 feet of the treadway. Routine maintenance includes:

- a. **Cutting brush, branches, fallen trees**, hazard trees, or from the trail/fire road to maintain a safe trail corridor.
 - i. Disposed cuttings must be dispersed as if they fell naturally.
- b. Clearing and maintenance of **existing treadway erosion control features** such as water bars, trail dips, contoured surfaces, etc.
- c. Adding surface **erosion control features** (e.g., building trail dips or water bars)
- d. Hardening (with woodchips, stone dust, or gravel) **or widening the treadway** of an existing trail/fire road

3. **Routine maintenance of infrastructures or existing site furnishings** such as boardwalk decks, footings or pilings of boardwalks or bridges, bridge decks, culverts, parking areas, benches, picnic tables, trash receptacles, fencing, railings, signs, etc.
4. **Routine maintenance of existing fields.** Please note that mowing activities in existing Agricultural Programs and forestry activities in approved Forestry Management Plans are exempt from the Wetlands Protection Act.
5. **Installation of signs** about boundaries, permitted and restricted land uses, natural resources, etc.
6. **Replacing or adding trail and boundary markers** including posts (driven or set in post holes of less than 12" diameter).
7. **Removal of invasive exotic species from the buffer zone outside Weston's 25' No Disturb Zone**, provided the removal actions are in accordance with the procedures outlined in the Commission's educational materials (see [Appendix A](#)).

SECTION II. WORK WHICH REQUIRES NOTIFICATION TO AND APPROVAL BY THE COMMISSION, BUT WHICH MAY NOT REQUIRE A NEW FILING

Proposed activities which require notification* to and approval by the Commission, but which may not require a new filing:

1. **Creating or re-routing a trail** (see [Appendix B](#))
2. **Installation of boardwalks, stepping stones, and bog bridges**
3. **Paving** of existing gravel/dirt parking areas
4. **Removal of invasive exotic species (plants and pests) within the 25' No Disturb Zone or within a Wetland Resource Area** in accordance with the procedures outlined in the Commission's educational materials (see [Appendix A](#))

* The activities listed above:

- **Must be submitted** to the Commission for their review (see notification guidelines in Section III, number 1, below); and
- **Must be demonstrated to be unlikely to generate a net adverse impact** on the wetlands or 25-foot No Disturb Zone (NDZ) (if the Commission determines that the nature or scope of the proposed activities may adversely impact wetlands or the 25-foot NDZ, they may require the filing of an NOI or RDA).

SECTION III. SPECIAL CONDITIONS TO BE IMPOSED

1. **Notification guidelines for all proposals under Section II:**
 - a. Applicants shall notify the Commission two weeks in advance of planned work.
 - b. Notification shall consist of two copies of:
 - i. The location of the property,
 - ii. The name of the applicant and property owner,
 - iii. The name(s) of the personnel who will be directing the work,

- iv. A scaled sketch plan of the proposals showing the wetland resource areas and proposed alterations, and
 - v. A narrative of the proposed work (process, timeframe, and end result).
2. **Commission Inspection guidelines for all proposals under Section II:** The Commission or an Agent of the Commission may inspect the proposed locations of all work prior to the Commission's deliberations and decisions.
 3. **Erosion and sedimentation control guidelines:** The Commission or an Agent of the Commission shall direct the applicant to install erosion and sedimentation controls as necessary.
 4. **Invasive species control guidelines:** The applicant shall abide by the guidelines in Appendix A.
 5. **Trail construction and maintenance guidelines:** The applicant shall abide by the guidelines in Appendix B.

Special Conditions under the Wetlands Protection Act

19. This Order of Conditions is valid for **five years** since the work involves routine trail maintenance and invasive species management of Conservation Land in Weston. It may be extended for one or more periods of up to five years each upon application to the issuing authority at least 30 days prior to the expiration date of this Order.
20. The **findings of fact** are incorporated as a special condition and given equal status as a special condition of this Order.
21. This Order and a copy of approved drawings and **plans shall be available at the project site** at all times for easy reference.
22. **Work shall be halted** on the site if an Agent of the Commission or DEP determines that any of the work is not in compliance with this Order of Conditions.
23. If any **unforeseen problem** occurs during the construction which affects any of the seven statutory interests of the Wetlands Protection Act, Chapter 131, Section 40, upon discovery, the applicant shall notify the Conservation Commission, and an immediate meeting shall be held between the Conservation Commission, the applicant, the applicant's engineer & contractor and other concerned parties to determine the corrective measures to be employed. The applicant shall then act to correct the problems using the corrective measures agreed upon. In the event of a dispute amongst the participants of any meeting, the Commission's view shall prevail.
24. The Commission reserves the **right to require additional conditions if deemed necessary** to protect resource areas and interests as defined in MGL Chapter 131 Section 40 (310 CMR 10.00).
25. Any **stockpiling** of topsoil or other materials shall be conducted at least 50 feet away from wetland resource areas, and at a location to prevent sediment from surface runoff entering the wetlands. All stockpiles of soils existing for more than one day shall be surrounded by a row of entrenched silt fence or other appropriate erosion control material.
26. If soils are to be disturbed for longer than 30 days, such soils shall be **temporarily stabilized**. Temporary stabilization methods may include, but not be limited to, rye grass, hydro-seeding, straw mats, jute netting, sod, or other Commission approved method.

Final Site Stabilization and Removal of Erosion Controls

27. Within thirty days of completion of construction on any given portion of the project, all disturbed areas in the completed portion of the site shall be **permanently stabilized** (immediately

landscaped and stabilized, or loamed, seeded and mulched with a layer of mulch hay). Where necessary, the loam and seeding shall be held in place with jute netting. Outside of the growing season, exposed soil finish grade surfaces shall be stabilized with a layer of invasive-free mulch hay until climate conditions allow for seeding. Continued maintenance of these areas, in a manner which assures permanent stabilization and precludes any soil erosion, shall be the responsibility of the Applicant/Owner/Assign.

28. Once the site has been stabilized, the Applicant/Owner/Assign shall **remove and properly dispose of all erosion controls.** . The hay may then be scattered, but the siltation fence must be taken down and taken off site. Removal of said erosion controls shall be accomplished utilizing the least invasive means possible.

Conditions in Perpetuity - The following conditions shall run with the land and be binding in perpetuity on all successors in title and assigns of the applicant; they are ongoing and do not end upon completion of this project or the issuance of a Certificate of Compliance; they shall be the responsibility of the owner of record of this property. Please Note: From and after the date of this Order of Conditions, there will be a reference to this Order on the deed for this property so as to apprise future owners that the wetland restriction shall apply to this property in perpetuity.

29. **Continued maintenance of all disturbed areas**, in a manner which assures permanent stabilization and precludes any soil erosion shall be the responsibility of the Applicant/Owner/Assign of this property.