

Wayland Conservation Commission Meeting Minutes

Wednesday, January 10, 2024

Approved: January 24, 2024

Location: Commission members participated remotely via Zoom
Present: Sean Fair, Chair; Barbara Howell, Vice Chair; Tom Davidson; Shannon Fischer; Jenny Brown; Luke Legere; Jen Pearlman; Linda Hansen, Conservation Administrator; Monica Rivas, Conservation Department Assistant
Minutes: Monica Rivas

S. Fair opened the meeting at 6:34 PM, noting that the meeting was being recorded by WayCam and a remote quorum was present consisting of Barbara Howell, Tom Davidson, Jenny Brown, Shannon Fischer, Luke Legere and Sean Fair. All participants were present virtually.

1) Public Hearings (Starting after 6:30 PM):

- a) **Rt. 20 Landfill Cleanup (DEP File no. 322-1021): cont. Notice of Intent** filed pursuant to Wayland's Wetlands and Water Resource Protection Bylaw (Chapter 194) and the Wetlands Protection Act (310 CMR 10.0), submitted by Tom Holder for repairs to the cap of the South Landfill located at 471 and 473 Boston Post Rd in Wayland, MA 01778. The project is shown on Assessor's Map 22 Lots 1 and 2, and is located within Bordering Land Subject to Flooding and the 100 foot buffer zone of a Bordering Vegetated Wetland and Isolated Vegetated Wetland.

Nick Ames with Weston and Sampson appeared before the Commission. He summarized issues with the existing cap and plans to restore it so that the existing tree roots and woody vegetation do not pose a hazard by exposing the waste below. The Town is required by DEP to remove the vegetation to comply with the Mass Solid Waste Regulations. Vegetation will be cut as close to grade as possible, leaving root systems to decompose naturally to minimize erosion. Test pits will be conducted throughout the cap to determine the thickness of the cap and limit of waste throughout the landfill.

They plan to bring in fill and restabilize the cap with grass seed. If the work is completed before the growing season starts, the site will be temporarily stabilized with wood chips and erosion control barriers. He presented plans showing the revised wetland buffer lines. The Mean Annual High Water line was revised to align with the top of bank for the Sudbury River. The existing berm to protect the eastern wetlands will be maintained. The riverfront area impact numbers were revised, and there were several revisions to the NOI submitted to the Conservation Department on January 9, 2024, including reclassifying it as a non-limited project, and no proposed replacement for Bordering Land Subject to Flooding, as there will be no fill within the floodplain area.

They submitted a MESA application for work within the NHESP habitat. A determination letter was received on December 15, 2023 indicating that the project must be conditioned to avoid take of state-listed species. Work shall not commence between April 1st and September 30th, and if work does commence it shall not continue for more than 4 consecutive days to reduce impact to state-listed species. They will be digging 13 test pits to delineate the limit of waste within the NHESP area. The revised plans were sent to DEP, and no further comments from DEP were received.

L. Hansen stated the material was not submitted on time to be included in the agenda packet sent out to the Commission. Discussion ensued.

S. Fischer had several questions regarding erosion control when the fill is brought onsite.

T. Davidson asked whether gas monitoring will occur when test pits are conducted, as the landfill gas can pose a hazard to workers and the environment. N. Ames confirmed they will have a gas meter to test for carbon monoxide, hydrogen sulfide, and combustible gases.

S. Fischer and L. Hansen requested that the applicant use native grass plantings and some shallow rooted plants to stabilize the cap instead of grass due to the high habitat value of the site. The Department will work with the applicant to find species that will not compromise the integrity of the cap.

B. Howell moved and L. Legere seconded the motion to close the hearing under the WPA and Chapter 194. S. Fair initiated a roll call vote: YEA: S. Fair, J. Brown, T. Davidson, B. Howell, J. Pearlman, L. Legere, S. Fischer. NAY: None. ABSTAIN: None. Vote in favor 7-0.

B. Howell moved and L. Legere seconded the motion to issue an Order of Conditions (OOC) under the WPA and a permit under Chapter 194. S. Fair initiated a roll call vote: YEA: S. Fair, J. Brown, T. Davidson, B. Howell, J. Pearlman, L. Legere, S. Fischer. NAY: None. ABSTAIN: None. Vote in favor 7-0.

- b) **124 Cochituate Rd (DEP File no. 322-1022): cont. Notice of Intent** filed pursuant to Wayland's Wetlands and Water Resource Protection Bylaw (Chapter 194) and the Wetlands Protection Act (310 CMR 10.0), submitted by David O'Leary for the construction of St. Ann's Senior Village, a 60 unit rental development, parking area, stormwater management system, and supporting utilities at 124 Cochituate Rd in Wayland, MA 01778. The project is shown on Assessor's Map 34 Lots 4 and 5, and is located within the 100 foot buffer zone of a Bordering Vegetated Wetland, and Isolated Vegetated Wetlands.

The applicant requested a continuance to complete revisions of their plans.

L. Legere moved and T. Davidson seconded the motion to continue the hearing under the WPA to January 24, 2024 after 6:30 PM. S. Fair initiated a roll call vote: YEA: S. Fair, J. Brown, T. Davidson, B. Howell, J. Pearlman, L. Legere, S. Fischer. NAY: None. ABSTAIN: None. Vote in favor 7-0.

- c) **24 School Street, (DEP file no. 322-0965): con't Notice of Intent** filed pursuant to the Wetlands Protection Act (310 CMR 10.0), submitted by Chris D'Antonio, Windsor Place LLC construction of twelve new townhouses, driveways and parking areas, subsurface sewage disposal system, stormwater management system, and supporting utilities at 24 School Street in Wayland, MA. Property is shown on Assessor's Map 52, Parcel 189 and is located within 100 feet of bordering vegetated wetlands and land under water.

Chris D' Antonio appeared before the Commission, as well as his consultant, Desheng Weng.

L. Hansen stated she received three proposals from different peer review candidates for the mounding analysis; Peter Shanahan, Matthew Davis, and McDonald-Morrissey Associates, LLC. She stated she felt Peter was given an unfair advantage, as he was contacted by Desheng who provided him with information regarding the project before the quote was sent, and expressed discomfort that she was not provided with the information beforehand. She recommended Matt Davis to the Commission, a professor at University of New Hampshire, and who gave a quote for the lowest cost. Discussion ensued.

D. Weng stated he contacted Peter because he did not know if he had been provided with all the information to prepare a proposal. He provided him with all the documents for the groundwater mounding analysis. He did not have the contact information of the other two peer reviewers that would be contacted.

S. Fair asked whether both Matt Davis and Peter Shanahan received all the same information they needed to prepare a scope of work.

L. Hansen stated she directed all the peer review candidates to the Conservation website for information regarding the project. She also requested recommendations from experts in the field and other town Conservation Agents and Peter was not one of the recommended candidates.

George Bernard, abutter at 103 East Plain St, and his attorney, Michael Wiggins, appeared before the Commission. They stated they felt Matt Davis is the most suitable candidate for the mounding analysis peer review.

Desheng and Chris D'Antonio stated they reviewed the qualifications of all the candidates and felt that Peter was the most qualified, and requested they hire him.

L. Legere stated that while not a conflict of interest, it is concerning that the peer reviewer was contacted by the client directly. He works with other Commissions and it is not custom for the client to reach out to the peer reviewer. He stated he is impartial to either peer reviewer and they both seem highly qualified. Discussion ensued.

The Commission stated they are more comfortable hiring Matthew Davis because he has worked in Weston and there are no existing reservations with him.

Chris D' Antonio requested that his team review the proposal before it is sent to the peer reviewer to ensure all the materials are included.

L. Legere moved to pursue J. Matthew Davis as the peer reviewer for the mounding analysis for 24 School St. J. Pearlman seconded the motion. S. Fair initiated a roll call vote: YEA: S. Fair, J. Brown, T. Davidson, B. Howell, L. Legere, J. Pearlman, S. Fischer. NAY: None. ABSTAIN: None. Vote in favor 7-0.

- d) **23 Claypit Hill Rd (DEP file no. 322-1002): cont. Notice of Intent** filed pursuant to Wayland's Wetlands and Water Resource Protection Bylaw (Chapter 194) and the Wetlands Protection Act (310 CMR 10.0), submitted by Mevan Samaratunga for the installation of a retaining wall and perimeter fence, as well as grading and landscaping of a rear yard. The project is located within the 100' buffer zone of a Bordering Vegetated Wetland at 23 Claypit Hill Road in Wayland, MA. Property is shown on Assessor's Map 19 Parcel 35.

The applicant requested a continuance to the hearing on January 24, 2024.

L. Legere moved and T. Davidson seconded the motion to continue the hearing under the WPA to January 24, 2024 after 6:30 PM. S. Fair initiated a roll call vote: YEA: S. Fair, J. Brown, T. Davidson, B. Howell, L. Legere, J. Pearlman, S. Fischer. NAY: None. ABSTAIN: None. Vote in favor 7-0.

2) Stormwater and Land Disturbance (SWLD):

a) 10 Pequot Rd (SWLD-118): L. Hansen stated this is an after-the-fact filing for 28 trees removed without a permit. Steve Garofalo, homeowner, appeared before the Commission. He stated they bought the house in October, and have been since working to renovate the house and improve the property. Several trees that were removed were slanted and leaning over the house. Some trees were removed to accommodate the gas line and others to accommodate the septic system and leach field. He stated he did not know there was a tree removal permit required for outside of wetland areas, and that most of the trees removed were dying.

L. Hansen requested a landscaping plan with a 1:1 replacement for all the trees removed.

S. Fischer requested that they leave the snags for wildlife for the other trees proposed for removal. Discussion ensued.

L. Hansen stated she will conduct a site visit with the applicant to review the lot conditions and decide how many snags should stay, which trees need replacement, and how many other trees will be removed.

B. Howell moved and L. Legere seconded the motion to have Linda work with the applicant on a planting plan and issue a permit under Chapter 193 when she is satisfied with the proposed plan. S. Fair initiated a roll call vote: YEA: S. Fair, J. Brown, T. Davidson, B. Howell, L. Legere, J. Pearlman, S. Fischer. NAY: None. ABSTAIN: None. Vote in favor 7-0.

3) Request for Certificate of Compliance (COC):

a) 9 Charles St. (322-937): L. Hansen stated a partial COC was issued previously because the plantings needed to survive two growing periods. The applicant submitted a request for a Complete COC now that the two growing seasons have passed. A site visit is required to ensure survival of the plantings.

L. Legere moved to issue a COC under the WPA and Chapter 194, contingent on a site visit from Linda. J. Pearlman seconded the motion. S. Fair initiated a roll call vote: YEA: S. Fair, J. Brown, T. Davidson, B. Howell, L. Legere, J. Pearlman, S. Fischer. NAY: None. ABSTAIN: None. Vote in favor 7-0.

4) Other:

a) Revised Meeting Schedule January-June 2024: The Commission finalized the revised meeting schedule.

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- b) Vote to Submit Annual Town Meeting Warrant Article to ban the Town of Wayland use of SGARs (rodenticides) on Town-owned property: The Commission discussed the harmful downstream effects of SGARs on local wildlife. S. Fischer mentioned alternatives exist that do not have downstream effects, such as live trapping, and other poisons that are not as harmful as SGARs.

B. Howell moved to submit the warrant article for Town Meeting. L. Legere seconded the motion. S. Fair initiated a roll call vote: YEA: S. Fair, J. Brown, T. Davidson, B. Howell, L. Legere, J. Pearlman, S. Fischer. NAY: None. ABSTAIN: None. Vote in favor 7-0.

- 5) **Public Comment:** Carole Plumb appeared before the Commission. She had questions about the recent flooding and its effects on the Snake Brook Dam. L. Hansen stated she was monitoring the dam every hour and there was 2-3 inches of freeboard before the water level started to go back down. She will be visiting the dam with Matt Dunn, dam engineer from PARE to evaluate interim measures.

6) **Approve Minutes:**

- a) **December 20, 2023 minutes:** The Commission reviewed the minutes and had no further comments.

L. Legere moved and T. Davidson seconded the motion to approve the December 20, 2023 minutes. S. Fair initiated a roll call vote: YEA: S. Fair, J. Pearlman, J. Brown, T. Davidson, B. Howell. NAY: None. ABSTAIN: S. Fischer, L. Legere. Vote in favor 7-0.

8) **Adjournment:**

L. Legere moved and T. Davidson seconded the motion to adjourn the Conservation Commission meeting. The meeting was adjourned at 8:15 PM. S. Fair initiated a roll call vote: YEA: S. Fair, J. Pearlman, J. Brown, T. Davidson, B. Howell, L. Legere, S. Fischer. NAY: None. ABSTAIN: None. All in favor 7-0.

The next Conservation Commission meeting is scheduled for Wednesday, January 24, 2024 @ 6:30pm