

Wayland Conservation Commission Meeting Minutes

Wednesday, November 29, 2023

Approved: December 20, 2023

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

S. Fair opened the meeting at 6:31 PM, noting that the meeting was being recorded by WayCam and a remote quorum was present consisting of Barbara Howell, Tom Davidson, Jenny Brown, Jennifer Pearlman, 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): 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.

L. Hansen stated she conducted a site visit with the project team to review the wetland lines and address the concerns raised at the previous hearing. Based on field observations, Weston and Sampson will use the wetland delineation from the rail trail project files on the north side of the rail bed since the location of the drainage ditch has not changed over time. The plans will need to identify riverfront. The applicant requested a continuance to finish revisions of their plans.

L. Legere moved and B. Howell seconded the motion to continue the hearing under the WPA and Chapter 194 to December 20, 2023 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.

b) 124 Cochituate Rd (DEP File no. 322-1022): 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.

Phil Crean with POUA appeared before the Commission. They are proposing to build a 60-unit, three-story senior independent living facility with several amenities, and plan to make all the units affordable. The facility will use all-electric utilities with minimum reliance on fossil fuels, and will meet Passive House certification.

Robert Brennan, counsel for POUA appeared before the Commission. He stated that the ZBA approved waivers exempting them from the town Chapter 193 and Chapter 194 bylaw requirements under 40B.

L. Hansen stated a completed and signed Chapter 194 application was submitted.

R. Brennan stated the applicant will rescind their Chapter 194 application, and they wish to review the project under the WPA only.

Steve Garvin with Samiotes Consultants appeared before the Commission. He presented existing conditions onsite, which include the St. Ann's Church, rectory, septic system, and parking area. The wetlands are located north and east of the lot. The project will involve temporary disturbance within the 30 ft buffer zone. The proposed 60 units will be built north of the church building and the existing church driveway will continue to be used. 60 parking spaces will be paved to accommodate each unit. The septic system will be moved from its existing location to be further from the church. They will be installing a Title V septic system to accommodate both the church and facility instead of a wastewater treatment facility. They will be installing a stormwater infiltration system that will direct overflow to a detention basin before discharging it to reduce the peak rate of runoff from existing conditions.

Rebecca Bachand with RBLA Design appeared before the Commission. She presented landscaping plans. They are planning to use native plants for all plantings, with the exception of arbor vitae to the north for a privacy screen requested by the neighbors.

S. Garvin mentioned wetlands onsite. They found no wetlands connecting to the vernal pool. The historic aerial photos do not show wetlands connecting to the vernal pool.

L. Hansen stated there is a dry stream bed onsite that appears to have connected to the vernal pool, but was cut off by an earthen bridge. She requested that the earthen bridge be removed or a culvert be added under the bridge to reestablish flow so that there is an outlet for water runoff. The wetland delineation provided was conducted in January, but it should be done within season to be accepted by the Commission.

R. Brennan stated they conducted a more recent delineation in summer and will submit the report.

L. Hansen had several clarifying questions regarding the stormwater report. She requested that the area on the far side of the stream bed be kept undisturbed and the wetlands area be kept natural. The runoff from the driveway should be addressed so it does not impact the wetlands. She and staff assessed the vernal pool and found it is a thriving habitat with potential for certification that should be protected during and after construction.

Discussion ensued.

L. Legere asked about parking alternatives as the large parking area juts out into the vernal pool area.

Greg Melnyk with Samiotes Consulting stated they considered alternative parking options but found them unfeasible due to the cost. The units will not be rented at market rate, they will all be 100% affordable. Fill will only be brought in for the septic and infiltration systems, but the area proposed for the parking lot is relatively even and will only require leveling.

L. Legere moved and B. Howell seconded the motion to continue the hearing under the WPA to December 20, 2023 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 representatives, Desheng Weng of CLawe, Steve Smith with GeoHydroCycle, Inc., and Brian Nelson with Metrowest Engineering. B. Nelson presented existing conditions on the 0.9 acre lot, which include a driveway, barn, walkway, garage, and house. The applicant is proposing 12 townhouse units with 7 connecting driveways. A stormwater management system with an infiltration basin will be installed at the front of the lot.

Steve Smith presented the groundwater mounding analysis. Desheng Weng stated he used the presented modflow analysis to adjust the capacity of the trenches for stormwater management.

L. Hansen stated the Commission will require a peer review for the mounding analysis.

Michelle Galicia, abutter at 20 Aqueduct Rd, appeared before the Commission. She expressed concerns regarding flooding at the site and asked what their plan was for managing stormwater during major storms. Discussion ensued.

Michael Wiggins, attorney for George Bernard, abutter at 103 East Plain St, appeared before the Commission. He recommend the Commission pursue a peer review for the mounding analysis from an expert in hydrology.

Scott Horsely, consultant for George Bernard, appeared before the Commission. He presented a wetlands impact analysis. The mounding analysis should prove that the groundwater will not breakout above land or above surface water within a 72-hour period of rainfall. The denial issued by DEP stated the applicant should show that the infiltration system will not significantly impact groundwater, and should address the long-term hydrologic impacts of the discharge on the wetlands. The septic infiltration system should ensure polluted water does not end up in the streams.

Chris D'Antonio agreed to allow Linda Hansen to prepare a scope of work to pursue a peer review of the mounding analysis.

L. Legere moved and T. Davidson seconded the motion to continue the hearing under the WPA to December 20, 2023 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.

- 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.

L. Hansen stated unstamped revised plans were submitted on November 27th. The applicant still needs to submit signed and stamped plans.

The applicant requested a continuance to the hearing on December 20, 2023.

L. Legere moved and T. Davidson seconded the motion to continue the hearing under the WPA to December 20, 2023 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.

2) Stormwater and Land Disturbance (SWLD):

- a) **60 Shaw Drive (SWLD-110):** Janot Mendler, property owner, and Windsor Mallett with Tempietto Homes appeared before the Commission. W. Mallett presented plans for a Solar Compact Community development. The "innovative houses" will provide solar electricity beyond the needs of the households within the community and make the energy available to neighbors. Each home is equipped with solar panels that face south. Cisterns collect, store and use rainwater for irrigation and grey water, and double as patio space. The homes use insulated concrete forms, with frequent changes in wall angles to provide stability and a more efficient use of space. They will be built into the hillside, and will end as a medium density housing development. An agricultural area will be at the center of the community. There will be no paved driveways, instead the development will have short gravel driveways to each home, extending the existing driveway, and a driveway to access the back of the property.

L. Legere requested they minimize tree removal. S. Fair asked if the agricultural area will use pesticides or herbicides.

J. Mendler stated they were looking to have a self-sustaining system with farm animals. They are looking to prohibit the use of pesticides and advocating for no-till farming.

Three acres of the five acre parcel would remain open space, and the property will provide public access to adjacent conservation lands. The patio will be put in over lawn.

L. Legere stated he had no issues with the conceptual design. Any issues with the development likely fall under the jurisdiction of other boards. The Commission expressed approval of the concept.

3) Request for Certificate of Compliance (COC):

- a) **6 Hearthstone Circle (DEP File no. 322-671):** L. Hansen stated the COC came before the Commission in the past but there were some outstanding concerns. She conducted a site visit and felt that the violation was minor as there was a small patio that was unpermitted and installed over existing lawn. The OOC is long expired but there should be no outstanding concerns.

L. Legere moved to issue a COC and return the performance guarantee for 6 Hearthstone Circle. B. Howell seconded the motion. 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) 17 Hazelbrook Ln (DEP File no. 322-980): L. Hansen stated there were several unauthorized changes made to their original plan. They added a rock wall, stone apron, retaining wall, granite paving, a crushed blue stone pad, walkway, and a fence.

Dave Burke, wetland scientist, appeared before the Commission, as well as homeowner Connor Davis. Dave Burke stated the retaining wall was put in to protect an oak tree and reduce the amount of cutting required for the project. They changed the driveway to pervious surface and added the blue stone pad in an effort to reduce impact in the riverfront area. Connor Davis has completed extensive restoration work on the property, removing invasives and putting in multiple native plantings.

Connor Davis stated the stone apron was installed to prevent tracking of mud into the garage.

S. Fair and L. Legere stated the changes are not significant enough to deny the issuance of a COC.

L. Legere moved and J. Pearlman seconded the motion to issue a COC under the Wetlands Protection Act and Chapter 194. S. Fair initiated a roll call vote: YEA: S. Fair, J. Brown, T. Davidson, J. Pearlman, L. Legere, S. Fischer. NAY: None. ABSTAIN: B. Howell. Vote in favor 6-0-1.

- c) 17 Hazelbrook Ln (DEP File no. 322-988): Dave Burke and Connor Davis appeared before the Commission. The bridge is a foot higher than proposed and it was extended to get it over the existing bank, which required adding ramps on both sides. The bridge is held up by helical piers. No helical piers were installed in the water. The bridge was made of 90% cedar and still used helical piers as proposed. They added a chicken walk design at the front of the bridge to reduce the length of the ramp. The back side of the bridge needed to turn to reach the other side of the bank.

The Commission stated it is standard procedure to receive advanced notice before changes to their plans are made.

L. Legere moved and T. Davidson seconded the motion to issue a COC under the Wetlands Protection Act and Chapter 194. S. Fair initiated a roll call vote: YEA: S. Fair, J. Brown, T. Davidson, J. Pearlman, L. Legere, S. Fischer. NAY: None. ABSTAIN: B. Howell. Vote in favor 6-0-1.

- d) 44 River Rd (DEP File no. 322-672): L. Hansen stated this project was supposed to be for the conversion of the cottage to a two-bedroom apartment, but the work was never completed. The homeowner recently applied for a permit to demolish the cottage.

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

4) **Other:**

- a) Meeting Schedule January-June 2024: The Commission will review the meeting schedule and email Monica with concerns.
- b) CPC Applications (due December 1, 2023): L. Hansen stated she and Monica Rivas prepared three proposals for funding:

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- Purchasing *Galerucella* beetles that attack purple loosestrife for treatment of the restoration area at Cow Common.
- Shortfall request for the demolition of the house at 27 Sherman's Bridge Rd, a CR monitoring agreement with SVT, and construction of an ADA trail leading to the vernal pool.
- A Land Management proposal to repair the stairs at the entrance to Pine Brook, and installation of additional Doody calls stations at several Conservation properties, including Sedge Meadow, Loker, and Cow Common.

5) **Public Comment:** No one appeared for public comment.

6) **Approve Minutes:**

a) **November 8, 2023 minutes:** The Commission reviewed the minutes and had no further comments.

T. Davidson moved and J. Pearlman seconded the motion to approve the November 8, 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 5-0-2.

8) **Adjournment:**

T. Davidson moved and L. Legere seconded the motion to adjourn the Conservation Commission meeting. The meeting was adjourned at 9:18 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, December 20, 2023 @ 6:30pm