

WAYLAND CONSERVATION COMMISSION

Minutes, Thursday, November 16, 2017 7:06 – 9:30 PM

Approved: December 7, 2017

Location: Selectmen's Meeting Room, Town Building, 41 Cochituate Road, Wayland, MA

Present: Barbara Howell, John Sullivan (7:09pm), Tom Klem, Tom Davidson, Joanne Barnett Chairperson: Sherre Greenbaum, Conservation Administrator: Linda Hansen

Not Present: Sean Fair

Minutes: Nicole Thomson

S.Greenbaum opened the meeting at 7:06 PM noting that a quorum was present and that the meeting was being recorded by WayCAM.

1. **Citizens Time: Designated time for input to the Commission regarding items that are *not* on the agenda.**

Gretchen Schuler, 126 Old Connecticut Path, spoke on the proposed design of Recreation fields. Wayland STM appropriated funds of \$430,000 for design of the Loker Conservation Area artificial turf field and the High School Recreation fields. Ms. Schuler asked the Commission to get involved in resolving resource area issue before spending the money. L. Hansen noted that the High School Recreation field's delineation was completed today.

S. Greenbaum stated that it would be helpful to have an informal discussion with the proponents before the field design process begins. School Committee representatives and Cass Chroust, Weston and Sampson, came before the Commission for an informal meeting a few months ago and will be invited back together with Recreation to discuss potential environmental restrictions on the field designs.

2. **Land Management**

a. **Sedge Meadow Mowing-** Henderson Striker will mow the fields within the next week.

b. **High School Wetland Delineation-** Dave Burke, Wetland Scientist, completed the delineation today.

3. **7:15 pm – Public Meeting, Christian Ollenborger, Applicant, 38 River Road, File No. D-920:** Request for Determination of Applicability filed pursuant to the Wetlands Protection Act and a Chapter 194 application filed pursuant to Wayland's Wetlands and Water Resource Protection Bylaw filed by Christian Ollenborger for 38 River Road, Wayland to remove the existing deck and replace with granite steps. Property is shown on Wayland's Assessor's Map 17, Parcel 016.

Christian Ollenborger, applicant, was present. The existing deck was not properly flashed and causes water in the basement. Long-term plans to install a patio but currently C. Ollenborger is only seeking the Commission to approve the installation of granite steps.

B. Howell raised concern that no riverfront boundaries are demarcated on the plan presented. L. Hansen looked at a previous filing and did not see riverfront but will confirm on site visit next week.

Removal of deck and installation of granite steps will considerably reduce the amount of impervious surface that currently exists.

Pending a site visit, motion to issue a Negative Determination as discussed under the Wetlands Protection Act; **Seconded 6-0**
Pending a site visit, motion to issue a Permit w/conditions as discussed under the Chapter 194 Bylaw; **Seconded 6-0**

4. **7:25 pm – Public Hearing, Kevin O’Leary, The Jillson Company, Applicant, 17 Training Field Road, DEP File No. 322-905:** Notice of Intent filed pursuant to the Wetlands Protection Act and a Chapter 194 application filed pursuant to Wayland’s Wetlands and Water Resource Protection Bylaw filed by Kevin O’Leary, The Jillson Company, for 17 Training Field Road, Wayland for construction of a new house, septic, driveway, stormwater collection and disposal system(s), utilities and related yard area grading for a vacant lot. The property is shown on Wayland’s Assessor’s Map 14, Parcel 021A (Owner on record is Lehmann Realty Trust).

Kevin O’Leary, The Jillson Company, and John Lehmann, property owner, were present. Current lot is 50,000 sq. ft. Bordering vegetative wetlands delineated and approved by the Commission through an ANRAD permitted a year ago. Project consists of constructing a new house and septic system. Board of Health requirements have been met. Jurisdiction for the project is on rear of property where associated grading will occur.

Parmenter Farm Conservation Cluster, neighboring the property, was approved in July. 17 Training Field Road will have similar mounding effects as the newly constructed house to accommodate the high groundwater and septic system.

Chapter 193 permit was issued in July for a retaining wall and tree removal with nearly 80 percent complete. Stormwater from roof runoff will collect in a recharge basin.

S. Greenbaum inquired on the mounding effect from fill. Vertical offset of septic system requires mounding to make groundwater clearance with positive slope of mounding away from house. Grade levels will be blended in from mounding in front and rear of property. 15 Training Field Road elevation is 159 and 17 Training Field Road is currently about 4 feet lower. K. O’Leary working with L. Hansen and Board of Health to address minor concerns with septic.

B. Howell mentioned that the retaining wall will prevent a snow plow from removing snow and asked as to where snow will be placed. K. O’Leary spoke that next to the house a spot has been designated.

Waiver was requested to allow scale on plans of 1 to 30.

Motion to allow waiver of scale; **Seconded 6-0**

L. Hansen has concerns for vegetated buffer on extent of lawn. Demarcation of lawn at the 30 ft. buffer needs to be addressed; large boulders and shrubs will be sufficient.

Susan Judy, 5 Cobblestone Circle, asked why an abutter notice was received to her property but not the neighbors. K. O'Leary stated that it was based on property boundaries but since the Assessor's office did not have an updated parcel, old lot lines were used.

Kate Leonard, 22 Training Field Road, spoke that since work has begun a major decrease in wildlife has occurred. Decrease in deer has been noted and construction machinery left on property for weeks. Ms. Leonard asked the Commission to preserve the scenic neighborhood and wildlife. Discussion ensued on limited jurisdiction of Commission. J. Lehmann mentioned that numerous turkeys and deer still reside on the property. No fill has been brought onto the property. The trees removed will be replaced as part of the Chapter 193 permit.

Motion to continue the hearing at the Applicant's request to December 7, 2017 at TBD time under the Wetlands Protection Act; **Seconded 6-0**

Motion to continue the hearing to December 7, 2017 at TBD time under the Chapter 194 Bylaw; **Seconded 6-0**

5. **7:40 pm – Continued Public Hearing, Thomas and Sarah Greenaway, Applicants, 52 Rice Road, DEP File No. 322-902:** Notice of Intent filed pursuant to the Wetlands Protection Act and a Chapter 194 application filed pursuant to Wayland's Wetlands and Water Resource Protection Bylaw filed by Thomas and Sarah Greenaway for 52 Rice Road, Wayland to install a septic system. The property is shown on Wayland's Assessor's Map 45, Parcel 63.

Sarah Greenaway, applicant, was present. Stormwater management plan submitted is for the 3 house subdivision, although a total of 5 houses will be going in. L. Hansen spoke with DEP and no stormwater management plan under the state is required. Two separate NOI's and one stormwater management plan for all 3 lots are how 52 and 54 Rice Road will be permitted.

L. Hansen provided V. Colonna with comments on stormwater based on review by P. Brinkman. Comments included stormwater being directed away from easement. Chapter 193 permit can be issued by L. Hansen when comments are addressed.

Condition will include a replanting plan to be submitted and approved. Any tree removal within the jurisdiction of Commission needs to be accounted for and included on replanting plan. An agreement with neighbors was made for a buffer of trees along the southern boundary. B. Howell included that no garbage disposals will be allowed. The house at 54 Rice was heated with oil. The oil tank should be removed following proper protocols.

Motion to close the hearing under the Wetlands Protection Act; **Seconded 6-0**

Motion to close the hearing under Chapter 194; **Seconded 6-0**

Motion to issue an Order of Conditions with conditions as discussed under the Wetlands Protection Act; **Seconded 6-0**

Motion to issue a Permit with conditions as discussed under Chapter 194; **Seconded 6-0**

Motion to require a Performance Guarantee of \$500.00; **Seconded 6-0**

Bylaw filed by Chris D'Antonio, Windsor Place, LLC, for 24 School Street, Wayland to demolish the existing house, barn and driveway followed by construction of two new townhouse buildings, paved parking and driveways, new subsurface sewage disposal system, stormwater management system and supporting utilities. The property is shown on Wayland's Assessor's Map 52, Parcel 189.

Chris D' Antonio, applicant, and Desheng Wang, Creative Landscape and Water Engineering, LLC were present. L. Hansen stated that she sent scope of work to C. D'Antonio last week for the Applicant's input but feedback was received just hours before the hearing. It had been agreed at the last hearing that the Commission would determine tonight how to proceed with a peer review. In addition D. Wang sent an email with his responses regarding the interests of the WPA earlier this evening although he had been requested to send them a week prior to the hearing. S. Greenbaum stated that there has been a pattern of sending information hours before the meeting without sufficient time for review by Commission. D. Wang would not be allowed to discuss his responses and could address them at the next hearing.

S. Greenbaum questioned why the NOI was submitted if information cannot be provided when available and within the required timeframe. L. Hansen requested a progress plan submitted by B. Nelson, Metrowest Engineering, to the ZBA; the progress plan has yet to be received by the conservation office. She also requested stormwater information from B. Nelson to which she received no reply. The Applicant stated that he did not know of either request and that he should be copied on such emails.

J. Sullivan spoke that all information necessary to make a decision needs to be submitted to the Commission to insure that all issues are covered. If all the required information asked from the applicant is not received, he will vote to deny the project. Submitted information needs to be provided a week prior to the meeting for information to be discussed at the hearing. C. D'Antonio asked for a continuance of the hearing. C. D'Antonio stated that he will bring the progress plan to the Conservation Department tomorrow morning.

Michael Wiggins, representing George Bernard of 103 East Plain Street, spoke on the scope of work for the peer review. Mr. Wiggins stated that the mounding analysis is important for a peer review. Mr. Wiggins provided two aerial maps, dating back to 1969 and 1957. At that time, a lot of open space and pervious surface existed.

T. Klem questioned why M. Wiggins was allowed to comment and submit new material pertaining to the scope of work but the applicant could not present. The Commission agreed to hear presentations regarding peer review by the Applicant and others at the next hearing.

D. Wang questioned why any comments to the Commission need to be in writing. S. Greenbaum stated that any information requested from him at the hearing needs to be in writing and received a week prior to the hearing to insure that it is understood and can be responded to. She noted that much of his oral presentation at the last hearing was circular, and she could not understand it even after watching it again on WayCAM.

Motion to continue the hearing at the Applicant's request to December 7, 2017 at TBD time under the Wetlands Protection Act;
Seconded 6-0

L. Hansen has not heard back from the title examiner. A request was made to look back further on the title.

10. **Other**

- a. **Wayland Meadows Signature- Signing at 7:00pm-** Deed to Wayland Meadows parcel signed and notarized by N. Balmer.
- b. **Rice Road Signature- Signing at 7:00pm-** Deed to conservation cluster open space parcel signed and notarized by N. Balmer.
- c. **Fall 2017 Newsletter-** Conservation newsletter for the fall includes the most recent updates in the Conservation Department. The newsletter primarily focused on land management activities including the addition of a sculpture at Heard Farm, how to appropriately dispose of fall cleanup debris, our land stewardship program, and taking a closer look at the Pine Brook Conservation Area.
- d. **Grant for Canoe/Kayak Landing at Stone's Bridge Conservation Area-** The grant was received through the SuAsCo River Stewardship Council for \$5,500. Grant only includes the design scope. SuAsCo would like some input on design. Grant is a reimbursement grant but L. Hansen does not see this being an issue.
- e. **Update on ZBA hearing on Cascade Wayland-** L. Hansen met with Joe Peznola, J. Junghanns, S. Sarkisian, P. Brinkman, and Steven Zieff, applicant, to discuss the project. No information was given as to when a filing would be given to the Conservation Commission. Two architects are looking at alternative building design. Concerns have still been raised about the septic system being placed 30 ft. from Pine Brook. Tetra Tec was hired for a peer review by ZBA.

Tree removal occurred on Wednesday. A pine tree was removed outside the jurisdiction. Numerous ornamental trees were removed; L. Hansen spoke with representative of Mahoney's Garden Center who said the trees would be reused as center pieces. The owners stated the property does have an agricultural exemption and can harvest trees without approval. L. Hansen called Department of Agriculture and is still awaiting a return call. Ellen Brideau, Assessor's Office, does not have any information on agricultural tax exemption for the property.

- f. **L. Hansen Summoned for 417 Commonwealth Road enforcement order-** The homeowner filled the wetlands. Property has a small house primarily located in Natick, MA. The property owner will file with the Town of Natick and the Commission can provide comments. Applicant has not filed with Natick.
- g. **STM Article 14 Update-** T. Klem spoke at Town Meeting to pass over the article. L. Hansen will submit the same proposal to CPC in the spring. The Commission was previously asking for free cash but Board of Selectmen and Finance Committee were not in favor. Gretchen Schuler, Chair of CPC, looked at the database for other towns and did find that CPC money could be used. S. Greenbaum noted that allowed projects included the trail and not just crossings.

h. Matters not reasonably anticipated by the Chair 48 hours in advance of the meeting, if any

322-808: DPW Landfill Extension of Permit- DPW Landfill, was approved by Commission last November but never signed or issued.

**Motion to extend the permit for the DPW Landfill under the Chapter 194 Bylaw;
Seconded 6-0**

Oxbow Fields Tree Removal- L. Hansen and P. Brinkman visited the site. Rough estimate of 110 trees will need removal, almost three times the number permitted under Chapter 193. 40 trees were permitted for removal. Vote will take place at next Board of Selectmen meeting to award a contract for the field. No more than 40 trees can be removed unless the applicant comes before the Commission and is allowed an amendment to the permit. L. Hansen spoke with the Recreation Department to confirm that no more than 40 trees are approved for removal. Discussion ensued on increase in tree removal, moving the location of field, size of field, proper marking of field boundaries and existing Conservation trail.

Neighbors have appealed the decision and currently in land court; adjudicatory hearing the week of November 20 to determine if there are grounds to move forward with appeal.

**11. Request for Certificate of Compliance – L. Hansen and S. Greenbaum visited site
a. 39/45 Waltham Road, The Carroll School; DEP File No. 322-878**

**Motion to Issue a Certificate of Compliance under the Wetlands Protection Act;
Seconded 6-0**

**Motion to Issue a Partial Certificate of Compliance under the Chapter 194 Bylaw;
Seconded 6-0**

12. Approve Minutes: November 2, 2017 and November 14, 2017

T. Klem stated that during the discussion on 24 School Street scope of service to include TEC report item #3 needs to be included

**Motion to approve the minutes of November 2, 2017 with addition from T. Klem;
Seconded 6-0**

**Motion to approve the minutes of November 14, 2017;
Seconded 6-0**

13. Adjournment

**Motion to adjourn at 9:30pm;
Seconded 6-0**

The next **Scheduled** Conservation Commission Meeting is December 7, 2017 and will be held in the Wayland Town Building.

Thursday, November 16, 2017 7:06 – 9:30 PM

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NOTE: Per changes to the Open Meeting Law, notice of any meeting of a public body shall include “A listing of topics that the chair reasonably anticipates will be discussed at the meeting”. AG’s Office guidelines state that the list of topics shall have sufficient specificity to reasonably advise the public of the issue to be discussed.