

## WAYLAND CONSERVATION COMMISSION

Minutes, Thursday, December 7, 2017 7:05 – 10:50 PM

Approved: December 21, 2017

**Location:** Council on Aging, Town Building, 41 Cochituate Road, Wayland, MA

**Present:** Barbara Howell, John Sullivan (7:35-10:40pm), Tom Klem, Tom Davidson (7:50-10:40pm), Joanne Barnett, Sean Fair Chairperson: Sherre Greenbaum, Conservation Administrator: Linda Hansen

**Minutes:** Nicole Thomson

S.Greenbaum opened the meeting at 7:05 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.**

There was no comment.

2. **Land Management**

- a. **Heard Farm Sculpture-** L. Hansen received an invoice from Joe Carpineto. The total is \$570.00; the Commission will donate money towards the sculpture.

**Motion to reimburse payment toward Heard Farm Sculpture; Seconded 4-1**

- b. **Mainstone Farm Update-** DPW installed a new parking lot off Rice Road. A new road sign was placed at entrance and kiosk was installed with information compiled on SVT and the Conservation Commission. B. Harris and D. Stimson have marked the trails. Trails to private homes have been rerouted. A ribbon cutting ceremony is being scheduled for January 7, 2018.

The CR was written that the parking lot would be off Forest Hill Road and that the trails would be located as recorded. To avoid amending the CR, SVT and the Conservation Commission will write a letter of agreement on what is specifically allowed.

L. Hansen noted that one of the greenhouses is being constructed. S. Greenbaum spoke about comments she received from neighbors about plastic covering rows in the fields and the farm stand looking different than what was proposed. SVT is in communication with the farmer.

3. **7:15 pm – Continued 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. Minor plan revisions were submitted based on recommendations from a meeting with L. Hansen and P. Brinkman. K. O’Leary included more plantings alongside of 15 Training Field Road, lawn brought in and impediment barrier along the 30 ft.

Letter of transmittal sent by K. O’Leary stated a change in recharge basin after a meeting with P. Brinkman. Further stormwater calculations will be sent to L. Hansen for review before the issuance of an OOC.

Small catch basin will be changed to two catch basins with a berm along the driveway. Approximately half of front yard will be captured by berm and drain into the catch basin. Catch basin should be cleaned out after every major rainfall event, minimum of twice a year. Operation and Maintenance plan will provide future homeowners with plan to keep up maintenance on the stormwater system.

Ryan and Kate Leonard, 22 Training Field Road, spoke on the conservation land behind the proposed house. K. O’Leary mentioned that a trail easement on the neighboring property, 21 Training Field Road, will exist. S. Greenbaum noted that the open space of the conservation cluster will not be held by the Commission.

Mrs. Leonard questioned the amount of fill allowed for each property. The ZBA would have further information on how much fill is allowed. A condition in the Commission permit is that it must be clean fill.

Stormwater calculations are required and K. O’Leary will provide the volume calculations to L. Hansen next week.

<b>Motion to close the hearing under the Wetlands Protection Act;</b>	<b>Seconded</b>	<b>5-0</b>
<b>Motion to close the hearing under Chapter 194;</b>	<b>Seconded</b>	<b>5-0</b>
<b>Motion to issue an Order of Conditions with conditions as discussed under the Wetlands Protection Act;</b>	<b>Seconded</b>	<b>5-0</b>
<b>Motion to issue a Permit with conditions as discussed under Chapter 194;</b>	<b>Seconded</b>	<b>5-0</b>
<b>Motion to require a Performance Guarantee of \$1,500.00;</b>	<b>Seconded</b>	<b>5-0</b>

4. **7:35 pm – Continued Public Hearing, Ben Stevens, Trask Development, Applicant, 32/34 Covered Bridge Lane, DEP File No. 322-899:** 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 Ben Stevens, Trask Development, for 32/34 Covered Bridge Lane, Wayland to address mitigation for unpermitted work within a wetland buffer zone. The property is shown on Wayland’s Assessor’s Map 35, Parcel 030 P. (Owner on record is Ryan Dunne, 32 Covered Bridge Lane, and Vasant and Semma Padmanabhan, 34 Covered Bridge Lane). **Applicant has requested a continuance to December 21, 2017.**

<b>Motion to continue the hearing to December 21, 2017 at 7:30pm;</b>	<b>Seconded</b>	<b>6-0</b>
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5. **7:40 pm –Public Hearing, Caley landiorio, Applicant, 29 Claypit Hill Road, DEP File No. 322-906:** 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 Caley landiorio for 29 Claypit Hill Road, Wayland to remove the existing concrete pump house. Property is shown on Wayland’s Assessor’s Map 19, Parcel 034 (Owner on record is V. landiorio Realty Trust).

Daniel Carr, Stamski and McNary, was present. The existing concrete pump house is 8 ft. by 9 ft. and is abandoned. It is 22 ft. from wetlands. L. Hansen stated a condition will be to stabilize slope after removal of pump house. The delineation shown on the site plan was performed in November; L. Hansen spoke that any future delineation from November through March will not be accepted.

<b>Motion to close the hearing under the Wetlands Protection Act;</b>	<b>Seconded</b>	<b>6-0</b>
<b>Motion to close the hearing under Chapter 194;</b>	<b>Seconded</b>	<b>6-0</b>
<b>Motion to issue an Order of Conditions with conditions as discussed under the Wetlands Protection Act;</b>	<b>Seconded</b>	<b>6-0</b>
<b>Motion to issue a Permit with conditions as discussed under Chapter 194;</b>	<b>Seconded</b>	<b>6-0</b>

6. **7:50 pm –Public Hearing, Eagle River Trust and Trustee Perry Beckett, Applicant, 50 Sherman Bridge Road, DEP File No. 322-XXX:** 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 Eagle River Trust and Trustee Perry Beckett for 50 Sherman Bridge Road, Wayland for replacement of failed cesspool with septic system. Property is shown on Wayland’s Assessor’s Map 06, Parcel 017 (Owner on record is Eagle River Trust).

David Burke, Wetland Scientist, and Perry Beckett, property owner, were present. Notice of Intent was submitted for replacement of a failed cesspool. Property is 2.5 acres overlooking the Sudbury River. Board of Health wrote R. Beckett a letter of noncompliance for a failed cesspool since 2008.

The west side of property has existing cesspool which will be removed. A 1,500 gallon tight tank will be installed with PVC running down the driveway as it is a gravity system. Design has been approved by Board of Health. Septic system is located outside jurisdiction of Commission.

Mean annual high water elevation is about 121.5 feet. P. Beckett stated that the existing boat launch has been on the property for years and Great Meadows was aware of it. Existing well on the property is not active.

Existing cesspool will be pumped, removed, and crushed stone put down. The new tank will sit on top. As the cesspool failed Title 5 years ago there could be more disturbances to site and require additional removal.

Discussion ensued on removal of existing chicken coop within 30 ft. of river. D. Burke stated that the chicken coop on the property should not require removal since it is not currently active and has been grandfathered in. There was discussion about the use of the coop for chickens or firewood storage. B. Howell stated that the Commission has always required structures this close to the river to be removed as mitigation. S. Greenbaum agreed that this has been the

Commission's policy and that the chicken coop needs to be removed unless the Commission wants to change its policy. S. Fair mentioned that since it is an old chicken coop that is not active then the structure can stay. J. Barnett and T Davidson did not believe the chicken coop should be removed either.

J. Sullivan, B. Howell, S. Greenbaum and T. Klem all thought that removal of the chicken coop was required since it was consistent with previous decisions. A decision was made to require removal of the chicken coop as mitigation.

No datum was given on the plan submitted. The as-built plan will be required to include datum.

Waiver request was made for scale.

**Motion to allow scale of 1:20; seconded 7-0**

There is no DEP file number and the meeting will need to be continued.

**Motion to continue the hearing at the Applicant's request to December 21, 2017 at 7:50pm time under the Wetlands Protection Act; Seconded 7-0**  
**Motion to continue the hearing to December 21, 2017 at 7:50pm time under the Chapter 194 Bylaw; Seconded 7-0**

**7. 8:10 pm – Stormwater and Land Disturbance, Chapter 193**

**a. Daryl Nash, 22 Hidden Springs Lane, SMLD-26**

Vito Colonna, Sullivan Connors & Associates, Daryl Nash and Gary Berg, applicants, were present. L. Hansen advises a meeting with P. Brinkman to discuss questions and comments that were found during review. V. Colonna stated that the proposed houses were planned for the subdivision but never built. The roadway was built to capture all the stormwater from a full buildout of the subdivision. Only condition is for roof runoff to go into drywells as all other runoff has been predesigned.

Meeting will be setup to discuss questions from P. Brinkman.

**Motion to authorize L. Hansen to issue a Stormwater Permit for 22 Hidden Springs Lane once all conditions have been met; Seconded 7-0**

**b. Gary Berg, 26 Hidden Springs Lane, SMLD-27- Discussed during 22 Hidden Springs Lane**

**Motion to authorize L. Hansen to issue a Stormwater Permit for 26 Hidden Springs Lane once all conditions have been met; Seconded 7-0**

**8. 8:30 pm –Continued Public Hearing, Chris D'Antonio, Windsor Place, Applicant, 24 School Street, DEP File No. 322-897:** 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 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; Desheng Wang, Creative Landscape and Water Engineering, LLC; and Mark Kablack, M.A. Kablack and Associates, were present. D. Wang spoke on the Wetlands Protection Act 8 Interests.

**a. D. Wang Comments on WPA: 8 Interests**

**Public and Private Wells:** D. Wang stated that there will not be any impact. The water produced on site will generate more water resources. The stormwater management system has met DEP standards.

**Groundwater Supply:** No negative impact will exist on groundwater supply. There will be an increase in recharge basin. The entire site is using septic systems. D. Wang stated this is all speculation since no modeling has been done. There is an increase in impervious area on the site overall.

**Stormwater Damage Prevention:** The stormwater prevention is addressed through storage on-site and meets all of DEP standards.

**Prevention of Pollution:** Primary form of pollution will come from stormwater runoff. D. Wang previously mentioned that there is a reduction in pollution and peak standards are being met. The stream will not be directly impacted. An increase in water into the ground will protect the fish and stream.

**Wildlife Habitat:** D. Wang stated that any development on site will impact wildlife but there will be an effort to try and reduce impacts as much as possible. Area beyond site is already disturbed and will work to incorporate more native plants into the area and remove any debris within 50 ft. The design will be friendlier to the wildlife community and improve the current site conditions.

T. Davidson questioned when the modeling for stormwater will be done. The updated stormwater design has changes including trench drains and a drain line near wetland buffer. D. Wang stated that the mounding analysis is not completed but will be done in January for ZBA.

T. Klem spoke that he disagreed with the statement previously made by D. Wang that the stormwater management system was an improvement to the site. It was further stated that the peer review should look at both the stormwater and septic systems together.

Michele Inglese, 20 Aqueduct Road, asked if it is too late in the season to perform a mounding analysis. L. Hansen stated that the mounding analysis will be peer reviewed. D. Wang spoke that it looks at groundwater and that winter has no impact.

Shelia Carel, 18 Joyce Road, spoke that she visited the site and walked along the School Department's property. Ms. Carel noted that the spring peepers and wood frogs are using the vernal pool. An animal den exists on edge of property. There is wildlife currently using the property and the 100 ft. buffer exists to protect the wetlands and its inhabitants.

**b. Scope of Work on Peer Review**

L. Hansen compiled a list of peer review scope of services work that would be evaluated. The items include revised stormwater report and mounding analysis. T. Davidson spoke that a mounding analysis and revised stormwater report and plan will need to be submitted for review.

M. Kablack spoke on the peer review services. He stated that the stormwater report reviewed by TEC should not be peer reviewed again and that no revised stormwater report based on the revised plan will be provided. L. Hansen stated that a peer review would not be looking back at the previous plan reviewed by TEC and that different information about providing an updated report was told to her by B. Nelson. S. Greenbaum agreed that B. Nelson told the ZBA at its last hearing that a revised report would be provided. A question was raised that if new plan was submitted then old data is not valid and requires an update.

The Commission has previously voted to hire a peer reviewer and discussion ensued on who would pay for it when M. Kablack strongly objected to both the peer review and paying for it. The Commission agreed that Commission funds would be used for the peer review since the information is required for the NOI.

J. Sullivan spoke that if the information requested was not provided then there is no alternative but to deny the project. M. Kablack stated that information was submitted to ZBA for TEC review and was complied with. J. Sullivan further discussed that changes were made to the project and any modification requires submittal of new information for purposes of the Commission's review of the NOI.

S. Greenbaum stated another reason for a new peer review was that the report from TEC was inconclusive. L. Hansen noted that TEC could not state if the system would work or not. It was noted that much of the information being asked for from the applicant is not being provided. M. Kablack asked the Commission to work with ZBA on the peer review of the mounding analysis to avoid redundancy.

T. Davidson said that a peer review of the new information needs to be performed but even with the changes TEC should not review it again.

Michael Wiggins, representing George Bernard of 103 East Plain Street, spoke that at the previous meeting he was unable to finish his presentation but would like to invite Mr. Horsley to speak about the issue of intermittent and perennial streams. At the next hearing Mr. Horsley will be allowed to present his material.

D. Wang said the mounding analysis will be completed in January for review. New calculations for stormwater information still need to be provided.

George Bernard, 103 East Plain Street, asked if Town Counsel would review all the recordings to determine how many times the applicant has changed stories as there is no consistency with what is being stated at each hearing.

**Motion to authorize L. Hansen to hire a peer review for scope of work as set out in summary presented;**  
**Seconded 7-0**

**c. Title Search Results**

Title search was received and now a survey of the property will be performed. The title search was very complicated.

M. Kablack additionally strongly objected to a survey review as everything has been provided. The survey provided has been stamped by a licensed surveyor. Metrowest Engineer and P. Brinkman examined the survey and said everything was in order. M. Kablack stated that it was not the Commission's job to understand the boundary and it was a wild goose chase. The applicant will not be paying for a survey.

A request was made by an abutter to have Town Counsel present at every hearing going forward.

Shelia Carel, 18 Joyce Road, said that A. Barry, former Town Surveyor, mentioned the title was a mess.

**Motion to continue the hearing at the Applicant's request to February 1, 2018 at TBD;**  
**Seconded 7-0**

9. **Other**

**a. Oxbow Fields Tree Removal- Discussed at 9:00pm**

Katherine Brenna, Recreation Director, and Brud Wright, Vice Chair of Recreation Commission, were present. Oxbow Fields received a stormwater permit for removal of 40 trees. Marshall Gary, designer of the project, performed the survey and calculations were wrong with far more trees requiring removal. K. Brenna and B. Wright visited the site and counted 113 trees to be removed. This includes limit of work and is the maximum number of trees to be removed. L. Hansen and P. Brinkman visited the site and counted 110 trees. Recreation Department will replace all trees requiring removal with trees or shrubs on 1:1 basis. The field itself is 65 yards with 15 additional ft. on both sides Southern side is where a majority of tree removal will occur. Northern section is fixed by conservation trail and field must fit between.

T. Klem questioned how the number changed so drastically. K. Brenna stated that tree count was based off the contractor's survey, which was not correct.

J. Sullivan expressed concern with the designer as the number of trees miscounted was wrong by a large number and there is not enough room to replant all the trees on the site.

S. Greenbaum questioned whether 113 trees should be allowed for removal when the original permit was for 40 trees. She also noted the negative effect such removal would have on the Conservation trail.

Tonya Cunningham, 9 Williams Road, mentioned that removing more trees would be harmful to the environment. The screening for the property is scarce and will need a new

replanting plan. Trail also needs work as it is not currently ADA compliant with some sections being too narrow.

Reed Newton, Wayland Soccer Organization, spoke that there is a severe need for fields. Overuses of fields pose a safety hazard. There is no perfect spot in town for a soccer field.

T. Klem questioned how much the fields are used by outsiders and K. Brenna spoke that 10% or less of the fields go to non-Wayland residents.

J. Barnett stated that a large mistake was done and now it needs to be corrected. B. Wright mentioned that the design did not change and it is just the number of trees removed. Town received correct information at ATM but recreation received wrong information. J. Sullivan spoke that the warrant article for design said if a full-size field could not fit than a small one would be placed.

Discussion ensued on improvement of existing conservation trail for better accessibility. Trail is part of the emerald necklace and part of the Bay Circuit Trail.

B. Howell spoke that the number of trees proposed to be removed needs to be reduced.

B. Wright asked if the conservation trail can be moved away from the woods and closer to the northern side. The trail can be moved west and loop back around. This design would minimize the number of trees requiring removal.

Recreation agreed to return to the next meeting on December 21 to present possible field redesign for Oxbow and to also discuss proposed Loker field.

- b. School Committee/ Recreation Dept. Checklist for High School Fields-** Ellen Grieco and Kathie Steinberg, School Committee, were present. L. Hansen compiled a checklist of information that should be done prior to submitting the project. E. Grieco is meeting with Weston and Sampson next week to speak about this information. The Orders of Conditions for the existing turf field and High School need to be closed out before the issuance of a new permit. E. Grieco will convey the information to Weston and Sampson and invited L. Hansen to speak with Weston and Sampson at a joint meeting as well.

L. Hansen will visit the site next week with D. Burke to look at the wetland delineation.

- c. Change in Scope for 17 Hereford Road; DEP File No. 322-895-** Bob Drake, Drake Associates, was present. B. Drake spoke that the applicant would like to install porous pavers rather than the proposed gravel. L. Hansen stated and the Commission agreed that the pavers would be an improvement to the site. L. Hansen stated that this change can be handled when submitting the Certificate of Compliance.
- d. 48 Glezen Lane CR-** Property is next to Black Cat Farm with a CR on two sides of the property. The homeowner would like to use a section of the CR as a temporary access road to the back of property. S. Greenbaum reviewed the CR which stated that vegetation could not be destroyed and no temporary structures are allowed; therefore access using the CR land cannot be allowed.

**Motion to not allow CR land to be used for access road; Seconded 6-0**

- e. **MOU for Canoe/Kayak Landing Grant-** Signed MOU was received from Sarah Bursky. S. Greenbaum spoke to the designer who agreed to design the canoe landing. Information will be sent to L. Hansen. Structures North will most likely be asked to perform the work. Information will need to be presented to CPC by next week for inclusion in ATM warrant. J. Sullivan stated that CPC will need to have an estimate for construction cost but not exact amount.
- f. **Violation at 113/115/117/119 Boston Post Road-** L. Hansen sent an email to T. Mahoney expressing the violation occurring on his property.
- g. **CPC Proposals** – Aqueduct crossings will be submitted .
- h. **Matters not reasonably anticipated by the Chair 48 hours in advance of the meeting, if any**

**Drawdown of Lake Cochituate-** Lake Cochituate will no longer be drawn down by 6 ft.

10. **Request for Certificate of Compliance**

- a. **5 Erwin Road; DEP File No. 322-873**

**Motion to Issue a Certificate of Compliance under the Wetlands Protection Act;  
Seconded 5-0**

**Motion to Issue a Partial Certificate of Compliance under the Chapter 194 Bylaw;  
Seconded 5-0**

11. **Request for Return of Performance Guarantee**

- a. **5 Erwin Road; DEP File No. 322-873 (\$750.00)**

**Motion to return Performance Guarantee of \$750.00; Seconded 5-0**

12. **Approve Minutes: November 16, 2017**

**Motion to approve the minutes of November 14, 2017; Seconded 5-0**

13. **Adjournment: Adjourn 10:50pm**

The next **Scheduled** Conservation Commission Meeting is December 21, 2017 and will be held in the Wayland Town Building.

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.