

WAYLAND CONSERVATION COMMISSION

Minutes, Thursday, January 11, 2018 7:03 – 9:27 PM

Approved: February 1, 2018

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

Present: Barbara Howell, Tom Klem, Tom Davidson (7:10pm), Joanne Barnett, John Sullivan (7:08pm)
Chairperson: Sherre Greenbaum, Conservation Administrator: Linda Hansen

Not Present: Sean Fair

Minutes: Nicole Thomson

S.Greenbaum opened the meeting at 7:03 PM noting that a quorum was present and that the meeting was being broadcasted by WayCAM.

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

Duane Galbi, 190 Stonebridge Road, spoke about his research on the Community Gardens. Mr. Galbi came before the Commission a few months back asking for the name, address, phone number, and email address of all the current gardeners and previous gardeners. Mr. Galbi was turned down by the town to receive all the information and has come to ask the Commission for the email address of each gardener.

The application for the upcoming year will be mailed out to gardeners in March and will include information on releasing their personal information.

When L. Hansen spoke with John Senchyshyn, he mentioned that the gardeners would need to consent to releasing their information. T. Klem said that beginning this year the new application will include a section to release personal information but that any prior year gardener's information should not be released.

J. Barnett stated that the gardeners need to be aware of what is going on before information is released.

Mr. Galbi said that when speaking with the state the Commission has the ability to release information. Since the new application will include a section to release information, Commissioners agreed that gardeners could consent at that time to permit their personal information to be released but that it should not be done before that without their consent.

2. **Land Management**

- a. **Christmas Bird Count-** B. Harris performed the bird count in Wayland on December 30, 2017. It was one of the very cold mornings which resulted in half as many birds as normal. B. Howell spoke that there are not as many participants to do the count .

- b. Sedge Meadow Nature Walk-** On Saturday, January 20th at 10:00am, B. Harris will hold a nature walk. The walk will be at the Sedge Meadow Conservation Land, meeting at the trail head that is across from 31 Sedge Meadow Lane.

3. 7:15 pm – Scott Horsley Presentation, Perennial vs. Intermittent Stream.

Scott Horsley, Horsley Witten Group, was here to present. Protecting perennial streams is a statewide issue in Massachusetts. Perennial streams flow year round even when it is not raining due to groundwater. A picture from U.S.G.S. showed the direct relationship between groundwater and stream flow.

A perennial stream has groundwater constantly discharged. Influence of pumping wells greatly affects groundwater as it is pulled towards the well and away from the stream. Measurement of flow is exactly equal to groundwater in the watershed. The greater the well pumping then more water will be pulled backwards, resulting in groundwater being influenced by surface water.

Intermittent streams result from the stream losing water. They will occasionally go dry based on the season. A case study is the Ipswich River as it is a hydrologically impacted stream that is occasionally intermittent or dry most in some sections.

Referring to 24 School Street, the stream behind the property is a head water tributary of Snake Brook and flows beneath East Plain Street. In 1970, U.S.G.S. surveyed the area and mapped the stream as perennial.

S. Horsley stated that in the past 3 years the stream has been examined during drought periods. Researching the area S. Horsley found 3 U.S.G.S. reports and impacts of water withdrawals.

State-wide study regarding groundwater depletion focused on well installation and urbanization. Map from U.S.G.S. on groundwater depicted a 15% or greater depletion due to pumping of wells. State of Massachusetts has written a report on stressed stream flow.

A second study showed land use of a high-density area. Increase in density increases the amount of impervious surface. During the summer there is always a concern for habitat as stream flow is reduced. Stream flow is 1/3 less than what is natural.

George Bernard, 103 East Plain Street, spoke on the history of the neighborhood. He grew up in the area and would ice skate on a pond across from 24 School Street. Pictures of the area from 1961 and recent pictures from today were taken as a comparison. The pond is gone and numerous trees now exist in the area.

S. Horsley followed by mentioning that trees do not grow in ponds and it is an indication of the lower groundwater levels; if the groundwater levels had been maintained then the pond would still exist. S. Horsley suggests to the Commission that the water levels have changed due to impervious surface and pumping of wells.

Chris D'Antonio, 24 School Street, spoke that resource area delineation was performed on the site in November 2015. Conservation Commission voted that the stream is considered intermittent under the WPA and perennial under the bylaw.

4. **7:45 pm –Public Hearing, Paul Brinkman, Wayland Town Engineer, Applicant, 107 Old Sudbury Road, DEP File No. 322-908:** 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 Paul Brinkman, Wayland Town Engineer, for 107 Old Sudbury Road, Wayland to demolish the existing structures and other man-made features on the site, as well as abandon the existing sub-surface wastewater disposal system. The property is shown on Wayland's Assessor's Map 17, Parcel 022 (Owner on record is Town of Wayland).

Paul Brinkman, Town Engineer, was here to present. P. Brinkman spoke that the property was bought to preserve and protect the Baldwin wells and in the future for the water department to potentially use for a discharge of water from the Baldwin plant. The proposed work includes removal of structure, fence, pavement, and septic system.

Site plan shows an orange boundary as limit of work and siltation control along area of work. P. Brinkman stated that during construction the existing stones on the corner of the current buildings fieldstone foundation will remain as boundaries for the limit of disturbance.

B. Howell questioned if an existing oil tank is present and that it will be removed, and if the soil surrounding the abandoned vehicle will be tested and removed if necessary. P. Brinkman spoke that when he walked the site there was no obvious areas of oil spillage. L. Hansen performed the wetland flagging last fall.

This project is similar to the demolition of 246 Old Stonebridge Road. This will provide an improvement to the existing site conditions.

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

P. Brinkman spoke on an issue regarding the Happy Hollow Wells Access Road. Pursuant to discussion with the Commission and the permit, L. Hansen visited the site with TEC prior to removal of trees and it was agreed that a total of 24 trees required removal. The project was already underway before P. Brinkman was hired. An additional tree was found for removal during the construction phase, totaling 25 trees. A final count was performed after tree removal and construction was completed with a total of 55 trees removed. P. Brinkman stated that 25 trees removed would be replanted on site with the remaining trees planted at a Conservation site of the Commission's choice. The turnaround area would be replanted with seed mix as well as tree replantings.

L. Hansen will discuss with P. Brinkman on how to proceed. P. Brinkman recommended the 30 trees be planted on an area that would benefit from additional plantings.

5. **8:00 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 February 1, 2018.**

Motion to continue the hearings at the request of the Applicant to February 1, 2018 at 7:15pm; Seconded 6-0

6. **Other**

- a. **Review of Meeting Schedule (24 School Street)** - L. Hansen spoke on the mounding analysis for 24 School Street. D. Wang said at the ZBA hearing that the mounding analysis will be completed on January 12th. If the mounding analysis is completed on time then it will be reviewed by the peer review and presented to ZBA.

Once the mounding analysis is completed then the peer review is expected to take 2 weeks. L. Hansen and S. Greenbaum do not think that it is necessary to have an additional meeting on January 25th to review the material. The peer reviewer will compile a comprehensive report that is easily understandable.

The comprehensive report will be distributed to the Conservation Commission and ZBA once completed.

L. Hansen met with C. D'Antonio and the other Land Use Departments to discuss the site plan. C. D'Antonio is proposing a possible change in design of the buildings. The new design would change the location of the stormwater and septic systems.

b. **2018 Priorities**

Chapter 193 and Chapter 194 Regulations- The regulations were last revised in 2014. L. Hansen has draft model regulations but recommended waiting to implement them since revisions to stormwater regulations, chapter 193, also need to happen. Stormwater regulations should include pre and post construction analysis.

L. Hansen spoke that for the Order of Conditions it should be issued with the state form and then the special conditions are the bylaw decision. Many of the Order of Conditions are long and applicants fail to fully read them since there is so much duplication. J. Sullivan spoke that it was originally done this way to prevent an association between the state and bylaw which is stricter. L. Hansen mentioned that these would be two different documents and would reduce the overall size of the permit.

L. Hansen will compile a permit with how it is currently written and a second permit using the suggested updated format for comparison.

Generic Tree Permit- Conservation has a tree permit but it expired. L. Hansen stated that when there is a revision to the stormwater permit then tree removal should be included. A tree permit coincides more with the Chapter 193 permit.

Enforcement Procedures- Regulations under DEP allow for enforcement but it is not enforced well enough. Under the bylaw there is a \$300.00 a day fine but it needs to be documented. L. Hansen said that there is not enough manpower to regulate enforcements.

Licensing Professional Dog Walkers- Weston has licensed professional dog walkers but Wayland has not. S. Greenbaum questioned whether this would fall under a bylaw change which would need to go before a Town Meeting. L. Hansen will speak with the Town of Weston for guidance to implement a dog walker system. Money collected from the licensing fee could be used for pet waste station removal costs and improvement of trails.

Performance Guarantees- S. Greenbaum stated that she was unsure as to why the Commission cannot receive the remaining balances left behind on performance guarantees. L. Hansen was informed that if any remaining money was not returned back to the applicant then a donation letter would need to be received in order for the Commission to use the money. The Commission cannot use any of the money that is currently in an account for performance guarantees.

Discussion ensued on whether a new method to move forward on new projects needs to be determined since the current process cannot be implemented as desired. B. Howell recommended the usage of fines for after the fact noncompliance. A Certificate of Compliance will not be granted unless all permit conditions are satisfied. It was noted that burdens are placed on the homeowner when performance guarantees are asked for small projects but large projects should still require them.

Application Fees- A new fee schedule should be created. Previously meetings have been required to change fees.

- c. **Winter Newsletter-** The winter newsletter was recently completed and includes updates on the Mainstone trails, an upcoming bird walk at Sedge Meadow Conservation Land, and community garden information.
- d. **Nelson Lawsuit Update-** Lawsuit was filed against BOH for issuing a drinking water well permit at 65 East Plain Street. The Conservation Commission was named as a party to the lawsuit since a bylaw resource area delineation was issued for the property with the Commission further stating that there would be no impact of the well on the wetlands. S. Greenbaum noted that if the Commission is named as a party then there should be an authorization to allow KP Law to be the representative. A preliminary injunction for installing the well was denied on January 10th.
- e. **Annual TM Warrant Articles-** Establish a revolving fund for the community gardens. In recent years the department has had to take money from the budget to pay for the garden expenses.

Vote to submit the warrant article for ATM; Seconded 6-0

- f. Update on Operating and Capital Budget-** Personnel Board approved the increase in hours for B. Harris. Currently he is at 19 hours and the recommendation is for 28 hours. L. Hansen has been going back and forth with the Finance Committee regarding the tractor purchase. Finance would like to see a cost savings benefit analysis. L. Hansen stated to the Finance Committee that B. Harris' hours cannot be altered for the tractor purchase.

After 4 years the tractor would pay for itself based on the cost benefit analysis L. Hansen has compiled.

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

T. Davidson asked about any update on the Snake Brook dam. The roof will be built shortly and then the spillway needs to be redone. Neighbors have complained that they are always cleaning out the area. A different spillway needs to be built and a beaver deceiver should be installed as well.

7. Request for Certificate of Compliance

- a. 115 Dudley Road; D-874-** L. Hansen stated that the homeowner removed two trees and did replacement plantings. A recommendation was made to grant a certificate of compliance.

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

- b. 15 York Road; 322-881-** Will be discussed at a further hearing.

8. Request for Return of Performance Guarantee

- a. 115 Dudley Road; D-874 (\$350)**

Motion to return Performance Guarantee of \$350.00; Seconded 6-0

- b. 15 York Road; 322-881 (\$1,200) -** Will be discussed at a further hearing.

9. Approve Minutes: December 21, 2017

Motion to approve the minutes of December 21, 2017; Seconded 6-0

10. Adjournment

Motion to adjourn at 9:27pm; Seconded 6-0

The next **Scheduled** Conservation Commission Meeting is February 1, 2018 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

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guidelines state that the list of topics shall have sufficient specificity to reasonably advise the public of the issue to be discussed.