

WAYLAND CONSERVATION COMMISSION

Minutes, Thursday, February 22, 2018 7:07 – 9:26 PM

Approved: March 15, 2018

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

Present: Barbara Howell, Tom Klem, Joanne Barnett, John Sullivan Chairperson: Sherre Greenbaum, Conservation Administrator: Linda Hansen

Not Present: Sean Fair, Tom Davidson

Minutes: Nicole Thomson

S.Greenbaum opened the meeting at 7:07 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. **Nature Walk Outreach-** B. Harris publicizes nature walks in the Town Crier, Metrowest Daily Newspaper, Wayland Patch, Town website, Wayland Voters Network, Conservation Department website, and Conservation Commission Newsletter. Recommendation was made to advertise walks in the Parks and Recreations newsletter. B. Harris will have an updated list of nature walks in the Tax Bill Insert.

B. Harris was trained to use the GPS unit to mark trails. Currently, three trails have been marked.

3. **7:15pm- Public Hearing, Adam Stack, Snake Brook LLC, Applicant, 60 Rice Road, Lot 1, 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 Adam Stack, Snake Brook LLC, for 60 Rice Road Lot 1, Wayland for construction of a home addition, associated grading, and installation of a septic system. The property is shown on Wayland's Assessor's Map 45, Parcel 15.

David Burke, Wetland Scientist; Mike Sullivan, Sullivan, Connors & Associates; and Adam Stack, Applicant, were present. D. Burke spoke that the proposal is for a larger septic tank installation than what was previously permitted, and an addition within the outer riparian. Flood plain does exist on the lot. A natural vegetation area within the 100 ft. buffer will remain. The lot can only have 10% of alteration within the riverfront and all work under this permit would total 9.7%. An existing shed without footings will be removed.

L. Hansen spoke that P. Brinkman provided comments on stormwater. Groundwater separation is only two feet; M. Sullivan spoke that it meets the requirement by Board of Health. An adjustment to the overflow pipe would allow for more catch at top of stone. The failure mode is not visible enough to the homeowner and should be. Only the front half of the roof is captured and the back needs to be as well. The stormwater is for a 100-year storm. M. Sullivan spoke that all of these issues can be resolved.

There is no DEP File No. for the property. The hearing will need to be continued until a file number is received.

Motion to continue the hearing under the Wetlands Protection Act at the request of the Applicant to March 15, 2018 at 7:15pm; Seconded 5-0
Motion to continue the hearing under the bylaw to March 15, 2018 at 7:15pm; Seconded 5-0

4. **7:25pm- Public Hearing, Adam Stack, Snake Brook LLC, Applicant, 60 Rice Road, Lot 2, 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 Adam Stack, Snake Brook LLC, for 60 Rice Road Lot 2, Wayland for construction of a new home, associated grading and stormwater infiltration. The property is shown on Wayland's Assessor's Map 45, Parcel 15.

David Burke, Wetland Scientist; Mike Sullivan, Sullivan, Connors & Associates; and Adam Stack, Applicant, were present. D. Burke spoke that it is a 24,000 sq. ft. lot that has no existing structures. 1/3 of proposed work is within the outer riverfront caused by a 50-foot setback at the front brought on by the Planning Board decision. There is a total of 8.7% of alteration within the riverfront.

A total of 8 trees require removal; 4 of the trees are 24 inches, which will require a large number of replantings. Trees need to be removed for the septic system installation. L. Hansen stated that the permit will have a condition to require a replanting plan. An area that is existing lawn will be returned back to a natural state.

Driveway is located near edge of lot on right. The vent will need to be relocated as it's on edge of driveway. All the driveway runoff will be captured into a catch basin. Snow removal was discussed. An agreement with the property owner on the right may be required for snow placement.

P. Brinkman provided stormwater comments. M. Sullivan received the comments and the plans will be updated to reflect.

There is no DEP File No. for the property. The hearing will need to be continued until a file number is received.

Motion to continue the hearing under the Wetlands Protection Act at the request of the Applicant to March 15, 2018 at 7:25pm; Seconded 5-0
Motion to continue the hearing under the bylaw to March 15, 2018 at 7:25pm; Seconded 5-0

5. **7:35pm- Public Hearing, Jacob Tamposi, Tamposi Brothers I, LLC, Applicant, 74 Moore Road, Lot 2 and 3 (aka 70 and 72 Moore Road), DEP File No. 322-909 and 322-910:** 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 Jacob Tamposi, Tamposi Brothers I, LLC, for 74 Moore Road Lot 2 and 3 (aka 70 Moore Road and 72 Moore Road), Wayland for construction of two new single family homes with associated grading, driveway, and drainage. The property is shown on Wayland's Assessor's Map 11, Parcel 14.

Mike Sullivan, Sullivan, Connors & Associates, and Joe and Jake Tamposi, Applicants, were present. 70 Moore Road (Lot 3) and 72 Moore Road (Lot 2) will be accessed by a common driveway. The common driveway will result in fewer disturbances. 72 Moore Road is primarily outside the buffer with 70 Moore Road further inside the buffer. Jurisdiction of the properties is only for the home construction and grade related changes.

M. Sullivan spoke that the drainage will capture runoff from the common driveway and front of each house. Only clean runoff will come off back of roof. Both septic systems are outside the 100-foot buffer.

The pond will stay within the Conservation Open space. An existing walking path that extends around the pond will be donated to the Commission as well.

L. Hansen questioned why the house at 70 Moore Road could not be moved further out of the buffer. J. Tamposi stated that during the Planning Board hearing the neighbors preferred the current house location as moving it west brought it closer to Wayside Road. It was noted that a buffer of trees along the neighboring properties could allow for a change in house location. Changing the house location will impact the 15-foot setback. L. Hansen stated that moving south will reduce impact on wetlands and reduce impervious surface of driveway.

P. Brinkman made comments on the stormwater management plan. L. Hansen will provide comments to V. Colonna. The stormwater for both lots cannot go into the existing house property. That lot does not have any new stormwater and only captures existing. L. Hansen needs to further examine the stormwater as the HydroCAD information was received earlier in the day. All the homes will be part of a homeowner's association.

There are trees that need to be removed. 72 Moore Road has quick grade changes that need to be addressed. Landscape planting plan needs to be submitted. J. Tamposi stated that the soil samples get worse further back in the property. Snow storage will be at the "t" of driveway.

Waivers were requested and need to be voted on.

Motion to continue the hearing for 70 Moore Road under the Wetlands Protection Act at the request of the Applicant to March 15, 2018 at 7:30pm; **Seconded 5-0**

Motion to continue the hearing for 70 Moore Road under the bylaw to March 15, 2018 at 7:30pm; **Seconded 5-0**

Motion to continue the hearing for 72 Moore Road under the Wetlands Protection Act at the request of the Applicant to March 15, 2018 at 7:30pm; **Seconded 5-0**

Motion to continue the hearing for 72 Moore Road under the bylaw to March 15, 2018 at 7:30pm; **Seconded 5-0**

6. **7:50pm- Public Hearing, Thomas Holder, Wayland Department of Public Works, Applicant, General Water Main Permit, DEP File No. 322-911:** Notice of Intent filed pursuant to the Wetlands Protection Act and a Chapter 194 application filed pursuant to the Wetlands and Water Resource Protection Bylaw filed by Thomas Holder, Department of Public Works, for all water main improvements within existing previously disturbed roadways in Wayland.

Ryan Neyland, Tata & Howard, was present. No site plan was presented since there is no specific site. R. Neyland stated that for each project erosion control measures will be used. Currently all work is filed individually. L. Hansen stated that under the WPA no filing is required if work is completed within one day.

Conditions of the permit will include no increase in impervious area or work within an area of endangered species. Start of work date will be required. Issuing this permit will be an improvement from the current filing procedure.

Motion to close the hearing under the Wetlands Protection Act; **Seconded 5-0**

Motion to close the hearing under Chapter 194; **Seconded 5-0**

Motion to issue an Order of Conditions with conditions as discussed under the Wetlands Protection Act; **Seconded 5-0**

Motion to issue a Permit with conditions as discussed under Chapter 194; **Seconded 5-0**

7. **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 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 March 15, 2018.**

Motion to continue the hearing under the Wetlands Protection Act at the request of the Applicant to March 15, 2018 at 7:45pm; **Seconded 5-0**

Motion to continue the hearing under the bylaw to March 15, 2018 at 7:45pm; Seconded 5-0

8. **8:20 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. **Applicant has requested a continuance to March 15, 2018.**
- a. **Results of Mounding Analysis**
 - b. **Peer Review on Notice of Intent and Stormwater**

Motion to continue the hearing under the Wetlands Protection Act at the request of the Applicant to March 15, 2018 at TBD; **Seconded 5-0**
Motion to continue the hearing under the bylaw to March 15, 2018 at TBD; **Seconded 5-0**

9. **Other**

- a. **Conservation Restriction for 21 Training Field Road-** L. Hansen spoke that there is confusion on who is managing the open space parcel. During previous Commission hearings the Applicant insisted that the homeowners in the conservation cluster control the parcel. Clarification needs to be provided from John Lehmann.
- b. **Matters not reasonably anticipated by the Chair 48 hours in advance of the meeting, if any-** L. Hansen spoke that Geoff Larsen, Building Commissioner, compiled comments from the land use departments on Cascade and 24 School Street for ZBA. L. Hansen stated in her comment letter that we are waiting for a mounding analysis and revised stormwater report.

Tom Lashmit, Town Surveyor, examined the title search. Previous lot boundaries determined in the Commission's title search were plotted onto CAD and examined throughout the years. T. Lashmit did not believe the lot size issue was worth pursuing since the current plot plan is smaller in area. Most concern would be for Board of Health setback for septic system. S. Greenbaum questioned whether the reduction in size was in any particular area or throughout the parcel.

Scope of Work- Dan Hill, Planning Board, is asking Finance for \$25,000 for additional review on both 40B projects. L. Hansen provided a comment memo stating that a majority of work D. Hill is looking to do can be done through the Commission's peer reviewer. Nover Armstrong Associates has worked with D. Hill previously. L. Hansen stated that there was not much new to comment on with Cascade as they have not filed. L. Hansen will resend comment letter on what is defined as degraded.

10. **Request for Certificate of Compliance**

- a. **24 Bayfield Road; D-861-** One tree was removed and replaced with ten shrubs. There was question why so many shrubs were planted for only one tree. The file noted that no site visits could be made without notice to applicant. L. Hansen could not reach the applicant prior to the hearing. Request for a COC will be deferred to our next meeting.
- b. **10 Covered Bridge Lane; 322-770 (Requesting Complete COC)-** Applicant requested a complete COC be issued under both the WPA and bylaw as there are currently only partials. A condition of the permit was to have a Conservation Restriction on the property. L. Hansen was unable to locate the original; a final will need to be provided. S. Greenbaum noted that the land was given to SVT. A partial Certificate of Compliance will remain under the bylaw pursuant to current procedure.

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

- c. **18/20 Covered Bridge Lane; 322-822 (Requesting Complete COC)-** B. Stevens requested direction on getting complete COCs under the WPA and the bylaw. He stated unapproved modifications to project were done and there were "tradeoffs." J. Sullivan pointed out that

B. Stevens never came to Commission to request changes. L. Hansen stated there were significant changes from approved plans and no paperwork. B. Howell noted that Planning Board made changes to entire project without Commission's input. Discussion ensued on whether complete COC under the WPA should be issued or whether partials should remain since there are still outstanding issues of noncompliance and B. Stevens stated that he does not intend to comply with the conditions as written.

Commissioners agreed that existing Certificate of Compliance under the bylaw will remain as a partial.

Motion to deny the request for a Complete Certificate of Compliance under the Wetlands Protection Act; **Seconded 5-0**

- d. **24/26 Covered Bridge Lane; 322-834-** B. Stevens questioned Commissions' rescission of a vote to issue COCs. L. Hansen stated that she spoke to DEP and received advice from DEP that the Commission could rescind the COC vote if the COC had not issued for issues of noncompliance. S. Greenbaum reviewed the chronology: on August 25, 2016 there was a vote to issue partial COCs under WPA and bylaw noting issues of noncompliance; on January 26, 2017 there was a posted agenda item for reconsideration of the COC vote and a vote was taken to rescind the COCs for reasons including grading and wall changes, extra 20' of fill, addition of sprinkler system and boulders creating a dumping area. ; there was a request to amend the OOC on June 29, 2017, which was denied by the Commission since requested changes were significant and a new NOI was required.

B. Stevens read from the WPA that a COC needs to be corrected within 21 days of issuance. S. Greenbaum stated that the Commission acted upon DEP's advice and it is the Commission's position that the COCs were appropriately rescinded. She questioned why he filed a request for an amendment of the OOC, acknowledging the OOC was still in effect, if he thought there was a COC in place. B. Stevens responded that his engineer told him to do it. B. Stevens requested options for resolution since he "was playing in our playground." Discussion ensued on options: compliance with the OOC which he refused to do, issuing partials, or continuing to require a new NOI, as previously voted, to address significant changes from approved conditions as required under WPA.

Motion to deny the request for a Complete Certificate of Compliance under the Wetlands Protection Act; **Seconded 5-0**
Motion to deny the request for a Complete Certificate of Compliance under the Chapter 194 Bylaw; **Seconded 5-0**

11. Request for Return of Performance Guarantee

- a. **24 Bayfield Road; D-861 (\$500)-** Defer to next meeting
b. **10 Covered Bridge Lane; 322-770 (\$2,000)**

Motion to return Performance Guarantee of \$2,000.00; **Seconded 5-0**

- c. **18/20 Covered Bridge Lane; 322-822 (\$6,000)-** Defer to next meeting. L. Hansen will determine issues of noncompliance for reduction in performance guarantee amount to be returned.

d. 24/26 Covered Bridge Lane; 322-834 (\$6,500)

Motion to deny return of Performance Guarantee;

Seconded 5-0

12. Approve Minutes: February 1, 2018

Motion to approve minutes of February 1, 2018;

Seconded 5-0

13. Adjournment

Motion to adjourn at 9:26pm;

Seconded 5-0

The next **Scheduled** Conservation Commission Meeting is March 15, 2018 and will be held in the
Wayland Town Building.