

## WAYLAND CONSERVATION COMMISSION

Minutes, Thursday, April 12, 2018 7:05 – 9:49 PM

Approved: April 26, 2018

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

**Present:** Barbara Howell, Tom Klem, Sean Fair Chairperson: Sherre Greenbaum, Conservation Administrator: Linda Hansen

**Not Present:** Tom Davidson, John Sullivan, Joanne Barnett

**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.**

Mike Lowery, 120 Lakeshore Drive, spoke on behalf of the Surface Water Quality Committee, stating that there was a collaborative project to map the watersheds. Money has been received from Mass Audubon. Mr. Lowery will work with the GIS Department to map out the data and hopefully have results by July.

2. **Land Management**

- a. **Heard Farm Old Orchard-** Nicky Patterson, Friends of Heard Farm, spoke on the Old Orchard. N. Patterson has been mowing Heard Farm trails since 2006. Friends of Heard Farm were organized to collect funds to reimburse him and Bill Green, who manages the new orchard, for their out-of-pocket expenses. With the recent storms many limbs have fallen. N. Patterson spoke that there are not many trees worth saving. Dev Hamlen visited the site a few months ago and met with a tree company who stated that 1/3 of the trees could be saved. L. Hansen spoke with DPW and their chipper can be used to clean up the tree limbs. The chips can be placed on the entrance at the left of Heard Farm. N. Patterson spoke that the next steps should be to clean up the area before the bobolinks arrive in early May. L. Hansen noted that DPW can assist but they are currently busy cleaning up from the storm. L. Hansen spoke that a tree company may need to be hired.

N. Patterson spoke that the clean-up around the new orchard will be April 21<sup>st</sup>. A question was raised about the burn permit; L. Hansen will speak with B. Harris to apply for a permit.

- b. **7 Pear Tree Lane Tree Removal** – L. Hansen spoke that there is a large tree within 2 ft. of conservation land that needs to be removed as it is close to falling onto the house and deck of the neighboring house. If a tree removal service is hired for this property then it can always be used for the Heard Farm tree removal as well.

3. **7:15 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 April 26, 2018.**

**Motion to continue the hearing at the request of the Applicant under the Wetlands Protection Act to April 26, 2018 at 7:15pm;                      Seconded    4-0**

**Motion to continue the hearing under Chapter 194 to April 26, 2018 at 7:15pm;  
Seconded 4-0**

4. **7:15pm- Chapter 193: Stormwater and Land Disturbance Bylaw, Marie Chafe, Applicant, 25 Adams Road, SMLD-31**

David Fisher, Landscape Architect, and Will Chafe, Applicant, were present. D. Fisher spoke that the proposed work is for construction of an addition and renovation. L. Hansen spoke that during the site visit numerous trees were removed that were not shown on the plan. D. Fisher stated that trees were removed to allow for driveway and septic installation and to reduce the amount of shade to the lawn. He spoke that there was a misunderstanding of the bylaw as to how tree removal is addressed. L. Hansen spoke that 29 large trees were removed and that is classified as clear-cutting the lot under the Stormwater and Land Disturbance bylaw.

P. Brinkman has reviewed the application and had numerous concerns with the stormwater management plan. Modeling was based off of testing of septic system. P. Brinkman and L. Hansen will speak with the engineer to resolve issues.

W. Chafe stated that many trees were still left on the property. A comment was made that the house next door removed many more trees and asked how mitigation was performed on that lot.

L. Hansen stated that a revised stormwater plan needs to be provided before the issuance of a permit. She stated that no more trees should be removed in the meantime. Prior to the next meeting a discussion with the engineer will be held.

5. **7:30pm- Public Hearing, Michael and Amanda Nugent, Applicants, 7 Beech Road, DEP File No. 322-915-** 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 Michael and Amanda Nugent, for 7 Beech Road, Wayland for construction of a new home and septic system. The property is shown on Wayland's Assessor's Map 46B, Parcel 50, 64, 28, 29, and 30.

Bob Drake, Drake Associates, and Amanda and Michael Nugent, homeowners were present. Two existing lots with houses were bought by the homeowners. An existing structure will be removed and replaced with a new house. Steep grades place restrictions on where the house can be placed; effort was given to try and remove from buffer and keep distance from the road.

Existing house will be converted into a boathouse. Soils in area are well draining. The original Hawthorne Road was relocated, but a water main runs through the abandon road that is on their property.

B. Drake spoke a change in plan will save three trees but 22 trees still require removal; 10 trees and 66 shrubs will be planted according to the replanting schedule. A planting plan will be required. Changes were also done based on comments from Board of Health.

B. Drake stated here is no net increase in impervious surface. Invasive plant removal can be done under the permit.

Mike Lowery, 120 Lakeshore Drive, spoke that this is the best possible scenario for the property. Mr. Lowery mentioned that there is a failed catch basin and hopefully this can be fixed with the construction of the house; stormwater from the proposed project is directed away from the catch basin.

L. Hansen spoke that there is no DEP File number; B. Drake mentioned that he spoke with DEP this morning and a file number was recently issued as 322-915. There will need to be a continuance as the DEP website did not update with a file number which prevented a signature form from being created.

**Motion to continue the hearing at the request of the Applicant under the Wetlands Protection Act to April 26, 2018 at 7:45pm;                      Seconded    4-0**

**Motion to continue the hearing under Chapter 194 to April 26, 2018 at 7:45pm;  
Seconded 4-0**

6. **7:45pm-Public Hearing, Yanick Brice, Applicant, 153 Concord Road, DEP File No. 322-916-** 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 Yanick Brice, for 153 Concord Road, Wayland for replacement of an existing retaining wall within a resource area. The property is shown on Wayland's Assessor's Map 11, Parcel 94.

David Schofield, Capstone Design Build, was present. Property came before the Commission for replacement of a septic system. Retaining wall in the backyard needs to be replaced as it is leaning and in poor condition. Majority of wall is about 6 ft. tall but slopes down to 2 ft. at back of property. Back section of retaining wall will be removed and grade leveled to allow for grass. Yard debris in wetlands will be removed from wetlands; L. Hansen spoke to perform this task before placing silt fence.

L. Hansen noted at the site visit that the deck is in poor condition; permit will include replacement of deck if desired at future time. Condition in Order of Conditions is to have revised plan.

**Motion to close the hearing under the Wetlands Protection Act; Seconded 4-0**

**Motion to close the hearing under Chapter 194;** **Seconded 4-0**

**Motion to issue an Order of Conditions with conditions as discussed under the Wetlands Protection Act:** **Seconded** 4-0

<b>Motion to issue a Permit with conditions as discussed under Chapter 194;</b>	<b>Seconded</b>	<b>4-0</b>
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7. **8:00pm- Public Hearing, Dorothy Wedlock, Applicant, 68 Concord Road, DEP File No. 322-919-** 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 Dorothy Wedlock, for 68 Concord Road, Wayland for replacement of a failed septic system. The property is shown on Wayland's Assessor's Map 18, Parcel 97.

Mike Sullivan, Sullivan, Connors & Associates, was here to present. Proposal is for replacement of septic system; it has been approved by Board of Health and will not include a garbage disposal. No trees require removal. L. Hansen asked if the pool will be removed as it can be included in Order of Conditions. Property owner is selling the house and buyer is looking to remove pool, remove sheds, remodel interior and landscape the property. A request was also made to include front porch addition as part of permit; L. Hansen spoke that since no plans have been provided it cannot be part of the permit. Permit will include septic system replacement, pool, removal of two of three sheds, and landscape work. L. Hansen said that the wetlands delineation does not look correct and the permit will include that it is not accepted by the Commission.

<b>Motion to close the hearing under the Wetlands Protection Act;</b>	<b>Seconded</b>	<b>4-0</b>
<b>Motion to close the hearing under Chapter 194;</b>	<b>Seconded</b>	<b>4-0</b>
<b>Motion to issue an Order of Conditions with conditions as discussed under the Wetlands Protection Act;</b>	<b>Seconded</b>	<b>4-0</b>
<b>Motion to issue a Permit with conditions as discussed under Chapter 194;</b>	<b>Seconded</b>	<b>4-0</b>

8. **8:10 pm- Continued Public Hearing, William Dewey, Applicant, 7 Hazelbrook Lane, DEP File No. 322-917:** 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 William Dewey for 7 Hazelbrook Lane, Wayland for construction of a home addition and removal of three trees. The property is shown on Wayland's Assessor's Map 11, Parcel 80.

William Dewey, Applicant, is present. W. Dewey apologized to the Commission regarding removal of trees. There was a misunderstanding on the tree removal process. Landscape architect was hired to compile a planting plan and will need approval from Commission.

<b>Motion to close the hearing under the Wetlands Protection Act;</b>	<b>Seconded</b>	<b>4-0</b>
<b>Motion to close the hearing under Chapter 194;</b>	<b>Seconded</b>	<b>4-0</b>
<b>Motion to issue an Order of Conditions with conditions as discussed under the Wetlands Protection Act;</b>	<b>Seconded</b>	<b>4-0</b>
<b>Motion to issue a Permit with conditions as discussed under Chapter 194;</b>	<b>Seconded</b>	<b>4-0</b>

9. **8:15pm- Informal Discussion on Doggy Dates Land License at Lower Snake Brook Conservation Area**

Elizabeth Geisinger, CEO and Founder, and Marissa Nomakeo, Chief Operating Officer, were present. Doggy Dates currently leases land in Natick, Sherborn, Dover, Weston, and Medfield; all are privately owned land. E. Geisinger spoke that they have been using land in Dover with a CR on the property for 6 years which is currently under discussion with that town. They approached Weston a few years ago to use town land.

E. Geisinger stated that Wayland has a lot of conservation land and Lower Snake Brook Conservation Area is ideal since it is not a highly used area and far away from most houses. E. Geisinger spoke that she does not want to be a bother to neighbors.

E. Geisinger said that Doggy Dates provides services for dogs to run around in a fenced-in area under supervision. They have 32 vehicles for the various towns and transport 8-10 dogs per group. This helps reduce the number of dog walkers using conservation areas. The area will not be used on the weekends. They will make 3 trips a day to the area between the hours of 9am-3pm on weekdays for 45 minute sessions.

Discussion ensued on the fenced-in area and its use. The size would be ¼ Acre. It would be near the parking lot where fencing would be built to connect the lot to the area. Dog waste would be removed. They would consider changing their model so that residents could use the area during off hours or they could add a separate area just for town use. Since Wayland would be the first town to allow this, they would pay more money and be flexible.

L. Hansen spoke that this is a great idea since this particular conservation area is primarily used by ATVs and dog walkers. It will help generate revenue for the department, which can be used towards enhancing conservation areas. S. Fair stated that this can help reduce the amount of pet waste left at many conservation areas by dog owners and walkers.

S. Greenbaum questioned the use of conservation land for private use and noted that this was different from the Commission's only other licensing of land for farming and beekeepers. Discussion ensued on other groups in the future requesting licenses for other purposes.

Linda Segal, 9 Aqueduct Road, asked during the wintertime how would the parking lot or access area be plowed. E. Geisinger spoke that they use a private company to plow the existing areas they currently use.

Gretchen Schuler, 126 Old Connecticut Path, questioned if it would set precedent for other dog companies. L. Hansen spoke that Lower Snake Brook was chosen since it is not heavily used and would help detract ATVs and excess dog walkers.

B. Howell asked L. Hansen to talk to other towns, Lincoln and Weston, to see what they thought of the idea and to also contact Carol Gumbart, former Wayland Conservation Administrator.

The discussion will be continued until April 26<sup>th</sup> when the abutters and neighbors within 100 ft. of the property are notified and can come to a public meeting to discuss any further concerns.

**10. 8:45pm- COC Request: 400-440 Boston Post Road, Town Center, 322-701**

Frank Dougherty, Twenty Wayland LLC, was present representing the previous owner. F. Dougherty submitted a response to questions brought up at the previous meeting.

Discussion ensued on Basin 2 and if the connection pipe was installed (#1). F. Dougherty stated that the installed pipe was not as long as required in the permit but that it is still in compliance. There is question whether change in plans was approved. S. Greenbaum noted that the

Commission processes any requested changes from a permit condition as an amendment if it determines the changes are insignificant. L. Hansen noted that she is still waiting for comments from P. Brinkman regarding Basin 2 capacity and whether it can handle additional discharge from whatever is designed for the municipal parcel.

Cherry Karlson, BOS, stated that #2 concerning the future drainage easement would be handled by BOS.

There is still no documentation from Clean Properties (responsible party for performing the inspections) for site inspections. F. Dougherty stated that he has submitted his reports. L. Hansen has had trouble getting email responses from David Costello, property manager for National Development. C. Karlson will contact him. F. Dougherty stated that recent site visit comments will be addressed (#3)

L. Hansen stated that #4 dealing with proposed vs as-built impervious area was completed. Phase 2B is the medical building. She stated that River Trail Place's impervious areas were processed under a separate permit and are not part of the COC request (#5). F. Dougherty noted that there is an overlying agreement with River Trail Place which identifies stormwater management responsibilities and deals with Basin 2.

Question remains whether 2014 O&M Plan was accepted by Commission (#6) but F. Dougherty stated that it was.

Abell letter is still outstanding and L. Hansen will follow up (#7).

Question remains regarding which items are still outstanding and noted as "ongoing by Clean Properties" on Mr. Dougherty's Summary of Permit Conditions (#8).

Discussion ensued on the interpretation of "utilities" in the Wastewater Settlement Agreement of February 3, 2015 and the 2012 Declaration of Easements, Covenants and Restrictions (DCR). S. Greenbaum questioned whether the Agreement intended to waive a stormwater connection, as a "utility," for the municipal parcel. The DCR includes stormwater in its list of "utilities." Clarification of the discrepancy will be addressed at a future meeting.

C. Karlson stated that the title is still being examined to be sure that all properties have a clean title. L. Hansen stated that the property donated to Conservation will be stated in the Certificate of Compliance.

There are still outstanding issues that need to be resolved before issuance of a COC including access to Cow Common. There will be further review to determine what else may be required.

The issuance of a COC for Town Center will be discussed at a future meeting.

## 11. Other

- a. **June- December Meeting Schedule-** Meeting schedule was provided to the Commission members. During July there is a 3 week gap between meetings but another meeting can be scheduled if needed.

- b. **Capital Projects Update-** Tractor was passed at Town Meeting and B. Harris did receive his increase in additional hours.
- c. **Canoe Landing Update-** S. Greenbaum spoke that there was much opposition at Town Meeting from neighbors and others who felt they weren't aware of it and were left out of the process. Abutters will be notified of any further work on the property. L. Hansen will look into what else is needed to get the NOI process started.
- d. **52/54 Rice Road Planting Plan-** Defer to next meeting on April 26<sup>th</sup>. Discussion ensued on the need for stormwater regulations.
- e. **Matters not reasonably anticipated by the Chair 48 hours in advance of the meeting, if any**

12. **Approve Minutes: March 29, 2018**

**Motion to approve minutes of March 29, 2018;**

**Seconded 4-0**

13. **Adjournment**

**Motion to adjourn at 9:49pm;**

**Seconded 4-0**

The next **Scheduled** Conservation Commission Meeting is April 26, 2018 and will be held in the Wayland Town Building.