

## WAYLAND CONSERVATION COMMISSION

Minutes, Thursday, May 10, 2018 7:01 – 9:45 PM

Approved:

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

**Present:** Barbara Howell, Tom Klem, Tom Davidson (8:00pm), Joanne Barnett, John Sullivan (7:12pm),  
Chairperson: Sherre Greenbaum, Conservation Administrator: Linda Hansen

**Not Present:** Sean Fair

**Minutes:** Nicole Thomson

S.Greenbaum opened the meeting at 7:01 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 Old Orchard Update-** L. Hansen spoke that a quote was provided from Joseph Ingoldsby, Natural and Cultural Landscapes, for work at the old orchard. Total cost is \$17,500 to restore the orchard. Branches broke from last year's fruit season and during this year's winter storm. Bare minimum of work that should be completed is to remove dead wood this spring. Recommendation was made to fertilize the trees through deep root or compost around the base. B. Harris can work with J. Ingoldsby to coordinate a time and supervise tree maintenance. L. Hansen mentioned that we can coordinate with Friends of Heard farm for a fundraiser to help reduce the cost. Dev Hamlen will donate money to Friends of Heard Farm specifically earmarked for work at the Old Orchard. The Conservation Department has money left over from contractual services for funding.

S. Greenbaum stated that before more work is approved the CPA-funded land management study for Heard should be done to determine priorities since the funds were sought for field renovation. Amber Carr, Mass Audubon, will be at the May 24<sup>th</sup> meeting to discuss her recommendation for Cow Common and a land management study for Heard can be discussed then.

**J. Barnett moved, T. Klem seconded a motion to authorize the Early Spring Phase I as discussed and described in the proposal;** **Seconded 5-0**

- b. **Spring bird walks-** B. Harris will coordinate a bird walk during the summer. John Hines is unavailable for the spring walks.
- c. **Brian Harris COA presentation-** B. Harris is speaking on the Birds of Monomoy National Wildlife Refuge at the COA on Tuesday, May 15<sup>th</sup> at 1:30pm.

3. **7:15 pm- Public Hearing, Jacquelyn Booth, Applicant, 11 Snake Brook 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 Jacquelyn Booth, for 11 Snake Brook Road, Wayland for an addition, new septic system, and removal of a swimming pool. The property is shown on Wayland's Assessor's Map 52, Parcel 58 (Owner on record is Peg Graveline, JEM Property Group).

Curtis Young, Wetland Preservation Incorporated, was present. Snake Brook is located in the back of property. Proposed work included removal of an in ground swimming pool, construction of a patio, addition, single care garage, and driveway. Leaching field for septic is in rear property; septic will be relocated to the front of the house. Fence along property will be raised. A 15ft. planting bed, vegetative buffer, will be created. C. Young spoke that a planting plan was not provided as no decisions have been made on the types of species. Order of Conditions will include condition for approval of planting plan. Board of Health approved septic plan. 4 trees will need to be removed.

B. Howell questioned the planting bed; mistake in language of narrative and is a vegetative buffer. All plantings will need to be native. Application noted that delineation was performed in January 2018, outside the accepted time frame. C. Young spoke that the delineation was confirmed in April 2018. Shed within 20 ft. of brook will be removed.

C. Young added that mitigation measures include the 15ft. vegetative buffer and removing the existing pool. Septic system in backyard will be crushed, filled, and new septic relocated to front of property. Most of the existing driveway will be removed.

There is no DEP File No. requiring the continuance of the meeting.

**J. Barnett moved, J. Sullivan seconded the motion to continue the hearing at the request of the Applicant under the Wetlands Protection Act to May 24, 2018 at 8:45pm; Seconded 5-0**  
**J. Barnett moved, T. Klem seconded the motion to continue the hearing under Chapter 194 to May 24, 2018 at 8:45pm; Seconded 5-0**

4. **7:30pm- Public Meeting, Ella Goren, Applicant, 197 Lakeshore Drive, File No. D- 926:** Chapter 194 application filed pursuant to Wayland's Wetlands and Water Resource Protection Bylaw filed by Ella Goren, at 197 Lakeshore Drive, Wayland for construction of a deck. The property is shown on Wayland's Assessor's Map 46D, Parcel 019.

Warren Darren, Architect, and Ella Goren, Applicant, were present. Proposed work is for construction of a wood deck. Deck will have gravel beneath for drainage. One large rhododendron will require removal.

B. Howell spoke that the site-plan used assumed datum and no waiver was requested. Condition in permit will include an as built with correct datum be submitted when asking for a Certificate of Compliance.

L. Hansen performed a site visit. The deck would be a great addition to the property. It will be over existing lawn. Replanting for the rhododendron will need to be native species.

**J. Barnett moved, T. Klem seconded the motion to issue a Negative Determination as discussed under the Wetlands Protection Act; Seconded 5-0**

**J. Barnett moved, T. Klem seconded the motion to issue a Permit w/conditions as discussed under the Chapter 194 Bylaw; Seconded 5-0**

5. **7:40pm- Public Meeting, Kristen Murawski, Applicant, 26 White Road, File No. D-924:** Chapter 194 application filed pursuant to Wayland's Wetlands and Water Resource Protection Bylaw filed by Kristen Murawski, for 26 White Road, Wayland for removal of two trees within a resource area. The property is shown on Wayland's Assessor's Map 25, Parcel 067.

The applicant did not attend. During the site visit it was noted that the applicant removed two trees, one dead and the second damaged. The trees were removed prior to the site visit. The applicant has already replanted a dogwood.

**B. Howell moved, J. Sullivan seconded the motion to issue a Permit under the Chapter 194 Bylaw;                               Seconded     5-0**

6. **7:45 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 May 24, 2018.**

**J. Barnett moved, T. Klem seconded the motion to continue the hearing at the request of the Applicant under the Wetlands Protection Act to May 24, 2018 at TBD;                      Seconded    5-0**

**J. Barnett moved, T. Klem seconded the motion to continue the hearing under Chapter 194 to May 24, 2018 at TBD; Seconded 5-0**

- 7. 8:00pm- CPC Request: 265 Concord Road**

Bob Goldsmith, 235 Concord Road, and Anna Meliones, 255 Concord Road, were present for discussion. B. Goldsmith spoke that he is requesting the Commission vote to request the CPC fund an updated appraisal assuming the property is non-buildable. Appraisal should be completed before Fall Town Meeting to present residents with the option to vote to purchase the land. The asking price is \$150,000.

The property is included in the Open Space Plan. J. Sullivan, CPC representative, spoke that the land is only for wildlife value and could not be used for recreation of any kind, other than for the neighbors. Property would not have access for vehicles. If the Town acquired the property, SVT could maintain the property under a CR. Funding for purchasing the property above appraised

value can be from donors to SVT including neighbors. Commissioners agreed that the property should be acquired if possible.

**J. Sullivan moved, T. Klem seconded the motion to request CPC do an updated appraisal as non-buildable of the property at 265 Concord Road; Seconded 6-0**

**8. Other**

- a. Beaver Solutions-** L. Hansen visited Snake Brook Dam with Michael Callahan, Beaver Solutions, to determine the best method to clear the spillway. Proposed work is to have a pipe placed along the side of spillway. The work would be covered under capital improvement projects. Total cost is \$1,500.

Gatehouse roof bid was open the week of April 30<sup>th</sup>.

- b. Update on Chapter 193 regulations-** S. Fair is working to create regulations and will have an update at the next meeting.
- c. Commercial use of Conservation land-** S. Greenbaum obtained a legal opinion from Town Counsel that licensing land at Lower Snake Brook to Doggy Dates was prohibited under Article 97 and the Self-Help Program and also did not comply with Conservation's dog rules. L. Hansen spoke that Elizabeth Doucette, Procurement Office, told her that Town Counsel said the land could be licensed. She said she was unaware at the time that it was bought through the Self-Help Program. T. Davidson said there was miscommunication about the licensing.
- d. Senior Tax Work-off project-** S. Greenbaum spoke with Anette Lewis, who worked on the WRAP report. She offered to help compile a database of our Conservation land and Conservation Restrictions through the Senior Tax Work-off program. A. Lewis spoke to the COA about how to apply. B. Harris worked on compiling some of this information over the winter and they could work together on this. Discussion ensued on the process of this program as a senior usually cannot request a certain project but rather a project is offered to all the seniors within the program. L. Hansen will speak with COA.
- e. Dog control: Licensing Professional Dog Walkers; Dog Officer-** A permit for licensing professional dog walkers was drafted a year ago based on earlier research of programs in Weston and Newton. Discussion ensued on whether the bylaw needs to be revised at Town Meeting. L. Hansen stated that without enforcement the licensing program will be ineffective. She has talked with Weston about splitting the cost of their dog officer. Recreation Department has spoken with L. Hansen about enforcement at the Town Beach. The Town pays about \$24,000 a year for a part-time Animal Control officer. S. Greenbaum volunteered to look at the bylaw and determine whether Town Counsel needs to be involved.
- f. Website: mission statement and revisions-** S. Greenbaum spoke that after researching mission statements, West Springfield had a mission statement that fit the Commission well and could be adapted for use. J. Barnett will work on the mission statement as well as the explanations about the Conservation Department and Commission for the webpage.

- g. Reappointments: Barbara Howell and Sean Fair-** B. Howell and S. Fair would both like to be reappointed to the Commission.
- h. Peer Review for Cascade Wayland (113-119 Boston Post Road) -** No further information has been provided to ZBA by the Applicant. Weekly land use meetings have been scheduled to discuss how to proceed. L. Hansen suggested that a comprehensive memo be compiled from the land use departments to discuss the outstanding issues. The memo would be reviewed by Marti Nover, Nover Armstrong Associates. Memo will include how the project is or is not meeting the 7 interests of the WPA. Total cost for review would be between \$1,000—\$2,000. ZBA is requesting more information and the memo will provide the necessary comments. Cascade is not planning to submit any information to the Commission prior to permitting through ZBA. Commissioners agreed that it was a good idea to split funding of review of the memo with BOH.
- i. Matters not reasonably anticipated by the Chair 48 hours in advance of the meeting, if any**

**24 School Street-** Nover Armstrong Associates will need more than 2 weeks to submit a peer review of the information. A decision cannot be made during one Commission meeting. Input required for ZBA would not be completed prior to their next meeting of June 12<sup>th</sup>. Invitation should be extended to ZBA members for our June 7<sup>th</sup> meeting.

**9. Administrative Approval**

- a. 38 Lakeshore Drive; File No. D-928-** Permit is for removal of trees tangled within wires. L. Hansen will provide administrative approval as the applicant misunderstood the process.

**10. Request for Certificate of Compliance**

- a. 33 Wallace Road; File No. D-908-** Defer to May 24<sup>th</sup> meeting.
- b. Discussion on Fieldstone Estate, 171 Concord Road; DEP File No. 322-708, 322-709, 322-710-** Engineer spoke to L. Hansen asking why the request for a Certificate of Compliance was never granted. B. Howell will look further into this matter to determine why a COC was never issued.

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

- a. 33 Wallace Road; File No. D-908 (\$200) -** Defer to May 24<sup>th</sup> meeting.

**12. Approve Minutes: April 26, 2018**

**J. Barnett moved, T. Klem seconded motion to approve minutes of April 26, 2018;**  
**Seconded 6-0**

- 13. 8:15pm-** Enter into Executive Session pursuant to Massachusetts General Laws Chapter 30A, Section 21(a)(2) and Section 21(a)(3) to review and consider for approval and potential release of the Executive Session minutes of August 4, 2016; November 2, 2017; and April 26, 2018 because a public discussion of these matters may have a detrimental effect on the litigating, negotiating or bargaining position of the Town.

Approved:

S.Greenbaum moved that the Conservation Commission enter into Executive Session pursuant to M.G.L. Chapter 30A, Section 21(a)(3) to discuss Executive Session minutes; Motion seconded; Roll Call vote noting B. Howell, T. Davidson, T. Klem, J. Sullivan, J. Barnett, and S. Greenbaum; 6-0 in favor.

S.Greenbaum declared that a public discussion with respect to the litigation relating to Executive Session minutes will have a detrimental effect on the litigating position of the Town.

S.Greenbaum invited Linda Hansen, Conservation Administrator, and Nicole Thomson, minute taker, to attend Executive Session. Roll Call vote was taken to approve the staff members' attendance noting the approval of B. Howell, T. Davidson, T. Klem, J. Sullivan, J. Barnett, and S. Greenbaum; 6-0 in favor.

S.Greenbaum declares that the Executive Session will last for approximately 20 minutes after which the Commission will reconvene in this room.

S.Greenbaum announced that the Commission is now going into Executive Session at 9:30pm for sole purpose of this discussion as noted and will reconvene in open session in approximately 20 minutes.

The Commission reconvened in open session at 9:45pm

#### 14. **Adjournment**

**J. Barnett moved, T. Davidson seconded motion to adjourn at 9:45pm;                      Seconded 6-0**

The next **Scheduled** Conservation Commission Meeting is May 24, 2018 and will be held in the Wayland Town Building.