

WAYLAND CONSERVATION COMMISSION

Minutes, Thursday, September 13, 2018 6:34-10:25 PM

Approved: September 27, 2018

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

Present: Barbara Howell, John Sullivan (Remote Participation 9:17-10:15pm), Joanne Barnett, Tom Klem (6:57pm), Sherre Greenbaum, Tom Davidson (7:16pm) Chairperson: Sean Fair, Conservation Administrator: Linda Hansen

Minutes: Nicole Thomson

S. Fair opened the meeting at 6:34PM 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.

Tom Sciacca, 31 Rolling Lane, spoke on behalf of the Wild & Scenic Rivers. There is a celebration of the Wild & Scenic Rivers Act on Sunday, October 14th.

2. Land Management

a. Senior Help on Conservation Properties- L. Hansen spoke that Gary Gleason, volunteer from COA, has been assisting the department in management of open space. The primary duties include speaking to residents about number of dogs to walk on the property, reminding residents to clean up after their pets, and to walk the properties to determine if there are any fallen limbs or trails that need maintenance. G. Gleason provides reports to B. Harris.

3. 6:35pm- Chapter 193: Stormwater and Land Disturbance Bylaw, 28 Sunset Road, Matthew Labrie, Applicant, SMLD-38

Matthew Labrie, Applicant, was present. M. Labrie spoke on the history of the project. There were about 18 trees that were removed without a permit. M. Labrie spoke that the placement of the stormwater system will require removal of an additional tree. Additional impervious area of 555 sq. ft. but that does not include the deck.

L. Hansen received comments from P. Brinkman. A meeting will be arranged to discuss the outstanding issues. Revised information will be heard at the next meeting.

S. Greenbaum stated that in the O&M Plan all the "should" needs to be changed to "shall".

B. Howell moved, J. Barnett seconded the motion to continue the meeting at the request of the Applicant to September 27, 2018 at TBD; **6-0**

4. 6:45 pm- Continued Public Hearing, Adam Stack, Applicant, 3 Thompson Street, File No. 322-925:

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, for 3 Thompson Street, Wayland for construction of a driveway. The property is shown on Wayland's Assessor's Map 48, Parcel 093.

Kevin O'Leary, Jillson Company; Dave Burke, Wetland Scientist; and Adam Stack, Applicant, were present. K. O'Leary spoke that a revised plan shows a planting plan and stormwater management system. Stormwater runoff on rear of property will be directed into two swales. Recharge basins were to be omitted since it was not needed and would interfere with the vernal pool habitat.

K. O'Leary spoke that Matthew Burne, Wetland Biologist, has been retained to review the proposed migration pathway. M. Burne stated that in his letter it would not provide significant value. L. Hansen stated that she spoke with M. Burne and proposed other ideas that would work better for the site including getting rid of 100 year recharge basin. Breeding habitat is minimal but there are concerns with nonbreeding around the vernal pool. The area to the south of the vernal pool would be a good place to enhance to compensate for what is being removed.

**B. Howell moved, J. Barnett seconded the motion to close the hearing under the Wetlands Protection Act; 4-0 (T.
Klem abstained)**

**B. Howell moved, J. Barnett seconded the motion to close the hearing under the Chapter 194; 4-0 (T.
Klem abstained)**

**B. Howell moved, J. Barnett seconded the motion to issue an Order of Conditions w/conditions as discussed under the Wetlands Protection Act; 4-0 (T.
Klem abstained)**

**B. Howell moved, J. Barnett seconded the motion to issue a permit w/conditions under Chapter 194; 4-0 (T.
Klem abstained)**

5. **7:00pm- Continued Public Hearing, Ben Keefe, Applicant, 412 Commonwealth Road (Loker Conservation and Recreation Area), 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 submitted by Ben Keefe for Loker Conservation and Recreation Area, 412 Commonwealth Road, Wayland for recreation-related improvements including a new athletic field and parking lot. The property is shown on Wayland's Assessor's Map 49, Parcel 49-064B.

Gene Bolinger and Brendan Kunkel, Weston & Sampson, were present. G. Bolinger submitted the updated stormwater report, memos in response to submittals, response to peer review, and crumb rubber turf field maintenance guidelines. There is no DEP File No. as filing was lost at DEP and recently resent. Discussion ensued about who directed Weston and Sampson to specify crumb rubber infill.

G. Bollinger requested relief on replacement plantings. 56 trees require removal and 159 would be replaced under the guidelines. Outside the buffer area would require removal of 335 trees to construct the field and parking area.

Frank DiPietro, BSC Group, was present as the peer reviewer of the project. F. DiPietro spoke on his report. S. Greenbaum spoke on the project being a former chemical cleanup site; it was mislabeled as a Phase I site. F. DiPietro spoke that their LSP did a quick review of the site but did not look at the limitations of use. The project proposes removal of 4-5 ft. below surface in the parking lot and there may need to be another review to determine allowable activities.

F. DiPietro stated that there are issues with numerous test pits and borings; he is concerned about hitting bedrock and 2' separation from groundwater and the bottom of the system. This should be clarified before construction to prevent contamination. Second item is the grading on the site since there will be a 13% slope in the driveway. Concern is with the runoff for catch basins proposed and for safety issues. Proposed new section of driveway does not have curbing which would result in all runoff going into the wetlands untreated. All runoff will be going into the two ponds. DEP requires a two foot separation and the drainage system under the driveway does not meet those guidelines.

F. DiPietro spoke that there was a review of crumb rubber and there were no issues found. S. Fair questioned if the crumb rubber came off an athlete's foot or if any type of machinery is used on the field.

G. Bolinger spoke that with the sites past history, an LSP has been involved and Weston and Sampson has a report. L. Hansen asked for a copy of the environmental report which G. Bolinger will provide.

Gary Lilienthal, 314 Willow Brook Drive, stated that he was a land use attorney and suggested that there be further research if there was an AUL on the site. F. DiPietro has not looked into if an AUL is on the property. G. Lilienthal further spoke that he is concerned with drainage and monitoring the site. Condition should be that an LSP be present during excavation of the site. S. Greenbaum agreed that it would be helpful.

John Sax, 203 Willow Brook Drive, spoke on the issues with the grade of the access road and the number of trees requiring removal; without a barrier all the water will runoff into their property. J. Sax spoke about drainage issues and the impact they will have on his property and the wetlands. Discussion ensued on modeling for tree removal. L. Hansen spoke that there is an online tool from U.S. Forest Service called itreetools.org that can be utilized to determine the amount of water absorption in relation to tree size to help determine stormwater management.

Tom Maglione, 29 Rice Road, spoke that it would be helpful to have a plan for excavation with borings showing areas of concern for Dow. S. Greenbaum requested it and Weston and Sampson will work to create an overlay it using the provided diagram.

T. Klem asked if there were copies available of the clean-up report; L. Hansen stated that BOH and the library is the repository for the reports on clean-up of the site.

Brud Wright, 16 Jeffery Road, spoke that when examining previous reports the site has been thoroughly looked at.

Question was raised as to how many test sites were done; B. Kunkel stated he would need to look back through his log to determine how many were done. G. Bollinger stated that additional testing was done to fill gaps.

B. Howell moved, J. Barnett seconded the motion to continue the hearing at the request of the Applicant under the Wetlands Protection Act to September 27, 2018 at 7:15pm; 6-0

B. Howell moved, J. Barnett seconded the motion to continue the hearing under Chapter 194 to September 27, 2018 at 7:15pm; 6-0

6. **7:30pm- Continued Public Hearing, Ben Keefe, Applicant, 264 Old Connecticut Path (Wayland High School), DEP File No. 322-928:** 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 submitted by Ben Keefe for Wayland High School, 264 Old Connecticut Path, Wayland for improvements to the high school athletic facilities including a new track and field, bleachers, tennis courts, softball field and basketball courts. The property is shown on Wayland's Assessor's Map 37, Parcel 37-034.

Gene Bolinger and Brendan Kunkel, Weston & Sampson, were present. T. Klem asked if different infill options could be provided. G. Bolinger stated there was guidance from Recreation, PMBC and School Department about using crumb rubber. B. Wright spoke that cost was not the driving factor behind why crumb rubber was chosen. After extensive analysis and looking at all the safety factors this was the best option in their opinion. Multiple forums have been scheduled and discussed with the Town; information will be provided.

Frank DiPietro, BSC Group, was present for the discussion. G. Bolinger spoke that revised plans will be submitted after all the comments have been received. F. DiPietro spoke on the 200 ft. riverfront area and that mean high water should be shown on the plan. The old monitoring wells will be removed. Discussion ensued on need for existing monitoring wells.

Tom Sciacca, 31 Rolling Lane, spoke on the monitoring wells and the previous discussions on using crumb rubber. T. Sciacca further spoke on the recent climate change research showing the jet stream slow down, stalling of storms, and increased precipitation.

L. Hansen spoke that the information on the mean annual high water needs to be shown since the current riverfront flagging is incorrect which shows only top of bank. L. Hansen walked the site with Dave Burke and determined where the mean high water is. This should be a riverfront project and not just buffer zone. This issue needs to be resolved before a permit will be issued. Discussion ensued on Dudley Brook and proximity to new tennis courts. T. Sciacca stated that the brook runs under the road and daylight near the high school.

Carole Plumbe mentioned that she attended the recent stormwater forum and asked if the project will be held to the new MS4 standard; L. Hansen spoke that since it is under the WPA it will follow the 10 stormwater standards.

B. Howell moved, J. Barnett seconded the motion to continue the hearing at the request of the Applicant under the Wetlands Protection Act to September 27, 2018 at TBD; 6-0

B. Howell moved, J. Barnett seconded the motion to continue the hearing under Chapter 194 to September 27, 2018 at TBD; 6-0

7. **8:00pm- 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).

Alicja Zukowski, Samiotes; Mary Rimmer, Rimmer Environmental Consulting; and Ben Stevens, Applicant, were present. M. Rimmer spoke that a site visit was conducted and recommendations for native species were submitted. Invasives will try to be hand pulled but then use Rodeo on the remainder of the property. S. Greenbaum stated that chemical treatments with glyphosate are not allowed on our properties. Enhancement is only for this property on the northern side and not behind 24-26. M. Rimmer spoke that the plantings would be scattered as she does not want large shrubs to be removed. Discussion ensued on the type of treatment, herbicide or wrapping stumps in black plastic, and maintenance plan. L. Hansen spoke that since it is private property the homeowners will need to be in agreement with the decision; B. Stevens did not think that this would be an issue.

Maintenance plan is to continue removing the invasives for 3 years until a COC is issued. S. Greenbaum stated that there should be notification as to when the application will be done and 30 ft. no disturb needs to be demarcated with shrubs or boulders behind 32 which M. Rimmer said would be done with native shrubs.

B. Howell moved, J. Barnett seconded the motion to close the hearing under the Wetlands Protection Act; 6-0

B. Howell moved, J. Barnett seconded the motion to close the hearing under the Chapter 194; 6-0

B. Howell moved, J. Barnett seconded the motion to issue an Order of Conditions w/conditions as discussed under the Wetlands Protection Act; 6-0

B. Howell moved, J. Barnett seconded the motion to issue a permit w/conditions under Chapter 194; 6-0

B. Stevens spoke that there is an open OOC for this property and it was recommended for a COC request be submitted for the previous filing.

- 8. 8:15pm- Continued Public Hearing, Ben Stevens, Trask Development, Applicant, 24/26 Covered Bridge Lane, DEP File No. 322-927:** 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 submitted by Ben Stevens, Trask Development, for 24/26 Covered Bridge Lane, Wayland for an after-the-fact filing that addresses revisions to the plans that were unpermitted. The property is shown on Wayland's Assessor's Map 35, Parcel 0300 (Owner on record is Richard & Lori Aidala, 24 Covered Bridge Lane, and Dennis & Diane Albano, 26 Covered Bridge Lane).

Alicja Zukowski, Samiotes; Mary Rimmer, Rimmer Environmental Consulting; and Ben Stevens, Applicant, were present. A. Zukowski spoke on the overlay for the property. S. Zukowski stated that wetlands line changed after issuance of the permit which changed the location of the wall. L. Hansen noted that the change in the wetlands did not give permission to change the plans and move the wall. Discussion ensued on mitigation for the unpermitted work including the deck, yard, fill, grading and wall. L. Hansen and S. Greenbaum stated that it was previously agreed that mitigation to compensate for work within the 100' would continue behind 24-26. M. Rimmer spoke that invasive removal and replanting can be similar to the proposal for 32/34

Covered Bridge Lane. Condition within permit will be to have mitigation plan prior to work for approval. M. Rimmer will report if any changes are required.

B. Howell moved, J. Barnett seconded the motion to close the hearing under the Wetlands Protection Act; 6-0

B. Howell moved, J. Barnett seconded the motion to close the hearing under the Chapter 194; 6-0

B. Howell moved, J. Barnett seconded the motion to issue an Order of Conditions w/conditions as discussed under the Wetlands Protection Act; 6-0

B. Howell moved, J. Barnett seconded the motion to issue a permit w/conditions under Chapter 194; 6-0

Request for Return of Performance Guarantee- 18/20 Covered Bridge Lane; Dep File No. 322-822 (\$6,000)

Certificate of Compliance was issued for the property. S. Greenbaum read from previous minutes that there are issues of noncompliance which should be considered and the full amount should not be returned. Discussion ensued on amount to return to the applicant. L. Hansen stated that she does not know the exact amount to remove from the performance guarantee. S. Fair spoke that either all or none of the money should be given back. Advice will be asked of Town Counsel on how to move forward and will defer to the next meeting.

9. 8:30pm- Chapter 193: Stormwater and Land Disturbance Bylaw, 159 Boston Post Road, Glenn Aucoin, Applicant, SMLD-37

L. Hansen spoke to the applicant and further information was still required. The meeting will be deferred to the September 27th meeting.

10. 8:40pm- 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 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.

a. Discussion by Scott Horsley

b. Response to Comments

S. Fair stated that John Sullivan will be participating remotely due to geographic distance. S. Fair stated that a quorum of the Conservation Commission is physically present at the meeting, and all persons are audible to one another.

Brian Nelson, Metrowest Engineering; Chris D'Antonio, Applicant; Henry Nover, Nover-Armstrong; and Scott Horsley, Water Resources Consultant, representing George Bernard, were present.

S. Horsley spoke despite C. D'Antonio's objection. S. Horsley spoke that he did not have time to do a complete long-term mounding analysis but was able to compile some modeling results from the available data. S. Horsley stated that the 5-fold change in the amount of water, stormwater and

waste water, going into the ground is significant and will create a rise in the water table over the long term. A post-construction graph was constructed using Darcy's Law. He stated there will be significantly more water going to the wetlands and also that the water table will compromise the depth of the septic and stormwater infiltration systems. There is also a large amount of development happening within a tight site and more information is required.

Michael Wiggins, Attorney for George Bernard, spoke that S. Horsley has shown that there is not enough information for the Commission to make a decision.

B. Howell commented on snow removal and storage; the plan shows two locations for snow storage which is not enough space for the steps and driveway and asked where more snow storage is planned.

S. Greenbaum questioned the monitoring of contaminants that would come off the parking lot and go into the wetlands.

Discussion ensued on the options available for a decision on the project. S. Fair stated his concern with the wall.

Issues still remain with O&M Plan. B. Nelson spoke that it has been peer reviewed and follows the stormwater management systems handbook. L. Hansen spoke that the stormwater is being sent to the neighboring town property and questioned how much of it will be treated.

L. Hansen stated that there is no mitigation within the 100 ft. buffer. The area will be loam and seeded but problems could arise if the Town decides to remove the encroachment, the wall on its property.

J. Sullivan stated that the 10 year storm should be accounted for and the wall should be 5' from the property line. J. Barnett agreed with J. Sullivan. S. Greenbaum questioned which ground water level should be used.

Michelle Galicia, 20 Aqueduct Road, asked if the water levels rise a small amount during a storm wouldn't that change the stormwater and have higher groundwater. S. Horsley spoke that the stormwater calculations are fine as long as the water table doesn't rise; the calculations do not account for a rise in the level post-development which puts more water into the ground. In response to C. D'Antonio, S. Horsley stated that his presentation is not a theory and it will happen. There is no way to condition that in a permit; the only way is monitoring the rise in water levels over time.

Molly Upton, 23B Bayfield Road, spoke that the ZBA hearing continued until November and asked why there is a rush to close out the project tonight. If the stormwater or septic system fails it will affect the neighbors.

L. Hansen stated that if the hearing is closed tonight it must be issued within 21 days. S. Greenbaum asked how long it would take to have the modeling done; S. Horsley stated about 4-6 weeks.

C. D'Antonio spoke on the wall, stating that the units were designed in that location based on feedback from the town and others. Discussion ensued on placement of the building within the 100 ft. L. Hansen stated she did not favor the current design presented at that meeting.

J. Sullivan stated that more information should be provided before a decision is made and the hearing should be continued. C. D'Antonio spoke that he has provided all the information the Commission has requested; he is requesting that the hearing be closed tonight.

Discussion ensued on how to proceed and whether opinions of some Commissioners to deny project would change with additional information which could be available in 6 weeks. Commissioners agreed that if the permit is approved with conditions, those conditions would need to be further discussed. L. Hansen will consolidate suggestions for required conditions and a decision will be made at the next hearing.

B. Howell moved, J. Barnett seconded the motion to close the hearing under the Wetlands Protection Act; 4-2-1 (J. Sullivan and S. Greenbaum opposed; S. Fair abstained)

11. Other

- a. **Discussion of Waivers for 113-119 Boston Post Road (Cascade Wayland)-** L. Hansen stated that this can wait as new waiver requests will be provided shortly.
- b. **Matters not reasonably anticipated by the Chair 48 hours in advance of the meeting, if any**

Firearms Warrant Article- L. Hansen spoke that this is an article which would stop the Rod and Gun Club. L. Hansen will report to FinCom that there is a rule stating that you cannot discharge firearms on conservation land.

- c. **Capital Budget –** S. Greenbaum suggested that signs and kiosks for several areas mentioned as #1 objective in Open Space and Rec Plan be consolidated into one item. L. Hansen will look into process and whether a 5-year plan is needed.

12. Request for Certificate of Compliance

- a. **33 Bayfield Road; DEP File No. 322-592- Defer to September 27, 2018 Meeting**
- b. **18 Audubon Road; DEP File No. 322-866-** L. Hansen performed a site visit. The project was completed following the OOC.

J. Barnett moved; S. Greenbaum seconded the motion to issue a Certificate of Compliance under the Wetlands Protection Act; 6-0

J. Barnett moved; S. Greenbaum seconded the motion to issue a Partial Certificate of Compliance under Chapter 194; 6-0

- c. **Town Center; DEP File No. 322- 701-** KP Law sent a letter about land conveyance. F. Dougherty stated that there was a self-imposed 45 day deadline to accept the land and the deadline will not be met. L. Hansen spoke that he wants to go back to the CR concept which will require a formal vote. This will be discussed at a future meeting.

13. Request for Return of Performance Guarantee

- a. **18 Audubon Road; DEP File No. 322-866 (\$1,200)**

J. Barnett moved; S. Greenbaum seconded the motion to return the Performance Guarantee; 6-0

14. Approve Minutes: August 23, 2018

S. Greenbaum moved, T. Klem seconded motion to approve the minutes of August 23, 2018;
6-0

15. Adjournment

J. Barnett; S. Greenbaum seconded the motion to adjourn at 10:25pm; 6-0

The next **Scheduled** Conservation Commission Meeting is September 27, 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 guidelines state that the list of topics shall have sufficient specificity to reasonably advise the public of the issue to be discussed.