

Wayland Conservation Commission

Minutes, Thursday, January 31st 2019, 7:02 – 9:37 PM

Approved: February 28th, 2019

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

Present: Barbara Howell, Sherre Greenbaum, Tom Klem, Joanne Barnett, John Sullivan (7:10pm – 9:40pm), Tom Davidson (7:37pm), Chairperson: Sean Fair, Conservation Administrator: Linda Hansen

Not Present:

Minutes: Ryan Brown

S. Fair opened the meeting at 7:00pm 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 spoke on behalf of the Wild and Scenic River Stewardship Council regarding extending the comment period on their revised River Conservation Plan. T. Sciacca stated that the closing date for comments is now a week from this meeting.

Sheila Carel, Joyce Road, Associate member of the Historical Commission, stated that an endangered flower, Wild Senna, has been identified in Wayland. It was last seen 70 years ago. Seed pods will be collected.

Changes to the Agenda

7 Ellen Mary Lane postponed, Applicant still needs to have property surveyed. L. Hansen showed photos of the site with trees removed in wetlands and CR. A trail was cleared from the property to Sedgemeadow. Applicant not ready to present restoration plan.

Town Center (under COC Requests), Applicant sent Commission updated CR draft. L. Hansen stated that it would be best for the applicant to postpone till the February 7th or February 28th meeting in order to allow Commission to review new material.

Meeting Minutes

J. Barnett moved, T. Klem seconded the motion to approve the Meeting Minutes from December 13th, 2018. All in favor 5-0.

J. Barnett moved, T. Klem seconded the motion to approve the Meeting Minutes from January 3rd, 2019. All in favor 5-0.

30 Lakeshore Drive

Commission began discussion of 30 Lakeshore Drive's COC request. S. Greenbaum and B. Howell visited site and noted it looked very different from approved plans. Also town land was apparently being used and landscaped by applicant. S. Greenbaum stated that records show there were previously two town owned parcels between 30 Lakeshore and 20 Lakeshore. One

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parcel abutting 30 Lakeshore (268-269 on Assessors map) was conveyed to the applicant, and the other parcel, 24 Lakeshore (266-267 on Assessors map), was not conveyed and remains town property.

It was determined that more time was required to address concerns of the Commission; discussion postponed till after scheduled hearings.

2. **7:15pm - Continued Public Hearing, Ben Keefe, Applicant, 412 Commonwealth Road (Loker Conservation and Recreation Area), DEP File No. 322-929:** 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.

L. Hansen stated the outstanding topics include mitigation for tree removal, need stairs as part of order of conditions, condition for additional borings and test pits to verify the presence of ledge, a plan to stabilize the slopes on either side of the parking lot and on the field side, a plan to address the culvert and pipe that runs underneath the parking lot, and the lighting in the parking lot.

Brandon Kunkel, Weston and Sampson, stated that there will be 22 concrete stairs going from elevation 211ft to 200ft with a railing. B. Kunkel continued to state that stormwater will likely flow down the stairs and enter the stormwater management system of the parking lot.

S. Greenbaum asked if the fields would be used in the winter and how ice would be managed on the staircase. Katherine Brenna, Rec Director, stated that the fields will not be used during the winter so icy stairs are not an issue.

L. Hansen asked if the applicant is planning on lighting the parking lot and if there will be restrictions on the lights illuminating the playing field.

B. Kunkel stated that they are planning to light the parking lot with fixtures that are 15ft tall and field lighting will comply with town ordinance regarding field illumination.

T. Klem asked about the proposed remediation plan consisting of the removal of invasive species from the Loker site.

J. Sullivan stated that it would be more than the removal of invasive species, but also include planting native plant species to restore the native ecosystem. J. Sullivan continued by stating that he thinks it should be a five-year plan to insure success.

L. Hansen stated that the funds for the mitigation plan would come from Recreation, while the project management would come from Conservation.

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J. Sullivan stated that he thinks the scale of the project is far too robust to be performed by seasonal staff and should likely be done by a professional company over a five year period.

L. Hansen stated that the Commission was looking at this project in terms of goals, rather than a target amount of \$250,000 as previously discussed. L. Hansen continued to state that the work would target the western half of the property, edges and entrance area which are areas with the highest concentration of invasive species rather than the trail areas.

J. Sullivan stated that he believes there should be a dollar amount included in the Commission's decision for mitigation. S. Fair stated that the dollar amount is not relevant to the Commission.

L. Hansen stated that there would likely be more efficiency in hiring seasonal help, as these individuals would be employees of the town rather than a contractor that would incur additional expenses.

S. Greenbaum stated that she doesn't think seasonal help, working only in the summer and not in the spring and fall when there are many tasks from invasive control to replanting, would be enough. She understood that the \$250,000 would be part of the contract for the field.

Louise Miller, Town Administrator, stated in regards to the contract, there are specifications required for the contractors to bid on. L. Miller continued that the dollar amount would come out of whatever the work is, but we cannot award a contract if we do not know the specification.

S. Greenbaum stated that a professional company could visit the site and use the proposed plan as a starting point.

L. Hansen stated that the Conservation Department is able to manage a project like the one proposed, rather than having a contractor have control of the project. She stated that in-house project management could have more control over how the work progresses.

L. Hansen stated that two individuals would be hired for this project specifically, in addition to the two seasonal individuals who are normally hired for work on Conservation properties. The two individuals hired for the Loker invasive species management project would be paid by the Recreation Department, but managed by the Conservation Department. L. Hansen continued to state that seasonal staff would be hired to work May through August.

T. Klem spoke to the level of continuity amongst these proposed seasonal employees and the transfer of knowledge from season to season.

David Pearlman, Rec Commission member, stated that most landscape contractors have a high seasonal turnover season to season, so would be roughly the same as the seasonal help hired for this project.

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S. Greenbaum asked who would be paying for the plant material and if work would be done only on Recreation Department owned land.

L. Hansen stated that the restoration funds would come from the Recreation Department and work would be done in phases on both Recreation and Conservation owned property.

J. Sullivan stated that he thinks that May to August is a small window for work to be accomplished.

L. Hansen stated that summer seasonal help in this time frame can accomplish the bulk of removal, disposal, and replanting. Maintenance can be performed by Conservation Department staff during anytime of the year.

Sylvia Diaz, Willowbrook Drive, inquired about the proposed budget for the invasive species management plan and stated that she is skeptical that the Recreation Department would give the Conservation Department a blank check.

J. Sullivan stated that a budget ceiling of \$250,000 could be established as it is typically done for CPC related projects, which would cap the expenses for the project at a certain amount. T. Klem questioned what would happen if the dollar amount wasn't high enough.

T. Davidson stated that this proposal is a scope of work and the Commission is not at the point of submitting a more detailed cost estimate.

S. Diaz asked the Commission if they knew the impact of what cutting 400 plus trees would have on the residents of the area and especially Willow Brook in terms of light and sound pollution. She also questioned any requirement for replanting within the Charles River Watershed and protecting the aquatic life.

Tonya Largy, representing the Wayland Historical Commission, asked if the trees proposed to be removed at the Loker site will be cut down or if their roots will be removed as well. B. Kunkel stated that all trees and stumps will be removed. T. Largy continued to state that this removal will expose the subsoil and cause land disturbance of archeological significance. She stated that the Historical Commission has to be consulted whenever there is land disturbance since it is within their purview. She would like to work with the Commission to know what will happen in order to identify and protect sites of archeological significance.

Sheila Carel, Associate member of the Wayland Historical Commission, stated that an archeological survey was performed at Loker Conservation Area and it was determined that it is a very sensitive archeological area. S. Carel stated that there are cultural resources that need to be protected at this site and she is concerned with the proximity of work especially to the upper pond.

L. Hansen stated that there is a limit of work outlined for the project and erosion barriers will be placed along this boundary.

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S. Fair stated that once the order of conditions is written, they will be sent to the Wayland Historical Commission for commenting from an archeological perspective.

George Uveges, Willowbrook Drive, speaking as a citizen and not a member of the Finance Committee, wished to remind the Commission that regardless of which department the money comes from, it is all ultimately tax payer money. G. Uveges continued to ask the Commission if the \$250,000 is part of the warrant article submitted, or if separate whether it is authorized out of Rec funds

Carolyn Murray, Town Counsel, stated that if recreation funds are to be used to satisfy the order of conditions as part of this project, the entire amount or just a portion of it could be included in the warrant article as part of the costs of construction. C. Murray continued that it could also be part of a separate expenditure from field user fees.

David Glenn, Willowbrook Drive, stated he urges the Commission to come up with a figure to give to PMBC to go into the warrant. He stated that the PMBC has already set \$142,000 in the budget which includes \$112,000 to replace 82 trees and \$30,000 for invasive removal for this project independent of consulting with the Commission.

J. Sullivan stated that the PMBC has been provided the \$250,000 number in the past for this project and that the planting plan for replacing 82 trees in the wetlands has nothing to do with the rest of the restoration of the property.

Gary Lilienthal, Willowbrook Drive, stated that he agrees with the proposed plan and agrees with it being goal based. G. Lilienthal stressed that the maintenance plan be financially supported to improve long term results. G. Lilienthal brought up the topic of enforcement. He also stated his concern for the former use of this property and what remains on the site after remediation. He stated that very few borings were done considering the size of the area and that the change of hydrology associated with the proposed tree removal may affect what was left on the site.

Carol Plumb, Bald Rock Road, spoke to phasing of the project. She stated that the trees should not be cut down and construction should be postponed or delayed indefinitely if ledge is discovered.

L. Hansen stated that the Commission is most concerned with borings in the parking lot and the peer reviewer recommended more borings be done in that area to assess the stormwater management feasibility. This would be related to construction phasing. She stated that the BOH has addressed requiring additional borings in the area of the former septic system.

John Sax stated that the peer reviewer suggested that if the borings hit ledge, the whole project needs to stop with redesign of the entire stormwater management plan. L. Hansen stated it makes sense to do borings after the project is approved at TM. B. Wright stated borings should be a condition of the permit and all the permits including ZBA's should be in place before TM.

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S. Greenbaum stated that she thinks the same monitoring protocol established for the WHS field should also be part of the Loker field permit. S. Fair stated that the monitoring of fields needs to be consistent.

L. Hansen will send out draft conditions for the Commission to review before the next meeting on February 7th.

T. Davidson moved, J. Barnett seconded the motion to close the hearing under the Wetlands Protection Act. All in favor 7-0

T. Davidson moved, J. Barnett seconded the motion to close the hearing under Chapter 194. All in favor 7-0

3. 8:32pm - Continued Public Hearing, Rafe Brown, 265 Concord Rd, DEP File No. 322-932

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 Rafe Brown, for 265 Concord C for restoring the property to active agriculture. The property is shown on Wayland's Assessor's Map 07, Parcel 58F and 58G.

David Cowell presented updates on project to the Commission. D. Cowell stated that since the last hearing, the applicant has performed a quantitative analysis of the preferred access route and the alternative access route to the southern parcel. Preferred route would be through the property from the north. Two twelve foot wide raised spans would be installed to cross the perennial stream. Impact would be 800 sq ft to BVW and 440 sq ft to Riverfront. D. Cowell stated that the alternative is very prohibitive and would require tree clearing and culverts associated with the crossing. Impact to BVW would be 4,300 sq ft.

L. Hansen asked D. Cowell if the applicant could provide a detail on the bridge plan.

B. Beaudreau stated that the bridge span will be similar to a boardwalk and that a detail can be provided to the Commission. D. Cowell suggested a condition that the use of southern parcel would be restricted until specs are approved by Commission.

D. Cowell stated that revised replication plan is 2:1.

L. Hansen asked about a potential barn being built on the property. B. Howell questioned roof drainage and use of the barn for maple syrup processing.

D. Cowell stated that the proposed barn is simply a place holder on the plan, proposed site is out of the wetland buffer. A detailed plan for the proposed barn will be provided to the Commission once the applicant decides to move forward on the barn. The barn does not fall within the Commission jurisdiction, but the applicant will consult with the Commission if the barn moves forward.

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L. Hansen will send draft permit for review by Commission.

B. Howell moved, J. Sullivan seconded the motion to close the hearing under Chapter 194 and the Wetlands Protection Act. All in favor 7-0

B. Howell moved, J. Barnett seconded the motion to issue an Order of Conditions under the Wetlands Protection Act with conditions as discussed. All in favor 7-0

B. Howell moved, J. Barnett seconded the motion to issue a permit under Chapter 194 with conditions as discussed. All in favor 7-0

4. **8:50pm - Herb Chambers 83 Boston Post Road LLC, 537 Boston Post Road, DEP File No. 322-0934** Notice of Intent filed pursuant to the Wetlands Protection Act and a Chapter 193 and Chapter 194 application filed pursuant to Wayland's Wetlands and Water Resource Protection Bylaw submitted by Herb Chambers 83 Boston Post Road, LLC, for 537 Boston Post Road for the demolition of a portion of an existing building, construction of a building addition, resurfacing existing parking lot, construction of curbing, walkways, retaining walls, storm water management systems, grading, lighting, and landscaping. The property is shown on Wayland's Assessor's Map 21, Parcel 004.

Josh Fox of the law offices of Rollins, Rollins, and Fox representing the applicant, introduced Gabe Crocker of Crocker Design and Scot Arnold of CHA Associates. J. Fox spoke about the scope of the proposed project. Wayland holds a CR on the back area.

J. Fox stated that the property is in both Wayland and Sudbury and that the Sudbury Planning Board hired a peer reviewer from Horsley Witten to review the stormwater management of the project in advance of their meeting on February 13th. J. Fox asked if the Commission would consider hiring the same peer reviewer to complete the work.

J. Sullivan moved, J. Barnett seconded the motion to hire the peer reviewer from Horsley Witten to complete the stormwater management review of the project site. All in favor 7-0

J. Fox stated that the applicant will pay for the peer reviewer to include Wayland's stormwater regulation in the review. J. Fox stated that while a planting plan was submitted in the initial delivery, that plan has since been revised to include all native plantings.

Gabe Crocker presented an overview of the proposed changes to the site.

L. Hansen stated that she observed, during her site visit, cars being washed and the waste wash water flowing outside of the garage toward the wetlands and priority habitat. J. Sullivan stated that in the original order of conditions for the site, a condition stated that washing will not be done on site, instead it was determined to be done off site across the street. J. Sullivan stated that washing could be done inside the facility, so long as the waste water does not escape the building. J. Fox stated that they will speak with the facility manager to prevent that from happening again.

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L. Hansen stated that she had a concern about the proposed plan not having a designated snow storage area. G. Crocker stated that parking spots will likely be given up to allow for adequate snow storage. This is not marked in the plan, but will be. G. Crocker also noted that proposed project is a net decrease in impervious surface area. This was achieved by increasing islands, reconfiguring the remaining space, and removing the test track.

J. Sullivan moved, J. Barnett seconded the motion to continue the hearing under the Wetlands Protection Act and Chapter 194 to the February 28th meeting of the Wayland Conservation Commission. All in favor 7-0

5. **9:11pm – Ralph Robart, 87 Dudley Road, DEP File No. 322-0935** 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 Ralph Robart, for 87 Dudley Road for septic system repair and replacement. The property is shown on Wayland's Assessor's Map 47A, Parcel 83.

Mike Sullivan, Sullivan and Connors, represented the applicant Ralph Robart, who was unable to attend the meeting. M. Sullivan presented the project to replace the cesspool with a FAST system designed for 3 bedrooms with a deed restriction for 2 bedrooms. There will be riprap, a retaining wall and unpaved parking area. Two trees need to be removed and they hope to save an additional tree.

B. Howell stated to include a condition prohibiting the installation of a garbage disposal in the OOC.

B. Howell moved, T. Davidson seconded the motion to close the hearing under the Wetlands Protection Act and Chapter 194. All in favor 7-0

B. Howell moved, S. Greenbaum seconded the motion to issue a permit under Chapter 194 with conditions as discussed. All in favor 7-0

B. Howell moved, J. Barnett seconded the motion to issue Order of Conditions under the Wetlands Protection Act with conditions as discussed. All in favor 7-0

6. **9:21pm – Continued Public Hearing 42 Mathews Drive DEP File No. 322-0933** Abbreviated Notice of Resource Area Delineation 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 Tharpe, for a determination of resource areas at 42 Mathews Drive, Wayland, MA. Property is shown on Assessor's Map 47C, Parcel 008.

Fred King represented the applicant Jacob Tharpe, who was present. F. King presented the proposed plan. F. King noted that there was never a determination made regarding the intermittent status of the stream in question, though the intermittent status is well documented.

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S. Greenbaum inquired about the 4 wells from the BOH records within a half-mile of the property that need to be considered under the bylaw; they could potentially impact the stream's status.

F. King noted that there are a few wells within a half-mile of the property, but there are no wells within the watershed (1/10th of a sq mile) of the stream, which would directly impact the stream's status under the bylaw.

B. Howell moved, J. Barnett seconded the motion to close the hearings under the Wetlands Protection Act and Chapter 194. All in favor 7-0

B. Howell moved to issue an ORAD under Chapter 194 with findings as discussed and to issue an ORAD under the Wetlands Protection Act with findings as discussed. All in favor 7-0

7. **9:31pm - 53 Concord Road** 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 Najiba Akbar, for driveway repair adjacent to wetland resource areas at 53 Concord Road, Wayland, MA. Property is shown on Assessor's Map 18/086, Parcel 2.

Najiba Akbar, applicant present for meeting.

L. Hanse discussed one possible solution of placing pavers down the driveway in two long strips that would be in line with the tires, similar to a cart path. This possible solution would allow a solid surface to drive on and facilitate runoff. L. Hansen stated that if the applicant paves the driveway, the Commission would require culvert be installed to connect the two halves of the wetlands. L. Hansen stated that the Commission's concern with the current paving material is the potential for it to be easily dispersed into the wetlands.

N. Akbar explained the current status of the driveway and the reasoning for using pea-gravel. N. Akbar also stated that the plow driver has been instructed to keep the plow blade 2 inches above the surface of the driveway.

L. Hansen stated that the current condition of the driveway could be acceptable temporarily, if the applicant regularly pushes the pea-gravel toward the center of the driveway and away from the wetlands. L. Hansen stated that the Commission is still waiting on a file number from DEP, the hearing cannot close and future improvements could be added into the permit, which is good for three years.

J. Barnett moved, T. Klem seconded the motion to continue the hearings under the Wetlands Protection Act and the bylaw. All in favor 6-0

8. Violations:

- a. **7 Ellen Mary Lane**

9. COC Requests (Under WPA and Chapter 194, Unless Otherwise Stated):

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a. 30 Lakeshore Drive, DEP File No. 322-0818

David Hanlon, applicant, present at meeting.

S. Greenbaum stated that she researched the Assessors records and reviewed the permit and there is possible encroachment onto town owned land under the control of the Recreation Department. D. Hanlon stated he did not landscape the parcel and is not living on or using it.

L. Hansen stated that she visited the site. She compared the approved plans and as-builts and there are numerous unpermitted structures including stairs, several retaining walls, shed in the corner. L. Hansen asked if the BOH was content with a wall running over the septic reserve. L. Hansen also stated there was a permit requirement for a 15ft natural vegetated buffer from the pond; it is currently all lawn but should be undisturbed. D. Hanlon questioned where he would have lawn if it was all natural.

L. Hansen stated that she will speak to K. Brenna of the Recreation Department to see how she would like to proceed with the encroachment issue.

S. Greenbaum explained the process when an applicant has violated the terms of the permit such as filing a request for an amendment for issues of noncompliance. She also stated a delineation of town owned land has been required in the past.

Discussion will be continued to February 28th meeting of the Conservation Commission.

10. Other:

- a. 134 Pelham Island Road, Nick Munkenbeck** RDA application for the installation of a fence, removal of dead trees, and replanting native species.

Applicant not present for meeting. L. Hansen stated that she would like to visit the site.

Discussion will be continued to the February 7th meeting of the Conservation Commission.

- b. 14 Caulfield Road, Douglas Kroncke** Chapter 193 application for the addition onto an existing building, the construction of a new deck and patio, and two roof drain drywells and repairs to the driveway as needed.

Applicant not present for meeting.

Commission authorized L. Hansen to issue Chapter 193 permit based on her discussion with applicant.

11. Approve Minutes:

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a. **December 13th, 2018**

- Approved

b. **January 3rd, 2019**

- Approved

12. **Adjournment:**

J. Barnett moved, T. Klem seconded the motion to adjourn at 10:09pm. All in favor 6-0

The next **Scheduled** Conservation Commission Meeting is February 7, 2019 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.