

# Wayland Conservation Commission

Minutes, Thursday, May 9<sup>th</sup>, 2019, 7:03pm – 9:19pm

Approved: May 23<sup>rd</sup>, 2019

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

**Present:** Barbara Howell, Joanne Barnett, John Sullivan, Sherre Greenbaum, Tom Klem, Tom Davidson (7:11-8:58pm), Sean Fair; Chair Person, Linda Hansen; Conservation Department Administrator Tom Davidson

**Minutes:** Ryan Brown

S. Fair opened the meeting at 7:03pm noting that a quorum was present and that the meeting was being recorded by WayCAM.

**Citizens Time: Designated time for input to the Commission regarding items that are *not* on the agenda.**

Katherine Gardener-Westcott, 5 Richard Road, Chairperson of the Wayland Historical Commission, read the following prepared statement to the Commission.

With the decision by Town Meeting to rehabilitate the trailhead and to improve the parking lot in the Loker Conservation and Recreation Area, the Wayland Historical Commission wants to ensure that this work does not disturb Native American ceremonial landscape features that are known to be there. Just as important; we also want to ensure that the work does not disturb features that we have yet to identify. A full and complete survey of ceremonial and other culturally important features has not been made of the entire conservation portion of this area. The Wayland Historical Commission feels this needs to be done before work proceeds.

From the 2013 Survey: History of tribal meetings in the area suggests that the Wayland area has been historically important. The Tribes have communicated a desire that these areas should not be further disrupted. [Ceremonial stones] deserve to be protected from any further disturbance or impact until such time as it can be authoritatively established through further investigation that their ceremonial integrity, if any, has not been irreparably compromised. This area warrants further exploration. The data, now gathered, however, is not sufficiently complete or comprehensive enough to develop a meaningful overview of the whole complex.

Doug Harris, Preservationist for Ceremonial Landscapes & Deputy Tribal Historic Preservation Officer of the Narragansett Indian Tribal Historic Preservation Office, has made public his request for "Wayland to respect the ceremonial places of the past and cautiously nurture balance and harmony in the present and the future." This letter should be entered into the minutes of this meeting as you have all received it.

Motion: The Historical Commission requests of the Conservation Commission that all conservation land in the 'Loker Conservation and Recreation Area' be surveyed by a qualified Native American ceremonial landscape researcher who has been recognized by the federal government [such as the Narragansett Indian Tribal Historic Preservation Office]. This survey is needed to identify any ceremonial landscape features that are there, in order for them to be protected. We request this survey be done before work on the parking lot and trailheads begins.

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Wayland Bylaws: I have counted 9 times in the Wayland Bylaws that we have sworn to uphold which clearly state that the commissions, boards and Administration will protect and preserve historical resources and natural resources. To quote bylaw 198, "Natural and historical features of special interest, including hilltops, cliffs and bluffs, ravines, attractive groves of trees, biological habitats of special interest and views of unusual charm, shall be preserved." Loker is a prime example of this. We wish to be placed on the next Conservation Meeting to talk further with you.

L. Hansen stated that the CPC money for the Loker parking lot rehabilitation was asked for by Recreation. K. Gardener-Westcott stated that the Historical Commission will be making the same motion to the Recreation Commission.

L. Hansen asked who will be paying for this survey. K. Gardener-Westcott stated that the Historical Commission is asking the Conservation Commission to pay for the survey. It could possibly be done with CPC funds if the Commission wants to apply for that.

S. Greenbaum asked how much a survey like the one described would cost. K. Gardener-Westcott stated that she does not have an estimate. The 2013 survey covered three different locations. The survey would have to be requested by Conservation and Recreation.

J. Sullivan. Representative to the CPC, stated that the Historical Commission would have to apply for CPC money under the specific historic CPC fund. Administrative funds might be available for a survey.

L. Hansen asked K. Gardener-Westcott to meet with the Recreation Commission first, since they asked for the Loker parking lot rehabilitation funds. L. Hansen stated that it would be useful to know the intentions of the Recreation Department.

K. Gardener-Westcott stated that at the next meeting with the Conservation Commission, she will have more information to share.

L. Hansen also stated that the Conservation Commission was not originally informed of or involved with the parking lot rehabilitation request. It was originally an add-on to the Loker Field project.

This item will be on the Conservation Commission's agenda for May 23<sup>rd</sup>, 2019.

John Sax, 203 Willowbrook Drive, wanted to remind the Commission that the parking lot is within the buffer zone of the north pond. He continued stating that he knows that the Loker Field Project will likely be proposed again in the fall. J. Sullivan stated that money articles are usually in the spring.

S. Greenbaum asked if the Loker decisions have been issued and requested copies. S. Greenbaum asked if her questions to Town Counsel regarding tie votes and representation were submitted. She distributed copies of her questions to the Commission. L. Hansen stated the questions were sent to L. Miller.

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L. Hansen stated that the denials have been issued but she was unsure of the date. L. Hansen stated that she was unaware of an appeal to DEP. The appeal would be done within 10 days and the Commission would be copied.

Tom Sciacca, representative to the RSC, wanted to remind the Commission that Riverfest is coming up on Saturday June 22<sup>nd</sup> and Sunday 23<sup>rd</sup>.

**7:20pm – Continued Public Hearing, Phase III Boston Post Road (Route 20) Water Main Improvements DEP File No. 322-0938** 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 Thomas Holder for furnishing and installing approximately 3,000 linear feet of 12-inch and 8-inch diameter ductile iron water main with associated valves, fittings, hydrants, and appurtenances along Route 20, including the Sudbury River bridge crossing where the water main will be hung in an existing utility bay under the Mass DOT bridge and a directional drill below an existing culvert. The work will be done along Boston Post Road (Mass DOT Station 138+50 to Mass DOT Station 108+65. Property shown on Assessor's Maps 22 and 23.

L. Hansen stated that the only outstanding issue from the last meeting was the missing property owner signatures from the NOI. The DOT has now signed the NOI. L. Hansen stated that the only other matter to discuss would be the addition of special conditions into the permit. DPW does have a generic permit for any water main work in town. L. Hansen suggested that one of the special conditions be that work must be done during low water.

T. Sciacca, stated that he is concerned that the two outstandingly remarkable values of recreation and scenicness of the Sudbury River will be impacted by this project. He continued, saying that there have been numerous issues with pipes hanging off the bridge over the Sudbury River in the past. These pipes occasionally interfere with vessels passing beneath and have an undesirable appearance. Furthermore, he wished that he was notified of this project in advance.

L. Hansen stated that there are existing utility bays beneath the bridge for the purpose of this project.

The Commission explained aspects of the project and distributed photos to T. Sciacca to address his concerns, as well as any special conditions to be included into the permit.

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

**B. Howell moved, S. Greenbaum seconded the motion to issue an Order of Conditions under the Wetlands Protection Act with discussed conditions. All in favor 7 – 0.**

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

**373 Commonwealth Road, Request For Certificate of Compliance, DEP File No. 322-699**

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L. Hansen stated that after a site visit with S. Greenbaum, the project manager Ron Simons identified some remaining issues to address before a certificate of compliance could be issued. R. Simons mentioned that he wishes to consult with Fred King, engineer of the project, regarding a possible change to the final planting plan; one plan shows 35 arborvitae as a buffer along the road, while the as built shows the property absent of the 35 arborvitae. During the site visit S. Greenbaum mentioned that she would prefer seeing more native fir trees added to the existing fir trees along the road. The other two issues noted were the requirements of the O & M plan and the as built. L. Hansen stated that the as built had been submitted. R. Simons would like to continue the hearing to May 23<sup>rd</sup> 2019 in order to resolve these outstanding issues.

## **3 York Road, Request For Certificate Of Compliance, WPA and Chapter 194, DEP File No. 322-858**

L. Hansen stated that the only outstanding issue was approval of a shed, but there is no shed currently on the property. L. Hansen asked if this issue had been resolved. Aside from that, the Commission could not find any issue with the request.

**J. Barnett moved. T. Klem seconded the motion to issue a Certificate of Compliance for 3 York Road under the Wetlands Protection Act. All in favor 7 – 0.**

**J. Barnett moved, T. Klem seconded the motion to issue a Certificate of Compliance for 3 York Road under Chapter 194. All in favor 7 – 0.**

## **Executive Session**

Deferred to May 23<sup>rd</sup>, 2019 meeting. Standardized language is being drafted for all Boards and Commissions to be used when entering into executive session.

## **Oxbow Field Planting Plan**

L. Hansen stated that K. Brenna, Recreation Director, sent the Commission a memo just before the meeting including the most recent planting plan for the Oxbow Field, the “Operative Planting Plan” dated April 10, 2018. L. Hansen continued, saying that some plants were added as part of a settlement agreement between Recreation and the abutters. The Commission was not included in the settlement discussion and was unaware of it until recently.

Discussion ensued about whether the final plan was ever approved by the Commission. S. Greenbaum stated that K. Brenna’s memo left out the fact that the field was supposed to go in last summer and be finished first, then the plants would go in. J. Sullivan stated that he would like to see a revised final planting plan that corrects all the mistakes made in the field and represents what is there. He stated that some plants were planted between the houses and the trail rather than between the trail and the field as required; you can look through the trees and see the field.

L. Hansen stated that the permit was reissued with a 2 year expiration date.

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The Commission discussed the matter and agreed that once the field goes in and is completed, the Commission will then request a final planting plan to comment on and approve. This would prevent unnecessary meetings and would allow for clarity of plant locations.

Tonya Cunningham, 9 Williams Road, abutter to the Oxbow field, stated that she watched the WayCAM recording of the Commission meeting on March 29, 2018 which K. Brenna referred to and the memo does not accurately represent the full context of the meeting. She stated that Recreation stated they will put in the field first and wait until fall for the plants and water.

J. Sullivan pointed out that a trail has been built probably by Bay Circuit on the north side. He stated that Recreation agreed to reestablish the ADA trail in a loop on the south side. T. Cunningham stated there is a 3' drop that will require grading. L. Hansen stated that this would wait until the field was done.

T. Cunningham asked if a letter will be sent to Recreation responding to the memo. S. Fair stated that L. Hansen will send an email to K. Brenna summarizing the discussion and stating that the final planting plan has to be approved by the Commission once the field is in. L. Hansen will also send the minutes. S. Fair stated that Recreation will need to come back to the Commission in the fall for that approval.

T. Cunningham stated that any revenue generated by the fields goes into upkeep of the property. Funding will be available to do trail work, once the field can be used.

## **Tom Largy, Reconsidering of Herbicide Condition on Heard Pond**

T. Largy restated his interest in having the special conditions of the Order of Conditions amended for herbicide use on Heard Pond. T. Largy stated that he considers a lower amount of application than specified on the product label to be arbitrary.

L. Hansen stated that the amount is based on research and relevant literature pertaining to aquatic herbicide use. Discussion ensued between L. Hansen and T. Largy regarding the appropriate use of herbicides.

S. Greenbaum suggested that if Heard Pond is considered part of the Sudbury River the various river related organizations should be involved, such as the River Stewardship Council and Fish and Wildlife. The Commission agreed to have L. Hansen notify the organizations to allow them to comment on the proposal and to reconvene on this matter in a month.

## **74 Moore Road, D-941 RDA Fence Construction, Chapter 194 Only**

Applicants Abbey Haber and Christopher Lindstrom stated that they would like to construct a fence on their property with a reduced wildlife threshold, lowering it from six inches to three inches. The proposed fence will be constructed across lawn that is previously disturbed space and provides negligible wildlife habitat. Discussion ensued on allowing this as an exception. The reduced wildlife threshold is to prevent their dogs from escaping the property.

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**J. Barnett moved, T. Klem seconded the motion to reduce the height of the wildlife corridor beneath the fence from six inches to three inches. All in favor 7 – 0.**

**B. Howell moved, S. Greenbaum seconded the motion to issue a permit under Chapter 194 with conditions for 74 Moore Road. All in favor 7 – 0.**

## **July-December 2019 Meeting Schedule For Conservation Commission**

The Commission discussed and made changes to the July-December 2019 meeting schedule. Another draft of the schedule will be presented at the next meeting of the Conservation Commission.

## **CPC Outdoor Classroom Next Steps**

L. Hansen stated that she was approached by the Girl Scouts asking for an engineering project. L. Hansen suggested that they should design the outdoor classroom. L. Hansen continued saying that she still needs to see the stones to be used on the project. J. Sullivan stated that the CPC funds are already available.

## **135 Old Connecticut Path – Update**

Parcel is not on the 1995 Open Space Plan. It was recommended by CPC chair, Gretchen Schuler, that the appraisal be done in the next six months.

## **Vernal Pool habitat buffer and possible amendment to Chapter 194 regulations**

J. Sullivan stated that he thinks the Commission should adopt the vernal pool regulations adopted by Framingham that increase the area of protection around the vernal pool to 125'. This is a conservative amount of protection based on the terrestrial area, estimated at 400-750', used after breeding.

The Commission discussed the merits of adopting similar regulations as well as expanding them to encompass unique habitats also regulated by Framingham such as cold water streams. The Commission agreed to consider adapting the Framingham regulations for the Commission's use under Chapter 194.

L. Hansen stated that Clean Properties, managers of Town Center, reported to her that they will follow up on resolving the outstanding stormwater issues that show up every month in the inspection reports.

## **Volunteer Work Days**

The Wayland Conservation Department will be hosting monthly invasive plant removal volunteer days.

Volunteer Days: 10:00am – 11:30am

May 18th 2019

June 15th 2019

July 20th 2019

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August 17th 2019  
September 21st 2019  
October 19th 2019  
November 16th 2019

## **Riverfest 2019**

Saturday June 22<sup>nd</sup>  
Conservation Area Scavenger Hunt

Sunday June 23<sup>rd</sup>  
Bird and Butterfly Tour

## **Approve Minutes: April 25, 2019**

**J. Barnett moved, T. Klem seconded the motion to approve the meeting minutes for April 25<sup>th</sup>, 2019 with S. Greenbaum's edits. All in favor 6 – 0.**

## **Adjournment**

**J. Barnett moved, T. Klem seconded the motion to adjourn at 9:19 pm. All in favor 6 – 0.**

The next **Scheduled** Conservation Commission Meeting is May 23<sup>rd</sup>, 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.

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## List Of Public Documents Provided To The Conservation Commission In Preparation For The May 9<sup>th</sup> 2019 Conservation Commission Meeting.

### Citizen's Time

- Motion From Katherine Gardener-Westcott of the Wayland Historical Commission - Survey At Loker Recreation and Conservation Area
- Letter From Doug Harris of the Narragansett Indian Tribal Historic Preservation Office – April 21<sup>st</sup> 2019.
- Sherre Greenbaum questions to Town Counsel

### Phase III Boston Post Road (Route 20) Water Main Improvements DEP File No. 322-0938

- Signed NOI (with property owner's signature)

### 3 York Road DEP File No. 322-858

- Request For Certificate of Compliance – WPA
- Plan – Septic System
- Request For Certificate of Compliance – Chapter 194

### Oxbow Field

- Stormwater Permit Memo From Recreation Director, Katherine Brenna, To Conservation Administrator, Linda Hansen – May 8<sup>th</sup> 2019
- Operative Planting Plan – April 10<sup>th</sup> 2018

### Tom Largy, Reconsidering of Herbicide Condition on Heard Pond

- Letter From Tom Largy To The Wayland Conservation Commission – February 7<sup>th</sup> 2019
- Letter From Kara Sliwoski of Solitude Lake Management To The Wayland Conservation Commission – February 28<sup>th</sup> 2018
- Literature Review on Controlling Aquatic Invasive Vegetation with Aquatic Herbicides Compared to Other Control Methods: Effectiveness, Impacts, and Costs – September 2011
- Herbicide Resistance Stewardship in Aquatic Plant Management – Aquatic Plant Management Society, INC
- Diquat Dibromide Fact Sheet
- Copper Sulfate Fact Sheet
- Control Methods For Aquatic Plants In Ponds and Lakes – Virginia Cooperative Extension
- Clear As A Lake: A Resource Guide to Invasive Aquatic Plants and Non-Toxic Treatment Alternatives – 2008
- Determining The Effects Of Herbicides And Invasive Plants On Tadpole Development And Adaptation – Bowling Green State University – January 15<sup>th</sup>, 2013

### 74 Moore Road – RDA Fence Construction



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- Request For A Determination Of Applicability – Chapter 194 Application – April 22<sup>nd</sup>, 2019
- Plan – Showing Proposed Fence And 100 Foot Buffer

## Vernal Pool habitat buffer and possible amendment to Chapter 194 regulations

- Framingham Conservation Commission Wetlands Protection Regulations