

Wayland Conservation Commission

Minutes, Thursday, June 6th, 2019,

Approved: June 20th, 2019

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

Present: Barbara Howell, Sherre Greenbaum, Tom Klem, Tom Davidson (7:06 pm), Sean Fair; Chair Person, Linda Hansen; Conservation Department Administrator

Not present: Joanne Barnett and John Sullivan

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.

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

Citizens Time

S. Greenbaum asked if the Commission was still interested in pursuing the warrant article for tree replacement for Fall Town Meeting. If so, the Commission should start working on the regulations associated with it.

L. Hansen stated that she asked Fred King to help write the draft regulations.

S. Greenbaum stated that she would be willing to assist in researching and drafting material for the land disturbance portion of the regulations. The regulations should be clear and comprehensive, something that the public can understand.

L. Hansen stated that warrant articles for Fall Town Meeting are due in August. L. Hansen asked F. King to have a draft ready for review by the end of the 2019 fiscal year. F. King will budget for one draft and one revision. L. Hansen stated that the stormwater component will be easy for F. King to write, but the land disturbance portion will be more challenging.

S. Greenbaum stated that if the Commission is moving forward with the fund, the issue that still needs to be resolved is whether it should be a bylaw or a revolving fund. S. Greenbaum stated that it should be looked into whether other towns have revolving funds. S. Greenbaum asked for an explanation from Town Counsel on how a revolving fund fits into Chapter 193 rather than a separate bylaw.

L. Hansen stated that the starting point would be the first draft of the regulations and that Town Counsel stated that the revolving fund would fold into that.

Approve Minutes: May 23rd, 2019

Postponed till June 20th meeting.

60 Plain Road Trench Construction - Violation

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L. Hansen described her observations of the property to the Commission, stating that a trench has been built from a drainage catch basin through a portion of the property that is used to access Lower Mill Brook, eventually discharging into wetlands at the bottom of the slope.

S. Greenbaum stated that the Commission has tried to acquire a portion of the property but has been unsuccessful.

L. Hansen stated that currently it is unknown who built this trench and for what purpose. If whoever dug the trench would fill it in with stone that could possibly fix the problem. L. Hansen will continue to pursue details on who built the trench.

53 Concord Road

B. Howell questioned how this project should be categorized in the Annual Report. L. Hansen stated that this project has been continued indefinitely until the homeowner does the required work. Until then the homeowner was requested to rake the pea-gravel out of the wetlands. L. Hansen noted there was a crushed plastic culvert underneath the driveway. DEP number has yet to be assigned.

57 Concord Road

L. Hansen observed that the wetlands at this address have been partially filled.

Herb Chambers

During her site visit, L. Hansen observed the staging area for construction associated with this project located in the wetlands buffer on the abutting property. Gravel for the staging area was observed pushed into the wetlands.

Request for Certificate of Compliance: 3 York Road, DEP File No. 322-858

L. Hansen stated that she is considering rescinding the COC signed for the property a few weeks ago. L. Hansen observed yard waste dumped into the wetlands. COC was signed contingent on L. Hansen visiting the site. Current shed occupying the same foot print as the original. Shed part of initial septic permit for the property. L. Hansen will require the property owners to clean up the dumped yard waste from the wetlands before issuing the COC.

Request for Certificate of Compliance: 245 Commonwealth Road, DEP File No. 322-402

L. Hansen stated that a partial COC was issued for a septic installation over 20 years ago. Partial COC was issued because the ground around the septic tank had yet to stabilize.

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B. Howell moved, T. Davidson seconded the motion to issue a full certificate of compliance under the Wetlands Protection Act. All in favor 5-0.

Dudley Pond ProcellaCOR Treatment

Michael Lowery and Tom Largy, Surface Water Quality Committee, present for discussion. M. Lowery stated that he has arranged for an expert to be available by phone to answer any questions the Commission might have regarding the proposed use of ProcellaCOR to treat milfoil on Dudley Pond. M. Lowery stated that on June 10th 2019, SOLitude Lake Management will perform a vegetation survey of Dudley Pond to determine the areas to be treated. Current estimates suggest approximately 50% of the pond will have to be treated. Proposed treatment areas will focus along the edges and shallows of the pond. M. Lowery stated that if more than ten acres are treated with ProcellaCOR, the manufacturer guarantees reduced milfoil for three years. Pond treatment would be done all at once. M. Lowery stated that the product is very fast acting and has limited duration in the water column.

L. Hansen asked if the treated (dead) plant material will be removed from the pond. Decaying plant material not removed from the pond will create a problem with dissolved oxygen content in the pond.

M. Lowery stated that there is no plan to remove treated plant material, but they are not opposed to the idea if the Commission requests this action.

L. Hansen stated that the Board of Health would be interested in reviewing the literature and the product specifications for ProcellaCOR. L. Hansen stated that she would like to wait on making a decision to allow the Board of Health enough time to review the materials for this product.

M. Lowery has also been in contact with the Board of Health and will appear before them on Monday June 10th 2019. M. Lowery stated that applying ProcellaCOR to Dudley Pond is fairly urgent and requested the Commission to authorize conditional approval, pending the decision of the Board of Health.

L. Hansen suggested that application be staged to allow for aquatic organisms to relocate from areas disturbed by herbicide application and to better judge the effectiveness of the product, rather than treating the entire pond in one day.

M. Lowery stated that the Surface Water Quality Committee has the ability to test the treatment area for dissolved oxygen. Samples are taken at three locations within the water column: surface, middle, and bottom. Nutrient levels are also tested for on the pond. The Surface Water Quality Committee's request is to be allowed to use ProcellaCOR in no more than half of Dudley Pond, approximately 40 acres, at label concentration to gain the three year guarantee. M. Lowery stated that the Surface Water Quality Committee would be fine waiting to hear from the BOH before proceeding.

Wayland Conservation Commission

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L. Hansen stated that the current conditions for the permit are written for a specific type of herbicide and not a general permit for all aquatic herbicides. L. Hansen continued, stating that the Commission would like to see more dissolved oxygen testing after the treatment to identify changes.

T. Klem and S. Fair disclosed that both are members of the Dudley Pond Association.

T. Davidson moved, T. Klem seconded the motion to amend the current Order of Conditions, contingent upon the BOH approval, to include an additional herbicide (PRocellaCOR) as part of the approved herbicides to be used on Dudley Pond. All in favor 5-0.

T. Davidson moved, T. Klem seconded the motion to amend the current permit under Chapter 194, contingent upon the BOH approval, to include an additional herbicide (PRocellaCOR) as part of the approved herbicides to be used on Dudley Pond. All in favor 5-0.

Heard Pond Amendment

Tom Largy stated that if ProcellaCOR proves successful in Dudley Pond it will likely be used in Heard Pond for future applications. No herbicide use is planned for Heard Pond this year. T. Largy stated that he would like the request for an amendment to be tabled until the Dudley Pond treatment results come back. Commission agreed to the request. Water chestnut hand pulling will proceed on Heard Pond.

Wayland Town Beach, Lake Cochituate

L. Hansen requested giving administrative approval to the Recreation Department to have a diver hand pull curly pondweed within the shallows between the dock at the Wayland Town Beach on Lake Cochituate.

S. Greenbaum moved, T. Klem seconded the motion to allow Recreation Department staff to hand pull invasive aquatic plants at the Wayland Town Beach. All in favor 5-0.

Town Center DEP File No. 322-701, O & M Plan

S. Greenbaum stated that every month the Conservation Department receives monitoring reports that outline the same items that need to be done at Town Center's drainage basins. B. Howell stated that someone should be responsible for addressing these issues.

L. Hansen stated that National Properties is responsible for managing the property. L. Hansen contacted Mr. Costello of National Properties and has been waiting on correspondence from him that speaks to addressing these ongoing issues. L. Hansen stated that having someone address issues identified during monitoring would be a useful condition to include in the COC. L. Hansen stated that there needs to be some way of resolving these issues, not just reporting on them.

Wayland Conservation Commission

Minutes, Thursday, June 6th, 2019,

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S. Greenbaum stated that the basin closest to Route 20 (Town Center Off-Site), which was signed off on by the Commission (issued a COC), is apparently not being worked on and questioned how this would be dealt with if there are problems.

L. Hansen asked if this would fall under the MS4 permit if the owner is non-compliant with stormwater management on their own property. M. Lowery, BOPW, stated that L. Hansen should ask Paul Brinkman, Town Engineer. Discussion ensued on whether the EPA was responsible for enforcement.

L. Hansen stated that she will follow up with Mr. Costello of National Properties and report back to the Commission.

L. Hansen asked whether there was solar at the Town Center project because there is a public records request for all solar installations in town.

T. Klem asked what happened with the records request concerning Oxbow field. L. Hansen stated that it was part of a bigger request and it had to go through the Town Administrator due to duplication. She stated that she gave the requested stormwater permit to L. Miller and she thinks the requester got a copy of it. She did not have the other information requested regarding the permit extension. Discussion ensued on the extension and the condition of a stormwater permit that it expires in one year. L. Hansen stated that when K. Brenna asked why the permit expired in one year, she then reissued it with a 2 year expiration date since it was her mistake not to have issued it that way originally.

Adjournment

T. Davidson moved, T. Klem seconded the motion to adjourn at 8:36 pm. All in favor 5-0

The next **Scheduled** Conservation Commission Meeting is June 20th, 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 June 6th 2019 Conservation Commission Meeting.

3 York Road

- Chapter 194 Certificate of Compliance Request

245 Commonwealth Road

- WPA Request For Certificate of Compliance

Heard Pond Amendment

- Email Correspondence with Fish and Wildlife
- Email Correspondence with River Stewardship Council

Dudley Pond Treatment

- Letter from Wayland Surface Water Quality Committee to Wayland Conservation Commission
"Use of ProcellaCOR under DEP 322-859 (Dudley Pond)"
- ProcellaCOR Specimen Label
- ProcellaCOR Presentation
- PProcellaCOR Safety Data Sheet