

# WAYLAND CONSERVATION COMMISSION

Minutes, Thursday, December 18, 2014 7:16 – 10:15PM

**Location:** Senior Center, Town Building, 41 Cochituate Road, Wayland, MA

**Present:** Commissioners: Roger Backman, Joanne Barnett, Bob Goldsmith, Barbara Howell, Betty Salzberg, John Sullivan (7:35pm), Chairperson: Sherre Greenbaum, Conservation Administrator: Brian Monahan

**Minutes:** Andrea Upham

S.Greenbaum opened the meeting at 7:16pm noting that a quorum was present.

1. **7:16 p.m. – Citizens Time:** This is a time for input to the Commission regarding items that are *not* on the agenda.

No comments were offered.

2. **Land Management Item: Possible Land Management Planning Update**

S.Greenbaum summarized the Commission's recent activity applying to the Personnel Board for a full-time land manager position. Two memos were sent to the Personnel Board and several commissioners were present during meetings. Ultimately the position was denied, though perhaps a proposal for a part-time position would be better received. S.Greenbaum noted that it was suggested that the Land Manager could be hired with CPC funds; she searched the database and found an approved project in Harwich to hire consultant to draft management plans and a stewardship report. That was presented to FinCom on Monday along with the Commission's interest in 246 Stonebridge Road, and B.Salzberg provided public comment. The FinCom did recommend both items to the CPC and they were reviewed last night. S.Greenbaum updated the Commission that 74 Plain Road is still on the radar but most likely will not be pursued this year. The CPC will make decisions in January. S.Greenbaum noted the next action is for the Commission to go back to FinCom to introduce a part-time 19-hour/week land manager position at their next meeting in January.

3. **7:30 p.m. – Public Hearing on Proposed Fees and Changes for Community Gardens:** The Wayland Conservation Commission will hold a public hearing to consider changes to the Community Garden Rules and fees for garden plots. The fee changes would establish a resident and non-resident rental rate for garden plots as well as consideration of clarifications and/or modifications to the existing rules for gardening at the community garden plots including but not limited to defining when a plot will be deemed to not being used, repeat gardeners, and tree height.

B.Monahan noted that the rules are being amended and now include a proposed date of June 15 as the deadline for actively gardening. If a gardener is not active in their plot(s) by that date, their plot can be reassigned and their rental fee will be forfeited. J.Barnett will research hay bales for the coming season. B.Monahan explained the new plan for hay bales. Rather than the hay bales being supplied in some number, the gardeners will choose if they wish to purchase hay bales as part of their initial sign-up and rental fee payment. Community gardener Neil Pauplis was present and discussed the availability of compost and suggested adding signage for usage. Updated rules

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will be sent to gardeners along with the application renewal forms. As previously voted by the Commission, resident fees remain the same and non-resident fees will be increased to \$16/seniors and \$20/regular. Total number of rented plots in excess of four was discussed, and B.Monahan commented that perhaps on a yearly basis a gardener could rent a fifth plot if excess plots are available. Mr. Pauplis expressed the desire for an extra plot and discussion ensued on a community service tilled plot. Mr. Pauplis asked for clarification on the rule for dogs, noting that there had been dogs off leash during the gardening season. S.Greenbaum noted that dogs were to be limited to the gardener's plot area only but noted perhaps that wasn't enough and the Commission should consider all dogs being on leash. Discussion ensued that signage is needed noting that all dogs must be on leash. Mr. Pauplis noted that signage on both sides of the garden is needed. Discussion ensued on gardeners with a personal irrigation set-up. Discussion ensued on existing trees in garden plots and that tree height should not exceed six feet, with tree pruning required for any in excess.

**Motion to accept new rules as discussed with proposed revisions; Seconded 7-0**

4. **7:51 p.m. Public Hearing – Town of Wayland/Planning Department, Applicant, 484-490 Boston Post Road, DEP File No. 322-831:** Public Hearing to consider an Abbreviated Notice of Resource Area Delineation pursuant to the Wetlands Protection Act, G.L. ch. 131 s. 40, and the application filed pursuant to Wayland's Wetlands and Water Resources Protection Bylaw, Chapter 194, by Town of Wayland – Planning Department – Sarkis Sarkisian. The applicant is seeking to obtain resource area delineation of a project site located at 484-490 Boston Post Road, Wayland, shown on Assessor's Map 22, Parcels 3, 6, and 7.

**Amanda Cavaliere, Tata & Howard, Becky Stanizzi, Wayland Economic Development Commission, and Art Allen of EcoTec, were present for the discussion.** Ms. Cavaliere summarized that the Economic Development Commission is looking to develop 190+- units and plan to go through the initial permitting process before they pursue selling the property. In 2012 Mr. Allen delineated the rear and east of the property. They are looking for approval of the wetland delineation on the site.

Mr. Allen summarized: This process began a couple of years ago with an informal hearing in 2013. There are both an A and B series of flags. The Commission retained Peter Fletcher to review the wetland delineation and Mr. Fletcher provided an October 8 report. Mr. Fletcher had looked at the B series to the north to B33 and found no necessary adjustments but doesn't mention the A series line in his report. In Mr. Allen's November 24 report, they flagged the line on the east side based on the visual transition from wooded marsh to wetland. Former Chairman A.Irwin had issues with Mr. Allen's delineation based on frequent flooding up gradient to the wooded swamp and had Saxonville Gauge evidence (114.6 elevation) – a foot above Mr. Allen's delineation – and SDK flags are at 115.6.

S.Greenbaum noted that it was very confusing to follow the flags with varying colors. Mr. Allen responded that it may be wise to refresh the flags relevant to this request. B.Monahan commented that the Bylaw says that flagging is not finalized until April and felt that the B series will not move more than five feet or so. J.Sullivan noted the mean annual high water mark on the east side delineated at 117 and wondered if that were an issue. B.Monahan told Mr. Allen he could cover with a 'worst-case scenario' envelope. It was noted that the bank at the former

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Raytheon land has cribbing and the mean annual high water mark hits that area. Flood elevation and mean annual high water mark were noted on the map by Mr. Allen. B.Monahan said the Commission can have Peter Fletcher go back out and said that the answer as to the north side wetland can be researched and received within a month from DEP.

Ms. Cavaliere asked what type of conditions the Commission will be focusing on so that when they put together their RFP they can be considering future development. B.Monahan noted the issue of what should be done to treat riverfront. Ms. Stanizzi asked for clarification of the issues within 200 feet – such as what are boundaries within pavement, etc. B.Monahan responded that they need clarification as to riverfront on the north first and added that he can provide a summary list of considerations to Ms. Cavaliere and make arrangements with Peter Fletcher for April. Ms. Cavaliere will provide an index map per the request of the Commission.

**Motion to continue the hearing to January 22, 2014 at 7:30pm under the Wetlands Protection Act;  
Seconded 7-0**

**Motion to continue the hearing to January 22, 2014 at 7:30pm under the Chapter 194 Bylaw;  
Seconded 7-0**

**5. Discuss and act on Conservation Restriction – 22 Hazelbrook Lane (Beards)**

**John Beard** was present for the discussion. S.Greenbaum expressed the sincere thanks of the Commission to Mr. and Mrs. Beard for donating this 10.8 acre parcel on Hazelbrook Lane to the Conservation Commission and Sudbury Valley Trustees. S.Greenbaum reported that the Selectmen voted on Monday and the Commission can accept the CR this evening. B.Monahan reported that the CR was well reviewed by many, including M.Lanza and Irene DelBono. Mr. Beard expressed their pleasure to see this land permanently protected for public use and expressed thanks to the Commission for their time and for the work they have done for the Town.

**Motion to accept the Hazelbrook Lane Conservation Restriction; Seconded 7-0**

**6. 8:24 pm - 344 Commonwealth Road – Informal Review and Update**

**Rick Morrell was present for the discussion.** B.Monahan summarized to the Commission that this was a permitted demolition and building project on property with conservation jurisdiction that got underway without Conservation involvement. B.Monahan sent a letter and the foundation was since capped with permission for safety reasons. B.Monahan noted that an as-built plan created in September shows what was on the property. An application will be filed on Monday for the next Commission meeting. B.Monahan noted that the only other recent new construction in riverfront was the Carriage House at Lee's Farm. Mr. Morrell noted that the project results in 66% less impervious than what was there previously; a 5,000 square-foot barn and other building were eliminated along with asphalt. As to what to expect with respect to riverfront concerns, B.Monahan noted no lawn for the first 100 feet and suggested native species landscaping on the eastern line, with the inner riparian area all naturalized. Mr. Morrell noted the property line on the plan is not the correct line and pointed out that the configuration has changed to a straight line. Mr. Morrell noted that the septic design could be done outside of riverfront and S.Greenbaum said that would be preferable. B.Monahan recommended to Mr. Morrell that they look at what areas within riverfront can be addressed as other than lawn and requested before and after summaries of figures for both

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lawn and impervious surfaces. B.Monahan noted that the application will be filed on Monday and the matter will be heard at the January 8 meeting.

**7. Conservation Cluster Discussion**

**a. Sage Hill Update**

This matter is off the table for now; an ongoing easement issue was noted. This will be put off until town meeting. B.Monahan asked about a trail loop; Mr. Staiti said one was built two years ago.

**b. 104 Plain Road**

Michael Staiti was present for the discussion and discussed the 4.7-acre parcel, noting that agreement has been reached to purchase .3 acres from abutters. Abutters agreed on two lots rather than three. They will be able to retain the house, parts of which are considered historic, and 58% of the land will be donated to the Town with public hearing on January 20. J.Barnett asked about access to open space from Plain Road and Mr. Staiti noted 50 feet on both the east and west side and noted no wetlands within 100 feet of the site. Mr. Staiti reported that the current driveway will be closed and the stone wall replicated; the new driveway will serve both houses and will be sixteen feet wide. B.Monahan indicated that having a place to park one vehicle on town land would help for mowers, which will be there periodically to take care of the trail. Mr. Staiti noted that the neighbors agreed they could mow and added that he will be one of the neighbors. Discussion ensued and M.Staiti noted an area at the point of the two lot lines where they could put a hammerhead parking spot in the Conservation easement. B.Goldsmith asked about any stormwater issues and Mr. Staiti noted no issues and reported on perk tests less than a minute per inch. The area is flat and water shedding will be same or less as existing, Mr. Staiti noted. Mr. Staiti reported they have met with the DPW and they are aware of the plan. B.Monahan asked about plans for drainage mitigation for the new houses and Mr. Staiti noted there will be downspouts into dry wells. Mr. Staiti said the area is not Conservation jurisdictional but it is a conservation cluster. B.Monahan said it will be voted on January 8.

Brief discussion ensued regarding the DEP inquiry on Fields Lane drainage. B.Monahan said he went out but hasn't seen a problem.

Mr. Staiti reported to the Commission on efforts of the Energy Committee – John Harper and Mike Staiti are in an advisory role to bring to Town Meeting. Sites being reviewed are the High School parking lot, Middle School parking lot, DPW roof and Town Building parking lot and noted that the two in Conservation jurisdiction were noted as the High School lot and Town Building lot. Ameresco is doing all the engineering and will file paperwork. B.Monahan discussed rain gardens at the high school and noted that an as-built plan has been requested but recommended keeping the rain garden separate from this project. B.Goldsmith suggested infiltration devices. Mr. Staiti said they will come before all boards in January to present and get support and have a warrant article for Town Meeting. They will return to the Commission in January before permitting. B.Monahan noted he will speak with Lisa Eggleston. Mr. Staiti noted coming to the Commission's second meeting in January for blessing on the warrant article pre-permitting. B.Monahan and S.Greenbaum noted they will need to see some parameters and compensatory flood storage among other things before blessing. B.Monahan will provide Mr. Staiti with a list of considerations and noted that the As-built will help.

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**8. Minutes – October 29, 2014 and December 4, 2014**

**Motion to approve the Minutes of October 29, 2014 as amended; Seconded 7-0**

**Motion to approve the Minutes of December 4, 2014 as amended; Seconded 7-0**

**9. Request for Certificate of Compliance [310 CMR 10.05 (9)]**

a. 78 Loker Street; DEP File 322-501

**Motion to issue a partial Certificate of Compliance under the Wetlands Protection Act; Seconded 7-0**

b. 27 Bayfield Road; DEP File 322-151

**Motion to issue a Certificate of Compliance under the Wetlands Protection Act; Seconded 7-0**

c. The pending Certificate of Compliance for 35 Main Street was discussed briefly. The issue of incomplete cleanup as noted in a site visit was discussed and the Commission determined there will be no action on the Certificate of Compliance until the cleanup and revised O&M manual have been completed. B.Monahan will communicate with the applicant.

**10. Request for Performance Guarantee**

a. 15 Sylvan Way; DEP File 322-778

**Motion to return the remaining performance guarantee; Seconded 7-0**

**11. Other**

a. P. Fletcher Proposal for Soils Evaluation – Covered Bridge

R.Backman expressed that he would like the optional written report

b. Possible Warrant Articles Update – IDDE and Amending Chapter 193

B.Monahan said this will be voted on January 8, 2014.

**12. Land Management**

a. Acquisition Update – J.Sullivan discussed \$2 million replenishment of open space funding.

b. Status of Open Space Plan Update – Multiple calls were received as a result of J.Barnett's efforts.

c. Potential Lands of Interest

B.Goldsmith expressed concern about the Barlow property at 265 Concord Road. J.Sullivan asked about Peter Fletcher's soil testing results and whether it is buildable. B.Monahan noted that it is impossible to tell if Peter Fletcher's flags ever made it onto the plan. B.Goldsmith said it is ten acres of valuable conservation land. B.Monahan noted that the Town had previously appropriated \$50K but acquisition didn't work out. B.Monahan said he will provide a GIS picture and there will be more discussion on January 8.

**13. 9:53pm: Executive Session – Discuss Pending Litigation, 8 Hill Street Appeal**

Motion by the Chair, S.Greenbaum, to enter Executive Session:

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I move that the Conservation Commission enter into executive session pursuant to Massachusetts General Laws Chapter 30A, Section 21(a)(3) to discuss pending litigation of the 8 Hill Street appeal.

CHAIR: Is there a second to the motion to enter into executive session? Seconded

CHAIR: Roll call vote noting R.Backman, J.Barnett, B.Goldsmith, B.Howell, B.Salzberg, J.Sullivan and S.Greenbaum; 7-0 in favor

The Chair declares that a public discussion with respect to pending litigation regarding the matter of the pending litigation of the 8 Hill Street appeal will have a detrimental effect on the bargaining or litigating position of the Town.

CHAIR: Roll call vote R.Backman, J.Barnett, B.Goldsmith, B.Howell, B.Salzberg, J.Sullivan and S.Greenbaum.

CHAIR: S.Greenbaum invites attendance by Town Counsel Mark Lanza, staff member Brian Monahan, Conservation Administrator, and minute taker Andrea Upham for the Executive Session. Roll call vote was taken to approve the attendance of B.Monahan, M.Lanza and A.Upham noting the approval of R.Backman, J. Barnett, , B.Goldsmith, B.Howell, B.Salzberg, J.Sullivan and S.Greenbaum.

S.Greenbaum announced that the Commission is now going into Executive Session and the open meeting will be reconvened after the Executive Session for the sole purpose of adjourning. S.Greenbaum reiterated that the purpose of the Executive Session is to discuss the aforementioned litigation matter and estimates approximately fifteen minutes will be needed for Executive Session discussion.

#### 14. Adjournment

**S.Greenbaum noted the meeting has reconvened in Open Session for the sole purpose of adjournment.**

**Motion to adjourn at 10:15pm; Seconded 7-0**

The next **Regular** Conservation Commission Meeting is scheduled for **Thursday, January 8, 2015** 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.



**TOWN OF WAYLAND  
MASSACHUSETTS  
CONSERVATION COMMISSION**

**LIST OF PUBLIC DOCUMENTS PROVIDED TO THE CONSERVATION COMMISSION  
December 5, 2014 to December 18, 2014**

**December 8, 2014**

322-820 Condition responses for Pinebrook Road Water Main project from Tata & Howard  
D-840 Inspection Report for 11 Three Ponds Road from Stamski & McNary  
322-710 Inspection Report for Fieldstone Estates from H2O Engineering

**December 9, 2014**

322-812 Inspection Report for Happy Hollow Chemical Feed Facility/Water Main from Tata & Howard  
D-852 Notice to start work/performance guarantee for 35 Jeffrey Road from M.Ouradnik

**December 11, 2014**

322-816 Inspection Reports on River Trail Place from Sullivan, Connors  
322-501 Request for Certificate of Compliance for 78 Loker Street from P.Giudice

**December 12, 2014**

D-843 Notification of civil action re: 8 Hill Street from Lawson & Weitzen, LLP

**December 15, 2014**

322-810 Request for CoC for 119 Dudley Road from RAV & Associates, Inc. (*incomplete*)

**December 17, 2014**

D-843 Civil Action tracking order re: 8 Hill Street from Lawson & Weitzen, LLP  
D-840 Inspection Report on 11 Three Ponds Road from Stamski & McNary

**December 18, 2014**

322-794 Inspection Reports for DPW Facility from Weston & Sampson

**LIST OF EXPENDITURES    December 5, 2014 to December 18, 2014**

*No items to report.*