

WAYLAND CONSERVATION COMMISSION

Minutes, Thursday, December 4, 2014 7:17 – 10:00PM

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

Present: Commissioners: Roger Backman, Joanne Barnett, Bob Goldsmith, Barbara Howell, Betty Salzberg, John Sullivan (7:40 – 9:50pm), Chairperson: Sherre Greenbaum, Conservation Administrator: Brian Monahan

Minutes: Andrea Upham

S.Greenbaum opened the meeting at 7:17 pm noting that a quorum was present.

1. **7:17 p.m. – Citizens Time: This is a time for input to the Commission regarding items that are *not* on the agenda.**

Larry Kiernan, Concord Road, discussed the Commission's effort to address the Weston aqueduct's opening and supports it moving quickly. It was noted that the Town of Framingham has completed the process and the Town of Weston is in process. Mr. Kiernan noted the aqueduct is a great resource.

2. **Land Management Item: Possible Land Acquisition – Forty Acre Drive, Plain Road, Stonebridge Road**

Forty Acre Drive: B.Monahan reported that he and S.Greenbaum previously met with the family of the Forty Acre Drive property. B.Monahan noted that the appraisal was not as robust as the assessment and the family indicated the desire for a second house on the property and may put lots together. There are five lots in total and preliminary engineering was done. B.Monahan noted that the family seems willing to work with the Town and he suggested to the family that they meet with the Town Planner. The Commission discussed removing this property as an item to be addressed this fiscal year.

Plain Road: It was discussed that there has been no communication recently. Access in the area was discussed.

Stonebridge Road: B.Monahan noted receiving calls about the property for sale at 246 Stonebridge Road, which includes a small house being sold "as is" with the house in floodplain and riverfront. The Historical Commission meeting was discussed, and they are looking at fixing the bridge and support acquisition of the property. The Commission could perhaps pull this together for this year. The lot is roughly a half acre. M.Antes agreed it could be a good idea for the Commission.

B.Goldsmith discussed the possibility of CPC's reallocating undesignated funds for open space acquisition and noted that CPA funds designated for this were substantially depleted by the Lincoln Fields CR purchase. B.Salzberg noted that the historic part of the funding is separate and they may have more funding. S.Greenbaum noted the Commission will apply for the \$2M set-aside. B.Monahan noted that the \$2M for the Lincoln Fields property originated with and was spent by others. B.Goldsmith encouraged that the Commission have a long-range plan for

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purchase of parcels of interest. B.Monahan agreed but noted that the Commission does need to work with what comes available while keeping an eye on a larger list.

S.Greenbaum noted that the Commission will approach CPC funds for the appraisal and then the matter will be addressed after the appraisal comes in. R.Backman expressed support and said it is important to move ahead with this. B.Salzberg agreed it is a great idea and the Commission should approach the Historical Commission to seek funding with their CPC funds. J.Sullivan reminded the Commission that a half million dollars for the fire suppressant system for senior housing is being charged to the Historical Commission. B.Monahan noted that if the Commission moves forward, they will be requesting appraisal money along with funds to purchase the property because the item wasn't in the capital budget. B.Monahan will use assessed values for CPC.

Motion to seek CPC funds to reimburse the Commission for the appraisal of 246 Stonebridge Road and to seek funds to acquire the land using the assessed value until The Commission gets a Purchase and Sale; Seconded 7-0

3. Informal Discussion – Rail Trail

Larry Kiernan updated the Commission: Regarding the status of funding, he expects to go to the CPC in the middle of December with an estimate of the cost for the 2.5 miles of the rail trail which falls outside of Town Center. Starting January 7, they will be able to move forward with work even though Town Meeting vote is still needed. S.Greenbaum asked how they are able to ascertain the estimate. Mr. Kiernan explained it is the biggest item they have and they are not fully certain of the amount which includes costs of wetland delineation and mapping, NOI filing, erosion controls, drainage drawings and a survey layout for drainage going forward. They are working with consultants and contractors to get an estimate. S.Greenbaum clarified that this effort is first-stage engineering, not building. Mr. Kiernan confirmed that and noted that the request is funding for the whole project for removal, fencing, etc. with funds available in June and hopes to finish in November. B.Salzberg recalled the entire estimate as \$4.5M at a meeting she attended, which Mr. Kiernan confirmed as federal funding/highway standards and said this piece will be over \$300K and will include a bridge over the Sudbury River.

B.Monahan suggested breaking the project up more and discussed riverfront criteria noting the absence of topsoil, adding that the riverfront analysis for Town Center west almost all riverfront. Mr. Kiernan noted that the figures are based on federal rail trail using MASS DOT standards and said the website shows the breakdown of estimates.

B.Salzberg asked if the proposal is for the area to be paved or not paved. Mr. Kiernan indicated they will provide the price for both to the CPC. B.Goldsmith asked if the Notice of Intent will come to the Commission after the Town Meeting vote, which Mr. Kiernan confirmed. B.Monahan noted that the process for the access road Notice of Intent resulted in mitigation being required and funding is now needed.

J.Barnett asked about pulling up the rails and the effect of that activity on the wildlife habitat. B.Monahan noted that will be evaluated by the Commission as an area of jurisdiction. B.Goldsmith suggested that L.Kiernan should have a discussion up front with B.Monahan regarding environmental factors. B.Salzberg asked about the bridge and L.Kiernan noted they are

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addressing what repair needs to be done to meet H10 or H5 highway standards for recreational path (CPC funded). J.Sullivan noted that \$25K was funded for initial studies of which \$11K remains. L.Kiernan expressed that this effort is a great open space opportunity and noted that of 400 miles in the state this 26 miles is #2 on their priority list as a key pedestrian transportation corridor for MA. L.Kiernan noted that the beauty is that walking and biking opportunities are significant whether the area is paved or stone dust. Connectivity and access were discussed and shown on the plan. B.Howell raised the issue of endangered species habitat and noted that on a walk she had done previously one day in Wash Brook Marsh, 65 snapping turtles were seen. S.Greenbaum noted that L.Kiernan will speak with B.Monahan to review the concerns and the approach.

4. **8:08 p.m. Public Hearing – Ben Stevens, Trask Inc., Applicant, 26, 32, and 35 Covered Bridge Lane, DEP File No. 322-830:** Abbreviated Notice of Resource Area Delineation filed 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 Ben Stevens, Trask, Inc. The applicant is seeking the verification of the delineation of the wetland resource areas including wetlands, riverfront area, and buffer zone for land at 26, 32 and 35 Covered Bridge Lane, Wayland, shown on Assessor's Map 35, Parcels 30O, 30P, and 30Q.

Ben Stevens of Trask, Inc. and Desheng Wang of Creative Land and Water Engineering were present for the discussion. Mr. Wang noted on the plan shown that the orange line was the area where they were seeking resource area determination and noted that bordering vegetated wetlands were delineated ten years ago and hydrology had changed a little in spots. Flags were noted as #1-#46 and the two major areas of difference were noted as near flag 6 and flag 46. S.Greenbaum asked for confirmation that flags 1 to 46 were changed and Mr. Wang confirmed that and explained that in the field you would see it but on the plan the labeling is a little different – the number sequence is the same but the prefix is different. S.Greenbaum commented that vegetation changes in winter. B.Howell noted that the plans provided for the Commission did not show "CLW" flag locations; plan submitted was stamped by Alicja Zukowski from Samiotes. B.Goldsmith asked if the old delineation can be plotted on this plan. Mr. Stevens explained that they are asking to determine wetland line as if there wasn't one before. B.Monahan noted that the Commission's consultant, Mr. Fletcher, looked at it and asked whether something changed red flags. B.Monahan noted that the Bylaw says these Resource Area Determinations won't be finalized until the month of April; Mr. Fletcher will look for his paperwork, and he also evaluated the stream. R.Backman asked if the early plan shows flags and B.Monahan said yes but it would need an overlay. Mr. Stevens said their engineering firm can easily do that but they are willing to pay the consultant to review it.

J.Sullivan explained that B.Monahan is speaking of the changes to the wetland line indicating that there has been a change in conditions, and what is of interest to the Commission is the specific conditions that caused those changes. Mr. Wang reported that the wetlands are controlled by three major factors: (1) hydrology, which changes from weather; (2) roadway constructions and drainage – with note that any approved construction project can have impact; and (3) any wetland line can have discrepancy based on individual opinion. B.Goldsmith asked about Peter Fletcher verifying the line. B.Monahan noted that the Commission can get an estimate from Peter Fletcher and can have it studied, but an ORAD would not be delivered until April based on the regulation. Mr. Stevens asked if a filing of a Notice of Intent for a project on Lot 5 can

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proceed, and B.Monahan said that could be correct if talking ten feet. Mr. Wang noted that Lot 5 is close to flag 46. Mr. Stevens showed the building envelope on the plan. B.Monahan asked for both new and old wetland lines on one plan and noted he will speak to Peter Fletcher who may have old notes. B.Howell noted a monitoring easement for the Commission's access that goes through the area of Lot 5.

Mr. Wang noted having been involved with more than 300 subdivisions and that there are places where wetland lines will gain and those where they will lose.

**Motion to continue the hearing to January 8, 2015 at 7:35pm under the Wetlands Protection Act;
Seconded 7-0**

**Motion to continue the hearing to January 8, 2015 at 7:35pm under the Chapter 194 Bylaw;
Seconded 7-0**

5. Informal Discussion – Municipal Pad at Town Center

Bill Sterling was present for the discussion. S.Greenbaum noted the Commission wished to have a discussion of riverfront. Mr. Sterling noted the Advisory Committee as appointed by the Board of Selectmen is to provide recommendation on the Council on Aging project at the Town Center site – to examine programs of COA/Recreation to determine need, define goals and costs and report on income potential, and examine the potential for either renovating the existing building or adding on. Mr. Sterling reported that studies were done of the overall Town Center bracelet. The Committee is excited there is a need and suggestions are coming in with hope that the Conservation Commission provides support.

S.Greenbaum commented that the Commission is just explaining their emphasis on riverfront matters at this point as it is a complicated regulation that the Commission has to implement and hopefully the Advisory Committee will understand that the Commissioners are implementing the law not being obstructionists. Mr. Sterling mentioned the Jim Devellis report. B.Monahan recalled points that were stressed that are relevant now – the presumption that all riverfront allotment for development (300K square feet) 10% allotment was 30K square feet of riverfront alteration. B.Monahan noted that the amount of riverfront area being used to ascertain the limit of alteration was vague and ambitious. S.Greenbaum asked Mr. Sterling what is helpful from the Commission. Mr. Sterling asked if renovating the existing building is a viable option noting that the calculations from the Jim Devellis report seem a reasonable option with parking to support the building. B.Monahan noted that alternatives consideration is a huge matter and parking is an alteration so that is an issue and needs to be included in the "10% or 5K square feet" figure. B.Monahan responded that it was a picture that never went through alternatives analysis, and the daycare center used a different mean annual high water figure. B.Monahan added that Twenty Wayland did an ORAD and the Town can work with that line which is still valid; there is a piece of the daycare center in the first 100 feet. B.Monahan noted the building was built in 1999 and the plan does have the riverfront line on it.

Mr. Sterling explained they have a vision for the site and are charged with the appropriateness of proceeding with that vision. B.Salzberg asked about the matter of topsoil and redevelopment with respect to the regulation and whether new development or redevelopment, which B.Monahan noted is in the regulations. S.Greenbaum wondered if perhaps work can be moved out of riverfront. B.Monahan noted the habitat line is needed. S.Greenbaum asked if there were other considerations. J.Sullivan encouraged sharing information from the Commission that their committee needs so they're not wasting money. B.Howell added that having an informal discussion scheduled at a

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Commission meeting helps with that. B.Goldsmith noted that the Commission must follow regulations and apply them for all projects, whether town or private, adding that if new development were outside of the 200-foot riverfront, all issues disappear. B.Goldsmith reported that any new impervious must deal with stormwater management. B.Monahan noted that regardless of lot size, one can ask for 5K square feet of alteration within riverfront; the existing building is not part of 10%. B.Salzberg noted that the Commission members are conceptually in favor of expanding the COA facility.

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

35 Main Street; DEP File 322-652 (and 322-654?)

Bob Drake of Drake Associates and Joe Strazzulla of Main St. Properties were present for the discussion. Mr. Drake explained that the property has also been noted as 177 Commonwealth Road and Donelan's Market. S.Greenbaum noted that the Commission went through the summary he provided as compared to the permit for the project. B.Monahan reported that he went to the site on December 2 and notes a half dozen items on Mr. Drake's report that haven't been met, with the snow plowing toward the wetland a major concern. B.Howell commented on a lot of debris on the south side which was to be addressed as part of the original decision, so either it wasn't addressed or more debris was dumped. B.Monahan noted that the area needs to be cleaned out. S.Greenbaum noted a mound along the edge that includes asphalt which perhaps resulted from snow plowing. Mr. Drake said they can provide a sign along the southern edge for plows noting "no stockpiling of snow in this area." S.Greenbaum said that would help.

B.Monahan suggested to Mr. Drake that their O&M Plan could be expanded to cover all of these new areas of concern as well, rather than just the leaching and catch basins. B.Monahan also noted that there is a sign noting "no salt" which points at the wetlands though in reality this should apply to the whole area. Mr. Drake said they will have "no stockpiling or dumping" signs after the area cleanup. B.Howell asked about the tank monitoring and Mr. Drake confirmed that the tank is pumped twice a year. B.Monahan explained that the Commission needs those records and again requested broadening the O&M to include evidence of conditions (asphalt, pumping evidence, snow plowing). Mr. Drake noted he will ask Mr. Regan to copy the Commission on all pumping records. Mr. Strazzulla said he is fully motivated to comply with the requests as he didn't realize there was no Certificate of Compliance on file. Discussion ensued on the process to scrape off the asphalt. Mr. Strazzulla explained he would need a bobcat. Mr. Drake discussed hand cleaning with a landscape crew, taking pictures, putting up signs and expanding the O&M Plan. B.Monahan noted he should come and inspect the site halfway through. Mr. Strazzulla suggested that if no stockpiling of snow is allowed on the south side, perhaps they could use the east side toward woods as they need an area somewhere. B.Monahan said they can pile it in the east but then remove it rather than leave it. Mr. Drake said amendments will be sent along tomorrow and Mr. Strazzulla will check on workers and dates and set up inspection. Discussion ensued on the Commission's willingness to approve the Certificate of Compliance in advance of the next meeting. B.Monahan noted to the Commission that once all conditions are met, he can conduct a site inspection to ensure compliance and the required Commission signatures can be sought.

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Motion to issue a Partial Certificate of Compliance under the Wetlands Protection Act conditional upon cleanup, updated O&M manual and new signage approved by the Conservation Administrator; Seconded 7-0

Motion to issue a Partial Certificate of Compliance under the Chapter 194 Bylaw conditional upon cleanup, updated O&M manual and new signage, to be approved by the Conservation Administrator; Seconded 7-0

7. Minutes – October 29, 2014 and November 20, 2014

Motion to approve the Minutes of November 20, 2014 as amended; Seconded 7-0

8. Other

a. Walk at Trout Brook

Motion to allow the proposed group walk at Trout Brook on December 20, 2014; Seconded 7-0

b. Letter to SVT

S.Greenbaum asked the Commission for comments on her letter and there were none.

Motion to approve sending the letter to SVT as written; Seconded 7-0

c. Future Meeting Dates

Commissioners should send B.Monahan any issues with his proposed future meeting dates.

d. Tax Bill Insert

Commissioners should send any information to B.Monahan.

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

B.Howell is working on this; B.Monahan noted a due date of December 15. Work will continue on both items. B.Monahan noted they hope to submit holder.

f. NPDES Stormwater General Permit Update

B.Monahan had no update.

g. Other

B.Goldsmith noted the SWQC is going before the BoH regarding critical septic zones.

L.Segal noted that the Personnel Board Meeting is Monday, December 8, to review blanket staffing requests

9. Land Management

a. Heard Farm Signage and Drainage Improvements Update

B.Monahan noted working on it.

b. Status of Open Space Plan Update

It was noted that a worksheet was provided by B.Decker and thoughts should be brought to the next meeting.

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c. Update on Rocky Point

B.Monahan noted that the remaining canoes are chained to trees. S.Kadlik will assist with removal.

10. Request for Performance Guarantee

a. 14 Quincy Road; DEP File No. 322-729

Motion to approve the release of the remaining performance guarantee; Seconded 6-0

11. Adjournment

Motion to adjourn at 10:00pm; Seconded 6-0

The next **Regular** Conservation Commission Meeting is scheduled for **Thursday, December 18, 2014** 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
November 21, 2014 to December 4, 2014**

November 21, 2014

D-840 Inspection Report for 11 Three Ponds Road from Stamski & McNary

November 24, 2014

322-729 Request for Performance Guarantee for 14 Quincy Road from M/M Constantine
Transmittal of groundwater data for 430 Boston Post Road from Environmental Resource Management
ZBA Continued Hearing Notice December 9, 2014 re: 63 Edgewood Road
ZBA Decision 178 West Plain Street

November 25, 2014

Notice of upcoming PIP Meeting for former Raytheon Facility at 430 Boston Post Road from ERM
ZBA continued hearing notice on 63 Edgewood Road
ZBA decision on 178 West Plain Street

November 26, 2014

322-652 Request for Certificate of Compliance for 35 Main Street from Drake Associates
ANRAD for 484-490 Boston Post Road (River's Edge) from Tata & Howard
322-816 Inspection Reports on River Trail Place from Sullivan Connors
322-821 Notice to Start Work at 8 East Road from contractor for P.Jalandoni
322-710 Inspection Report on Fieldstone Estates from H2O Engineering

December 3, 2014

Notification to Abutters from Tata & Howard re: 484-490 Boston Post Road ANRAD filing
Remedy Operation Status Submission for former Raytheon Facility from ERM

LIST OF EXPENDITURES November 21, 2014 to December 4, 2014

11/25/14	<i>Henderson Striker (Late fall mowing of Sedge Meadow)</i>	<i>\$4,370.00</i>
12/3/14	<i>Gibson Roofs, Inc. (Rice Road Dam Pump House roof repair)</i>	<i>1,916.00 (capital budget)</i>