

# WAYLAND CONSERVATION COMMISSION

Minutes, Wednesday, November 4, 2015 7:17 – 9:59PM

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

**Present:** Commissioners: Roger Backman, Joanne Barnett, Barbara Howell, Betty Salzberg, John Sullivan (7:35 – 9:40pm), Chairperson: Sherre Greenbaum, Conservation Administrator: Brian Monahan

**Not present:** Sean Fair

**Minutes:** Andrea Upham

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

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

Mike Lowery, 120 Lakeshore Drive, speaking for himself, provided a photograph of the oil drums at Castle Hill which have not yet been removed. Mr. Lowery reported that they are clearly visible from the trail at about 350 paces in along the trail and noted he had reported on them in 2012, 2014 and again last September. Mr. Lowery requested the photograph he provided be made part of the Minutes of the Meeting. B.Monahan noted it is a reasonable agenda item for the next meeting and also communicated to Mr. Lowery that work that was done on the bridge after its collapse when DPW workers took heavy machinery over it needs Commission review.

2. **Land Management Item: Land Manager's Monthly Report, Status of on-going projects, including Mainstone**

B.Howell noted that B.Harris was hard at work at the gardens yesterday. B.Monahan noted that B.Harris had put out a suet feeder and suet cakes are welcome. B.Salzberg noted that the broken slat at the Trout Brook bridge was apparently fixed.

B.Monahan noted that the site plan and NOI were filed and the hearing was set for the demolition project at 246 Stonebridge Road. It was noted that only one or two bounds will be needed per the engineer.

S.Greenbaum reported on Mainstone noting an invitation on the Town website for tours of Mainstone this weekend on Saturday and next weekend on Sunday. Negotiations are ongoing with a lot of work ahead. The parcel being discussed as a potential Conservation Restriction is 210 acres and will be coming to Spring Town Meeting for funding through CPA funds, borrowing and SVT fundraising. S.Greenbaum expressed that the Commission is happy that the Hamdens have reached out to the town to acquire the rights to this beautiful farm land.

B.Monahan will provide future meeting dates to the Commission.

3. **Request for Performance Guarantee**  
1 Winthrop Terrace, DEP File 322-839  
**Motion to return the \$2500 performance guarantee; Seconded 5-0**

4. **7:30 PM – Continued Public Hearing, Chris D’Antonio, Applicant, 24 School Street, DEP File 322-845:** 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 Resources Protection Bylaw, Chapter 194, filed by Chris D’Antonio for a determination of resource areas at 24 School Street, Wayland MA shown on Assessor’s Map 52, Parcel 189

**Descheng Wang of Creative Land and Water Engineering and Chris D’Antonio, Applicant, were present for the discussion.** Mr. Wang reported that they had sent the Commission a new plan with NGVD datum today and noted resolution of matters from the last hearing with an understanding that the stream is perennial under the Bylaw. B.Monahan noted that the Commission will issue two separate decisions. B.Monahan noted that an abutter asked about land subject to flooding and inundation, which won’t be addressed unless and until there is a development proposal presented. B.Monahan said they are not within the FEMA 100-year floodplain and it is not being defined; they are just defining areas covered by the Commission’s jurisdiction under the Bylaw and Wetlands Protection Act.

Bret Leifer, 73 East Plain Street, questioned the regulations for distance from the stream. S.Greenbaum said there can be no development within the first 100 feet and limited at the discretion of the Commission within the next 100 feet for perennial streams. Mr. Leifer noted walking by the stream daily and said the only time there is no water is August/September. This past year he noted it was dry for six weeks but said there is always water except in summer.

George Bernard, 103 East Plain Street, discussed the left-hand boundary line. B.Monahan noted 200 feet from the blue line on the plan into the property. Mr. Bernard handed out a Google Earth picture of the watershed area noting ponds in the area that never dry out.

**Motion to close the hearing under the Wetlands Protection Act;                      Seconded    6-0**  
**Motion to close the hearing under the Chapter 194 Bylaw;                              Seconded    6-0**

The Commission noted that the presumption is that the stream is intermittent under the Wetlands Protection Act.

R.Backman questioned bordering land subject to flooding and B.Monahan noted you can say it is there but it is not defined.

**Motion to issue an Order of Resource Area Determination under the Wetlands Protection Act noting the wetlands as shown on the revised plan, intermittent stream and undefined bordering land subject to flooding;**  
**Seconded    6-0**

**Motion to issue a Resource Area Determination under the Bylaw with wetlands as shown on the revised plan and noting that the Applicant did not overcome the presumption that the stream is perennial and land subject to flooding and inundation is yet to be defined; Seconded    6-0**

5. **7:45 PM – Continued Public Hearing, Islamic Center of Boston, Applicant, 120-126 Boston Post Road, DEP File No. 322-851:** Notice of Intent filed pursuant to the Wetlands Protection Act and a Chapter 194 application filed pursuant to Wayland’s Wetlands and Water Resources Protection Bylaw, Chapter 194, filed by the Islamic Center of Boston, 126 Boston Post Road, Wayland to install

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a porous walking path and associated site work at 120-126 Boston Post Road, Wayland. The property is shown on Assessor's Map 30, Parcels 74 & 75.

**Scott Morrison of EcoTec Inc. was present for the discussion.** Mr. Morrison summarized the three pending issues from the last hearing which are now resolved. The pipe out of the detention basin was to be extended beyond the footpath and that was done and detailed. They removed the boxwood shrub plantings and replaced with eastern red cedar and mountain laurel and other native shrubs. Regarding the Commission's desire for a sense of average disturbance along the boundary Mr. Morrison reported 41 feet, so well in excess of the 30 feet requested. B.Monahan requested that a tear sheet be provided detailing the maintenance/BMPs of the porous paver product to be used. B.Monahan asked about the sub-base of the porous pavement which was explained as a minimum 8" with 8-12" range. It was noted that a swale will carry any runoff downhill as well in the event of a heavy storm. B.Monahan noted that the use of calcium chloride will be noted in conditions of the Permit.

**Motion to close the hearing under the Wetlands Protection Act;                      Seconded    6-0**

**Motion to close the hearing under the Chapter 194 Bylaw;                              Seconded    6-0**

6. **7:55 PM – Public Meeting, Traditions of Wayland Assisted Living, Applicant, Green Way, File D-866:** Determination of Applicability filed pursuant to the Wetlands Protection Act and a Chapter 194 application filed pursuant to Wayland's Wetlands and Water Resources Protection Bylaw by Traditions of Wayland Assisted Living for work on Green Way to rehabilitate the forebay and retention pond including the removal of vegetation, selective tree cutting, cleaning out sediment from outlet pipes and creating a rip-rap berm in the existing basin on property shown on Wayland's Assessor's Map 33, Parcel 001.

**David Faist of McClure Engineering was present for the discussion along with Betsy Connolly from Traditions.** Mr. Faist summarized that years ago B.Monahan and S.Sarkisian approached him to look at the forebay, which was built around 2002. In 2013 Lisa Eggleston made recommendations and noted that it acts more as a wet basin or stormwater wetland because it doesn't drain as it should. Mr. Faist noted no scour in the outlet pipe and stated that it was not well maintained over the years with a high volume of flow and Ms. Eggleston recommended a plan for the forebay. This year there was a site visit to see how a repair plan could be implemented. B.Monahan asked for an O&M plan. Mr. Faist noted it will meet the stormwater standards. Responsibility for ongoing maintenance of the area was discussed; B.Monahan noted the town will maintain it but responsibility should be specifically defined. B.Howell commented that the forebay should have a hard bottom. B.Monahan said that is beyond the scope of what they want to pay. B. Howell asked about the catch basin nearest the BMP which needed some attention. It was noted that the work covered by this application did not extend beyond repairs to the BMP. B.Monahan noted it is not currently infiltrating so they are looking to improve what it is doing. Mr. Faist noted that the forebay will handle the 25-year storm. B.Howell asked how the Town will maintain it and B.Monahan said it will be added to the Commission's plans.

Daria Ducker, 22 Green Way, noted that ongoing maintenance would be appreciated.

Ms. Connolly stated that the goal is to get the road accepted by the Town and noted that road/driveway repairs have been discussed as very necessary from the road onto the dirt area where holes in the drop-off area will be repaired by Traditions.

**Motion to issue a Negative Determination w/conditions under the Wetlands Protection Act; Seconded    6-0**

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**Motion to issue a Permit w/conditions under the Chapter 194 Bylaw; Seconded 6-0**  
**Motion to require a performance guarantee of \$750; Seconded 6-0**

7. **8:15 PM – Public Meeting, Christopher DiJulia, Applicant, 1 Winthrop Terrace, File D-867:** Determination of Applicability filed pursuant to the Wetlands Protection Act and a Chapter 194 application filed pursuant to Wayland’s Wetlands and Water Resources Protection Bylaw by Christopher DiJulia to cut a tree greater than 24” in the buffer zone at 1 Winthrop Terrace, Wayland, MA, Assessor’s Map 29, Parcel 069.

**Christopher DiJulia was present for the discussion.** B.Monahan noted a copy of the as-built plan on file for the property which had been provided to the Commission and a copy was shared with Mr. DiJulia. B.Monahan noted that at the site visit multiple pine trees were noted. Mr. DiJulia confirmed that there is one to the rear and three large pines in front. B.Monahan noted that at least one of the three in front is in the buffer zone. Mr. DiJulia noted that all appear to be in the 24” or greater category and noted replanting is constrained by layout of the lot and the septic system, which the Commission acknowledged. B.Monahan noted a link on the web page for plantings. Two trees were confirmed as jurisdictional and the Commission noted replanting should include trees in addition to shrubs with the number of plantings to be determined.

**Motion to issue a Negative Determination w/conditions under the Wetlands Protection Act; Seconded 6-0**

**Motion to issue a Permit w/conditions under the Chapter 194 Bylaw; Seconded 6-0**  
**Motion to require a performance guarantee of \$1200; Seconded 6-0**

8. **8:35 PM – Public Hearing, D.L. Grose & Associates, Applicant, 115 Concord Road, DEP File No. 322-852:** Abbreviated Notice of Intent filed pursuant to the Wetlands Protection Act and a Chapter 194 application filed pursuant to Wayland’s Wetlands and Water Resources Protection Bylaw by D.L. Grose & Associates for a project at 115 Concord Road that includes the demolition and removal of the existing house, sheds, driveway and soil absorption system. A solar array will be constructed on the site. Minor activities will occur within the 100-foot buffer zone. The property is shown on Wayland’s Assessor’s Map 15 Parcel 024.

**Brian Nelson of Metrowest Engineering, Donald Grose, Architect, and Fran Pollitt and Frank Briber, property owners, were present for the discussion.** Mr. Nelson summarized: The previous project filing for the property and the informal discussion with the Commission six weeks ago for both 113 and 115 Concord Road. The plan was reviewed for 115 Concord Road, which is a little over an acre with a 1.5 story house and two sheds and a circular gravel drive. Resource areas in the northeast area were shown on the plan with 640 square feet within the 30-foot no-disturb and 8400 square feet within the 100-foot buffer zone. The plan is to install erosion barriers and dismantle the existing house. Pieces of the dismantled house will be recycled after deconstruction with Habitat for Humanity and non-profits to receive the lumber. The concrete foundation shall be removed, not buried. Both sheds and the gravel parking area will be removed along with the existing septic system and leaching area. The planned construction of the solar array will be behind the existing house. The area is less than originally thought with two rows of panels 34’x44’. This is a pre-existing non-conforming lot with no earthwork but filling of the foundation hole. It was noted that there will be a battery backup system inside the house in the basement at 113 Concord Road. Mr. Nelson noted 556 square feet of impervious area for the solar array panel surface with a reduction of 4K square feet of impervious surface, so a 95% reduction in runoff representing a large

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benefit. Mr. Grose noted using a company in Natick for concrete sonotubes at a height of 4.5-5 feet off the ground with five footings for each array six feet deep and three feet around. B.Monahan asked what they plan to use as a surface around the panels and Mr. Grose indicated shade tolerant grasses will be used. B.Monahan noted that loam deep enough with shade tolerant grass could be considered mitigation and asked for the spec on it. R.Backman asked about trees and Mr. Nelson indicated ten evergreens of 2-3" caliper will be planted for screening.

**Motion to close the hearing under the Wetlands Protection Act;                      Seconded    6-0**  
**Motion to close the hearing under the Chapter 194 Bylaw;                              Seconded    6-0**

9. **8:50 PM – Public Hearing, D.L. Grose & Associates, Applicant, 113 Concord Road, DEP File No. 322-853:** Notice of Intent filed pursuant to the Wetlands Protection Act and a Chapter 194 application filed pursuant to Wayland's Wetlands and Water Resources Protection Bylaw by D.L. Grose & Associates for a project at 113 Concord Road for grading and construction of retaining walls around the rear and sides of the house within the 100-foot wetland buffer zone. The property is shown on Wayland's Assessor's Map 15 Parcel 025.

**Brian Nelson of Metrowest Engineering, Donald Grose, Architect, and Fran Pollitt and Frank Briber, property owners, were present for the discussion.** Mr. Grose extended an invitation to the Commission to tour the house some Saturday. Mr. Nelson summarized: The original NOI filing and the informal discussion six weeks ago to discuss changes in the program for DEP File 322-828 is followed by this new filing required for new activities. Existing conditions were shown on the plan with the house, erosion control barriers and utilities now in process. Mr. Nelson noted they were looking for a more level area around the back of property to add a ramp with access to the area surrounding the house, with the plan to add fill/retaining walls. The infiltration system was upsized 25%, adding a second cistern on the south side and a retaining wall was added. Raising the grade in the back yard would necessitate the addition of 3040 cubic yards of fill with the total cubic yards of fill 3970. On the low side of the wall a turf lawn is planned near the corn field; all will be restored to a meadow seed mix for a natural, untouched area. The planted areas around house and lawn area were shown on the plan. It was noted that 500 cubic yards of fill are in the buffer zone now. The driveway is porous pavers and the downspouts for the house all have containment in the landscape system; there are still improvements from a stormwater perspective and rainwater will be used for plantings. B.Monahan noted that decisions contain a condition concerning the requirement for clean fill with documentation required. The four-foot wall was mentioned. Mr. Nelson reported that they are required to go to the ZBA in the near future for filling above 1500 cubic yards. B.Howell commented that the project says it is not in an urbanized area but in fact it is. S.Greenbaum asked if anyone had concern with the quantity of fill. B.Monahan indicated it would be good to do the site visit prior to the next meeting and asked if they could stake the retaining wall for the visit. The site visit was tentatively set for Friday, November 20 at 8:45am.

**Motion to continue the hearing to December 3, 2015 at 7:30pm under the Wetlands Protection Act;    Seconded    6-0**  
**Motion to continue the hearing to December 3, 2015 at 7:30 pm under the Chapter 194 Bylaw;    Seconded    6-0**

10. **Discussion of Warrant Articles – November 2015 STM**  
B.Howell will attend the meeting and can represent the Commission as Vice Chair. The Municipal Parcel is Article 3 and the moderator can be told in advance that the Commission has something to say. The comment summary was reviewed. Discussion ensued concerning the rendering in the Warrant on page 40 which the Commission notes does not represent existing conditions. The

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current building is surrounded by grass. The Commission planned a Friday site visit at 2:15pm. J.Sullivan mentioned the Rail Trail and noted that the warrant article is non-binding resolution regarding paving.

**11. Chapter 193 Stormwater and Land Disturbance Bylaw Update:**

- a. 41 Shaw Drive – Stormwater and Land Disturbance Bylaw Update – B.Monahan reported nothing has been received yet.
- b. Progress on Stormwater Permit – B.Monahan will send the Permit around to the Commission.

**12. Other**

- a. Minutes – October 22, 2015 – will be voted at the next meeting.
- b. Meeting Dates – B.Monahan will send.
- c. FY 2017 Operating Budget – B.Monahan will send in by Friday. Conservation area signage was discussed.
- d. Violation – 12 Crest Road – The applicant provided the performance guarantee.
- e. 89 Lakeshore Drive – not discussed
- f. Other – S.Greenbaum asked for clarification of the CR on Covered Bridge with was condition of recent decision

**13. Land Management**

- a. Open Space and Recreation Plan Update – no update provided.

**14. Executive Session pursuant to M.G.L. Chapter 30A, Section 21(a)(3) to Discuss Pending Litigation regarding the Case of Moss and Borner v. Lingleys and the Town of Wayland**

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

I move that the Conservation Commission enter into Executive Session pursuant to M.G.L. Chapter 30A, Section 21(a)(3) to discuss pending litigation regarding the case of Moss and Borner v. Lingleys and the Town of Wayland

CHAIR: Is there a second to the motion to enter into Executive Session? Motion seconded; CHAIR: Roll call vote noting R.Backman, J.Barnett, B.Howell, B.Salzberg and S.Greenbaum; 5-0 in favor.

CHAIR: The Chair declares that a public discussion with respect to the pending litigation will have a detrimental effect on the bargaining or litigating position of the Town.

CHAIR: S.Greenbaum invites attendance by staff member Brian Monahan, Conservation Administrator, and Andrea Upham, minute taker, for the Executive Session. Roll call vote was taken to approve the staff members' attendance noting the approval of R.Backman, J.Barnett, B.Howell, B.Salzberg and S.Greenbaum; 5-0 in favor.

S.Greenbaum announced that the Commission is now going into Executive Session at 9:50PM for the sole purpose of discussing this case as noted and will reconvene in open session in approximately five minutes for the sole purpose of adjourning.

The Commission returned to Open Session at 9:59pm.

**15. Adjournment**

**Motion to adjourn at 9:59pm; Seconded 5-0**

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The next **Regular Conservation Commission Meeting** is scheduled for **Thursday, November 19, 2015** in the Wayland Town Building.





**TOWN OF WAYLAND  
MASSACHUSETTS  
CONSERVATION COMMISSION**

**LIST OF PUBLIC DOCUMENTS PROVIDED TO THE CONSERVATION COMMISSION  
October 23, 2015 to November 4, 2015**

**October 23, 2015**

Moss et al v. Lingley et al documents to Land Court from M.Lanza

**October 26, 2015**

322-699 Inspection Report on 373 Commonwealth Road from Schofield Brothers  
RDA for mowing and invasives removal at 6 Fields Lane from M/M Balicki

**October 29, 2015**

322-839 Request for performance guarantee for 1 Winthrop Terrace from W.Henderson  
322-816 Inspection Reports for River Trail Place from Sullivan, Connors  
Library Open House and Tours notice  
Certificate of Liability Insurance for Groundscapes Express from Marsh & McLennan Agency LLC  
ZBA Hearing Notice/Site Visit re: 55 Lakeshore Drive  
ZBA Hearing Notice/Site Visit re: 140 Concord Road  
ZBA Hearing notice re: 16 Indian Road  
322-804 Request for Certificate of Compliance for 9 Reservoir Road from Schofield Brothers

**October 30, 2015**

322-845 Soils Investigation Report for 24 School Street from Peter Fletcher  
322-851 Updated planting/site plans for 120-126 Boston Post Road from EcoTec, Inc.  
Annual Notice of dues increase for FY17 from MACC

**November 2, 2015**

NOI for home demolition at 246 Stonebridge Road from Sullivan, Connors for Conservation Commission  
322-710 Inspection Report for Fieldstone Estates from H2O Engineering

**November 3, 2015**

Letter to Town Administrator re: future municipal parcel at Town Center from Raytheon

**November 4, 2015**

322-699 Inspection Report for 373 Commonwealth Road from Schofield Brothers  
322-845 Updated plans for 24 School Street ANRAD filing from Metrowest Engineering  
D-864 Request for return of performance guarantee for 4 Acorn Lane from K.Snyder

**LIST OF EXPENDITURES    October 23, 2015 to November 4, 2015**

*No items to report*



Seven drums remain 10-15' from walking trail- clearly visible.

Date	Sep 25, 2015, 5:23:12 AM
Width	3264
Height	2448
File Size	4612655
Camera	Apple
Model	iPhone 5s
ISO	50
Exposure	1/60 sec
Aperture	2.2
Focal Length	4mm
Flash Used	false
Latitude	42.394733° N
Longitude	71.354163° W
Orientation	3
White Balance	0
Metering Mode	5
Exposure Program	2
Exposure Bias	0.0
Date and Time (Original)	2015:09:25 12:23:12