

# WAYLAND CONSERVATION COMMISSION

Minutes, Thursday, October 22, 2015 7:15 – 9:55PM

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

**Present: Commissioners:** Roger Backman, Joanne Barnett, Sean Fair, Barbara Howell, Betty Salzberg (7:22pm), John Sullivan (7:35-9:45pm), **Chairperson:** Sherre Greenbaum, **Conservation Administrator:** Brian Monahan

**Minutes:** Andrea Upham

S.Greenbaum opened the meeting at 7:15pm noting that a quorum was present.

1. **7:15 PM – 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:** Updating the Open Space and Recreation Plan and possible land donation.

B.Monahan showed on a plan a 2/3 acre parcel of land (28K square feet) in the Standish/Draper Road area which the owners are proposing to donate to the Town. B.Monahan noted that the land flows into the Rowan Conservation area and is fairly wet; he will send along a picture of the conservation area to the Commission. Brief discussion ensued on the parcel and the potential for an Eagle Scout project for construction of a bridge. B. Monahan also noted the future possibility of an easement to the Rowan area to the south.

**Motion to accept the gift of land as discussed; Seconded 6-0**

3. **Discussion of Warrant Articles – November 2015 STM**

S.Greenbaum asked which commissioners might be attending the Special Town Meeting.

B.Salzberg noted she will attend and could respond to any questions on Article 7 as the Commission's liaison for open space matters. B.Howell, S.Fair and J.Barnett also indicated they will attend.

4. **7:35 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

**Chris D'Antonio, Applicant, and Descheng Wang of Creative Land and Water Engineering were present for the discussion.** Mr. Wang noted that he had visited the site with Peter Fletcher, who reviewed the wetland line and conducted soil borings. The plan was reviewed and Mr. Wang noted a minor low spot was picked up between Flags 1 and 2 flags; photos were taken and Mr. Wang emailed the same plan to Mr. Fletcher and received no dispute of record between them; 11 and 12 were identical.

Mr. Wang reported that since the last meeting stream information was submitted showing that it was bone dry and rain record analysis was provided from the national weather service using the

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Wayland location. The Commission commented that the nearest service may be from Bedford. B.Howell noted that the Sudbury River was at record low. B.Monahan noted a stream gauge in Saxonville and even noteworthy dry conditions in October, adding that it is hard to overcome the presumption of a perennial stream under the Bylaw. Mr. Wang reported that there was good flow during days when it rained. Mr. D'Antonio questioned the Commission as to whether the data provided meets the threshold under the Bylaw. B.Monahan said no noting below-average rainfall. R.Backman responded that the applicant provided photos showing it was dry. B.Monahan agreed that photos were submitted but that wouldn't overcome the presumption of perennial under the Bylaw.. B.Monahan also noted that determinations had been made affecting two nearby properties that the stream is perennial.

George Bernard, 103 E.Plain Street, referenced his October 20 letter sent to the Commission, which explained that during September of last year he was concerned with flooding and communicated with the DPW. Mr. Bernard reported that when the area floods a car can barely get through East Plain Street and severe erosion was created on the side of the road which required work. Mr. Wang explained that they never said there was no flooding there. B.Monahan noted that flooding was not defined here. Mr. Wang agreed and noted no dispute that the stream is intermittent under the Wetlands Protection Act.

Mr. Wang noted no dispute from Mr. Fletcher to the plan and asked if the Commission is comfortable accepting the wetland line. B.Monahan said he was at the site with them and his notes indicate that wetland flag 11 was moved, that they moved 11/12 to 156. Mr. D'Antonio indicated being frustrated that they do not have Peter Fletcher's report. B.Howell commented that the new plan notes assumed datum and is not stamped and signed and is not acceptable. B.Monahan said that the notation on the plan which says 'assumed datum' is used may be wrong.

**Motion to continue the hearing to November 4, 2015 at 7:30pm under the Wetlands Protection Act; Seconded 7-0**

**Motion to continue the hearing to November 4, 2015 at 7:30pm under the Chapter 194 Bylaw; Seconded 7-0**

5. **8:00 PM – Public Hearing, Elizabeth Konig, Applicant, 74 Sears Road, File D-857:** Determination of Applicability filed pursuant to the Wetlands Protection Act and an amendment to a Chapter 194 Permit issued pursuant to Wayland's Wetlands and Water Resources Protection Bylaw, Chapter 194, filed by Elizabeth Konig, 74 Sears Road, Wayland for a revised septic system that had been previously approved by the Conservation Commission. The property is shown on Assessor's Map 15, Parcel 62.

**Nobody was present for the discussion and the item was held until later in the meeting.**

6. **8:00 PM – 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 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.

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**Scott Morrison of EcoTec, Inc. was present for the discussion.** Mr. Morrison reviewed the plan and wetland resource areas were shown. The applicant is proposing a trail and some clearing work to allow better access; currently pedestrians have been walking down Route 20. They are proposing a 10-foot wide path with porous pavement proposed to minimize impact. Erosion control was shown and a planting plan was provided for trees to be removed. R.Backman asked if trees could be saved if the walkway were less than ten feet wide. Mr. Morrison responded that many of the trees are in one spot not impacted by the width of the walkway, which was shown on the plan. Proposed shrubs/trees/hedge plantings were discussed. Mr. Morrison noted they are trying to address a safety issue with the least impact possible. S.Greenbaum noted that the plan didn't show a retaining wall seen on a recent site visit. Mr. Morrison showed that area on the plan. B.Monahan noted an area with an overflow and the existence of two blue PVC pipes. An engineer present for the discussion noted that they can divert things so that the pipe is underneath the walk. B.Monahan said they would need detail for that and noted that he will send the as-built plan on file to Mr. Morrison. The Commission noted no non-native plants are allowed in the buffer zone.

**Motion to continue the hearing to November 4, 2015 at 7:40pm under the Wetlands Protection Act; Seconded 7-0**

**Motion to continue the hearing to November 4, 2015 at 7:40pm under the Chapter 194 Bylaw; Seconded 7-0**

**7. Informal Discussion with owner of 174 Pelham Island Road regarding her property.**

**Janet Caristo-Verrill was present for the discussion.** A handout was provided. Ms. Caristo-Verrill discussed her 3.27 acre parcel which she wishes to preserve. She recently looked into selling it and noted the potential for a subdivision exists. She then went to the CPC and they wanted to involve the Commission. Another handout was provided with history and Ms. Caristo-Verrill noted her desire to protect trees and habitat through a CR on the entire property and added that a foot path could be put down the side from Pelham Island Road to Heard field. S.Greenbaum noted that this property was proposed for the Commission's consideration several years ago and the Commission decided it was not a priority for the Commission at that time. S.Greenbaum reported that the property is not included on the Open Space Plan and doesn't flow naturally as part of Heard Farm. B.Howell commented that she wouldn't walk to Heard Farm in the direction noted by Ms. Caristo-Verrill and also commented that there is a pool on the property, which Ms. Caristo-Verrill noted was a dragonfly habitat. S.Greenbaum noted that access is required whether discussing a CR or a deed. S.Fair asked if there is a timeframe for action, and Ms. Caristo-Verrill said she was prepared to sell in the spring. J.Sullivan suggested they see if it shows up on the new Open Space/Recreation plan. All Commissioners agreed that was a wise approach and noted that realistically they should have a new Open Space Plan by July. Ms. Caristo-Verrill agreed with this approach.

**8. Informal Discussion – 9 Brewster Road**

**Simone Mordas was present for the discussion.** Ms. Mordas reviewed the current situation of garage flooding and her mother now living with her and the need for one floor parking under cover. The plan/picture was reviewed. B.Howell commented on a water easement that was discussed in a previous project and noted that this area may in fact be the other end of that easement from Thompson Road. Ms. Mordas noted wetlands were delineated and there is a headwall. B.Monahan noted a previous project at the same property still has an open file and noted needing a good site plan and a Notice of Intent filing which can address any outstanding

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issues with the first project and then both files can be closed. Ms. Mordas noted that no work was done under the first filing. B.Monahan responded that an engineer could attest that no work was done and that should be provided to the Commission.

9. **8:00 PM – Public Hearing, Elizabeth Konig, Applicant, 74 Sears Road, File D-857: Determination of Applicability** filed pursuant to the Wetlands Protection Act and an amendment to a Chapter 194 Permit issued pursuant to Wayland’s Wetlands and Water Resources Protection Bylaw, Chapter 194, filed by Elizabeth Konig, 74 Sears Road, Wayland for a revised septic system that had been previously approved by the Conservation Commission. The property is shown on Assessor’s Map 15, Parcel 62.

With nobody present to represent the project, B.Monahan briefly summarized the amendment to the previous septic project that came before the Commission.

**Motion to issue a First Amendment to the C194 Permit; Seconded 7-0**

**Motion to issue a Negative Determination w/conditions under the Wetlands Protection Act; Seconded 7-0**

10. **Land Management**

a. **Rice Road Dam**

Ben Keefe, Facilities Director, joined briefly for the discussion. B.Monahan and Ben Keefe had previously conducted a site visit to both the dam and the carriage house/shed on Old Sudbury Road near Cow Common. B.Keefe reported that there will be a CIP for the carriage shed and they are working on an estimate. B.Keefe noted that there seems to be enough funding for the dam and it needs to get done.

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

a. **25 High Rock Road – Plan and Narrative**

B.Monahan noted the plan that was submitted and sent to the Commission which provides a good standard for moving forward with the process.

**Motion to allow the applicant to proceed with the project as proposed; Seconded 7-0**

b. **41 Shaw Drive – Stormwater and Land Disturbance Bylaw Update**

B.Monahan noted that the Commission should be getting a submission in the near future.

c. **Progress on Stormwater Permit**

B.Howell, S.Greenbaum and B.Monahan are working on drafting a permit which will be shared with the Commission.

12. **Request for Release of Performance Guarantee**

a. **119 Dudley Road; DEP File 322-810**

Discussion ensued on the Commission’s site visit which raised an issue with a new set of stairs on the property which were not permitted as part of the approved project. It was agreed that \$300 of the \$1000 performance guarantee would be held and could be addressed in the future if the property owner wishes to provide an after-the-fact filing for the construction of the stairs.

**Motion to approve the release of \$700 of the Performance Guarantee; Seconded 7-0**

- b. 61 Highland Circle; File D-821  
**Motion to approve the release of the \$500 Performance Guarantee; Seconded 7-0**
- c. Mainstone Village; File D-792  
B.Monahan noted a site inspection is needed before the request can be addressed.

**13. Other**

- a. Minutes – September 24, 2015 and October 8, 2015  
**Motion to approve the Minutes of September 24, 2015 as amended; Seconded 7-0**  
**Motion to approve the Minutes of October 8, 2015 as amended; Seconded 7-0**
- b. FY 2017 Operating Budget  
B.Monahan will have a copy for the next meeting and last year's submission will be sent to the Commission.
- c. Update on outstanding items for Town Center; DEP File No. 322-701 (onsite)

The September 2, 2015 updated list, "Town Center Issues for Issue of a Certificate of Compliance," was summarized by B.Howell. This draft had been sent to and reviewed by Commissioners prior to the meeting.

**Motion to accept the "Town Center Issues for Issue of a Certificate of Compliance" dated September 2, 2015 as an accurate summary of the outstanding items at Town Center; Seconded 7-0**

- d. 50 Rich Valley Road Update  
B.Monahan noted that the \$300 fine wasn't paid and by the next meeting he will speak with the court and an additional fine may be issued.
- e. 89 Lakeshore Drive  
A site visit will be scheduled and performance guarantee was questioned. The item will be updated at the next meeting.  
  
The Commission discussed routine site visits and availability of commissioners to perhaps attend Friday morning visits.
- f. Other  
Brief discussion regarding large trees cut down at 7 Lincoln Road. B.Monahan noted that trees were included in the project but the Commission should visit the site.

**14. Land Management**

- b. Rocky Point Update  
B.Harris conducted cleanup; the sign was ordered and an appropriate spot needs to be identified; concrete bounds were received.
- c. Update on status of application to demolish 246 Stonebridge Road

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B.Monahan reported that Vito Colonna indicated that surveyors will be going out next week and there will be a filing by the first week in November. Some cleanup was done on October 17 but volunteers did not show up.

d. Other

It was noted that Dan Stimson of SVT thought a sign should be installed near the Beard property with their permission.

J.Barnett volunteered to re-draft the language in the Commission's Dog Notice signage.

15. Adjournment

Motion to adjourn at 9:55pm; Seconded 6-0

The next Regular Conservation Commission Meeting is scheduled for **Wednesday, November 4, 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**

**October 9 to October 22, 2015**

**October 9, 2015**

D-862 Response to DCR re: Lake Cochituate Gatehouse project from Division of Fisheries and Wildlife  
D-792 Request for return of performance guarantee from Mainstone Village Trust

**October 13, 2015**

D-792 Request for Performance Guarantee from Mainstone Village Trust  
322-710 Inspection Report on Fieldstone Estates from H2O Engineering  
322-838 Civil Action re: 8 Hill Street from Lawson & Weitzen LLP  
D-840 Inspection Report for 11 Three Ponds Road from Stamski & McNary, Inc.  
322-816 Inspection Reports (3) for River Trail Place from Sullivan, Connors  
RDA for detention/retention pond repair at Traditions Wayland from McClure Engineering, Inc.

**October 14, 2015**

ZBA Continued Hearing October 27, 2015 – 55 Lakeshore Drive  
ZBA Continued Hearing November 17, 2015 – 11 Timber Lane / 169 Commonwealth Road  
Stormwater/Land Disturbance Request for 25 High Rock Road from J.Troidl

**October 15, 2015**

Letter proposing discussion of proposed garage project at 9 Brewster Road from S.Mordas

**October 16, 2015**

322-845 Revised plans for 24 School Street from Creative Land & Water Engineering LLC  
322-699 Inspection Report for 371/373 Commonwealth Road from Schofield Brothers

**October 19, 2015**

322-699 Inspection Report for 371/373 Commonwealth Road from Schofield Brothers  
NOI for home demolition and solar array construction at 115 Concord Road from Metrowest Engineering  
NOI for further construction beyond scope of current project at 113 Concord Road from Metrowest Eng.  
RDA for tree removal at One Winthrop Terrace from C.DiJulia

**October 20, 2015**

322-845 Letter in response to 24 School Street ANRAD from abutter G.Bernard

**October 22, 2015**

Abutter notification for 113 Concord Road from Metrowest Engineering

**LIST OF EXPENDITURES      October 9 to October 22, 2015**

10/13/15	DM Crossman & Son (concrete boundary markers)	\$461.00
	Town of Wayland Water (Community Garden)	135.34
10/19/15	4 Seasons Embroidery (Logo Clothing for land management)	315.00