

WAYLAND CONSERVATION COMMISSION

Minutes, Thursday, April 16, 2015 7:20 – 9:45PM

Location: Selectmen's Meeting Room, Town Building, 41 Cochituate Road, Wayland, MA

Present: Commissioners: Roger Backman, Bob Goldsmith Barbara Howell, Betty Salzberg, John Sullivan (7:22), Chairperson: Sherre Greenbaum, Conservation Administrator: Brian Monahan

Not present: Joanne Barnett

Minutes: Andrea Upham

S.Greenbaum opened the meeting at 7:20pm noting that a quorum was present.

1. **7:15 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: Meeting with John Hines to discuss May birding walk, location, and logistics.**

S.Greenbaum reported that three commissioners went to Lincoln Fields and walked the land and it would be a good thing to showcase Lincoln Fields for the birding walk. Mr. Hines agreed and said he can also add Hazelbrook so those attending can see or hear different bird varieties. The walk is set for May 9 at 8AM with a rain date of May 16. The event will go off on May 9 even if there should be a light sprinkle. Possible carpooling was discussed. S.Greenbaum noted that a notice is being added to the Council on Aging newsletter. B.Monahan will add the information to the Conservation website "programs and events" section and will direct people wishing to attend to either phone or email Conservation to reserve a spot. Mr. Hines noted that some can park along the road at Lincoln Fields. He expects the walk to last approximately two hours starting with the fields and then moving to the woods.

3. **Other**

- a. Minutes – April 2, 2015

Motion to approve the April 2, 2015 Minutes as edited; Seconded 6-0

- b. Meeting dates:

B.Monahan reviewed suggested meeting dates beginning July 16, which will be emailed to Commissioners.

- c. Farming/Grazing

B.Monahan and S.Greenbaum reported a meeting with two people interested in utilizing farm land for animals grazing, including pigs which help control invasive plant species. B.Howell expressed concern with coyotes affecting the safety of the animals. S.Greenbaum noted the farmers expressed they were not concerned. B.Monahan noted that any area would have to have perimeter trails. S.Greenbaum asked the Commission to consider the topic and it can be addressed at the next meeting.

Approved: May 7, 2015

Page 2

4. **7:35 p.m. – Continued Public Hearing, Kenneth Todd Nelson, Applicant, 8 Hill Street, DEP File No. 322-838:** Notice of Intent filed pursuant to the MA Wetlands Protection Act and a Chapter 194 application filed pursuant to Wayland's Wetlands and Water Resources Protection Bylaw, Chapter 194, filed by Kenneth Todd Nelson, consisting of a single-family home, driveway, garage, septic system, utility connections, retaining wall, grading, and associated site work. Portions of the work are located within the buffer zone at 8 Hill Street, Wayland, MA shown on Assessor's Map 51B, Parcel 029.

Paul McManus of EcoTec, Steve Breitmaier and Thomas Grassia, Esquire, were present for the discussion. Mr. McManus had revised plans to hand out to the Commission. B.Monahan requested that information handed out at meetings be submitted the next business day to the Conservation office with a transmittal cover sheet. S.Greenbaum asked Mr. McManus if there is any new information to share with the Commission since the last hearing. Mr. Grassia addressed the matter of peer review consulting and asked if that would be addressed at the next meeting. B.Monahan noted that if the Commission wants to proceed there will be a couple of days for the submission of a check to pay for services. Mr. Grassia asked about a site visit, and B.Monahan responded that all commissioners have been to the site. Mr. Grassia asked if they had been on Mr. Samiotes' property as well. Mr. Samiotes responded that the Commission is allowed on his property but the proponent is not. R.Backman noted that after visiting the site he has no idea where the proposed house would be positioned. Mr. Breitmaier noted that is the reason why they would like to accompany the Commission at the site. S.Greenbaum noted that flags would be appreciated to note the lot line, house location, etc. Mr. McManus noted that since the last hearing, S.Kadlik sent a clarifying message, which S.Greenbaum noted had been received. Mr. McManus had with him correspondence pertaining to trees along with full-size copies for the Commission. The issue of pre- and post-stormwater calculations was raised and the Commission's desire to engage Lisa Eggleston for review. B.Goldsmith noted two letters received from Mr. Samiotes and one from Mr. Regan.

Under the Wetlands Protection Act, B.Goldsmith raised several stormwater questions, beginning with when and how seasonal high groundwater was measured. Mr. McManus indicated several perc tests were done on the property and noted approximately two feet below ground surface in four locations with open excavation the standard process for septic design. B.Goldsmith asked who looked at the soil and Mr. McManus noted an engineer from Hancock and witnessed by Bill Murphy. B.Goldsmith noted perhaps Peter Fletcher should independently measure SHGL. B.Goldsmith noted another issue is stormwater runoff into wetlands buffer at the SW corner of the parcel and along the south side into an area that runs to DEP-designated wetlands. B.Goldsmith noted the sharp slope for the proposed development on the parcel's south side as being sharper than the existing conditions, which could result in increased flow of stormwater into the neighboring identified wetland. B.Goldsmith expressed that on the south side a pre- and post-stormwater flow analysis into the wetland is needed. Mr. McManus responded that Ms. Eggleston has the expertise to explain the material he had. B.Goldsmith also noted that the significantly increased impervious surface could lead to increased runoff to neighboring properties.

Noting concerns pertaining to the Bylaw, B.Goldsmith noted 1000-1500 cubic yards of fill going into the site and that rain and stormwater will not have the same holding capacity. B.Goldsmith noted this could be land subject to flooding under the Bylaw. Mr. McManus reported that a year ago similar conditions existed after snow melt when the site was holding capacity and water was moving to depressions and moving south and he didn't see anything that approached the threshold of isolated land subject to flooding. B.Goldsmith said the Bylaw states 500 square feet. Mr. McManus said you

need 250 cubic feet and nowhere did that occur. B.Goldsmith inquired why the water is standing and not infiltrating, adding that if from high groundwater might be the reason it can't infiltrate. Mr. McManus commented that water was ponding at a time when everything was saturated from snow melt and frost. B.Goldsmith said the project drawing shows SAS elevation of 171 at the leach field and if Samiotes' property is below 171, there could be a runoff problem onto the Samiotes' property. Mr. McManus noted that the Commission's peer reviewer will be looking at that and they will be happy to give her their data. B.Goldsmith noted there should be no increase in flow or volume onto neighboring properties under the Bylaw and additionally noted concern with infiltration devices, driveway, etc. Mr. McManus confirmed the only new information on the new plan is trees. B.Goldsmith commented that the cultec product design suggests it might be as low as 167 in elevation with the road at 166, which gets back to seasonal high groundwater.

B.Howell asked why there is a paved driveway and noted being confused about elevations – 167 at driveway and the road is 165. Mr. McManus showed her the driveway and contour on the plan, and she asked about the stone retaining wall. Mr. McManus explained the engineer put it in as a preference so there is no grading onto ROW. B.Howell expressed that the Commission doesn't like wood chips and noted the need for a concrete washout procedure.

B.Goldsmith made comment of the DEP definition of wetlands as land with wetland species 50% or more as well as the presence of hydric soils.

Mr. Grassia noted that should the Commission have anything to add before the next meeting it would be helpful if the Commission could send it along in advance of the meeting. B.Monahan said he can facilitate that. Mr. McManus suggested to B.Monahan that the "dropbox" tool could perhaps help him to send the video out in advance. Mr. Samiotes commented on flooding documented over three weeks and noted that he would like his material sent to the review engineer and added that Mr. McManus' dates of flooding observations didn't seem to coincide with the national weather bureau. S.Greenbaum suggested that Mr. Samiotes put his thoughts in writing. Mr. Samiotes added that the proponent hasn't addressed the staining of trees which is a clear indicator. B.Monahan reported that he will send any information to Mr. McManus as the point of contact for the group, which all acknowledged.

Justine Ferguson, who grew up on 14 Hill Street, commented on her experiences with flooding growing up there and recalled that her father had to put a lot of gravel down in 1970 and in 1980 added a two-car garage. She recalled times growing up when they used a boat in the wetlands at 8 Hill St. Ms. Ferguson opposes the proposed building and noted concern about disruption of natural flow of water along with concern for wildlife in the area and removal of trees. She inquired about what wildlife would be affected and S.Greenbaum explained the Commission doesn't conduct a study. B.Howell added that habitat is a protected interest under the Bylaw.

Mr. Samiotes commented that Phil Regan noted flooding at the Ferguson property.

Motion to continue the hearing to May 7, 2015 at 8:00pm under the Wetlands Protection Act;
Seconded 6-0

Motion to continue the hearing to May 7, 2015 at 8:00pm under the Chapter 194 Bylaw;
Seconded 6-0

5. **8:25 p.m. – Public Meeting, Anne Gilson, Applicant, 17 Hazelbrook Road, File D-855: Request for Determination of Applicability filed pursuant to the MA Wetlands Protection Act and an Amendment**

Approved: May 7, 2015

Page 4

to a Chapter 194 Permit filed pursuant to Wayland's Wetlands and Water Resources Protection Bylaw, Chapter 194, filed by Anne Gilson, to install a gas service line within riverfront zone and wetland buffer zone at 17 Hazelbrook Lane, Wayland, MA shown on Assessor's Map 11, Parcel 79.

Meera Alanoly, Metrowest Engineering, was present for the discussion and explained the applicant is seeking to amend the recent Chapter 194 Permit to install a temporary gas service line 122 feet in length with erosion controls on the westerly side. Ms. Alanoly pointed out the area on the plan. R.Backman asked about the staging area which Ms. Alanoly noted was only if needed. B.Monahan recommended amending the Chapter 194 Permit and requiring plantings and an additional \$500 performance guarantee. R.Backman asked if the property would be switching to full gas service and Ms. Alanoly noted they will be keeping propane but the homeowner wanted the addition of gas for cooking.

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

Motion to issue a First Amendment to the Chapter 194 Permit w/conditions under the Chapter 194 Bylaw; Seconded 6-0

Motion to require a performance guarantee of \$500; Seconded 6-0

6. **8:30 p.m. – Public Hearing, Surface Water Quality Committee, T. Largy, Applicant, Mill Pond, DEP File No. 322-841:** Notice of Intent filed pursuant to the MA Wetlands Protection Act and an Chapter 194 filed pursuant to Wayland's Wetlands and Water Resources Protection Bylaw, Chapter 194, filed by Thomas Largy, Wayland's Surface Water Quality Committee, for a management program at Mill Pond for the removal of nuisance vegetation and excess detritus buildup utilizing a mechanical hydro-rake. Mill Pond is generally shown on Wayland's Assessor's Map 24, Parcel 126.

Tom Largy, Surface Water Quality Committee, and Rob Wheaton, Aquatic Control Technologies, were present for the discussion. B.Goldsmith recused himself from the discussion. Mr. Largy explained that the Surface Water Quality Committee was charged by the Board of Selectmen with the maintenance of Mill Pond, a historic pond. Mr. Largy showed a photo of the shallow pond area with leaves. In December a bathymetry study was done by Aquatic Control Technologies. Mr. Largy noted that the upper and lower ends of the pond are particularly shallow. R.Backman commented that Mill Pond has riverine characteristics with depth in the center. Mr. Largy noted an extreme amount of leaves and woody debris and noted it would be worthwhile to deepen the pond by removing detritus. They are proposing a one-week pilot project and have funds to handle the work before Fiscal Year end. Mr. Largy explained it is desirable to deposit the removed material on site. B.Monahan noted the regulatory issues and the process for ecological restoration – land under water body, bank and riverfront. B.Howell reviewed criteria, such as MEPA notice. Mr. Wheaton explained there is a difference between hydroraking and dredging, with the purpose of hydroraking being to remove leaf litter and wood debris, not to remove silt. B.Monahan asked whether fish and wildlife would be out of play when hydroraking vs. dredging. Mr. Wheaton explained that hydroraking is a slow process with an open-ended rake which is timed after hibernation of turtles with no disturbance, though workers will be aware if anything else should appear and will put it back in the pond. The two-person crew is assisted by an eight-foot boom and the rake which has 25-inch tines. This is considered gentle and they are not redefining slope. B.Monahan noted that the decision will need findings regarding ecological restoration and noted a job well done following process. The Commission will need to set limits and markers. Waivers were reviewed.

Motion to grant waivers; Seconded 5-0

**Motion to continue the hearing to May 7, 2015 at 9:00 pm under the Wetlands Protection Act;
Seconded 6-0**

**Motion to continue the hearing to May 7, 2015 at 9:00 pm under the Chapter 194 Bylaw;
Seconded 6-0**

9. Other

- d. Update on Warrant Articles – S.Greenbaum summarized that the warrant articles went very well. The Commission's part-time land manager position was approved and she and B.Monahan will meet with John Senchyshyn to discuss a job description and advertisement. R.Backman suggested that perhaps the Conservation truck could be used by the new land manager. Discussion ensued of the set-aside article presented by J.Sullivan; it was noted that the article was opposed by Jerry Heller, former CPC chair. The Stormwater Bylaw was handled by B.Howell and S.Greenbaum commented on the stewardship report and noted approval of the acquisition of 246 Stonebridge Road with a tentative closing date of May 11. B.Monahan shared that the Fire Department indicated they would like to use the dwelling for a department drill prior to demolition.
- e. 50 Rich Valley Road – B.Monahan noted he did not receive a response from the property owner and follow-up will occur; the tree company did respond by phoning Conservation.
- f. Comments on proposed subdivisions – Shaw Drive. B.Monahan sent a sample which is due next week and noted that the Commission needs to read up on land subject to flooding and inundation.

10. Land Management

- a. Part-time Land Management Position Update – B.Monahan noted that the position is funded as of July 1. R.Backman noted the need for small engine repair skills.

11. Adjournment

Motion to adjourn at 9:45pm; Seconded 6-0

The next **Regular Conservation Commission Meeting** is scheduled for **Thursday, May 7, 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

April 3, 2015 to April 16, 2015

April 3, 2015

322-834 Hearing discussion documents re: 24/26 Covered Bridge Lane from Trask, Inc.
322-838 New plan pages, stormwater report and email re: 8 Hill Street from EcoTec, Inc.

April 7, 2015

RAM Status Report for 430 Boston Post Road from The Vertex Companies, Inc.
D-814 Request for Certificate of Compliance for 231 Concord Road from W.Safe
322-579 Preliminary Planting plan drawing for 5 Erwin Road from N.Osborn

April 9, 2015

322-838 Correspondence re: 8 Hill Street to ConCom from C.Samiotes
322-838 Correspondence re: 8 Hill Street to S.Kadlik from C.Samiotes

April 10, 2015

D-840 Correspondence re: proposed change to driveway at 11 Three Ponds Road from A.Rogers

April 13, 2015

322-820 Notice to recommence activity at Pinebrook Water Main from Tata & Howard
322-816 Inspection Reports on River Trail Place from Sullivan, Connors
Description of proposed work at 55 Knollwood Lane from T.Dreher
322-710 Inspection Report on Fieldstone Estates from H2O Engineering

April 16, 2015

322-823 Inspection Report for 68 Lakeshore Drive from Jillson Engineering
322-838 Letter re: 8 Hill Street from P.Regan

LIST OF EXPENDITURES April 3, 2015 to April 16, 2015

4/6/15 *Country Home Products, Inc. (field and brush mower)* \$3719.99