

# WAYLAND CONSERVATION COMMISSION

Minutes, Thursday, August 4, 2016 7:03 – 10:05PM

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

**Present: Commissioners:** Roger Backman, Thomas Davidson, Barbara Howell, John Sullivan (7:05-9:50PM),  
**Chairperson:** Sherre Greenbaum, **Conservation Administrator:** Brian Monahan

**Not present:** Joanne Barnett, Sean Fair

**Minutes:** Andrea Upham

S.Greenbaum opened the meeting at 7:03PM noting that a quorum was present.

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

Mike Lowery gave thanks to the Conservation Commission for their assistance in the removal of the oil drums at Castle Hill. S.Greenbaum extended thanks to the DPW staff for their help as well. S.Greenbaum asked what now occurs with the drums. Mr. Lowery noted they are at least temporarily located at the transfer station and a plan beyond that is not known at this time.

2. **Executive Session pursuant to M.G.L. Chapter 30A, Section 21(a) (3) to Discuss Pending Litigation relating to litigation of 8 Hill Street.**

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

S.Greenbaum moves that the Conservation Commission enter into Executive Session pursuant to M.G.L. Chapter 30A, Section 21(a)(3) to discuss pending litigation relating to litigation of 8 Hill Street and that the Commission recess to the Planning Board conference room for approximately fifteen minutes and return to the Senior Center to reconvene in open session; Seconded; Roll Call vote noting R. Backman, T.Davidson, B.Howell, J.Sullivan and S.Greenbaum in favor; 5-0,

S.Greenbaum declared that a public discussion with respect to the discussion of pending litigation relating to the litigation of 8 Hill Street will have a detrimental effect on the litigating position of the Town.

S.Greenbaum invites Brian Monahan, Conservation Administrator, and Mark Lanza, Town Counsel, to attend Executive Session. Roll Call vote noting R. Backman, T.Davidson, B.Howell, J.Sullivan and S.Greenbaum in favor; 5-0

S.Greenbaum declares that the Executive Session will last for approximately 15 minutes after which the Commission will reconvene in the Senior Center.

S.Greenbaum announced that the Commission is now going into Executive Session at 7:08PM for sole purpose of this discussion as noted and will reconvene in open session in approximately fifteen minutes.

The Commission reconvened in open session at 7:35pm.

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3. **7:35 p.m. – Public Hearing, Erik Ramanathan, Applicant, 5 Erwin Road, DEP File No. 322-873:** 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 Erik Ramanathan, to remove an existing concrete dock, replace with new dock on pilings and connect to shoreline and upland with a raised boardwalk that extends through wetland over an existing pathway at 5 Erwin Road, Wayland, MA. The property is shown on Assessor's Map 32, Parcel 012.

**Art Allen of EcoTec and Erik Ramanathan, Applicant, was present for the discussion.** Mr. Allen summarized: The project proposes the removal of an existing concrete dock in Heard Pond to be replaced with a new, raised dock and elevated boardwalk. After the initial delineation it was discovered that the dock was on the abutter's property. Mr. Allen advised the property owners to obtain the existing dock and then replace it rather than place a new one on an undisturbed location on their own property, and they proceeded to obtain a triangular sliver of land from that abutter. The proposed project will pull out the existing dock and increase flood storage by 100 cubic feet. There will be spacers for sunlight to penetrate. As the resource area is a Great Pond, the Applicant has applied for a Chapter 91 Waterways License which is in process.

B.Monahan noted the dock measures 40 feet and that what they are proposing is 58 feet. Mr. Allen noted that the 58' includes the boardwalk. B.Monahan asked if the end is going beyond where the concrete/rock is now and Mr. Allen responded it seems to be. B.Monahan noted the Commission will condition that it not go beyond that point. Mr. Allen commented that the concrete and fieldstone are coming out. B.Howell noted a 1996 plan and asked about using the new 2014 FEMA. B.Monahan agreed. B.Howell noted no datum on the plan. B.Howell asked about the floating turbidity barrier and Mr. Allen noted it is nylon/plastic and contains any turbidity within the work area. B.Monahan will ask for a detail sheet on the product as a Permit condition. B.Monahan asked what determines the pilings and Mr. Allen noted that it was the Engineer's choosing. B.Monahan noted a preference for pier/screw mounted. B.Monahan confirmed that an as-built will be required showing the FEMA 100-year flood elevation along with datum. Details will be required on the turbidity barrier and the piling.

<b>Motion to close the hearing under the Wetlands Protection Act;</b>	<b>Seconded</b>	<b>5-0</b>
<b>Motion to close the hearing under the Chapter 194 Bylaw;</b>	<b>Seconded</b>	<b>5-0</b>

<b>Motion to issue a Permit under the Chapter 194 Bylaw;</b>	<b>Seconded</b>	<b>5-0</b>
<b>Motion to issue an Order of Conditions under the Wetlands Protection Act;</b>	<b>Seconded</b>	<b>5-0</b>
<b>Motion to require a performance guarantee of \$750;</b>	<b>Seconded</b>	<b>5-0</b>

4. **7:52 pm - Continued Public Hearing, Stephen Kadlik, DPW Director, 5 Concord Road/1 Cochituate Road, DEP File No. 322-869:** 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, by Stephen Kadlik, DPW Director, to complete drainage upgrades in the vicinity of the Wayland Public Library – 5 Concord Road as well as 1 Cochituate Road – in resource areas regulated by the Conservation Commission shown on Assessor's Map 23, Parcels 094 and 048.

**Jennie Moonan, Tighe & Bond, was present for the discussion.** Ms. Moonan provided an updated letter, plans and supplemental material covering all comments from Lisa Eggleston, peer reviewer. Ms. Eggleston noted concern about elevations and whether adequate along with the issue of tail water. Ms. Moonan summarized: They had taken FEMA floodplain study maps for

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different flood periods and she thought they could be overly conservative. They looked at March 2010 storm events and how the Sudbury River reacted along with photos of library flooding; the 124.48 in the third storm matches what they had. Based on that they felt that the elevations picked as tail water flood zone were appropriate and they presented back to Ms. Eggleston and she felt they were adequate for modeling. The model was tweaked to allow it to represent tail water conditions. They have developed a model both agree is very conservative so that at worst case (when 25-year flood event/storm is at the same time as the ponding) it would have to overcome but there is storage capacity and it won't push floodwaters behind the Library as well. T.Davidson commented on a pipe near tracks at Mill Pond outside of project area.

**Motion to close the hearing under the Wetlands Protection Act;** **Seconded 5-0**

**Motion to close the hearing under the Chapter 194 Bylaw;** **Seconded 5-0**

**Motion to issue a Permit under the Chapter 194 Bylaw;** **Seconded 5-0**

**Motion to issue an Order of Conditions under the Wetlands Protection Act;** **Seconded 5-0**

**Motion to require a 5% holdaside;** **Seconded 5-0**

5. **8:10 p.m. – Public Meeting, David McHarg, Applicant, 72 Concord Road, File D-882:** Request for 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 David McHarg to move an existing shed from 115 Concord Road to 72 Concord Road, Wayland. Property is shown on Assessor's Map 18, Parcel 098.

R.Backman recused himself from the discussion as an abutter. David McHarg was present for the discussion and noted learning that the shed at 115 Concord was to be demolished and he asked to receive it. It will be disassembled and moved to his property at 72 Concord Road. B.Howell and B.Monahan visited the site. Mr. McHarg noted there will be six/eight posts ("big feet") so they will dig soil and remove. Mr. McHarg said they will be happy to provide a 12" drip line. B.Howell noted clippings to be removed from wetlands. B.Monahan noted that the dumping appears to belong to the neighbor as well as the fence. A building permit will be required and property line may need clarity; GIS is only a picture but Building may want to see a plot plan. The Commission will include a condition noting no right to place structure on someone else's property. The work must comply with zoning requirements.

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

**Seconded 4-0**

**Motion to issue a Permit w/conditions under the Chapter 194 Bylaw; Seconded 4-0**

**Motion to require a performance guarantee of \$500; Seconded 4-0**

6. **8:20 pm – Public Meeting, Mark Frank and Jessie Winslow, Applicants, 29 Old Weston Road; File D-883:** Request for 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 Mark Frank and Jessie Winslow to repair a deck, pour two new footings for stairs at the rear of the existing house at 29 Old Weston Road, Wayland. Property is shown on Assessor's Map 16, Parcel 057.

**Matt O'Connor of Oak Tree Management was present for the discussion.** Mr. O'Connor reported on the deck on the back of the property and the pond behind noting the proposal to add some 4'x4' stairs off of the deck. Planned work to the existing deck involves hanging trim boards

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that are rotted as well as the new stairs. B.Monahan noted that they should add six inches of stone under the stairs for drainage with soil either removed from the site or put out front away from the wetlands.

**Motion to issue a Negative Determination w/conditions under the Wetlands Protection Act; Seconded 5-0**

**Motion to issue a Permit w/conditions under the Chapter 194 Bylaw; Seconded 5-0**

**Motion to require a \$500 performance guarantee; Seconded 5-0**

7. **8:30 pm - Public Meeting, Rajiv and Nancy Shridhar, Applicants, 17 Snake Brook Road, File D-884:** Request for 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 Rajiv and Nancy Shridhar, 17 Snake Brook Road, Wayland to repair and replace an existing deck with a new larger deck at the rear of 17 Snake Brook Road, Wayland shown on Assessor's Map 52, Parcel 56.

Nancy and Rajiv Shridhar were present for the discussion. Mr. Shridhar explained the project to repair/rebuild the existing deck – from 14'x6' to 18'x20' with landing. This was an after-the-fact filing. Three rebuilt footings and four new footings were noted. Mr. Shridhar noted that the majority of the property is within the 200' riparian zone and a man-made pond exists on the property from a previous owner. The new deck will be placed over the old deck to minimize impact and there are currently woodchips under the deck. S.Greenbaum noted the Commission's preference for stone. B.Monahan noted that stone can be added over chips under at least the new part if not the whole deck. B.Howell asked about an as-built plan and B.Monahan noted a finding that no resource areas were shown on plan.

**Motion to issue a Negative Determination w/conditions under the Wetlands Protection Act; Seconded 5-0**

**Motion to issue a Permit w/conditions under the Chapter 194 Bylaw; Seconded 5-0**

**Motion to require a \$500 performance guarantee; Seconded 5-0**

8. **8:40 pm – Public Meeting, Dave Cebulla, 25 White Road, File D-885:** Request for 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 Dave Cebulla for work at 25 White Road, Wayland to add on a 2' x 13' kitchen/family room addition. The new foundation includes one 12" sonotube. The property is shown on Assessor's Map 25, Parcel 055.

Dave Cebulla of Cebulla Construction and Tom and Lee Raymond, property owners, were present for the discussion. B.Monahan discussed the manner in which the applications were filled out and noted that the property owners will be noted as the Applicant, which Mr. Cebulla noted. Mr. Cebulla noted they are matching the existing bumpout and the only foundation work is a sonotube and they will tie into the gutter on the back. B.Monahan discussed drainage and Mrs. Raymond noted they have an existing French drain. B.Monahan noted the Permit will contain a condition to dispose of demo debris.

**Motion to issue a Negative Determination w/conditions under the Wetlands Protection Act; Seconded 5-0**

**Motion to issue a Permit w/conditions under the Chapter 194 Bylaw; Seconded 5-0**

**Motion to require a \$500 performance guarantee; Seconded 5-0**

9. **8:45 pm –Continued Public Hearing, J. Seldin/The Carroll School, Applicant, 39 & 45 Waltham Road, DEP File No. 322-868:** 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 Judi Seldin of The Carroll School for a determination of resource areas at 39 & 45 Waltham Road shown on Assessor's Map 5, Parcels 14 and 15.

**Lisa Standley, VHB, was present for the discussion and summarized:** Ms. Standley was asked by the Carroll School to determine the nature and hydrology of the stream. She sent her letter and report to the Commission by email. The wetland plan was shown with the stream identified not shown on DEP or any USGS maps. The beginning and end of the stream were shown with no tributaries noted. Ms. Standley stated that perennial streams have a larger watershed; Bylaw maintains they determine by direct observation and rely on scientific methods when no rainfall; DEP uses stream stats that calculate the probability of perennial flow in the stream; if ½ square mile strong, it probably will flow perennially. This stream has just over a tenth of a square mile with 0% probability of being perennial and not perennial in accordance with DEP regulations and so could ask that the Bylaw allow scientific data when direct observation is not possible. Ms. Stanley asked that the Commission find that the stream is intermittent under the Wetlands Protection Act and Bylaw.

B.Howell responded to Ms. Standley that under the Wetlands Protection Act a stream may be intermittent but under the local Bylaw it is presumed perennial. Ms. Standley noted that as a regulatory decision as opposed to ecological. B.Monahan commented to Ms. Standley that she had presented a thorough analysis, but the Bylaw is different for a reason and the Commission must be consistent. Ms. Standley asked what that means can be done with respect to work in the riverfront as they are interested in turning a field into a natural grass playing field with a plan to stay out of wetlands and the 30' no-disturb area with work in the 100' buffer zone. B.Monahan responded that he presumes the wetland line won't change a lot and that they will want to restrict chemicals, can minimize water use, can plan to make good turf fields with a good deep loam base, etc. and might do some riverfront enhancement along with something to keep balls out of the wetlands, such as netting that birds can get through but balls cannot. S.Greenbaum asked the Carroll School representatives about permanent seating and was told none is planned. J.Sullivan asked if the existing barn is staying and they confirmed it will not remain as one of the two fields will be located there and noted that parking improvements will be made out front. Discussion ensued as to dismantling the barn for future reuse.

**Motion to continue the hearing to August 25, 2016 at 8:30 pm under the Wetlands Protection Act;**  
**Seconded 5-0**

**Motion to continue the hearing to August 25, 2016 at 8:30 pm under the Chapter 194 Bylaw;**  
**Seconded 5-0**

10. **9:05 pm – Continued Public Hearing, Matt Roman, Applicant, 341 Old Connecticut Path, File D-880:** 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 Matt Roman for new home construction at 341 Old Connecticut Path, Wayland. The property is shown on Assessor's Map 42B, Parcel 005A.

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**Bob Drake of Drake Associates was present for the discussion.** S.Greenbaum asked Mr. Drake if he had seen the peer reviewer comments sent to him and a copy was also provided. Mr. Drake noted they can re-evaluate the proposal in accordance with the recommendations. Mr. Drake asked if the neighbor's concern about flooding was addressed. B.Monahan noted that Ms. Eggleston focused on what was being done as an independent review. Mr. Drake noted they adjusted the septic system for Zone 2 and were going to reduce trees to be removed and come up with a planting plan.

**Motion to continue the hearing to August 25, 2016 at 7:20 pm under the Wetlands Protection Act;  
Seconded 5-0**

**Motion to continue the hearing to August 25, 2016 at 7:20 pm under the Chapter 194 Bylaw;  
Seconded 5-0**

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

**37 Campbell Road; DEP File 322-849**

B.Monahan reported he emailed the property owner for some additional drainage information needed to proceed.

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

**a. 37 Rich Valley Road**

**Motion to return the performance guarantee; Seconded 5-0**

**b. 9 Reservoir Road – DEP File 322-804**

B.Monahan emailed the property owners for an appointment for a site visit.

**13. Other**

- a. ConCom Representative to the Housing Partnership** – S.Greenbaum reported that Betty Salzberg had been the long-term representative to the Housing Partnership and she has resigned. Commissioner Joanne Barnett and Jennifer Steele are new applicants. Rachel Bratt indicated that Jennifer Steele, currently on the Municipal Housing Trust Board, would be a fine rep to the Housing Partnership. J.Barnett also noted she is interested in serving. B.Howell commented that it would be preferable to have a Commission member as a representative. J.Sullivan noted that both applicants are very good and qualified but it would be preferable to have a member of the Commission as its member. R.Backman agreed it would be good to continue with that as Betty Salzberg was also a Commissioner. S.Greenbaum expressed that she likes the idea of representation by a commission member as well.

**Motion to nominate Joanne Barnett to the Housing Partnership as the Conservation Commission's representative; Seconded 5-0**

**b. Conservation Administrator**

S.Greenbaum informed the Commission that a meeting was held today with John Senchyshyn and Nan Balmer to discuss B.Monahan's retirement and plans for moving forward. They discussed the option of an interim Administrator, a new hire, the possibility of B.Monahan as a contractor for a month or so, etc. B.Monahan noted that the job opening can be sent out to Pam Merrill's group (DEP). Question was raised as to who will be on the hiring committee for the new Conservation Administrator. S.Greenbaum noted that she has requested that she and vice chair B.Howell be on the committee.

- c. **Tennessee Gas Pipeline Maintenance** – S.Greenbaum said the Commission should respond with thoughts/questions.
- d. **Fall Special Town Meeting and Warrant Article for LAND Grant Application**

B.Monahan went on a Mainstone site visit with the state and noted many applications for the same grant.

**Motion to submit Warrant Article for Fall Special Town Meeting to authorize application for the LAND grant and whatever else is required to affect CR on Mainstone Farm; Seconded 5-0**

- e. **Update on Status of Conservation Cluster Zoning** - no update was provided.
- f. **Meeting Dates** – B.Monahan will send dates out to the Commission.
- g. **Stormwater Permits Update** – B.Monahan will address at the next meeting.
- h. **Town Center Conservation Restriction Update** – There is no update to report; there are 34 new comments and it remains with Frank Dougherty.

#### **14. Land Management**

- a. **Discuss a joint Meeting with Recreation Commission to review field/s at Greenways** – B.Howell noted that the discussion should be a public meeting and advertised. B.Monahan proposes a Fall meeting on a date to be determined.
- b. **246 Stonebridge Road – Update on demolition and land swap proposal** – S.Greenbaum noted that there is a need to consult with Town Counsel concerning the abutter's proposal. B.Howell noted the need to have equal value. J.Sullivan noted approvals needed include the Commission, the Selectmen, Town Meeting, and Mass Legislature. Vote will be taken at the next meeting. B.Monahan noted a narrative for bid for demolition to be sent to B. Doucette. T.Davidson suggested including the fence in the bid.
- c. **Rules and Regulations for Conservation Lands – Update**

Discussion is needed at the next meeting to discuss dog rules, general rules, activities allowed and not allowed. A public hearing is needed and then signs to be ordered. B.Monahan reported that the vendor who provided the sign for Rocky Point is now working on a sign for Pod Meadow and Community Gardens (#60). John Hines reported that golf balls have been seen on the upper field at Rowan Hill.
- d. **Update on the Open Space and Recreation Plan** – Send any comments to B.Monahan.
- e. **Rice Road Dam Update** – S.Greenbaum reported that Andy Irwin is writing the scope of services which should be ready for the next meeting. T.Davidson volunteered to assist with that as he has been involved with dam rehab professionally. B.Monahan will send reports along. S.Greenbaum noted the other issue of the historic gatehouse and will speak to Gretchen Schuler about preservation.

- f. **Other** – The land beyond Wayland Commons as a possible addition to Cow Common was briefly discussed.

**15. Adjournment**

**Motion to adjourn at 10:05PM; Seconded 4-0**

The next **Regular Conservation Commission Meeting** is scheduled for **Thursday, August 25, 2016** in the Wayland Town Building.



## DATE:

[illegible]

**TOWN OF WAYLAND  
MASSACHUSETTS  
CONSERVATION COMMISSION**

**LIST OF PUBLIC DOCUMENTS PROVIDED TO THE CONSERVATION COMMISSION  
July 21, 2016 to August 4, 2016**

**July 25, 2016**

322-824 Request for Certificate of Compliance for 37 Rich Valley Road from E.Thoen  
D-877 Notice to start work and erosion control for 123 Draper Road from D.Melvin  
322-710 Inspection Report for Fieldstone Estates from H2O Engineering

**July 28, 2016**

322-838 Notice of Appeal Nelson v. Wayland Conservation from M.Lanza  
322-699 Inspection Report on 371/373 Commonwealth Road from Schofield Brothers LLC  
322-838 Opposition to Motion Nelson v. Wayland Conservation from M.Lanza  
Post-trial brief for Moss v. Lingley from M.Lanza  
322-869 Updating Wayland Library drainage improvement NOI from Tighe & Bond

**July 29, 2016**

D-877 Construction Schedule for 123 Draper Road from D.Melvin/McCarthy Pools  
322-816 Inspection Reports for River Trail Place from Sullivan, Connors

**August 1, 2016**

322-816 Notice to remove sediment barriers at River Trail Place from Sullivan, Connors & Associates  
Professional Services Invoice for Open Space and Recreation Plan from Weston & Sampson

**August 3, 2016**

C193 Application for 250 Old Connecticut Path from R.Cormier

**August 4, 2016**

322-710 Inspection Report for Fieldstones Estates from E. Chiang

**LIST OF EXPENDITURES     July 21, 2016 to August 4, 2016**

***NO ITEMS TO REPORT***