

WAYLAND CONSERVATION COMMISSION

Minutes, Thursday, August 25, 2016 7:02 – 9:50PM

Approved September 15, 2016

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

Present: Commissioners: Roger Backman, Joanne Barnett, Tom Davidson, Sean Fair, Barbara Howell, John Sullivan (7:17PM), **Chairperson:** Sherre Greenbaum, **Conservation Administrator:** Brian Monahan

Minutes: Andrea Upham

S.Greenbaum opened the meeting at 7:02PM 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.

Betsey Connolly inquired about the detention pond near Greenways on behalf of Traditions. She has worked with B.Monahan and engineer and surveyor and is ready to do the work but the cost is \$15-20K. She needs a warrant article to accept the road conditioned upon work being done properly; she doesn't want to spend \$20K and not have the article to accept the road in the warrant. She spoke with S.Sarkisian since she was told Planning Board would be involved. The question of who will manage the area once the pond is cleaned out and the road is accepted needs to be worked out. S.Greenbaum asked whether she is talking about this Fall Town Meeting and B.Connolly responded yes.

2. **Land Management Update: Rules**

S.Greenbaum began the discussion: J.Barnett has been working on updating and resolving inconsistencies in the Conservation land rules. There are three categories of activities: allowed, prohibited and special permission required. Dog rules were edited to a more positive tone. Inconsistencies and additions were shown in brackets. J.Barnett asked how inconsistencies should be addressed. Public hearing can be held and then signs can be ordered. A discussion of bicycle riding ensued. B.Howell said they are dangerous due to elderly walking and not hearing a bicycle, wet trails and boardwalks are not fit for bikes and there are trails where bicycles cause damage to sensitive areas. J.Barnett agreed and said it could be a liability to town to allow on narrow, wet trails. S.Fair asked whether the activity would be prohibited across the board at all areas. S.Greenbaum asked whether he knew how SVT handles it. S.Fair said he was not certain but can find out. Discussion about allowing on specific areas and trails; universal signage would then not work. B.Monahan suggested walking areas to determine how to proceed. S.Fair volunteered to walk some trails and make suggestions about which might make sense for allowing bicycles. There was agreement that drones, model airplanes and metal detecting should be prohibited. J.Barnett suggested embellishing specific direction on main website such as flying kites if not interfere with birds. B.Monahan noted that organized group activities for groups of over four require permission.

3. **7:20 p.m. – Public Hearing, Kevin O'Leary, P.E., The Jillson Company, Applicant, 15, 17, and 21 Training Field Road, DEP File No. 322-874:** 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 Kevin O'Leary, P.E., The Jillson Company, Inc. for a determination of resource areas at 15, 17 and 21 Training Field Road. The property is shown on Assessor's Map 14, Parcels 21, 21A and 22.

Dan Wells, Goddard Consulting, and Kevin O'Leary, The Jillson Company Inc present for the discussion. D.Wells began discussion pointing out that intermittent stream is shown on the plan. K.O'Leary showed resource areas on the plan. Stream channel was shown as farmer's channel. Tree line, no-disturb and buffer zone are shown on plan. K.O'Leary was interested in hearing about any concerns to proceed forward with confirmation of the wetland line. D.Wells stated that documentation of intermittent stream is included in report. It's marked as intermittent stream on GIS maps and 0.06 square miles calculated. September 2014 was date of documentation. K.O'Leary handed out stats of calculations for each commissioner and three plans to B.Monahan. S.Greenbaum asked whether there are private wells within the distance provided in the regulations. K.O'Leary responded that the Baldwin town wells are noted in the NOI and no known wells are documented through the Board of Health. B.Monahan asked whether the stream report is in original submission and K.O'Leary said he believed it was in July submission. D.Wells said stream stats were included in the NOI. D.Wells showed an area mapped by MassDEP as a wetland but this was investigated and shown not to be a wetland. Requests for waivers were reviewed and waiver for showing individual trees was allowed. Waiver of 1:20 scale (plans are 1:50) was not allowed although fewer than usual number of copies of plans would be acceptable.

Nick Sambuco, 106 Concord Road, said the pond in rear is larger than introduced on the map; there is a drain pipe with manhole cover in his yard going out from the wetlands; pond goes out to 110 Concord Road; he would recommend peer review to determine wetlands. He also questioned the fence line.

B.Monahan told abutters that it would be helpful to send a letter to the Commission allowing permission to be on their property.

Mr. Williams, 9 Training Field Road, asked for confirmation of the purpose of the application and S.Greenbaum responded that it was to determine resource areas under the Commission's jurisdiction.

Susan Judy, 5 Cobblestone Circle, stated there is an esker at back of her property; previous purchaser wanted to put a pool in the back but it was too wet; it is so wet in spring that it cannot be mowed. A rep from ConCom was in the back yard in 2001 to determine why it is so wet. She has not seen standing water as in a vernal pool but it is very wet. There is a well perhaps around 3 Cobblestone Circle (Boyle family) which may be an irrigation well.

Dan Shine, 29 Training Field Road, stated they have corrected water issues with a sump pump at their property. He also had a question about Assessor's Map. B.Monahan said he was aware it is difficult to determine lot lines but that won't matter for the wetland portion of the application.

B.Monahan reported that Peter Fletcher, peer reviewer, accompanied him and S.Greenbaum to the site and provided a narrative and estimate. B.Monahan read Mr. Fletcher's narrative concluding with estimate provided as \$3040 that doesn't include a number of items that could double the figure. K.O'Leary asked whether there is a peer review consultant who could determine wetlands and the plant community rather than just wetlands. B.Monahan responded that it would be difficult to find one and could delay the application. Mr. Fletcher's evaluation would be heavily based on soils and hydrology although it is challenging with the drought conditions. K.O'Leary asked whether it was customary for him to do his site work with applicants present. B.Monahan said yes and added comments on Mr. Fletcher's level of experience. B.Monahan suggested having him assess in September.

**Motion to continue the hearing to September 29, 2016 at 7:30 pm under the Wetlands Protection Act;
Seconded 7-0**

**Motion to continue the hearing to September 29, 2016 at 7:30 pm under the Chapter 194 Bylaw;
Seconded 7-0**

4. **8:00 pm - Continued Public Hearing, Matt Roman, Applicant, 341 Old Connecticut Path, File D-880:** 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.

B.Drake requested an extension so he could wait for Lisa Eggleston to complete her review and then return to the Commission.

**Motion to continue the hearing to September 15, 2016 at 9:00 pm under the Chapter 194 Bylaw;
Seconded 7-0**

5. **8:00 PM – Public Hearing, Bryan Lafort, Applicant, 12 Lundy Lane, DEP File No. 322-8??:** 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 Bryan Lafort for a septic system repair at 12 Lundy Lane in resource areas regulated by the Conservation Commission shown on Assessor's Map 25, Parcel 48.

Brian Nelson of Metrowest Engineering was present for the discussion. Mr. Nelson summarized that this is a replacement of a portion of a septic system. Hayward Brook, a perennial stream, is shown on the plan along with wetlands and 100-year floodplain. Buffer and no-disturb are also shown on the plan. Most of the property is in 100-foot buffer zone and some in riparian zone. High point of property is shown on the plan. They are proposing replacing components of the septic system. Existing tank and distribution box were in poor condition though lines were fine. They are replacing tank, box and piping from house to leaching area. Erosion control area is shown on plan. There is temporary disturbance only. R.Backman asked whether BoH approval or anything else would affect ConCom approval. B. Nelson said it was not yet approved by BoH. R.Backman asked whether trees were affected and B.Nelson responded no. B.Monahan noted that when a leach field is less than 75' from wetlands the Commission has asked for additional treatment. B.Monahan asked whether approval is expected by 9/15 and B.Nelson responded that he hoped so. B.Monahan noted that the DEP file number should be available by then. B.Nelson stated his opinion that leaching field complies with Title V. BoH looked at soils and may or may not agree. B.Howell added conditions that there would be no garbage disposal and the Commission wouldn't accept the delineation. Mr. Nelson provided documentation concerning ownership of the property.

**Motion to continue the hearing to September 15, 2016 at 9:15pm under the Wetlands Protection Act;
Seconded 7-0**

**Motion to continue the hearing to September 15, 2016 at 9:15pm under the Chapter 194 Bylaw;
Seconded 7-0**

6. **8:15 pm – Public Hearing, Garrett Larivee, Applicant, 21 White Road, DEP File No. 322-875:** 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 Garrett Larivee to demolish the existing garage/family room and expand the garage, family room and

driveway at 21 White Road in resource areas regulated by the Conservation Commission shown on Assessor's Map 25, Parcel 56.

Bob Drake of Drake Associates was present for the discussion along with Garrett Larivee, property owner. Mr. Drake reviewed the plan. Septic was previously replaced. Resource areas were shown on the plan. Plan to demolish garage/family room and replace with 26' x 37' addition for two-car garage and family room with master bedroom above. Lot is R40 zone so will be going to ZBA for nonconforming lot variance. They will provide stormwater infiltration in front yard with galleys of crushed stone for increased impervious surface for no net impervious increase. Impervious area is being added but is being offset by drainage mitigation. Limit of work and access areas were shown. One 8" Dogwood is proposed for removal but all other trees remain. Discussion ensued on variance process with ZBA. B.Howell asked if there was O&M Plan for infiltration. B.Drake responded yes and there will be a document and reference for annual reporting. B.Howell asked if patio in front was remaining. B.Drake said it is included but may be removed and landscaped. The advantage of roof runoff was discussed by B.Drake.

**Motion to continue the hearing to September 15, 2016 at 9:30pm under the Wetlands Protection Act;
Seconded 7-0**

**Motion to continue the hearing to September 15, 2016 at 9:30pm under the Chapter 194 Bylaw;
Seconded 7-0**

7. **8:30 pm – Public Hearing, Rebecca Devine, Applicant, 17 Hereford Road, DEP File No. 322-876**
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 Rebecca Devine for a garage addition, compensatory excavation and stormwater infiltration in riverfront area at 17 Hereford Road shown on Assessor's Map 06, Parcel 10.

Bob Drake of Drake Associates was present for the discussion along with property owner Rebecca Devine. Mr. Drake summarized: This is a family property since 1944 which is landlocked with riverfront and BVW. Property includes 2.2 acres of lawn area. Septic was replaced in 1999. Mean high water level and top of bank reviewed. They propose a garage addition; issue is it extends into inner riparian and 100-year flood zone. In order to accommodate displaced flood storage they propose excavation at back of house but needed an area to add to that which was shown on plan. Feedback from Lauren Glorioso at NHESP is to identify area and provide photographs and delineate edge of lawn more clearly. This hearing is step one before ZBA due to setback requirements. Alternatives analysis was done and options briefly reviewed. No net increase in impervious area is noted with this proposal. Alteration area is existing lawn area to be restored as lawn area.

B.Monahan noted that he would have proposed more riverfront mitigation such as plantings. First 100 feet would normally be left intact so should consider leaving 100 feet and define 100 foot line where lawn ceases. Also there is an old file for septic that may still be open. R.Devine noted that she was never sure if B.Monahan had visited to sign off on that. B.Drake proposed plantings along riverfront line and perhaps mowing twice per year. B.Monahan discussed with Ms. Devine planning a mitigation area between existing garden and trees which would compensate.

**Motion to continue the hearing to September 29, 2016 at 7:40pm under the Wetlands Protection Act;
Seconded 7-0**

**Motion to continue the hearing to September 29, 2016 at 7:40pm under the Chapter 194 Bylaw;
Seconded 7-0**

8. **8:52 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. The Conservation Commission has received a letter asking to have this application withdrawn.**

**Motion to accept the Applicant’s August 22, 2016 request for withdrawal of the application;
Seconded 7-0**

9. **Request for Certificate of Compliance 310 CMR 10.05 (9)**
a. **37 Campbell Road; DEP File 322-849**

**Motion to issue a partial Certificate of Compliance under the Wetlands Protection Act; Seconded 7-0
Motion to issue a partial Certificate of Compliance under the Chapter 194 Bylaw; Seconded 7-0**

- b. **18/20 Covered Bridge Lane; DEP File 322-822**
B.Monahan spoke to Ms. Zukowski and discussed that the Commission could issue the CoC noting the matters of noncompliance. Conditions not met will be spelled out after review of the file, which will affect the return of the performance guarantee.

**Motion to issue a partial Certificate of Compliance under the Wetlands Protection Act; Seconded 7-0
Motion to issue a partial Certificate of Compliance under the Chapter 194 Bylaw; Seconded 7-0**

- c. **24/26 Covered Bridge Lane; DEP File 322-834**
There are issues of noncompliance pertaining to grading and others which will be noted after a review of the file, which will affect the return of the performance guarantee.

**Motion to issue a partial Certificate of Compliance under the Wetlands Protection Act; Seconded 7-0
Motion to issue a partial Certificate of Compliance under the Chapter 194 Bylaw; Seconded 7-0**

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

- a. **9 Reservoir Road – DEP File 322-804**
S.Greenbaum and B.Monahan visited the site which was completed very nicely. Half of the guarantee can be returned at this time with the remainder to follow after plants have survived the necessary second growing season.

Motion to return \$1,250 of the performance guarantee; Seconded 7-0

11. **Other**

- a. **Approve Minutes**
Motion to approve the Minutes of March 31, 2016; Seconded 7-0
Motion to approve the Minutes of June 30, 2016; Seconded 7-0
Motion to approve the Minutes of July 21, 2016; Seconded 7-0
Motion to approve the Minutes of August 4, 2016; Seconded 7-0

- b. **Five Year Capital Budget** – B.Monahan is working on and will update.
- c. **FY 2018 Operating Budget** - B.Monahan is working on and will update.
- d. **Transition** – Discussion ensued on B.Monahan’s retirement on August 31 and dates he will be returning to consult/assist in Conservation moving forward. Approximately twenty individuals have applied for the position. J.Sullivan noted that in the past the Commission had input on hiring with interviews of final candidates and the Commission should be involved this time as well. S.Greenbaum suggested indicating to Personnel that she review resumes along with B.Howell as Vice Chair and then all Commissioners be involved interviewing the selected finalists. Office coverage was discussed with temporary assistance/coverage planned beginning August 31.

The Commission thanked Andrea Upham, who is leaving her position as Administrative Assistant on August 26, and praised her for her work including excellent minute taking.

S.Greenbaum discussed addressing possible personnel changes. The Commission could consider augmenting the land manager to full time or creating a new part-time position of Assistant Conservation Administrator to address matters that B.Harris is not able to cover. Perhaps a back-up to the Conservation Administrator to handle Stormwater, some site visits, conservation restrictions, etc. could be considered. If an Assistant Conservation Administrator were hired, B.Harris could then spend his time in the field. Increasing the hours of the Administrative Assistant from 29 hours to full-time which it was previously was also discussed.

- e. **Meeting Dates/Meeting Schedule** – B.Monahan sent proposed dates.
- f. **Correction on Rice Road ORAD** – B.Monahan noted movement of the bank flag in the decision but it was pointed out that the wetland flag was pulled out and will require correction.
- g. **Conservation Cluster Zoning Update** – S.Greenbaum attended the Planning Board hearing Monday night. Some changes were made to proposed amendment; still five acres though seven was suggested by S.Greenbaum; percentages are the same. They will now include riverfront as well as wetlands in protected resources. They did approve in concept the conservation cluster for Rice Road for five houses.
- h. **Stormwater Permits Update** – B.Monahan noted the need to make the Permit a quick, concise document and to simply be stamped as approved rather than reiterating all the language in the application.

12. Land Management

- a. **246 Stonebridge Road – Update on demolition and land swap proposal**
B.Monahan sent Francis Gill email and pictures to Commissioners and showed on a GIS depiction the area in question proposed as a land swap by the Gills, abutters to 246 Stonebridge Road. S.Greenbaum noted that to complete such a transaction votes would be required by the Commission, CPC, Town Meeting (2/3 vote), State Legislature (2/3 vote) along with expenses for appraisals, etc. Discussion of the proposal ensued.

Motion to decline the pursuance of land swap; Seconded 7-0

Demolition is being pursued; a meeting will be held tomorrow with B.Doucette about the RFP.

- b. Heard Road Drainage Improvements** – S.Greenbaum will draft a response to the residents' letter to the Commission. Estimates are being gathered for the work on Heard Road. J.Doucette, DPW, is seeking a vendor.
- c. Rice Road Dam Update** – no update
- d. Other**

13. Adjournment

Motion to adjourn at 9:50PM; Seconded 7-0

The next **Regular Conservation Commission Meeting** is scheduled for **Thursday, September 15, 2016** 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.

