

WAYLAND CONSERVATION COMMISSION

Minutes, Thursday, March 10, 2016 7:48 – 9:40PM

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

Present: Commissioners: Joanne Barnett, Barbara Howell, John Sullivan (7:48pm), Chairperson: Sherre Greenbaum, Conservation Administrator: Brian Monahan

Not present: Roger Backman, Sean Fair, Betty Salzberg

Minutes: Andrea Upham

S.Greenbaum opened the meeting at 7:48pm noting that a quorum was present.

1. **7:48 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:** Heard Farm Update – Item not discussed

3. **7:50 PM –Continued Public Hearing, Giulio and Laurin Panzano, Applicants, 24 Claypit Hill Road, DEP File No. 322-857:** 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 Giulio & Laurin Panzano for a material storage and staging area inside the 200’ riparian zone during construction at 24 Claypit Hill Road. The property is shown on Wayland’s Assessor’s Map 19, Parcel 39.

Mark Arnold of Goddard Consulting was present for the discussion. Mr. Arnold reviewed details of the revised plan submitted showing proposed conditions, roof overhang and steps to be installed or shifted over. Mr. Arnold noted the addition of a table giving lot summary coverage noting the lot is over 55K square feet with a total impervious of 1942 square feet and a net increase of 68 square feet impervious surface in the buffer zone. No grading is proposed and the request is simply to allow equipment to move in the area. The revised plan noted the two trees which the applicant plans to leave as snags.

Motion to close the hearing under the Wetlands Protection Act;

Seconded 4-0

Motion to close the hearing under the Chapter 194 Bylaw;

Seconded 4-0

4. **7:55 PM – Continued Public Hearing, Brendon Homes, Applicant, River Trail Place – Building 7; DEP File No. 322-816:** Request to amend an Order of Conditions issued pursuant to the Wetlands Protection Act and a Chapter 194 Permit issued pursuant to Wayland’s Wetlands and Water Resources Protection Bylaw filed by Brendon Homes, Inc. The amendment proposes the addition of a patio to the rear of Building 7 at River Trail Place, 400 Boston Post Road. Portions of the work are within resource areas regulated by the Conservation Commission. The property is shown on Wayland’s Assessor’s Map 23, Parcel 52.

B.Monahan confirmed the Applicant sent a formal request for continuance.

**Motion to continue the hearing to March 31, 2015 at 7:30pm under the Wetlands Protection Act;
Seconded 4-0**

**Motion to continue the hearing to March 31, 2015 at 7:30pm under the Chapter 194 Bylaw;
Seconded 4-0**

5. **7:55 PM – Public Hearing, Wayland Surface Water Quality Committee, Applicant, Dudley Pond, DEP File No. 322-859:** 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 the Wayland Surface Water Quality Committee seeking an Aquatic Management Program at Dudley Pond to control Eurasian milfoil growth utilizing treatment with USEPA/MA State registered aquatic herbicide, hand-pulling, and mechanical harvesting at Dudley Pond.

Mike Lowery, Surface Water Quality Committee, and Marc Bellaud, President of SOLitude, were present for the discussion. Mr. Lowery summarized: This request is simply to ask to continue the existing aquatic management program of the last five years, with the use of herbicide only if/when needed and in the amount needed with the first choice remaining diver hand pulling. The only difference is a new nuisance species in the pond – tape grass. Photos were shown and it was noted that it is found throughout depths of 4-8 feet. The past Order did not allow this species to be pulled but floating fragments have been found and removed. The request is not to eradicate it but to trim it down when it interferes with recreational uses and blocks other plants.

J.Barnett asked why it is more prolific now. Mr. Bellaud noted that for unknown reasons it has expanded regionally in the last several years and has become very problematic in certain areas. Mr. Lowery noted that in October of last year the locations of nuisance plants were mapped and the tape grass growth has been extreme, as shown in photos. The approach is to address the milfoil early so that by late summer it will be gone and not chopped up while addressing the tape grass. A milfoil map was shown by Mr. Lowery noting that it was worse at the end of the season than in many years. Mr. Lowery explained the series of treatments from 2008 in two- and three-year intervals with spot treatments. Curly-leaf Pineweed was shown in a photo. Mr. Lowery noted that the Surface Water Quality Committee work has been reimbursed 25% by the Dudley Pond Association. Mr. Bellaud noted that the herbicide treatment is the last resort; he recommends spot treatment and in subsequent years triclopyr.

B.Monahan noted that conditions have been in place to block the outfall. Mr. Lowery noted that the existing procedure has the outlet blocked so no water escaped until the pond level was lower, and additionally they are monitoring raw water out of the Happy Hollow wells every year testing for both herbicides and they have never had any appearance but will continue to test.

S.Greenbaum asked about the use of sonar. Mr. Lowery said this year would involve sonar (a substance that degrades over time) and periodically measuring the concentration and topping it up; at the end they stop topping. When it gets 2-3 parts per billion they can then safely open the outlet. J.Sullivan asked what has led to the increase in invasive weeds. Mr. Lowery noted that even though the town has rules about when boats can enter, they can bring it in; not sure why the increase in tape grass but perhaps due to the diligence with milfoil. The Surface Water Quality Committee has asked the Board of Health to have differential inspections in the area and have prepared a document for signoff to distribute to all homeowners about septic management proposed to send with water and tax bills.

Doron Almog, President of the Dudley Pond Association and Lakeshore Drive resident, noted that the Dudley Pond Association Board and members strongly support the Notice of Intent. Mr.

Almog noted he swims in the pond and conditions were never as bad as last summer when he actually got tangled in weeds; he strongly supports remedying the situation. Mr. Almog confirmed that the Dudley Pond Association has provided 25% reimbursement since 2009 and will continue to do so.

David Poole, Dudley Pond area resident, commented on an increase in pontoon boats with propellers on the pond which may be contributing to this issue.

B.Monahan noted that the Commission issued their last Permit in 2008 and could issue this decision for a five-year period, modeling it after DEP File 322-698, which Mr. Lowery appreciated.

Motion to close the hearing under the Wetlands Protection Act; Seconded 4-0
Motion to close the hearing under the Chapter 194 Bylaw; Seconded 4-0

6. **8:18 PM – Continued Public Hearing, Kris Copeland and Zdravka Nikolovska-Copeland, Applicants, 3 York Road, DEP File No. 322-858:** 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 Kris Copeland and Zdravka Nikolovska-Copeland to repair a septic system at 3 York Road. Portions of the work are within resource areas regulated by the Conservation Commission. The property is shown on Wayland’s Assessor’s Map 4, Parcel 68.

Mark Farrell, Green Hill Engineering, was present for the discussion. Mr. Farrell reported to the Commission that the issues raised at the last hearing were addressed. Datum NAVD88 is noted on the plan along with the location of the channel and questions about the shed and timber retaining wall below it were addressed. Mr. Farrell noted that the shed was there when the homeowner purchased the property and a Building Permit was obtained to replace the existing shed. B.Monahan explained that an application for a Chapter 194 Permit was not filed with Conservation. B.Monahan confirmed that the applicant will be required to provide a \$400 after-the-fact filing fee before this decision can be issued. Mr. Farrell noted that but assured the Commission that the homeowners’ oversight was not intentional. B.Monahan confirmed that no trees are being cut.

Motion to close the hearing under the Wetlands Protection Act; Seconded 4-0
Motion to close the hearing under the Chapter 194 Bylaw; Seconded 4-0

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

- a. **12 Plain Road, DEP File No. 322-612**

B.Monahan explained the history of the different projects on the property noting that this file did not get closed along with the other files.

Motion to issue a partial Certificate of Compliance under the Wetlands Protection Act; Seconded 4-0
Motion to issue a partial Certificate of Compliance under the Chapter 194 Bylaw; Seconded 4-0

- b. **68 Lakeshore Drive, DEP File No. 322-823**

Mona Path was raised and B.Monahan noted that all work permitted is on the other side of Mona Path and has nothing to do with what was permitted at this time. B.Monahan noted that a review of this file indicates that site inspections were done but the reports were not

properly submitted in a timely manner and the plan submitted as an as-built does not conform to the condition. M.Lowery noted a DPW drainage easement.

Motion to issue a partial Certificate of Compliance under the Wetlands Protection Act; Seconded 4-0

Motion to issue a partial Certificate of Compliance under the Chapter 194 Bylaw; Seconded 4-0

8. Minutes – February 25, 2016

Motion to approve the Minutes of February 25, 2016 as edited; Seconded 4-0

9. Other

a. Conservation Site Visits - Tuesday, March 22, at 10AM is tentatively planned.

10. Land Management

a. Conservation Restrictions - update on Mainstone

S.Greenbaum summarized: Elizabeth Wroblicka is the Commission's special counsel with whom it has been a pleasure to work. Meetings and phone conference calls were held last week with attorneys for the town and the Hamlens, Christa Collins of SVT, Dev Hamlen, Loring Hamlen, and S.Greenbaum. Many hours were spent through an intense process. The issue of management was resolved to be shared with SVT. A draft document was produced and assignments were given out for outstanding terms. The size of the farm stand was decided based on Lee's Farm Stand but its use was not yet determined, such as what could be sold, etc. Discussions were around wording that "at least 50% of what is sold should be from the farm" as reasonable and there was discussion as to whether it would be open year round. The process was supposed to have been complete last Friday but terms are still outstanding. The group would appreciate the Commission's feeling of the farm stand in particular. Options around restrictions are: nothing; 50% from the farm; state statute requiring 25% during certain months; 25% with time limit such as Apr-Dec. S.Greenbaum noted that the focus was that the farm stand doesn't become a store.

Gretchen Schuler, CPC chair, commented that S.Greenbaum has done a yeoman's job working on the issues surrounding this Conservation Restriction process. G.Schuler commented on a farm stand in Carlisle where issues arose when they signed on for 51% coming from their farm but the separate parcels of land proved to be problematic, causing them to have to rent fields elsewhere. They may go back and get site plan approval to go below 51%. G.Schuler commented that it is difficult to be a successful farmer. B.Monahan said the state law needs to look at how it treats parcels. S.Greenbaum noted that laws change and 25% today could become 10% tomorrow. G.Schuler responded that they can put numbers in the CR rather than relying on the statute. S.Greenbaum reported that Lee's Farm Stand is approximately 3,000 square feet and 20' high.

S.Greenbaum read an excerpt concerning what is allowed and not allowed noting no mention of what is sold there. A percentage can be imposed or timeframe restrictions can be noted or a combination of the two. J.Sullivan noted his vote for 25% from the farm and 50% from MA and noted not being sure of a limited timeframe. B.Howell agreed and to remain silent on when open. S. Greenbaum noted that she'd report the Commission's sentiment back to the group. G.Schuler asked if the farm stand would stay in that spot and S.Greenbaum said it is intended to stay in its current location and any agricultural building needs to be beyond the stone walls. G.Schuler noted there will be a link in the warrant to the CR and they will ask to

put it on CPC and Conservation web pages. G.Schuler suggested the Commission have time to review everything and discuss again on March 31.

- b. Annual Town Meeting Warrant Articles – It was discussed that the CPC approval included funding figures. The Conservation Commission voted to support the concept. B.Monahan said that regarding Glezen Lane, Town Counsel said we should not just stop designing but go forward for possible funding and design until the court says something different. B.Monahan noted the issue of drainage from the intersection onto Cow Common stating that drainage would need work.
- c. Covered Bridge Decisions and Compliance Issues re: 32, 34, and 35 Covered Bridge Lane – B.Monahan had no update
- d. Other – B.Monahan will write letter to WRAP.

11. Land Management

- a. Trees on Conservation Land - B.Monahan noted that the Commission should consider that property owners be required to establish property lines for tree removal requests as a new policy.
- b. Open Space and Recreation Plan Update status – A meeting will be held next week to review terms.
- c. Status of 246 Stonebridge Road; DEP File 322-854 – no update on the project.
- d. Rules for use of Conservation Lands - J.Barnett did research and B.Howell and J.Barnett will review material with B.Monahan and then share with the Commission.
- e. Other – Issuance of Orders of Condition

24 Claypit Hill Road - DEP File No. 322-857

Motion to issue a Permit under the Chapter 194 Bylaw;	Seconded	4-0
Motion to issue an Order of Conditions under the Wetlands Protection Act;	Seconded	4-0
Motion to require a performance guarantee of \$750.00	Seconded	4-0

3 York Road - DEP File No. 322-858

Motion to issue a Permit under the Chapter 194 Bylaw;	Seconded	4-0
Motion to issue an Order of Conditions under the Wetlands Protection Act;	Seconded	4-0
Motion to require a performance guarantee of \$1500;	Seconded	4-0

Dudley Pond, DEP File No. 322-859

Motion to issue a Permit under the Chapter 194 Bylaw;	Seconded	4-0
Motion to issue an Order of Conditions under the Wetlands Protection Act;	Seconded	4-0
Motion to require a 10% retainage;	Seconded	4-0

12. Adjournment

Motion to adjourn at 9:40pm; Seconded 4-0

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Approved: March 31, 2016

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The next **Regular Conservation Commission Meeting** is scheduled for **Thursday, March 31, 2016** in the Wayland Town Building.

**CONSERVATION COMMISSION
MEETING ATTENDANCE SHEET**

DATE: March 10, 2016

NAME	ADDRESS OR COMPANY	AGENDA ITEM
Mike Lowery	120 Lakeshore	Dudley Pond NOI
Mark Arnold	204 Goddard Consultants LLC	24 Claypit Road
Marc Bellard	Solitude Lake Mgmt	Dudley Pond NOI
Brea Arvidson	Solitude Lake Mgmt	Dudley Pond NOI
John Hines	5756 Union Ave Framingham, MA	Land Management
PACIFIC CANALS	43 Lakeshore Way	Dudley Pond
Al + Norma McEldoy	37 Lakewood Rd	Dudley Pond
DORON ALKOC	189 Lakeshore Dr	Dudley Pond
Karen Lowery	120 Lakeshore Dr	Dudley Pond
Alex Belter	106 Lakeshore	"
Lisa Jacobs	8 Lakeshore	"
Bob Smith	12 mansion	"
Flaine Snyder	4 Lake Shore Dr	Dudley Pond
Zoni Motue	4 DEER RUN	"
Alan Federsky	23 Down Rd	Dudley Pond
Jan Dunn	51 Knollwood Ln.	"
Johnella LaChaire	9 Priscilla Pk	"
Jacqueline Drcharme	44 Pond Dr	Dudley Pond
Rinda Stockwood	40 Lake Shore Dr.	"
DEN STOCKWOOD	"	"
Mark Fuzzell	10 main st Strabridg	Yuck Rd
Molly Upton	230 Bayfield	Pond
Sally Linden	12 Plain Road	Cost. of Compliance
Megan Green	3 Priscilla Pk	Dudley Pond
Diana Pook	3 Priscilla Pk	Dudley Pond
Wayne Kelley	33 Lakeshore Dr	Dudley Pond

**TOWN OF WAYLAND
MASSACHUSETTS
CONSERVATION COMMISSION**

**LIST OF PUBLIC DOCUMENTS PROVIDED TO THE CONSERVATION COMMISSION
February 26, 2016 to March 10, 2016**

February 26, 2016

322-857 Supplemental NOI information for 24 Claypit Hill Road from Goddard Consulting

March 1, 2016

322-858 Revised septic plans for 3 York Road from Green Hill Engineering

March 2, 2016

322-710 Inspection Report on Fieldstone Estates from H2O Engineering

March 3, 2016

Letter to Eversource re: ROW maintenance from Sudbury Conservation

Letter re: 2016 PDM and FMA grant funding from MEMA/DCR

March 4, 2016

ZBA Decision – 10 Chestnut Road

ZBA Hearing – 3/22/16 (120 Old Connecticut Path, 113 Concord Road, 29 Castle Gate Road)

D-840 Inspection Report on 11 Three Ponds Road from Stamski & McNary

March 7, 2016

322-816 Inspection Reports for River Trail Place from Sullivan, Connors & Associates

March 9, 2016

ZBA Decision – 14 Hawthorne Road

March 10, 2016

322-699 Inspection Report on 373 Commonwealth Road from Schofield Brothers

LIST OF EXPENDITURES February 26, 2016 to March 10, 2016

No items to report