

## WAYLAND CONSERVATION COMMISSION

Minutes, Thursday, October 20, 2016 7:06 –9:30 PM

Approved: December 15, 2016

Commissioners present: Barbara Howell, Sean Fair, Roger Backman, Joanne Barnett, Thomas Davidson, Chairperson: Sherre Greenbaum, John Sullivan [7:35 pm], Conservation Administrator: Brian Monahan

S. Greenbaum opened the meeting at 7:06 pm noting a quorum was present and that the meeting was being taped by WayCAM.

1. **7:06 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.** Reminder of Trout Brook Trail Maintenance Volunteer Day on October 22. It was noted that new gates at Cow Common need to be wide enough for farmers to access.

**11.a 246 Stonebridge Road.** The RFP was sent out but requires an amendment. The fence issues remain. The fences are on the abutter's property.

**11.b Community Garden Clean-up.** B. Howell reported on the October 15 activity and noted that dumpsters intended for wood and debris had organic material placed in them rather than in compost area.

3. **7:15 pm - Public Hearing, Eversource, Applicant, MBTA Right of Way, DEP File No. 322-879:** Notice of Intent and a Wetlands and Water Resources Protection application (Wayland's Chapter 194) filed by Eversource to construct access roads to existing electric transmission structures along a MBTA Railroad Right of Way. The subject of these applications is the portion of the project within the town of Wayland from Route 27 East Wayland-Weston town line. Property is shown on Wayland Assessor's Maps 23, 24, 25, 19, and 20.

S. Greenbaum noted that Commissioners T. Davidson and J. Barnett, abutters, recused themselves. Denise Bartone, Environmental Engineer representing Eversource, and Dave Halliwell, Project Manager representing VHB, attended. D. Halliwell requested a waiver of the plan scale, 1"=40', due to length of proposed project.

**Motion to generally accept 1"=40' scale but may require 1"=10' or 1"=20' detail in certain circumstances; Seconded 5-0**

D. Halliwell presented. Eversource, representing the MBTA which is fee owner of the R.O.W., is proposing a 16' gravel access road within the R.O.W. They are aware that DCR is proposing a bike path but that is not part of this application. D. Halliwell stated that flood plain impact was not noted in the NOI which will be corrected. The access road will include a 1'side slope protection, 2' shoulder and 10' path. Eversource needs 14'. They propose using a dense course gravel for the shoulder. The project would have impacts in flood plain, 30' no disturb and riverfront which are all previously disturbed. Tracy Linhart, VHB, is designer of the access roadway. S.Greenbaum noted there are two sets of rails in some areas and one set in others.

Rick Connard, Historical Commission, noted the Commission had submitted a letter to Eversource concerning historical and archaeological artifacts and pointed out that the main (southern) rail would be removed with the proposal. R.Backman noted that the railroad artifacts should be shown on the plan. Tracey Linhart stated they may move them. D. Halliwell stated that most of the wetlands are at the toe of the slope and the no disturb zone is close to the tracks. S.Greenbaum questioned whether they are saying it is all redevelopment since previously developed. D. Halliwell responded that is their position. He noted no flood plain impact at Hayward Brook. Rail is functioning as a level spreader. A challenge is that it is 8' higher on the north side and he will get more info on that. He has included the storm water documentation. There is no impervious surface and he expects no change in conditions. They looked at culverts and tried to put a camera through them. There is settling at the Millbrook culvert. T. Davidson, speaking as a resident, questioned whether there was seepage around the Millbrook culvert. D. Halliwell stated that Eversource can access from either side, thus larger equipment will not go over the culvert. He noted one cattle pass and that they are proposing to fill them in; it slopes off near the cattle pass. They are submitting their plan to Mass. Historic Commission, yet will also meet with Wayland and Weston Historic Commissions. B.Howell suggested using the same peer reviewer as Weston since the proposed projects connect.

**Motion to obtain a peer review and use the same peer reviewer as Weston; Seconded 5-0**

S. Greenbaum asked whether there will be winter maintenance of the access road to which the response was that there will be no plowing and no treatment. S. Greenbaum asked whether the access road could be used by town emergency vehicles to which the response was yes but in winter emergency vehicles would need to provide their own plowing.

Eversource has a MOU with DCR but DEP standards for a bike path are different than an access road. Larry Kiernan, Wayland representative of Mass Central Rail Trail, stated that if the bike path is paved DCR will maintain, but if stone dust, Town will maintain. J. Sullivan asked who is responsible if there is a washout at a culvert to which the response was the Town. He noted that issues of responsibility should be settled.

D. Halliwell pointed out that the dashed line shows limits of grading. S. Greenbaum noted evidence of turtle nesting (holes and egg shells) along the tracks near #128 and #134 and asked how this will be dealt with. J. Barnett, speaking as a resident, pointed out that there are turtles, some painted but mostly snappers, and also salamanders. B. Howell asked about the culvert at Hayward Brook and whether a structural engineer had looked at them. D. Halliwell noted that they have a culvert assessment that will be provided. B. Howell asked how Eversource would stabilize the sloughed area to which the response was they would lower the profile and try to avoid rebuilding the side slopes.

Arlene Petri, 86 Glezen Lane, asked Eversource's time frame to which the response was likely next year; the project has been engineered, surveyed, etc. Terry?? noted there will be a couple of months of actual construction. Nick Orloff, Joel's Way, asked if there are contaminants on the railroad bed to which the response was MA DEP Guidance allows 12" of gravel as a cap. They are not going to test any soils since soils are not being removed which will minimize dust. He asked where the roads are for hauling the gravel to which the response was it was not determined yet. Stanley Robinson, 9 Wheelock Road, asked about the proximity of the access road to the path along the rail trail. Some discussion ensued about the narrow areas and laydown areas. It was stated that Eversource will be bringing in a "little bit" of fill and will

provide a number. Steve Breit, 54 Rich Valley Road, mentioned the area where there is bedrock. L. Kiernan noted the approximate distance of the total rail trail project is 4 miles.

**Motion to continue the hearing under the Wetlands Protection Act to November 17, 2016 at 7:30 pm; Seconded 5-0**

**Motion to continue the hearing under Chapter 194 to November 17, 2016 at 7:30 pm; Seconded 5-0**

4. **7:45 pm – Pubic Hearing, Jean Skelly, Applicant, 9 Wayland Hills Road, DEP File No. 322-880:** Notice of Intent and a Wetlands and Water Resources Protection application (Wayland’s Chapter 194) filed by Jean Skelly, for a septic system repair at 9 Wayland Hills Road, Wayland. Portions of the work are within areas regulated under the Wetlands Protection Act and/or Chapter 194. The property is shown on Assessor’s Map 49, Parcel 51.

Jean Skelly attended and Mike Sullivan presented. System was designed to be 10’ off the house; the tank has gully chambers. Fill is to be removed and replaced with Title V sand. They did not ask for any waivers. B. Howell pointed out that the general notes and plan are incorrect. She questioned why they are not proposing an alternative /advanced system. M. Sullivan stated that an alternative system such as a Presby requires inspection. Discussion ensued on the redesign of the system such as an alternative Presby system. M. Sullivan agreed to continue the hearing.

**Motion to continue the hearing under the Wetlands Protection Act to November 3, 2016 at 7:30 pm; Seconded 7-0**

**Motion to continue the hearing under Chapter 194 to November 3, 2016 at 7:30 pm; Seconded 7-0**

5. **8:40 p.m. – Continued 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.

Kevin O’Leary and Kathleen Lehmann attended. K. O’Leary stated that if flags are moved, he will put them on the plan. 8.7 acres are under consideration by the Planning Board for development. A proposed trail across the property has been added connecting Concord Road to Training Field Road. The Commission does not have the common driveway plans. They have done test holes to the rear of the lot. K. O’Leary agreed to continue the hearing.

**Motion to continue the hearing under the Wetlands Protection Act to November 3, 2016 at 7:45 pm; Seconded 7-0**

**Motion to continue the hearing under Chapter 194 to November 3, 2016 at 7:45 pm; Seconded 7-0**

6. **8:15 p.m. – Continued 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.

Rebecca Devine and Bob Drake attended. B. Drake stated that they are going before the ZBA with the project on Tuesday October 25. NHESP is satisfied with the project proposed.

**Motion to close the hearing under the Wetlands Protection Act; Seconded 7-0**

**Motion to close the hearing under Chapter 194; Seconded 7-0**

**Motion to issue an Order of Conditions with conditions previously discussed under the Wetlands Protection Act; Seconded 7-0**

**Motion to issue a Permit with conditions previously discussed under Chapter 194; Seconded 7-0**

**Motion to require a Performance Guarantee of \$1,500; Seconded 7-0**

7. **8:20 p.m. Continued Public Hearing, Bryan Lafort, Applicant, 12 Lundy Lane, DEP File No. 322-877:** 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.

Project had been continued for BOH approval.

**Motion to close the hearing under the Wetlands Protection Act; Seconded 7-0**

**Motion to close the hearing under Chapter 194; Seconded 7-0**

**Motion to issue an Order of Conditions under the Wetlands Protection Act; Seconded 7-0**

**Motion to issue a Permit under Chapter 194; Seconded 7-0**

**Motion to require a Performance Guarantee of \$1,200; Seconded 7-0**

8. **9:02 p.m. – Public Hearing, Alice Kurtz and Richard Rosenberg, Applicants, 15 York Road, DEP File No. 322-881:** 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 for a septic system repair at 15 York Road, in areas regulated by the Conservation Commission shown on Assessor’s Map 4, Parcel 64.

Alice Kurtz and Richard Rosenberg attended. Mike Sullivan presented. M. Sullivan stated that this is a conventional system with a 1500 gallon tank with a double filter. There is a poly barrier to minimize impact to the wetlands. Drain easement was discussed. Distance of leach field to wetlands is 75'. One 6" tree will be removed and replaced per guideline. Note #2 on the plan is incorrect. Soils were not used for delineation because of drought conditions. There is a need for a 15' no disturb area.

**Motion to close the hearing under the Wetlands Protection Act; Seconded 7-0**

**Motion to close the hearing under Chapter 194; Seconded 7-0**

**Motion to issue an Order of Conditions under the Wetlands Protection Act; Seconded 7-0**

**Motion to issue a Permit with conditions including tree replacement and no garbage disposal under Chapter 194; Seconded 7-0**

**Motion to require a Performance Guarantee of \$1,200; Seconded 7-0**

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

**a. 22 Forty Acre Drive; DEP File 322-865:**

**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 Chapter 194; Seconded 7-0**

**b. 38 River Road; DEP File No. 322-508 – no update**

**c. 17 Hereford Road; DEP File No. 322-455 – no update**

**d. Other**

**10. Other**

**a. 90 Dudley Road – Retaining Wall Change – no update**

**b. 6 Brook Trail Place – Proposed Deck and Proposed Deed Restriction – no update**

**c. Five Year Capital Budget – no update**

**d. FY 2018 Operating Budget – no update**

**e. Update on Transition/Staffing – no update**

**f. Other**

**11. Land Management**

**c. Volunteer Day – Trout Brook cleanup is on October 22**

**d. Other – J. Barnett is ordering signs for conservation area rules and dog rules**

**12. Adjournment – Motion to Adjourn at 9:30 pm; Seconded 7-0**

The next **Regular** Conservation Commission Meeting is scheduled for **Thursday, November 3, 2016** in the Wayland Town Building.