

# WAYLAND CONSERVATION COMMISSION

Minutes, Thursday, April 13, 2017 7:05 – 9: 46 PM

Approved: April 27, 2017

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

**Present:** Barbara Howell, Joanne Barnett, Roger Backman, John Sullivan (7:18 pm), Chairperson: Sherre Greenbaum, Conservation Administrator: Linda Hansen

**Not present:** Tom Davidson, Sean Fair

**Minutes:** Nicole Thomson

S.Greenbaum opened the meeting at 7:05 PM 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.**

Janet Caristo-Verrill, 174 Pelham Island Road, requested the Commission purchase a Conservation Restriction on her property. Ms. Caristo-Verrill would like the Conservation Restriction on 2 acres of land as it is in 3 contiguous pieces next to the existing Heard Farm Conservation Area She had made this request at several previous meetings, and it had been agreed to wait and see whether the property was in the OSRP as desirable to acquire.

Next meeting, Ms. Caristo-Verrill, will appear before the Commission to ask for a vote on a CR on her land. Commission Members noted that a CR is not very easy to create and could take years. The sale of the land is much easier for the Conservation Department, but in any event an appraisal would need to be completed first. The option of purchasing the CR has a far greater benefit to the property owner. Ms. Caristo-Verrill said she is open to both options and will attend the next meeting. The owner did state that she wanted to preserve the land.

**2. Land Management Update: Community Garden**

The gate was opened on Wednesday, April 12 and the water was turned on as well. The tilling has not yet occurred since the ground is still too wet. L. Hansen mentioned that after this season the plots will no longer be tilled. If a gardener wants their plot tilled, they would need to privately hire someone.

Steve Wilson, Wilson & Son Small Engine Repair, is currently performing maintenance on all the Land Management equipment. Mr. Wilson spoke with L. Hansen who said that many of the mowers need new wheels, safety brakes, and transmission, along with many other parts. This will allow for 5 DR mowers to be available for use this summer. Mr. Wilson will perform preventative maintenance on the equipment a total of three times this summer.

**3. 7:15 pm – Continued 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. The Commission received a request from the Applicant to continue the hearing.

**Motion to continue the hearing at the request of the Applicant to May 11, 2017 at TBD time under the Wetlands Protection Act;                               Secinded 4-0**

**Motion to continue the hearing at the request of the Applicant to May 11, 2017 at TBD time under the Chapter 194 Bylaw;                                       Secinded 4-0**

- 4. 7:40 pm – Continued Public Meeting, Sarkis Sarkisian, Planning Department, Applicant, Right of Way Plain Road Crossing Rail Trail, File No. D-901:** Request for Determination of Applicability filed by Sarkis Sarkisian, Planning Department to install safety fencing and a handicapped concrete ramp at the Right of Way Plain Road Crossing Rail Trail. Property is shown on Assessor's Map 99, Parcel 001F.

**Motion to continue the hearing at the request of the Applicant to May 11, 2017 at TBD time under the Chapter 194 Bylaw;                                       Secinded 4-0**

- 5. 7:45 pm – Public Meeting, 12 Claypit Hill Road, Johanna Flies, Applicant, File No. D-903:** Request for Determination of Applicability filed pursuant to the Wetlands Protection Act by Johanna Flies for 12 Claypit Hill Road, Wayland to draw water from Millbrook for agricultural irrigation onto two small fields in the Upper Millbrook area. Property is shown on Assessor's Map 19, Parcel 038.

Laura Mattei, SVT; Johanna Flies, Applicant from Two Field Farm; and Sarah Rich, 34 Lincoln Road and supporter; were present. The 1 acre parcel is on land owned by SVT and the 1.5 acre is on land at 12 Claypit Hill Road owned by Mike Patterson. L. Mattei approached J. Flies with intent to farm the lands as she was highly recommended by Mr. Patterson. L. Mattei was interested in knowing how the agricultural exception does or does not apply to this permit.

A letter was written by Mr. Patterson describing the water level of the stream. The water flow was observed daily, rising 2 inches and remained that level throughout the entire season. There is beaver activity, which impacts the stream flow.

L. Hansen spoke with Heidi Davis from the Department of Environmental Protection, who said that any work in land under water will impact resources areas and require a permit under the Wetlands Protection Act. L. Hansen also spoke with The Department of Agriculture, who said that we cannot deny the permit but that parameters need to be put in place.

L. Mattei spoke on the need to monitor the water usage through two gauges, along with taking into account beaver activity with placement of these devices. Using photo point monitoring, the water level heights can also be observed. There is little guidance on this subject that neither the Department of Environmental Protection nor the Department of Agriculture could provide; creating little information for parameters. B. Howell mentioned to the Commission of 2 vernal pools on Mr. Patterson's property.

One water session, which is half the Patterson field, takes 5,000 gallons of water to irrigate. During drought months from June-August, it will take two to three times the amount for the whole field. The whole field is never watered at one time. Roughly 11,300 gallons is used to irrigate the fields, with a maximum of 17,000 gallons during drought months. The SVT field would require less water usage since it stays wetter than the field at Mr. Patterson's property.

Sarah Rich, who is a supporter for J. Flies' farm, asked why this current growing season could not be the monitoring season. Many Wayland residents have already committed to paying for the food grown at these fields for the year. R. Backman agreed with this request as Mr. Patterson is very sensitive to water usage and would not allow J. Flies to irrigate if any issues arose.

A water level indicator can be placed at both sides of the dam, which would also take into account beaver activity. L. Mattei said that it is impossible to generate perfect data based on the beaver activity. L. Hansen inquired as to when J. Flies will start irrigating; it is very weather dependent as usually the probability of irrigating is low this time of season.

J. Sullivan commented that he was fine with this request as long as there are alternatives if adverse effects happen, as there must be some impact of drawing water out from Millbrook. It was noted that a private well exists on the Concord Road property near the SVT field. J. Barnett added that the stream under Claypit Hill Road stays open even in the summertime. L. Mattei mentioned that if there was no water to draw out from Millbrook that it would be an issue for J. Flies as well.

Heidi Ludwig, 99 Concord Road, lives right in front of the pond used for irrigation. Ms. Ludwig has lived in her house for six years now and has never seen it dry up. Instead, more damage is done from beavers.

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

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

**6. Chapter 193: Stormwater Management and Land Disturbance Bylaw**  
**a. 38 Stonebridge Road- SMLD 16**

Kevin O'Leary, homeowner, was here to present. The property is primarily composed of mature, over-grown trees with no lawn growth. There are numerous dead tree limbs both in the air and on the ground. A total of 41 trees will be removed with some already on the ground and K. O'Leary will replace some trees. L. Hansen asked for the number of trees that are still alive; K. O'Leary stated that many are alive to some degree but they are rotting in place and still producing a canopy.

L. Hansen would like to perform another site visit to confirm the number of trees removed. K. O'Leary is waiting to begin construction as the driveway needs to be redone and he would like a retaining wall included with the permit to help flatten the area along the house.

**Motion to authorize Linda Hansen to issue a Chapter 193 permit for the proposed property work after review of proposed tree removal and replacement plan; Seconded 5-0**

**b. 37 Draper Road- SMLD 17**

Vito Colonna, Sullivan, Connors & Associates, presented on behalf of the homeowner. This is a 3.5 acres property where the house was demolished. It is proposed to rebuild in the same location. Most of the existing driveway will remain the same except at the top where it needs to correlate with the new house layout. The pool will be removed and not replaced, as the septic system will go there. The stormwater currently flows from the hilltop to the bottom and a rain garden will be installed next to the driveway. A catch basin at the driveway's bottom will catch any stormwater. V. Colonna mentioned that there is no alteration with the driveway curb cut, which does not require a DPW permit as the stormwater flow will not change from where it previously flowed.

Trees have already been removed around the pool for the septic installation and L. Hansen would like an inventory of the total number of trees removed. As the trees are essential for stormwater management, it needs to be included before the issuance of a permit. It was stated that there is a planting plan for the property.

**Motion to authorize Linda Hansen to issue a Chapter 193 permit for the proposed property work after review of the permit application and landscape plan; Seconded 5-0**

**c. 11 Training Field Road- SMLD 13**

Kevin O'Leary, The Jillson Company, presented on behalf of the homeowner. A new, updated plan was created based on the Conservation Commission's comments from the previous meeting. It shows over land flow to catch basins and sumps. The culvert is located in fill. Groundwater was 3 feet down in 1998 and according to O'Leary "parent soils don't change." The biggest concern was the stormwater going into the neighbor's yard due to the large volume of fill being added and the removal of many large trees, which both reduced the stormwater absorption. The recharge basin was eliminated along the west side. K. O'Leary was confident that his stormwater management plan would work if properly installed. L. Hansen said one condition was to have an authorized individual supervise when the stormwater structure is placed to guarantee it was installed correctly. L. Hansen would also like a landscape plan from Ben Stevens, developer, detailing the landscape work and any compensation for the number of trees removed.

Jeremy Spilman, 102 Concord Road, is an abutter to this project. Mr. Spilman provided photos to the Commission for the number of trees removed from the property. Mr. Spilman mentioned that after the large rainstorm and numerous days of rain there was flooding in his yard, which was previously never an issue.

**Motion to authorize Linda Hansen to issue a Chapter 193 permit for the proposed property work after review of the site and landscape plan; Seconded 5-0**

**7. Other**

- a. **Update on 90 Dudley Road, File No. D-895-** No report has been filed yet as the structural engineer is still trying to decide if it is structurally sound.
- b. **Update on 104 Plain Road Conservation Cluster-** S. Greenbaum will meet with Town Counsel on Thursday April 20, 2017 to discuss how to further proceed. A question arose if the Commission should accept land that would need to be maintained by the Conservation Department only for the homeowner's personal use as it is difficult for the public or Conservation Commission to access.
- c. **Land donation- 53 Waltham Road-** A property located directly behind 78 Old Sudbury Road on the Lincoln line. It is an 11 acre parcel that was part of the McDowell property. The current owner of the property does not want this land. This property is filled with wetlands and cannot be used, even with walking trails. There is a CR on the land with Mass Audubon, and for this reason they are not allowed to be property owners. No money is involved with this donation, but the Conservation Department would be better land stewards than any private property owner.

**Motion to accept land donation of the property with the ownership going to the Commission and CR remaining with Mass Audubon; seconded 5-0**

- d. **Mainstone MOU-** Require signature from all Commission members. This Memorandum of Understanding was created between the Wayland Conservation Commission and the Sudbury Valley Trustees to set how various issues would be resolved. The Town and SVT share joint responsibility for administration and enforcement of the Mainstone CR but SVT is the primary contact with the Grantors.

**Motion to sign the Memorandum of Understanding with SVT; seconded 5-0**

- e. **Agreement for the conveyance of Wayland Meadows parcel 52T-** Voting on the agreement for the piece of land between Wayland Meadows and Cow Common. The only discussion was to change the wording in Section A. This would be a land donation directly next to Cow Common, composed mostly of invasives and overgrowth.

**Motion to accept concept for the land between Wayland Meadows and Cow Common; seconded 5-0**

- f. **Submittal requirements for Chapter 193 permits-** Submittal requirements will help applicants determine the exact documents required for the Chapter 193 permit. The only concern was to incorporate tree removal into the requirements as it is a land disturbance and affects the stormwater. Also in the plan requirements, include eight copies of 11x17 plans.

**Motion to accept checklist of Submittal requirements for Chapter 193 permits as written with two additions discussed; seconded 5-0**

- g. **70 Glezen Lane-** Another complaint from the neighbor was brought to the attention of L. Hansen. The homeowner was told months ago at a meeting and again in the office to file an

RDA and it was never filed. This property had a perfectly manicured lawn and landowner used his neighbor's land to access it. Native plants were not replanted as discussed and enough trees were removed to create a roughly 4 ft. tall fence. L. Hansen will mail out a violation along with the warning of fines for noncompliance.

- h. Michael Road subdivision extension of OOC (322-801)** - Jim Williamson, Barberry Homes Developer, was present requesting an extension for the Order of Conditions that expired in July 2016. This 7 lot conservation cluster at the end of Michael Road has been under construction for several years; with 2 houses sold and 2 under agreement. J. Williamson is requesting an extension rather to complete the project rather than a re-file since it was a very lengthy project. It was noted that neighbors could also appeal the issuance of a new OOC. There were houses built without a permit, and a bad precedent would be set if an extension was granted to build more. J. Sullivan proposed that we ask Town Counsel for an opinion since it is a legal matter. J. Williamson stated that he planned to essentially refile the expired NOI with a few revisions in case the Commission decides not to extend the expired permit.
- i. Revised Priority Habitat Comment Period-** The Natural Heritage & Endangered Species Program removed Lake Cochituate from their website. The priority habitat was greatly reduced in the area. A joint letter will be sent out from Wayland, Natick, and Framingham regarding this issue.

**8. Request for Certificate of Compliance**

- a. 102 Lakeshore Drive; DEP File No. 322-819-** The Commission will revisit this project when plant growth begins in the spring.
- b. 22 Plain Road; DEP File No. 322-789**

**Motion to Issue a Certificate of Compliance under the Wetlands Protection Act; Seconded 5-0**

**Motion to Issue a Partial Certificate of Compliance under the Chapter 194 Bylaw; Seconded 5-0**

- c. 12 Carpenter Road; DEP File No. 322-692-** The Commission will revisit this project at the April 27, 2017 meeting as a site visit needs to be completed before any decisions can be made.

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

- a. 108 Sears Road; DEP File No. 322-684 (\$1,000)**  
**Motion to return \$1,000 performance guarantee; Seconded 5-0**
- b. 9 Old Farm Circle; DEP File No. 322-791 (\$1,000)-** A site visit found the property owners had debris around the drainage ditch and L. Hansen requested that the debris be removed. A follow-up site visit will be done in two months to guarantee that the debris was properly removed.

**Motion to return \$1,000 performance guarantee; Seconded 5-0**

- c. **12 Carpenter Road; DEP File No. 322-692 (\$1,000)- Defer to April 27, 2017 Meeting**
- d. **10 Old Sudbury Road; DEP File No. 322-726 (Remaining \$1,500 of \$3,000)  
Motion to return remaining \$1,500 performance guarantee; Seconded 5-0**
- e. **22 Plain Road; DEP File No. 322-789 (\$2,500)  
Motion to return \$2,500 performance guarantee; Seconded 5-0**

**10. Approve Minutes: March 20, 2017; March 23, 2017  
Motion to approve the Minutes of March 20, 2017 and March 23, 2017; Seconded 5-0**

**11. Adjournment  
Adjourn at 9:46 pm**

The next **Scheduled** Conservation Commission Meeting is April 27, 2017 and will be held 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