

WAYLAND CONSERVATION COMMISSION

Minutes, Thursday, April 27, 2017 7:03 – 8: 45 PM

Approved: May 11, 2017

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

Present: Barbara Howell, Joanne Barnett, Roger Backman, Tom Davidson, John Sullivan (7:36 pm),
Chairperson: Sherre Greenbaum, Conservation Administrator: Linda Hansen

Not present: Sean Fair

Minutes: Nicole Thomson

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

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

Mark Hays, 1 Sylvan Way, inquired how the Conservation Commission handles endangered species assessment as part of a legal process and the downstream impact of the project. L. Hansen stated that the Natural Heritage identifies any endangered species specific to the area and the project will be reviewed under the guidelines. Cold Water fisheries have a different level of review that is completed by the Department of Environmental Protection. B. Howell noted that the only two cold water streams in Wayland are Hayward Brook and Pine Brook.

Linda Segal, 9 Aqueduct Road, spoke on the Raytheon update from the Board of Selectman Meeting. Ms. Segal recommended the Commission watch the selectman meeting video as Raytheon expressed that recent issues were caused by other parties and not their own. The plumes are coming from another location and not from Raytheon.

2. **Land Management Update**

- a. **Open Space and Recreation Plan Update-** In July 2016, the Open Space and Recreation Plan update was created to apply for the Mainstone grant. The draft was never finalized or completed by Weston and Sampson. The updated draft will be sent to the Commission members for input once Weston and Sampson create a finalized copy. B. Howell found an updated summary, which she wrote, that detailed the Open Space areas.

- b. **246 Stonebridge Road Update-** L. Hansen is visiting the site on April 28, 2017 to meet with the contractor. The next step is to file with the Building Department and Board of Health for demolition and rodent control.

3. **7:45 pm – Public Hearing, 113 & 115 Boston Post Road, Eden Management, Inc., Applicant, DEP File No. 322-885:** 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 Resource Protection Bylaw, Chapter 194, filed by Eden Management, Inc. for a determination of resource areas at 113 and 115 Boston Post Road, Wayland. Property is shown on Assessor's Map 30, Parcel 70 & 71 (Owner on record is Mahoney's Garden Center LLC).

There was a procedural problem with abutting properties as many abutters received empty notification envelopes. New abutter notices were sent out but it did not meet the 7 business day requirement.

Motion to require a peer review of the property at 113 & 115 Boston Post Road; Seconded 6-0

Hiring a peer review consists of finding three wetland scientists and L. Hansen will confirm with the applicant that there is no conflict of interest, and then a peer reviewer will be chosen to conduct the review. L. Hansen will set-up a site visit for the Commission members and will try to schedule a separate site visit for the public if needed

Motion to continue the hearing at the request of the Applicant to May 11, 2017 at TBD time under the Wetlands Protection Act; Seconded 6-0

Motion to continue the hearing at the request of the Applicant to May 11, 2017 at TBD time under the Chapter 194 Bylaw; Seconded 6-0

4. Chapter 193: Stormwater Management and Land Disturbance Bylaw

- a. 28 Sears Road- SMLD 18-** Kevin O'Leary was here to present on behalf of the applicant. The project is a septic replacement that exceeds the 5,000 sq. ft. of land disturbance. A depression is located in the front yard and any wetlands are located several hundred feet back. L. Hansen can prepare the permit and sign to transfer authority to Board of Health. More clear guidelines will be created as when to file for a Chapter 193 permit.

Motion to authorize Linda Hansen to issue a Chapter 193 permit for the proposed septic; Seconded 6-0

5. Other

- a. Update on 90 Dudley Road, File No. D-895-** L. Hansen exchanged emails with the engineer but no report has been submitted. The engineer did conclude the wall was too tall, considering it was to support parking.
- b. Update on 104/106 Plain Rd conservation cluster open space-** Many irregularities with the special permit, but the Commission was asked to vote on how it would like to deal with the open space. S. Greenbaum provided the Commission with four different options to consider: 1) Accept the 2.89 acres open space as proposed by the Applicant and memorialized in the Special Permit. This would include pedestrian access and a gravel parking spot for a Conservation vehicle. The Commission would maintain open space and control its use; 2) Accept Open Space "A" of 2.59 acres and forfeit "B" of .3 acres. This would include pedestrian access and a gravel parking spot for a Conservation vehicle. The Commission would maintain open space and control its use; 3) Accept Open Space "A" of 2.59 acres and forfeit "B" of .3 acres and make up the forfeited .3 acres with the conveyance of .3 acres of the back portion of 104 Plain Road leaving adequate land for the required buffer of the house from the open space; 4) Do not accept the 2.89 A. open space which instead would be conveyed to a trust owned by the owners of 104 and 106 Plain Road parcels. There would be no access and the homeowner's trust would be responsible for maintaining it as open space.

Currently an old stone wall along the property is barring access to the conservation cluster. Given that Plain Road is a designated scenic road, the removal or alteration of this stone wall could be problematic. Trees also prevent access from the road and they would need to be remediated. If the land is accepted it can be utilized for any Conservation purposes as it is regulated by the Commission.

T. Davidson would like to first know the cost estimate to make it accessible. Once access from the road was created and fields mowed in the back, there is not much cost associated rather just time spent to maintain it.

There was general discussion about whether the open space had any benefit to the town and who should be responsible for maintaining it. There was agreement that the developer had taken advantage of the conservation cluster concept with this project. To not accept the transfer would mean the land needs to go into a landowner trust that is owned only by the owners of 104 and 106 Plain Road. All the Commission members agreed with option four to deny the acceptance of the land.

Motion to not accept the open space as set out in the Special Permit and instead have the open space conveyed to a landowner trust; Seconded 6-0

- c. **Property owner request for acquisition of open space at 174 Pelham Island Road-** Janet Caristo-Verrill, homeowner, was present. Ms. Caristo-Verrill requested a vote from the Commission to acquire land at 174 Pelham Island Road. Two possible land acquisition locations were discussed, with a total of 3.27 acres added onto Heard Farm. The land is located between Erwin Road and Heard Road. S. Greenbaum stated that since Ms. Caristo-Verrill property was not listed in the Open Space and Rec Plan update chart, a requirement that the Commission had previously discussed with Ms. Caristo-Verrill, and only appeared in some survey responses, was not a priority piece of land the Commission was looking to acquire. There would need to be an appraisal on the property before any land acquisition could occur.

L. Hansen pointed out that the Town is in the process of foreclosing a few properties; one on York Road, providing access to one of our land locked properties. The Commission would need to pay \$30,000 in back taxes to acquire this property. A second is a property on Dudley Pond but litigation fees would need to be paid out.

R. Backman and T. Davidson both requested a detailed layout as to where the two acres of the Verrill property are in relation to Heard Farm and where exactly the two parcels are located. J. Barnett asked if Ms. Caristo-Verrill would be open to playing fields on the property since the Recreation Department is in need of new fields. L. Hansen will arrange a site visit for any Commission member that would like to see the three properties to set priorities.

- d. **Commerical dog walking regulation-** Pet Waste stations were installed on April 22, 2017 at Heard Farm and Greenways. There is an increase in commercial dog walkers using Conservation Areas since the Town of Wayland is free and does not require licensing.

Creating a commercial dog walking permit could regulate the number of dog walkers within Wayland while also supplementing the cost of the pet waste stations.

- e. **Boat Launch on Route 20 Meeting Recap-** S. Greenbaum, B. Harris, Libby Herland, Mary Antes, Tom Sciacca, and Sarah Bursky were all in attendance. S. Greenbaum said the meeting focused on the existing boat launch area and what could be done to improve boat access. Currently, there is no turn around and the only way out is to back up and then turn onto Route 20. There is river access on River Road but the constant use is degrading the river bank. T. Sciacca would like to return to the boat launch with L. Hansen.

B. Howell suggested designating the launch only for canoes and kayaks as boats are too big for the river that normally has low water levels. The current owner is U.S. Fish and Wildlife Service but would need a permit from the Commission for any work. An osprey platform will also be installed behind the Bentley Dealership on Route 20.

- f. **Dudley Woods Trail-** L. Hansen was contacted by Ed Sanderson, acting Recreation Department Director, for a request to change the Dudley Woods Trail surface to asphalt. The Recreation Department does not have any equipment to maintain the proposed porous pavement surface. B. Howell pointed out that the Oxbow trail is stone dust and has lasted for several years; a recommendation could be made to use stone dust instead. E. Sanderson is looking for a way to reduce costs. J. Sullivan mentioned that it was previously discussed that porous pavement would not be an issue to maintain. A new application would need to be filed since it is a significant change from the original design.

Motion for a new application if the Recreation Commission would like to change the trail surface into asphalt; Seconded 6-0

6. **Request for Certificate of Compliance**

- a. **12 Carpenter Road; DEP File No. 322-692-** The existing property is not in compliance with the Order of Conditions. The house was sold and there are new homeowners. L. Hansen will reach out to the new homeowners to discuss the outstanding issues. There is a \$1,000 performance guarantee to use for any issues not in compliance. This will be deferred to the May 11, 2017 meeting.

- b. **151 Boston Post Road; DEP File No. 322-711**
Motion to Issue a Partial Certificate of Compliance under the Chapter 194 Bylaw;
Seconded 6-0

- c. **151 Boston Post Road; File No. D-678**
Motion to Issue a Partial Certificate of Compliance under the Chapter 194 Bylaw;
Seconded 6-0

- d. **151 Boston Post Road; File No. D-790**
Motion to Issue a Partial Certificate of Compliance under the Chapter 194 Bylaw;
Seconded 6-0

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

- a. **12 Carpenter Road; DEP File No. 322-692 (\$1,000)- Defer to May 11, 2017 Meeting**
- b. **115 Lincoln Road; DEP File No. 322-651 (\$3,000)- Defer to May 11, 2017 Meeting**
- c. **24 Rice Road (8 Elizabeth Road); DEP File No. 322-607 (\$2,500)- Defer to May 11, 2017 Meeting**
- d. **151 Boston Post Road; DEP File No. 322-711 (\$1,000)
Motion to return \$1,000 performance guarantee; Seconded 6-0**
- e. **5 Snake Brook Road; File No. D-737 (\$750)
Motion to return \$750 performance guarantee; Seconded 6-0**
- f. **321 Commonwealth Road; DEP File 322-662 (\$2,000)
Motion to return \$2,000 performance guarantee; Seconded 6-0**
- g. **19 Main Street; DEP File 322-728 (\$2,500)
Motion to return \$2,500 performance guarantee; Seconded 6-0**
- 8. **Approve Minutes: April 13, 2017
Motion to approve the Minutes of April 13, 2017; Seconded 6-0**
- 9. **Adjournment
Adjourn at 8:45 pm**

The next **Scheduled** Conservation Commission Meeting is May 11, 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.