

WAYLAND CONSERVATION COMMISSION

Minutes, Thursday, August 24, 2017 7:30 – 9:20 PM

Approved: September 7, 2017

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

Present: Barbara Howell, John Sullivan (7:28), Sean Fair (7:31), Tom Klem Chairperson: Sherre Greenbaum, Conservation Administrator: Linda Hansen

Not Present: Joanne Barnett, Tom Davidson

Minutes: Nicole Thomson

S.Greenbaum opened the meeting at 7:30 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.**

Marana Kern, 118 Oxbow Road, spoke regarding the Oxbow Fields. Ms. Kern is a resident of Oxbow Road and noted that it is a scenic road and that Oxbow Meadows is part of the Bay Circuit Trail. A question was raised by Ms. Kern as to how the Commission could allow for removal of 40 trees. L. Hansen stated that the property is owned by the Recreation Department and is designated for active recreation usage. A conservation trail will still exist around the perimeter of the field. The decision was voted at town meeting.

2. **Land Management**

- a. **Eastern Spadefoot Toad Habitat Restoration-** B. Harris and seasonal employees assisted Fish and Wildlife and Natural Heritage with removing brush. The habitat restoration work has been completed. A lesser amount of herbicide was used. The eastern spadefoot toad was discovered in the area based off an old audio recording.

3. **7:15 pm –Continued Public Hearing, Tom Largy, Water Surface Water Quality Committee, Applicant, Heard Pond, DEP File No. 322-889:** Notice of Intent filed pursuant to the Wetlands Protection Act and a Chapter 194 application filed pursuant to Wayland’s Wetlands and Water Resource Protection Bylaw by Tom Largy, Water Surface Water Quality Committee, to initiate an Aquatic Management Program at Heard Pond to control non-native plant growth, utilizing treatment with USEPA/MA registered aquatic herbicides, algaecides, and other BMP’s. Property is shown on Assessor’s Map 27, Parcel 021 (Owner on record is the Commonwealth of Massachusetts).

Tom Largy, Water Surface Water Quality Committee, was present. L. Hansen spoke with Bob Bryce, regarding their pond management and herbicide usage in Framingham. The recommendation from B. Bryce was not to allow sonar and based off SOLitude’s management plan to restrict usage for Diquat only. T. Largy spoke that the high water and algae growth is causing a lack of light and reducing milfoil growth.

Recommendation is to issue a permit allowing Diquat usage for a one-time herbicide application with a one-year observation period.

Motion to close the hearing under the Wetlands Protection Act; Seconded 5-0
Motion to close the hearing under Chapter 194; Seconded 5-0
Motion to issue an Order of Conditions with conditions as discussed under the Wetlands Protection Act; Seconded 5-0
Motion to issue a Permit with conditions as discussed under Chapter 194; Seconded 5-0

4. **7:25 pm –Public Meeting, U.S. Pavement Co., Applicant, 326 Boston Post Road, File No. D-915:** Request for Determination of Applicability filed pursuant to the Wetlands Protection Act and a Chapter 194 application filed pursuant to Wayland’s Wetlands and Water Resource Protection Bylaw filed by U.S. Pavement Co. for 326 Boston Post Road, Wayland to rebuild two trench drains and clean the existing drains. Property is shown on Assessor’s Map 23, Parcel 23.

Jamie Hunt, U.S. Pavement Co., was here to present. The work will be performed for Santander Bank, which includes replacing and installing a trench drain and repairing a damaged drain at the other side of the drive-thru. The drain will replace what currently exists. The asphalt berm around edge of parking lot will be removed and 13 car stops installed, allowing for better drainage. A truck will come and vacuum out drains as the project scope is to just repair and perform maintenance. B. Howell questioned if sprinkler heads from a previous project on the property were removed, J. Hunt will check and remove if still exists. L. Hansen suggests a berm be placed along driveway to funnel stormwater to the back end of parking lot where proposed rip rap drainage is to be placed. 1.5 inches of asphalt will be placed on the existing driveway.

Motion to issue a Negative Determination 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

5. **7:35 pm – Continued Public Hearing, Sydney Bradspies, Applicant, 25 Snake Brook Road, DEP File No. 322-893:** Notice of Intent filed pursuant to the Wetlands Protection Act and a Chapter 194 application filed pursuant to Wayland’s Wetlands and Water Resource Protection Bylaw by Sydney Bradspies for 25 Snake Brook Road, Wayland to replace a failed septic system. Property is shown on Assessor’s Map 52, Parcel 053 (Owner on record is Juanita Bradspies.)

Continuance of meeting due to abutter notification issues, which were resolved.

Motion to close the hearing under the Wetlands Protection Act; Seconded 5-0
Motion to close the hearing under Chapter 194; Seconded 5-0
Motion to issue an Order of Conditions with conditions as discussed under the Wetlands Protection Act; Seconded 5-0
Motion to issue a Permit with conditions as discussed under Chapter 194; Seconded 5-0
Motion to issue a performance guarantee of \$500; Seconded 5-0

6. **7:40 pm – Continued Public Meeting, Nayanika Yellepeddi, Applicant, 15 Hobbs Road, File No. D-911:** Chapter 194 application filed pursuant to Wayland’s Wetlands and Water Resource

Protection Bylaw by Nayanika Yellepeddi for 15 Hobbs Road, Wayland for removal of trees. Property is shown on Assessor's Map 48, Parcel 046.

L. Hansen visited the property with A. Berry to locate the remaining pin of the CR. It was determined that the two trees near the garage may be removed. Three trees towards the stream inside the CR may be trimmed. A total of 14 trees are proposed for removal. The permit also includes landscape work for new front walkway stairs and plantings. Tree replacement schedule with native plants is required for work within buffer zone.

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

Motion to issue a performance guarantee of \$500;

Seconded 5-0

7. Other

a. Wayland Meadows Update- L. Hansen received an email from Board of Selectman regarding title restrictions on the property. Board of Selectman would not vote to accept the property until the Commission can make a decision. The property abuts Cow Common. The most recent restriction is from May 8, 2013, which is a notice of activity use limitation. The limitation only allows for passive recreation as no digging, residential usage, or gardening is allowed. Town Counsel has not provided an opinion on the acceptance of this land, which the Commission members see as important before making any decisions. L. Hansen will pursue for next meeting.

b. Meadow Management Acceptance and 10 Acre Parcel Acceptance of Donation- Two parcels would be received from the donation. Town Counsel has asked the Commission to redo the motion previously made for the acceptance of the 10 Acre land. The motion will also include acceptance of the Meadow Management parcel. An easement to Cow Common across Parcel 14 should no longer be required since there will be a STM warrant article to accept its donation to the town.

The Wayland Conservation Commission accepts the gift of Parcel 15 (Map 23, Lot 52P) and Parcel 16 (Map 23, Lot 52Q) show on a plan prepared by Hancock Associates entitled 'Plan of Land in Wayland, Ma' dated January 20, 2012, recorded with the Middlesex South Registry of Deeds as Plan 305 (1 of 2) of 2012 contingent upon the Grantor assigning any and all environmental indemnification agreements to its benefit relative to any environmental contamination;

Seconded 5-0

c. Performance Guarantee Submittal Amount – Recent discussion has ensued regarding more consistent performance guarantee amounts for submittal by applicants. T. Klem asked if the Board of Health and Conservation would consider working together for septic replacement issues; S. Greenbaum noted that at one point this was proposed but not followed through.

J. Sullivan recommended that all projects should have a range value as each project is different. S. Fair mentioned that fining applicants should be considered. L. Hansen noted that this was not a suitable option since fines can be appealed.

Further discussion on this topic will happen at a future meeting date.

- d. **Additional hours for Land Manager and Department Assistant Hours-** Budget meeting with Personnel Board is in September and are accepting changes for any new additional staff hours. Additional hours for the land manager would be beneficial due to the recent acquisition of Mainstone and the aqueduct trails. Habitat Management studies on a few of the conservation properties will also require more time as will issues pointed out in the OSRP update. B. Harris requested 25-28 hours weekly, with current hours at 19 hours weekly. The current part-time hours would not allow B. Harris to complete everything. The Personnel Board requires a document outlining the reasoning behind the increase in hours. The Department Assistant hours will be temporarily reduced to 32 hours weekly at her request.
- e. **Discussion of Draft Warrant Articles-** The Recreation Department wants a joint article for Loker Fields, but the School Committee is not sure. CPC will not fund the acquisition of artificial turf. The School Committee wants CPC funds for preparing the design. J. Sullivan, CPC representative for the Conservation Commission, stated that there are too many other important projects to fund.
- f. **Vote to use WPA filing fee for iPad purchase-** L. Hansen provided a cost estimate for the purchase of 7 iPads, 1 iPad Pro and 6 iPads for the Commissioners. Included in the cost are apple care and cases with portable keypads. The total for 7 is roughly \$4,000. The money will come out of the WPA filing fee account.

Motion to use WPA filing fee money for iPad purchase; Seconded 4-0 (B. Howell abstained)

- g. **Capital Improvement Request-** CIPs were previously submitted including \$45,000 for a tractor. R. Backman asked where the tractor would be placed if bought. One potential location is in the shed or a space built beneath the shed; yet B. Howell mentioned that it was previously done and is too wet underneath for any construction. A second potential location could also be DPW.

In FY 2014, \$25,000 for repairs on Heard Road was approved for capital improvement but has yet to be used. S. Greenbaum mentioned that the road is getting worse despite DPW's assistance; our Town Engineer should be asked to create a cost estimate to properly fix the road. L. Hansen will reach out to the Town Engineer for further discussion.

- h. **Discussion of High School Master Plan-** Kathie Steinberg, Wayland School Committee, invited various Boards to discuss the high school master plan. L. Hansen responded with a comment letter detailing the lack of information provided as no resource areas or wetland buffer zones were shown. Last week Ben Keefe, Facilities Director, provided the most current plans from Weston and Sampson which still omitted buffer zones. Ms. Steinberg was invited to attend the meeting but declined.

The master plan shows a reconstruction of the existing fields and the addition of baseball fields into the priority habitat area. J. Sullivan and B. Howell both stated that the school will be held to the same standard as to that of any other project, in which no redevelopment can happen within 100 ft. of a riverfront.

Tom Sciacca, Sudbury, Assabet and Concord Wild and Scenic River Stewardship Council, spoke on the master plan proposal to swap tennis courts with the softball fields and redo the stadium and turf field. S. Fair stated that rather than turf fields, dirt and grass is the best option.

Turf fields previous installed at the high school still need the file closed out before any new filings can be submitted. J. Sullivan spoke that if a new turf field is installed then the existing turf field must be cleaned up. The site was previously evaluated by Lisa Eggleston, who stated that a significant accumulation of plastic strands from the turf material are along the entire swale, blown in by the wind; the fiber is very dense around the track and without removal then it will cause pollution. The swale needs to be cleaned and maintained. Any new work needs to improve the situation. An ANRAD filing was strongly suggested as a first step for future planning. There are strict limitations within the 100 ft. inner riparian zone.

S. Greenbaum mentioned that the School Committee and Recreation Commission should be invited to the Commission for an informal joint meeting. J. Sullivan pointed out that an ANRAD should be completed for the property and that should be the next step to determine the buffer zones and resource areas. L. Hansen will invite K. Steinberg and a representative from the Recreation Commission to the next meeting on September 7.

- i. **104/106 Plain Road Update-** S. Sarkisian proposed for the donation of land to the Recreation Department. At a recent Recreation Commission Meeting in August, it was voted to accept the land. A warrant article will be presented at the Fall Town Meeting for the acceptance of land.

- j. **Matters not reasonably anticipated by the Chair 48 hours in advance of the meeting-** L. Hansen visited Lake Cochituate for a meeting regarding the construction of a fishing dock and observation peer. The projects would require the lake water be drawn down 3.5 ft. There will need to be a filing with the Commission as it impacts 35 acres of wetlands and 291 docks on the lake. Projected start date is September 1, 2018, drawing the water down at that point until December 1, 2018. L. Hansen will further look into and respond if necessary on behalf of the Commission.

8. **Request for Certificate of Compliance**

- a. **41 Cochituate Road, Carport Solar PV Project; DEP File No. 322-856**

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

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

- a. **21 Sylvan Way; File No. D-761 (\$500.00)**

Motion to return \$500 performance guarantee; Seconded 5-0

- b. **41 Cochituate Road; DEP File No. 322-856 (\$2,500.00)**

Motion to return \$2,500 performance guarantee; Seconded 5-0

10. Approve Minutes: August 10, 2017

Motion to approve the Minutes of August 10, 2017; Seconded 5-0

11. Adjournment

Motion to adjourn at 9:20pm; Seconded 5-0

The next **Scheduled** Conservation Commission Meeting is September 7, 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.