

WAYLAND CONSERVATION COMMISSION

Minutes, Thursday, January 26, 2017 7:07 – 9:45PM

Approved: February 16, 2017

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

Present: Roger Backman, Barbara Howell, Sean Fair, Joanne Barnett Chairperson: Sherre Greenbaum, Conservation Administrator: Linda Hansen

Not present: John Sullivan, Tom Davidson

Minutes: Nicole Thomson

S.Greenbaum opened the meeting at 7:07 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.**

No comments were offered

- 2. 7:10 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. Joanne Barnett recused herself from the Conservation Commission for this applicant.

Denise Bartone, Environmental Engineer for Eversource Energy presented. D. Bartone provided a project update stating a change in the Notice of Intent as the Department of Conservation and Recreation (DCR) will become co-applicant. D. Bartone noted that the change will allow for DCR to pave the access road.

Dan Driscoll, Director of Recreation Facilities Planning for DCR, spoke on behalf of DCR. D. Driscoll raised the need to partner with Eversource as the current proposed design would require 12 inches of gravel to be placed along the rail trail. DCR would then need to come in and scrape 4-6 inches off the top gravel to create the correct height for pavement. D. Driscoll said it would be irrational to scrape off 4 miles of gravel for new pavement; rather he suggested doing this correctly from the start and partner with Eversource. This would create 4 miles of a paved multi-use path, that is handicapped and bike accessible.

D. Driscoll spoke on alternatives to pavement. Porous pavement would not be suitable over the existing rail bed. R. Backman asked if porous pavement would prevent water run-off, with D. Driscoll explaining that the water would still come out on the shoulders of the access road. L. Hansen inquired on the gravel depth for the shoulders. D. Driscoll said it would remain at 12 inches.

Department of Environmental Protection's standards for best management practices are to cap with asphalt; D. Driscoll mentioned that many trails across the state are becoming paved. If this trail is successful, D. Driscoll spoke on the possibility of snow removal at the request of the town; but there is no current commitment on this.

S. Greenbaum asked how the asphalt would affect the equestrian community; D. Driscoll said it would not be good for horses. The current plan could potentially accommodate horses along the shoulders as it would be the most ideal spot, but is not going to be advertised as a horse-friendly trail. R. Backman inquired about the need for bridges over current rivers. D. Driscoll was currently looking at the different designs used for the Sudbury River. DCR is proposing to have a 12 foot bridge with wood decking and three wood railings although a bridge is not part of the current application. B. Howell brought up the historic cattle pass as there was a definite need to preserve it. D. Driscoll will have the structural engineer continue to look into this issue as the Eversource trucks weight cannot be supported with the current structure. Millbrook culvert was also a concern for Eversource's trucks ability to pass over, as it is currently too narrow.

D. Driscoll spoke on the access road design. It will be 16 feet wide; the first foot on either side is slope protection, the next 2 feet will be the shoulder with 10 feet in the middle for asphalt. Eversource trucks need 14 feet to access it.

S. Greenbaum expressed concern about the turtle nesting habitat as gravel is more suitable. D. Bartone said it would not be much different from the current rail bed since there will still be a 2 foot gravel shoulder. There will be a silt fence across the area to funnel the turtles away during the construction period. S. Greenbaum inquired about the recently constructed wooden railings and arborvitae plantings installed by the Planning Dept. with CPA funds. D. Bartone said they are looking into incorporating them into their design as the Eversource trucks cannot currently get into this area through them.

L. Hansen said the Commission is still awaiting plans for the Plain Road crossing from S. Sarkisian since a formal after the fact Notice of Intent needs to be submitted.

D. Bartone noted that in addition to the proposed changes, work needs to be performed with P. Garner, wetlands delineator. A survey of the area was conducted and P. Gardner is currently creating plans.

D. Driscoll mentioned that DCR is sensitive to resource areas and wants to strengthen the existing habitat; he plans to plant natives on the lower ground and look into landscaping the area over time.

Joanne Barnett had recused herself from the Commission as she is an abutter. Ms. Barnett spoke as an abutter to inquire about accessibility to horse riders as it is currently the only path to access Weston Bridle Paths. Ms. Barnett would not canter with her horse but just walk down the trail. D. Driscoll responded by mentioning that the sides, which are currently used by equestrians and mountain bikers, will not be touched in most areas.

Larry Kiernan, resident of Wayland, spoke as an abutter regrading dangerous crossing spots along the Weston town line. Mr. Kiernan asked if a shift off the main trail would be an option since it would also accommodate the horses.

Phyllis Halpern, member of the Weston Historical Commission, inquired about the guard rail's location and wanted to confirm it would only be placed in sloped areas. D. Driscoll confirmed that the railing will be a split rail fence, with three wooden flat rails, as it is more aesthetically pleasing than a metal guard rail.

Paul Penfield, member of the Weston Rail Trail Advisory Committee, asked about DCR and Eversource's intention to use the same work crew. D. Driscoll responded that they would like to as they don't want to leave the trail bed untouched in between work crews.

Motion to continue hearing under the Wetlands Protection Act to March 2, 2017 at TBD time; Seconded 4-0

Motion to continue hearing under Chapter 194 Bylaw to March 2, 2017 at TBD time; Seconded 4-0

3. **7:45 pm – Public Hearing, 297 Boston Post Road, Wayland MZL, LLC, Applicant, File No. D-897:** Request for Determination of Applicability and Wetlands and Water Resources Protection application pursuant to the Wetlands Protection Act and Wayland's Wetlands and Water Resources Protection Bylaw, Chapter 194 filed by Allen & Major Associates for the enclosure of an existing loading dock on the easterly end of the existing Wayland Village plaza Building; for use as a building mechanical room. The property is shown on the Assessor's Map 23, Parcel 12.

Frank Normandin, Winslow Property Management, and Brian Jones, Allen and Major Associates, represented Wayland MZL, LLC. F. Normandin spoke in regards to upgrading the current property and the first step was to upgrade the loading dock. Currently, the new supermarket replacing Whole Foods needs to be upgraded before it can move in. R. Backman asked if anything would be removed in the back, F. Normandin said the goal was to change as little as possible.

B. Jones spoke on the proposed project. The plan is to enclose half of the current concrete loading dock; it would create a more permanent enclosure while also bringing in a new fire service. The enclosure is out of the floodplain as it comes up just against the loading dock. B. Jones said to perform the necessary work would have minimal impact as not much soil is being moved. The work would only be one day, two days maximum, of disruption. There are currently no plans to change the exterior foot print.

R. Backman asked if the parking lot will be repaved. F. Normandin said it will be and they are currently working on the exact plan and scope.

L. Hansen mentioned that a few of the conditions included in the Order of Conditions permit would include erosion control while trenching and stock piling.

Motion to issue a Negative Determination w/conditions including erosion control under the Wetlands Protection Act; Seconded 5-0

Motion to issue a Permit w/conditions including erosion control under the Chapter 194 Bylaw; Seconded 5-0

B. Jones was interested in the river front area next to the property. L. Hansen said she would check the application from the neighboring CVS to see what the constraints would be for that stream.

- 4. 8:00 pm – Public Hearing, 47 Sedgemoor Road, Lea and Charlie Anderson, Applicants, File No. D-898:** Request for Determination of Applicability and a Wetlands and Water Resources Protection application (Wayland’s Chapter 194) to remove three dead/diseased trees. The property is shown on the Assessor’s Map 14, Parcel 057.

The applicant, Charlie Anderson, was here to present. Mr. Anderson spoke to the Commission stating that three trees on his property were either dead or diseased. The first tree is a Maple, rotted all the way to the bottom; it is only leaning up against the neighbor tree and may fall onto their house. Tree two, a Hemlock, is completely dead and can potentially fall onto their house. Tree three, a Maple, the main trunk is being supported by the neighbor tree and the other side is dead; it may fall into the road or onto playing children underneath.

L. Hansen said a few conditions required of Mr. Anderson would include no heavy machinery, replantings, and no further yard waste dumping.

Mr. Anderson mentioned that it would be hard to salvage any snags on the trees since most of the trees are rotted. S. Fair thought that since the area is heavily wooded that replantings should not be mandatory in the conditions. The other Commission members agreed.

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

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

- 5. 8:10 - Continued Public Hearing, 90 Dudley Road, David Todd, Applicant, DEP File No. 322-877:** Notice of Intent and Wetlands and Water Resources Protection application pursuant to the Wetlands Protection Act and Wayland’s Wetlands and Water Resources Protection Bylaw, Chapter 194 filed by Sullivan, Connors, & Associates for the construction of a retaining wall at 90 Dudley Road. The property is shown on Assessor’s Map 47A, Parcel 62.

Vito Colonna, Sullivan, Connors & Associates, presented on behalf of the homeowner. This was an after the fact filing. B. Howell asked if this change will exceed over 15 percent of the existing lot, and many Commission members believed it did. V. Colonna said the homeowner will not pave the parking area and it will stay as gravel. Part of this project was outside the 100 foot buffer zone; the 12 foot wall below the off-street parking is outside jurisdiction. The secondary wall, with attaching stairs is inside the buffer zone. There is an enormous amount of mulch along the stairwell without any plantings. V. Colonna said the homeowner decided against grading the slope as it would remove the existing trees.

S. Greenbaum said the applicant failed to notify the Commission of the proposed changes and the Building Department picked up the violations and reported them. V. Colonna said the wall was not designed or constructed by an engineer but rather a site contractor without any permits. V. Colonna said the slope was cut to save the existing trees, which made the wall

necessary to construct. L. Hansen mentioned new plantings are definitely needed to hold the current soil in place where there is existing mulch. The Commission members all agreed to not have any further work performed on the site until a peer review is completed to determine if the site is safe and plans are submitted from a structural engineer.

S. Greenbaum said the Conservation Department will most likely keep the performance guarantee from the applicant's previous project. Next steps are to hire a structural engineer peer review. L. Hansen will send out names of engineers to V. Colonna for review. The Commission's jurisdiction only pertains to a section of the applicant's project, but since the building department will require a site inspection, the Commission members agreed to request a peer review for the entire property.

**Motion to continue the hearing to March 2, 2017 at TBD time under the Wetlands Protection Act;
Seconded 5-0**

**Motion to continue the hearing to March 2, 2017 at TBD time under the Chapter 194 Bylaw;
Seconded 5-0**

6. Land Management – monthly report from Brian Harris

B. Howell said the dumping of yard waste still continues to be an issue; there was a new wildlife camera placed to detect and prevent further dumping.

7. Other

a. Re-issue COC for 68 Moore Road (322-382)

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

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

b. 24-26 Covered Bridge Certificate of Compliance reconsideration; DEP File # 322-834 - The applicant failed to fully comply with the Order of Conditions. In addition to grading and wall changes, Commission members believed an extra 20 feet of fill was added; sprinkler system was added off berm; boulders created a dumping area.

Motion to rescind vote of Certificate of Compliance for reasons discussed; Seconded 5-0

c. Administrative Approval for tree removal- L. Hansen spoke to the Commission members regarding a new process for tree removal. To simplify the process, L. Hansen would like to create a standard letter for homeowners looking to remove dead or diseased trees in a wetlands buffer zone. The letter would state that no heavy machinery was allowed and replantings would adhere to the existing replanting schedule. A performance guarantee would not be included as follow-ups will be performed. S. Greenbaum requested a notification when a tree removal is occurring.

d. Permitting requirement for 150 Main Street (New CVS) - L. Hansen performed a site inspection with Health Director. The applicant failed to put in place appropriate erosion

control measures or apply for a Chapter 193 Stormwater Management and Land Disturbance bylaw permit. Board of Health will require the old septic and concrete structure be removed in the area of the depression. At the time of the building permit application no Stormwater permit process was in place.

- e. **School bus parking options-** The latest proposal was to park the busses on the old dump site in the dump parking lot; plenty of room to greatly enhance the current area. Now DPW wants to use the dump parking lot for the laydown area of their material. A new potential site for the school buses is at the Capital Middle School, to the left of the school where there is a flat area for parking. The Commission would like to discuss further at a future meeting.
- f. **246 Old Stonebridge Road update-** L. Hansen wrote to N. Balmer about current fence dispute situation and Commission's willingness to consider buying the neighbors' parcel along the river since the Commission previously voted against any land swap.
- g. **High School Master Plan input-** None of the members are in favor of a turf field. S. Fair said he was going to seek a town wide ban on turf fields. The current turf field at the high school has not been maintained and there was failure to comply with the conditions issued by the commission as detailed in L. Eggleston's report.
- h. **Plastic Bag Ban warrant article-** S. Fair spoke on this subject. Board of Health would be the enforcing agent for the Styrofoam warrant article; Department of Public Works would be the enforcing agent for the plastic bag warrant article. Mr. Dale requested the Commission members to vote in favor of his two warrant articles.

Motion to support the Plastic Bag Ban warrant article brought by Paul Dale; Seconded 5-0
Motion to support the Styrofoam warrant article brought by Paul Dale; Seconded 5-0

- i. **Updated Commission contact list**
- j. **Other-** J. Barnett reporting that she attended the Housing Partnership meeting where Steven Zieff spoke about coming before the next Commission meeting for a revised plan on the Mahoney's Development.

8. Request for Certificate of Compliance

- a. **163 Concord Road; DEP File No. 322-862**

Motion to issue a partial 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

- b. **171/177 Commonwealth Road and 25 Main Street; DEP File No. 322-872-** Completed septic work. L. Hansen visited site and noticed dumping and a dip in the parking lot leading to runoff into Snake Brook; was supposed to fix this issue but the applicant was required to correct this issue but failed to comply with the Order of Conditions permit. The Commission

would like to review changes to the plan at a future meeting to determine how best to proceed.

Motion to deny the issuance of a Certificate of Compliance; Seconded 5-0

c. 6 Brook Trail; DEP File No. 322-315

**Motion to issue a partial certificate of compliance under the Chapter 194 bylaw;
Seconded 5-0**

9. Request for Performance Guarantee

a. 5 White Road- DEP File No. 322-785

Motion to return \$750 performance guarantee; Seconded 5-0

b. 22 Plain Road- DEP File No. 322- 789- Defer to next meeting

c. 23 Sylvan Way- DEP File No. 322-768

Motion to return \$2,000 performance guarantee; Seconded 5-0

10. Approve Minutes: Jan. 6

Motion to approve the Minutes of January 6, 2017; Seconded 5-0

11. Adjournment

Motion to adjourn at 9:45PM; Seconded 5-0

The next **Scheduled** Conservation Commission Meeting is February 16, 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.