WAYLAND CONSERVATION COMMISSION

Minutes, Thursday, January 5, 2017 7:06 – 9:06PM Approved: January 26, 2017

Location: Selectman's Meeting Room, Town Building, 41 Cochituate Road, Wayland, MA

Present: Roger Backman, Thomas Davidson, Barbara Howell, Sean Fair, John Sullivan Chairperson: Sherre

Greenbaum, Conservation Administrator: Linda Hansen

Not present: Joanne Barnett

Minutes: Nicole Thomson

S.Greenbaum opened the meeting at 7:06 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.

Paul Dale met with the Commission on behalf of his initiative to ban the usage of plastic bags in Wayland. Mr. Dale addressed his two warrant articles being presented at the Town Meeting in April. The first is a plastic bag reduction bylaw.

Mr. Dale made clear the appropriate town board for enforcement would be the Board of Health. Mr. Dale spoke to the Board of Health regarding this issue and was told that due to staffing constraints and their current work load, the Board of Health refused to be the enforcing agent. Mr. Dale expressed his desire for an enforcing town board before he brought his articles to the Town Meeting. S. Greenbaum thought it did not fall within the Conservation Commission's jurisdiction to enforce the bylaw. L. Hansen agreed and stated that too much time would be spent on outreach efforts. S. Fair disagreed and spoke on the need to be the enforcing board since Board of Health refused.

Mr. Dale spoke on this issue and stated the enforcement would be minimal for the Commission. Most towns rely on a citizens complaint based system; reducing the hours conservation staff would spend on it. S. Fair volunteered to create and manage a volunteer board; Mr. Dale already had a dozen citizens committed to perform the outreach.

The second warrant addresses the elimination of polystyrene found in takeout food containers. Mr. Dale spoke with Board of Health, who was also not open to this bylaw either.

Mr. Dale asked the Commission Members for their informal vote on their receptiveness to becoming the enforcement agent for both bylaws. The informal vote was 2-4; many Commissioner Members did not feel it was their place to be the enforcing officer and should fall on a different board.

Mr. Dale will submit his articles for the Town Meeting in April and requested to be on the agenda for the January 26 Conservation Commission meeting for further discussion.

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2. 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 January 26, 2017 at TBD time under the Wetlands Protection Act; Seconded 6-0

Motion to continue the hearing at the request of the Applicant to January 26, 2017 at TBD time under the Chapter 194 Bylaw; Seconded 6-0

- 3. **7:45 pm 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.
 - K. O'Leary presented. He brought revised site plans that represented the location of P. Fletcher's flagging; Goddard flagging was contained within P. Fletcher's flagging. S. Greenbaum inquired as to the increase in wetlands between Goddard and P. Fletcher delineations. K. O'Leary stated the wetlands went from about 25,000 sq. ft. to 90,000 sq. ft. or more than tripled in area. .S. Greenbaum inquired about the location of houses; K. O'Leary said the proposed houses will be built along the north boundary line.

L. Hansen asked if P. Fletcher should be given the plans for final review. S. Greenbaum said it would be a good idea for him to confirm his points are correctly placed on the plans. S. Fair thought that if all of Goddard's flagging are within P. Fletcher's flagging than it is already a more conservative view; why would he need to confirm. J. Sullivan said to just approve P. Fletcher's data points from his report as they are accurate.

Motion to accept P. Fletcher's report data as the resource delineation;

Motion to close the hearing under the Wetlands Protection Act;

Seconded 6-0

Motion to close the hearing under the Chapter 194 bylaw;

Seconded 6-0

4. **8:00 pm – Public Hearing, 90 Dudley Road, David Todd, Applicant, File No. D- 895:** 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.

The Commission received a request from the Applicant's representative to continue the hearing.

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Motion to continue the hearing at the request of the Applicant, to January 26, 2017 at TBD time under the Wetlands Protection Act;

Seconded 6-0

Motion to continue the hearing at the request of the Applicant, to January 26, 2017 at TBD time under the Chapter 194 bylaw;

Seconded 6-0

Other

- a. **21 Whispering Lane well installation-** Schofield Brothers performed wetland delineation; the well installation was 20 ft. away from the 100 ft. buffer. The well was placed outside our jurisdiction, but any sprinkler installation will need to be approved by the Commission.
- **b.** Clean Harbors quote for removal of drums- The quote was \$3,282.53.

Motion to have Clean Harbors remove the drums; Seconded 6-0

- c. Eversource notice of comment period for Vegetation Management Plan- Eversource is compiling a Five-year Vegetative Management Plan and Yearly Operation Plan; the Commission was given the opportunity to comment. S. Greenbaum said we should take the opportunity to review the plan and add any comments needed. The Commission would like to add any comments at a future meeting.
- d. Received Response to Public Comments by PIP Group from ERM, dated 12/19/2016

e. Other

- T. Davidson presented his review of the historical records for Snake Brook Dam. An inundation mapping assessment should be performed to accurately understand the flooding footprint and evaluate the current spillway capacity to handle discharge events. Vegetation should be removed from the dam embankment and abutments. Conservation has been removing debris intermittently from the spillway.
- T. Davidson spoke on the distribution pipe and the closed 18 inch pipe that would go through the pump house; if the spillway capacity is adequate then there is no need to go through the pump house, but if the spillway isn't adequate than the 18 inch pipe may be used to increase discharge capacity.

Previous estimates to perform repair work ranged between \$250,000- \$650,000. L. Hansen said there was money in the budget for the work.

The Commission Members questioned whether dam safety was a Conservation issue and will look into why the land was under Conservation control.

6. Request for Certificate of Compliance

a. 11 Three Ponds Road, File # D-840

The homeowner, Carmela Wise, was present. Ms. Wise complied with all conditions and they were successfully met on her project.

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Motion to issue a partial certificate of compliance under the Wetlands Protection Act; Seconded 6-0

Motion to issue a partial certificate of compliance under the Chapter 194 bylaw; Seconded 6-0

7. Request for Performance Guarantee

a. 22 Forty Acre Drive, DEP # 322-865

Motion to return \$1,200 performance guarantee; Seconded 6-0

b. 121 Dudley Road DEP # 322-775

Motion to return \$2,500 performance guarantee; Seconded 6-0

c. 121 Dudley Road DEP # 322-840

Motion to return \$500 performance guarantee; Seconded 6-0

d. 11 Three Ponds Road, File # D- 840

Motion to return \$750 performance guarantee; Seconded 6-0

- Minutes: Sept. 29, Dec. 1, and Dec. 15
 Motion to approve the Minutes of September 29, 2016; Seconded 6-0
 Motion to approve the Minutes of December 1, 2016; Seconded 6-0
 Motion to approve the Minutes of December 15, 2016; Seconded 6-0
- 9. Adjournment Motion to adjourn at 9:06 PM; Seconded 6-0

The next **Scheduled** Conservation Commission Meeting is January 26, 2017 and will be held in the Wayland Town Building.