

## WAYLAND CONSERVATION COMMISSION

Minutes, Thursday, July 13, 2017 7:18 – 9:22 PM

Approved:

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

**Present:** Barbara Howell, Joanne Barnett, Tom Davidson (7:18pm) Chairperson: Sherre Greenbaum, Conservation Administrator: Linda Hansen

**Not Present:** John Sullivan, Sean Fair

**Minutes:** Nicole Thomson

S.Greenbaum opened the meeting at 7:18 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.**

There was no comment.

2. **7:20 pm – Continued Public Hearing, Joe and Jake Tamposi, Tamposi Brothers I, LLC, Applicant, 74 Moore Road, DEP File No. 322-890:** 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, filed by Joe and Jake Tamposi, Tamposi Brothers I, LLC, for a determination of resource areas at 74 Moore Road, Wayland. Property is shown on Assessor's Map 11, Parcel 14.

Dan Wells, Goddard Consulting; Joe and Jake Tamposi, Tamposi Brothers I, LLC were present. P. Garner, peer reviewer, requested a label be added to the intermittent stream where dry stream documentation took place. D Wells noted the top of stream outlet was not flagged; the ORAD will include this as a finding. P. Garner though it would dry up in late fall.

S. Greenbaum noted the intermittent stream report included a date stamp from a camera and not a newspaper, as required in the regulations unless pre-approved by the Commission. A waiver will need to be given to accept the proposed methodology.

**Motion to waive the methodology of photos with a newspaper and accept a date stamp photograph;**

**Seconded 4-0**

A question was raised on the number of wells within a .5 mile radius to the property. J. and J. Tamposi spoke that 3 wells were within the area, as this information was found on the DEP website. S. Greenbaum stated that 12 irrigation wells were within a .5 mile radius according to the Board of Health list of well permits. Irrigation wells can cause an absence of flow to the intermittent stream.

T. Davidson spoke that the irrigation wells would have a zone of influence on the stream. But based on his experience, T. Davidson believes that this is not a major concern as it would not impact ground water during non-drought seasons. The Commission agreed that the Applicants had overcome the presumption that the stream is perennial under the bylaw.

- Motion to close the hearing under the Wetlands Protection Act;** **Seconded 4-0**
- Motion to close the hearing under Chapter 194;** **Seconded 4-0**
- Motion to issue an ORAD with findings as discussed under the Wetlands Protection Act;** **Seconded 4-0**
- Motion to issue an ORAD with findings as discussed under Chapter 194;** **Seconded 4-0**

3. **7:30 pm – Continued Public Hearing, Simone Mordas, Applicant, 9 Brewster Road, DEP File No. 322-891:** 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, Chapter 194, filed by Simone Mordas, for 9 Brewster Road, Wayland to replace existing carport with a garage and build a barn. Property is shown on Assessor’s Map 44, Parcel 7.

L. Hansen required the homeowner provide a diagram of the proposed drip trench, stock pile location, abutter list, and type of erosion control. All this information was provided.

- Motion to close the hearing under the Wetlands Protection Act;** **Seconded 4-0**
- Motion to close the hearing under Chapter 194;** **Seconded 4-0**
- Motion to issue an Order of Conditions with conditions as discussed under the Wetlands Protection Act;** **Seconded 4-0**
- Motion to issue a Permit with conditions as discussed under Chapter 194;** **Seconded 4-0**

4. **7:35 pm – Continued Public Hearing, Kevin O’Leary, Jillson Company, Applicant, 21 Training Field Road, DEP File No. 322-887:** 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 Kevin O’Leary, for 21 Training Field Road, Wayland for construction of a proposed single access, 2 Lot, residential common driveway and related stormwater and infrastructure systems and utilities. Property is shown on Assessor’s Map 14, Parcel 021 (Owner on record is Lehmann Realty Trust).

Kevin O’Leary, Jillson Company; David Burke, wetland scientist; and John Lehmann, applicant; were present. A letter written by D. Burke addressing wetland replication and enhancement has been addressed and revised in the site plans. K. O’Leary requested a motion to close the hearing. D. Burke and L. Hansen recommended 3 year permit expiration based on the wetland replication.

- Motion to close the hearing under the Wetlands Protection Act;** **Seconded 4-0**
- Motion to close the hearing under Chapter 194;** **Seconded 4-0**
- Motion to issue an Order of Conditions with conditions as discussed under the Wetlands Protection Act;** **Seconded 4-0**
- Motion to issue a Permit with conditions as discussed under Chapter 194;** **Seconded 4-0**

5. **7:40 pm – Continued Public Hearing, Ben Stevens, Trask Development, Applicant, 32/34 Covered Bridge Lane, DEP File No. 322-843:** Amend an Order of Conditions issued 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 Ben Stevens, Trask Development. The amendment for 32/34 Covered Bridge Lane, Wayland addresses revisions to the plans that were unpermitted. The property is shown on Wayland’s Assessor’s Map 35, Parcel 030 P.

Alicja Zukowski and Stephen Garvin, Samiotes Consultants Inc., and Ben Stevens, Trask Development, were present. A. Zukowski and S. Garvin presented a list and overlay, as previously requested, of the unpermitted changes to the parcel. It was noted that a previous amendment for this property was granted to increase the size for each house, which was requested and approved after the foundations were poured. Several site visits were done by L. Hansen, S. Greenbaum and B. Howell.

S. Garvin spoke on the request for an amendment to the Order of Conditions. The first unpermitted change addresses the rip-rap in the 30 ft. buffer. The proposal is to re-route runoff to the detention basin and rip-rap be removed. Discussion ensued and the Commission did not find this alone to be a significant change.

The second change discussed addresses 63 ft. of a stone retaining wall placed in the 30 ft. no disturb buffer zone. Stone chips will be placed along the wall edge and native species planted. The wall is 40 ft. tall. L. Hansen noted extra fill was added to increase the wall height; S. Garvin did not think the fill had any adverse effects. S. Greenbaum thought it was a significant change and B. Howell agreed.

T. Davidson questioned if encroachment in the 30 ft. no disturb was a major change to the entire property. J. Barnett agreed with T. Davidson as the amendment should be considered to the entire lot and not just one section of the property. Discussion ensued on whether unpermitted changes should be considered individually or as a whole.

Impervious area was changed and has exceeded over 1,000 sq. ft. but an additional drywell was proposed to be added for mitigation. S. Greenbaum reiterated that the Commission members need to first determine if the changes are minor or significant before any mitigation is considered since DEP guidelines require this.

S. Garvin, in his opinion, did not think the scope of the project, a factor to be considered, had changed as there are still two-single family homes on the property.

Michael Campbell, 34 Covered Bridge Lane, is the homeowner and insisted the Commission approve the amendment as he is scheduled to close on his home next week, and if the amendment is not granted he will be “homeless.” Mr. Campbell thought that removing the wall and deck would have a far greater impact on the wetlands than keeping it in its current condition. S. Greenbaum stated that although Commissioners may empathize with Mr. Campbell’s situation, he acknowledged he was aware of the OOC when he purchased his home and any issues with the sale of his house are not the Commission’s responsibility.

Numerous other unpermitted changes were addressed. Lengthy discussion ensued on whether an amendment should be allowed, finding the proposed changes insignificant or a Notice of Intent required, finding significant changes.

**Motion to require a new filing of a Notice of Intent addressing the issues previously discussed as the changes are significant;** **Seconded 2-2**

**Motion to allow a second amendment to the Order of Conditions as the changes are insignificant;** **Seconded 2-2**

Discussion ensued as to tie votes. As there is a tie vote in both motions, the motion was not able to pass in either instance. L. Hansen recommended the hearing be continued until a five-member quorum is present.

**Motion to continue the hearing at the request of the applicant under the Wetlands Protection Act to Thursday, July 20, 2017 at 7:05pm;** **Seconded 4-0**  
**Motion to continue the hearing under Chapter 194 to July 20, 2017 at 7:05pm;** **Seconded 4-0**

6. **Enforcement Order**

- a. **Mahoney's Garden Center-** L. Hansen has not received any further information from the property owner of Mahoney's Garden Center.
- b. **417 Commonwealth Road-** Trees removed with wood chips pushed into the wetlands. Property is located along the Natick town line. The Town of Natick has had numerous issues with this property owner filling the wetlands. L. Hansen issued an enforcement order last week; \$300.00 a day until compliance is met.

**Motion to ratify the enforcement order for 417 Commonwealth Road;** **Seconded 4-0**

7. **Other**

- a. **Review OSRP-** L. Hansen spoke with Weston and Sampson regarding the revisions to the Open Space and Recreation Plan. The revisions were not included throughout the entire plan. A revised Open Space and Recreation Plan will be created, including B. Howell's edits.
- b. **Acceptance of Wayland Meadows land donation-** Signage of an agreement between the Conservation Commission and Wayland Meadows, along with an agreement between the Board of Selectman and Wayland Meadows.

**Motion to sign the acceptance of Wayland Meadows land donation;** **Seconded 4-0**

- c. **Oxbow Fields Update-** Brud Wright, Recreation Commission member, spoke with L. Hansen to submit a Chapter 193 Application. The field was reduced between 15-25 ft. on the southern side and the parking lot is also planning to be reduced.
- d. **Mill Pond - request for return of retainage**

**Motion to grant the Surface Water Quality Committee the ability to return the 5% retainage to the appropriate party;** **Seconded 4-0**

8. **Approve Minutes: June 29, 2017**

**Motion to approve the minutes of June 29, 2017; Seconded 4-0**

9. **Adjournment**

**Motion to adjourn at 9:22pm; Seconded 4-0**

The next **Scheduled** Conservation Commission Meeting is August 10, 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.