

WAYLAND CONSERVATION COMMISSION

Minutes, Thursday, July 20, 2017 7:03 – 9:55 PM

Approved:

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

Present: Barbara Howell, Joanne Barnett, Tom Davidson, John Sullivan (7:03-9:47), Sean Fair, Chairperson: Sherre Greenbaum, Conservation Administrator: Linda Hansen

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.**

There was no comment

2. **7:05 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, Samiotes Consultants Inc., Ben Stevens, Trask Development, and Michael Campbell, 34 Covered Bridge Lane, were present. A. Zukowski presented the Commission with an overlay of the existing retaining wall compared to what was permitted. There was a 185 linear ft. reduction in retaining wall at 32 Covered Bridge Lane and instead grading was performed and lawn installed. S. Greenbaum inquired as to what percentage of retaining wall built was within the 30 ft. no disturb; A. Zukowski spoke that 25% of the wall is within the 30 ft.

J. Sullivan stated that a new filing for the project should be required. There is nothing clear about this project; a new filing would bring clarity to any unresolved questions. Amendments are granted only for simple project deviations, this project appears as though the applicant disregarded the conditions for the permit S. Fair agreed with the requirement for a new Notice of Intent. B. Howell also stated concern for the situation requiring mitigation, which would best result from a new Notice of Intent.

S. Greenbaum asked Mr. Campbell whether the property was sold on July 17, and he confirmed he was no longer the homeowner. He had claimed at the previous hearing that he would be unable to close on the sale unless an amendment was approved.

J. Barnett visited the site during the week and saw an increase in fill to accommodate the increase in retaining wall height. There is not just one issue but many outstanding issues with this project including added lawn.

T. Davidson is still unclear as to what a significant change is defined as.

Motion to deny a second amendment to the Order of Conditions as the changes are significant under the Wetlands Protection Act; Seconded 4-1-1 (J. Sullivan abstaining)

Motion to deny a second amendment to the permit as the changes are significant under the Chapter 194 Bylaw; Seconded 4-1-1 (J. Sullivan abstaining)

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).

Keith Gazaille, SOLitude Management, and Tom Largy, Water Surface Water Quality Committee and applicant, were present. Bregieta Arvidson, SOLitude Management, previously performed a survey of the pond and found dense milfoil in the northern and southern areas. Chemical treatment was previously performed in 2002.

L. Hansen was hesitant to allow chemical treatment on such a great pond of Massachusetts. The Order of Conditions from Framingham was received for review and guidance for Heard Pond. Framingham herbicide application was only allowed for the first year. L. Hansen preferred a multi-year management plan that would require a level of reporting and justification on an annual basis. The vegetation plan in Framingham was used in accordance with plant density.

T. Largy spoke that the application of herbicide treatment would only be for a one time use. J. Sullivan mentioned that the permit should be written to allow for a one time treatment within the 3-year period and anything beyond would require approval from the Commission.

The project is still under review by DEP. K. Gazaille spoke that the State retains ownership of the pond but it is the Town’s stewardship to maintain. L. Hansen would like approval from DEP before granting the request to apply herbicides.

Motion to continue the hearing at the Applicant’s request to August 24, 2017 at TBD under the Wetlands Protection Act; Seconded 6-0

Motion to continue the hearing to August 24, 2017 at TBD under the Chapter 194 Bylaw; Seconded 6-0

4. **7:30 pm – Continued Public Hearing, Ben Keefe, Applicant, Stone’s Bridge, File No. 322-XXX:** 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 Ben Keefe,

Facilities Department, to reconstruct parapet walls and spandrel walls of Stone's Bridge, adjacent to 246 Old Stonebridge Road, Wayland.

A. Berry, Land Surveyor, created a map representing top of bank. Natural Heritage compiled a list of conditions for protecting the rare mussels within the area. A mussel biologist will inspect the area and determine if any mussels are under or within the vicinity of the bridge; the mussels will be relocated if any are found.

Tonya Largy, PMBC temporary appointment for Stone's Bridge, spoke on the question regarding the number of arches the town is repairing. Currently, there is money in the budget for 2. L. Hansen mentioned that the RFP was written for repair of all 4 arches.

L. Hansen is still waiting for a DEP file number.

Motion to continue the hearing at the Applicant's request to August 10, 2017 at TBD under the Wetlands Protection Act; Seconded 6-0

Motion to continue the hearing to August 10, 2017 at TBD under the Chapter 194 Bylaw; Seconded 6-0

5. **7:40 pm- Public Meeting, Matt Harris, Applicant, 40 Old Connecticut Path, File No. D-907:** 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 Matt Harris for 40 Old Connecticut Path, Wayland to build a 12 by 20 ft. shed on rear of property. Property is shown on Assessor's Map 30, Parcel 058.

Matt Harris, applicant, was present. M. Harris spoke that the shed would be placed near the rear of property where buckthorn and bittersweet currently grows. The exact shed is 120 ft. from Pine Brook, outside the inner riparian of 100 ft. The shed cannot be built closer to the house because of the septic tank. L. Hansen mentioned that a condition will include removal of invasives and trimming a few trees.

B. Howell asked what would be placed beneath the shed; M. Harris said it would sit on top of concrete blocks and a small amount of gravel beneath. Drip line will be placed around shed.

Conditions include removing invasive species and replanting with natives only, no fill or excavating, and a crushed stone drip line at least 6 inches deep.

Motion to issue a Negative Determination under the Wetlands Protection Act; Seconded 6-0

Motion to issue a Permit w/conditions as discussed under the Chapter 194 Bylaw; Seconded 6-0

Motion to require a performance guarantee of \$200.00; Seconded 6-0

6. **7:50 pm- Public Meeting, Cuizhu Jin, Applicant, 33 Wallace Road, File No. D-908:** 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 Cuizhu Jin for 33 Wallace Road, Wayland to demolish the existing above ground swimming pool and install a deck attached to the house. Property is shown on Assessor's Map 42C, Parcel 008.

Cuizhu Jin, applicant, was present. The projects include the removal of the existing pool and add a deck onto the house. The removal of the pool is an improvement to the backyard. Conditions include no yard waste down the slope to the wetlands. Currently there is debris and trash from the previous homeowner that will need to be removed.

Motion to issue a Negative Determination as discussed under the Wetlands Protection Act;
Seconded 6-0

Motion to issue a Permit w/conditions as discussed under the Chapter 194 Bylaw;
Seconded 6-0

Motion to require a performance guarantee of \$200.00;
Seconded 6-0

7. **8:00 pm- Public Meeting, Mikel Tsipis, Applicant, 4 Bigelow Road, File No. D-909:** 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 Mikel Tsipis, for 4 Bigelow Road, Wayland to replace a failed septic system. Property is shown on Assessor’s Map 25, Parcel 108 (Owner on record is Lisa Jaeggin).

Mike Dimodica, M.J. Dimodica Exc.; Mikel Tsipis, applicant, Lisa Jaeggin, owner, were present. The project consists of a replacement septic system in the rear of property. Permit was issued by Board of Health. The septic tank is 53 ft. from wetlands with proposed grading along westerly side. Straw wattles will be placed along the back edge with tree removal and replacement. A question was raised as to how M. Dimodica surveyed the wetland line; with M. Dimodica speaking that he flagged out the wetlands based on plant species. L. Hansen did not agree with the wetland delineation performed. The wetland line will not be accepted as it is a septic system that needs to be replaced.

Concerns were raised for the replanting plan and erosion control measures as not all the water runoff is directed towards the easement. B. Howell stated that there are no datum points on the current site-plan and for the Certificate of Compliance it will need to be added in. Conditions for the permit will include an as-built plan showing datum, planting plan, and no garbage disposal.

The Chapter 193: Stormwater and Land Disturbance Bylaw Application will be tied into this permit.

Motion to issue a Negative Determination as discussed under the Wetlands Protection Act;
Seconded 6-0

Motion to issue a Permit w/conditions as discussed under the Chapter 194 Bylaw;
Seconded 6-0

Motion to require a performance guarantee of \$250.00;
Seconded 6-0

8. **8:10 pm –Continued Public Meeting, Paul Zaferiou, Applicant, 70 Glezen Lane, File No. D-904:** 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 by Paul Zaferiou for an after-the-fact application at 70 Glezen Lane, Wayland for removal of trees, regrading, and old debris and construction yard waste with replacement of trees, shrubs, and a pollinator wildflower meadow in an area with land subject to inundation. Property is shown on Assessor’s Map 14, Parcel 045.

Paul Zaferiou, applicant; Maria von Brincken, Maria von Brincken Landscape Garden Design; and Arthur Allen, Ecotech Inc., were present. P. Zaferiou spoke that the previous planting plan caused confusion and a new one was submitted, including removal of non-native plantings in the buffer zone and removal of sand and wood chips on the temporary access road. Trees will be planted along the property line of 76 Glezen Lane for privacy and the fence will be extended as well. The Commission commended P. Zaferiou for his work on the new plan to mitigate the existing issues.

A request was made for the sprinkler systems to be left in for 3 years to ensure plant survival. A drip and bubbler system currently exists which is more efficient than watering with a hose. S. Greenbaum stated that it was unusual to allow an irrigation system in the 100 ft. buffer zone as it would have never been originally permitted. A. Allen spoke that it is more efficient to keep the irrigation system and the plants have a better chance of survival.

J. Sullivan mentioned that the removal of the irrigation system can be tied into the performance guarantee and Certificate of Compliance. The applicant was given 2 years to keep his irrigation system. B. Howell disagreed and thought that a hose would suffice. A well was placed in the buffer to the land subject to flooding and inundation with approval from Board of Health and the Commission noted that it cannot require removal since it is already permitted.

The permit only applies to this property and any mitigation proposed for 76 Glezen Lane will require the homeowners' approval.

Motion to issue an after the fact Negative Determination as discussed under the Wetlands Protection Act under the Wetlands Protection Act;	Seconded 6-0
Motion to issue an after the fact Permit w/conditions including the restoration plan as discussed under the Chapter 194 Bylaw;	Seconded 6-0
Motion to require a performance guarantee of \$1,000.00;	Seconded 6-0

9. **8:20 pm –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.

Nayanika Yellepeddi, applicant, was present. N. Yellepeddi is proposing to remove trees on her property. A Conservation Restriction easement is on the property and states that no trees or shrubs can be removed in the area. There was a partial release of the restriction that would allow for removal of many of the trees. The deed is unclear as to when the property was partially released from the Conservation Restriction. A site visit performed by L. Hansen and Commissioners found one metal pin for the boundary to the restriction, but an exact location of the restriction still needs to be determined.

N. Yellepeddi asked for clarification on the scope of work allowed within the 100 ft. buffer zone. L. Hansen spoke that work can be performed within the buffer zone but any trees removed would require replantings. A total of 10 large pine trees are proposed to be removed. S. Greenbaum asked if the pine trees could be trimmed rather than removed as the arborist does not state these trees are dead.

**Motion to continue the meeting to August 10, 2017 at TBD under the Chapter 194 Bylaw;
Seconded 6-0**

10. Chapter 193: Stormwater and Land Disturbance Bylaw

a. 4 Bigelow Road; SMLD -22- The Chapter 193: Stormwater and Land Disturbance Bylaw Application will be tied into the Request for Determination of Applicability permit.

a. 91 Oxbow Road (Oxbow Meadows); SMLD -23- Ben Gary, Landscape Architect for Gary and Marshall, was here to present. The field was reduced by 15 ft.; reducing the number of trees requiring removal. The parking lot reduced the number of spots and removed the turnaround area. Crushed stone will be used as the parking lot surface rather than pavement. The slope of the field is flat and will remain the same. 40 trees, 8 in. or wider will be removed and new trees or shrubs replanted to screen houses around the parking lot. The Recreation Department will look at various ways to reduce traffic. S. Fair questioned why the field size was reduced since a smaller sized field may not be able to accommodate specific sports.

J. Sullivan questioned the proposed removal of 40 trees, mostly large pines, for a new field. The impression from Town Meeting was that the field would be placed inside the Oxbow walking trail without removing any trees. The trail is not useful once the trees are removed and the field is added.

Pat Thompson, 116 Chestnut Circle Lincoln, MA, is an abutter and is concerned of the impacts the field will have on the wildlife and Ms. Thompson's property.

Armine Roat, 512 Trout Brook Road, is an abutter worried about the traffic patterns.

Suzanne Guinner, 31 Birchwood Lane Lincoln, MA, is an abutter who spoke on concerns regarding the impact to wildlife and preservation of the meadow. The land is owned by the Recreation Department and is under their jurisdiction.

Joey Wechsler, 50 Windingwood Lane Lincoln, MA, is an abutter speaking on concerns regarding the field. J. Wechsler inquired if the field was sealed as it was the former Nike Missile Site. A request was made for a peer review of the property by the Town of Wayland.

S. Greenbaum spoke that many of these concerns are outside the jurisdiction of the Commission as the only form of enforcement is through stormwater management. J. Sullivan stated that the removal of trees makes the trail much less attractive. The concerns raised from the abutters regarding runoff from the cars will not be an issue as it is a gravel parking lot.

Conditions that will be included in the permit are a planting plan prior to work start date; L. Hansen can help compile a native planting plan.

Motion to authorize Linda Hansen to issue a Chapter 193 permit for the proposed work once all the conditions have been met including an approved planting plan; Seconded 6-0

11. Land Management

- a. Community Garden Violation-** A gardener at the community gardens removed two native shrubs (spice bush) and brush in order to accommodate additional parking spaces near the entrance of the Community gardens. L. Hansen has not been able to identify the person responsible.

J. Barnett wanted to report a violation along the Sudbury River. The Sandy Burr Country Club has removed brush and has piled it along the river. L. Hansen will contact the property owner for removal.

12. Other

- a. Review OSRP-** L. Hansen spoke with Weston and Sampson regarding the revisions to the Open Space and Recreation Plan as the edits from B. Howell were included in Section 5.
- b. Vote for chair and vice chair-** S. Greenbaum is comfortable maintaining the position as Chair but would also like to allow any other members the opportunity to be Chair of the Commission.

**Motion to nominate Sherre Greenbaum as Chairperson of the Conservation Commission;
Seconded 5-0-1 (S. Greenbaum abstaining)**

**Motion to nominate Barbara Howell as Vice-Chair of the Conservation Commission;
Seconded 5-0-1 (B. Howell abstaining)**

- c. ZBA comments on 24 School Street-** L. Hansen wrote a memo for the ZBA stating numerous issues must be addressed. She noted that a potential vernal pool is not within the 100 ft. jurisdiction.
- d. Special Town Meeting Warrant Articles-** The only warrant article currently being prepared for Special Town Meeting is for the pedestrian crossings for the aqueduct trail at Pine Brook, Old Connecticut Path, and Stonebridge Road. The cost may change depending on how much DPW can help with the work.

13. Request for Certificate of Compliance

- a. 104 Willow Brook Drive; File No. D-890**

**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**

- b. 44 Main Street; DEP File No. 322-621- Defer to August 10, 2017 Meeting**
- c. 44 Main Street; DEP File No. 322-697- Defer to August 10, 2017 Meeting**

14. Request for Return of Performance Guarantee

- a. 104 Willow Brook Drive; File No. D-890 (\$350)**

Motion to return \$350 performance guarantee; Seconded 5-0

b. 8 East Road; Dep File No. 322-821 (\$350)

Motion to return \$350 performance guarantee; Seconded 5-0

c. 44 Main Street; DEP File No. 322-697 (\$2,000)- Defer to August 10, 2017 Meeting

15. Adjournment

The next **Scheduled** Conservation Commission Meeting is August 10, 2017 and will be held in the Wayland Town Building.