

WAYLAND CONSERVATION COMMISSION

Minutes, Wednesday, June 14, 2017 6:35 – 10: 10 PM

Approved: June 29, 2017

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

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

Not Present: Sean Fair, John Sullivan

Minutes: Brian Harris/Nicole Thomson

S.Greenbaum opened the meeting at 6:35 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.**

No comments were offered at this time.

2. **Land Management Update**

- a. **246 Old Stonebridge Road Update-** S. Greenbaum noted that the house was demolished earlier in the week and plantings were placed at the property today. The seasonal employees will clean up the area along the front fence and water all plantings. Neighbors requested removal of vegetation along boundary line.

- b. **Update on Rice Road Dam-** Dennis Bell will inspect the dam on Friday 6/16 and submit his report thereafter.

3. **Other**

- a. **Update on 90 Dudley Road; File No. D-895-** G. Larsen received the structural report and visited the property to place a restricted use sign above the wall where the homeowners have been parking their car. Mr. Todd, property owner, stated that he has not been able to reach his engineer; L. Hansen was able to contact the engineer for further information and now questions the need to initiate fines for everyday the wall remains structurally unsound. J. Barnett asks how the fines could be enforced with S. Greenbaum noting that one more warning letter should be issued with the imposition of fines by a certain date if no action is taken. Commissioners agreed with that approach.

- b. **Mainstone Farm Greenhouse-** S. Greenbaum, B. Howell, L. Hansen, and L. Mattei, from Sudbury Valley Trustees, all met on Thursday 6/8 to discuss the Greenhouse location and design. S. Greenbaum, B. Howell and L. Hansen also met there earlier to review proposal. Under the terms of the Conservation Restriction greenhouses, considered permanent structures, are allowed under Section III. B, Section 7 with written approval of the Grantees. Kate Canney, The Neighborhood Farm, stated that the greenhouse design consists of 2 plastic style greenhouses with plywood ends placed parallel to Old Connecticut Path. The

greenhouses are designed for growing and storage needs. L. Mattei stated that this is an opportunity to balance the agriculture preservation with the other purposes of the Conservation Restriction, particularly scenic protection, as the greenhouses are an important feature of agricultural practices.

Commissioners thanked K. Canney for the greenhouse image and plan with dimensions and distances from Old Connecticut Path. Discussion ensued on impact of the greenhouses on the view from the road. Loring Hamlen read a letter from David and May Nao, 2 Forest Hill Road, neighbors most affected by the change in view with the addition of the greenhouses, in favor of the current farming practices and praising the addition of greenhouses.

As required by the CR, if approved a letter will be sent to the Grantors allowing the greenhouses as proposed.

Motion to allow the two greenhouses at Mainstone Farm as described and discussed; seconded 4-0

- c. **Seasonal employee update-** The seasonal employees will place a chain up at the other end of the gardens and potentially another gate, similar to that at the entrance.
- d. **Budget update-** L. Hansen spoke that there is capital improvement money remaining to replace the shed door but rather money should come from the contractual services budget as there are still funds remaining.

Remaining money could be allotted for a ride-on-mower for aqueduct trail grooming as well as mowing of conservation lands. B. Harris has researched costs.

Motion to purchase riding mower; seconded 4-0

Purchase orders for a new desk for N. Thomson and the shed door will be completed by next week. There will need to be money remaining in the budget for mowing by Henderson Striker.

4. Permit Extension Request

- a. **89 Lakeshore Drive; File No. D- 763-** The Order of Conditions has not been completed from when it was issued in 2010. The homeowner is requesting a 3 year extension. Discussion ensued on the appropriate length of extension given the outstanding work that remains.

Motion to extend the Chapter 194 Permit for one year; seconded 4-0

5. Request for Certificate of Compliance

- a. **46 Moore Road; DEP File No. 322-513-** Christi Miller, homeowner, was present. The Department of Environmental Protection is issuing the Certificate of Compliance as it has a superseding order from the state. L. Hansen is concerned a future homeowner could remove all the existing wetland replication and would like a line to demark the edge of lawn; Ms. Miller is in the process of selling her house. The previous homeowners apparently filled the wetlands with 1,515 ft. of fill, which should have all been removed along with

restoration of the wetlands. Ms. Miller spoke that fill was never dumped by the previous homeowner as she contacted the landscaper who had pictures.

L. Hansen would like the Certificate of Compliance to include a clear demarcation of lawn and vegetative buffer zone. The Commission requested six large boulders, unable to be carried away, equally spaced in front of the shrubs along the wetland line.

Tonya Largy, 59 Moore Road, noted that the previous homeowner did fill in a brook which used to exist in 1971.

Motion to Issue a Partial Certificate of Compliance with condition the landowner place six large boulders demarking the vegetative buffer zone under the Chapter 194 Bylaw; Seconded 4-0

6. Approve Minutes: May 25, 2017

Motion to approve the Minutes of May 25, 2017; Seconded 4-0

7. **7:15 pm –Public Hearing, Ben Keefe, Applicant, Stone’s Bridge, DEP 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.

Ben Keefe, Public Buildings Director of Faculties Department, was present. Priority habitat exists in a small section of the project area and L. Hansen would like to confirm that she does not need to file through Natural Heritage. Currently, L. Hansen believes it is exempt but plans for a silt curtain or coffer dam need to be provided. B. Keefe would like to leave the construction work up to the contractor as it would simplify the issue. L. Hansen will speak with the Natural Heritage to determine the best method they’d prefer. Seasonal restrictions would apply; the contractor wouldn’t start until late fall and must be done during low water times. L. Hansen has completed the Notice of Intent but needs more information from Natural Heritage.

Motion to continue the hearing at the Applicant’s request to June 29, 2017 at 7:15pm under the Wetlands Protection Act; Seconded 4-0

Motion to continue the hearing at the Applicant’s request to June 29, 2017 at 7:15pm under the Chapter 194 Bylaw; Seconded 4-0

8. **7:30 pm – Public Meeting, Ed Sanderson, Recreation Department, Applicant, Dudley Woods at Pond Street, File No. D-899:** 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, Chapter 194, by Ed Sanderson, Department of Recreation, for construction of a proposed five foot wide asphalt paved trail system that is handicapped accessible at Dudley Woods on Pond Drive. Property is shown on Assessor’s Map 47A, Parcel 26, 27, 27A.

Ed Sanderson, Interim Recreation Director, was present. E. Sanderson would like to change the project to bring the trail south to Doran Road. The northeast corner of the trail is proposed to

have a gravel access along Pond Drive. The trails have been widened to allow for wheel chair access along Doran Road and Curtis Road. Parking has been increased from 4 parking spots to 8 parking spots. L. Hansen is concerned about bed preparation and the regular maintenance requirements if porous pavement is used as the trail material as previously approved. Discussion ensued on issue of porous versus paved surface and maintenance requirements. A recommendation was made by L. Hansen to walk the proposed trails with the Commission members to help preserve as many trees as possible. Gary Marshall, representative for the Recreation Department, will work with L. Hansen to determine the number of proposed trees removed and see if the location for any can be changed.

Motion to issue a Negative Determination w/conditions as discussed 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**

9. **7:50 pm –Public Hearing, Tom Largy, Water Surface Water Quality Committee, Applicant, Heard Pond, DEP 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 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).

Bregieta Arvidson, SOLitude Management, and Tom Largy, Water Surface Water Quality Committee and applicant, were present. B. Arvidson is proposing the usage of multiple herbicides to help manage the milfoil in Heard Pond. Reward (diquat) will primarily be used on the southern cove area as it has the densest area of milfoil. B. Arvidson mentioned that there are only a number of native plants in the pond.

L. Hansen spoke on the need to place specific boundaries on chemical usage and how it will be applied. B. Arvidson mentioned that all the chemical treatment will be applied at once in Spring 2018 and approximately half of recommended application rates.

The hearing will continue until the Department of Environmental Protection issues a file number and L. Hansen can further research the best practice of chemical treatment on Heard Pond.

Motion to continue the hearing at the Applicant’s request to July 20, 2017 at 7:15pm under the Wetlands Protection Act; **Seconded 5-0**
Motion to continue the hearing at the Applicant’s request to July 20, 2017 at 7:15pm under the Chapter 194 Bylaw; **Seconded 5-0**

10. **8:15 pm –Public Meeting, Carol and Bryant Spann, Applicant, 22 Plain Road, File No. D-906:** Chapter 194 application filed pursuant to Wayland’s Wetlands and Water Resource Protection Bylaw by Carol and Bryant Spann at 22 Plain Road, Wayland for the installation of a 4 ft. black aluminum fence. Property is shown on Assessor’s Map 24, Parcel 128.

Bryant and Carol Spann, homeowners, were present. Mr. Spann spoke that he proposes to install a 4 ft. black aluminum fence surrounding the back of their property. The fence design is picket/puppy style, allowing for wildlife to safely pass through.

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

11. **8:25 pm –Public Hearing, Joe and Jake Tamposi, Tamposi Brothers I, LLC, Applicant, 74 Moore Road, DEP File No. 322-XXX:** 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, applicants, were present. D. Wells performed the delineation on the property in December 5, 2016; he spoke that an intermittent stream was present but would like to confirm it with documentation to the Commission. B. Howell raised concern that the delineation was performed during a period when delineations are not accepted by the Commission and also during drought periods. L. Hansen would like a peer review on the property, with the Commission all in agreement. A site walk and peer review will be performed.

Motion to require a peer review of the property at 74 Moore Road; Seconded 5-0
Motion to continue the hearing at the Applicant’s request to July 20, 2017 at 7:15pm under the Wetlands Protection Act; Seconded 5-0
Motion to continue the hearing at the Applicant’s request to July 20, 2017 at 7:15pm under the Chapter 194 Bylaw; Seconded 5-0

12. **8:45 pm –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, old debris, construction yard waste, and regrading 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 and Maria von Brincken, Maria von Brincken Landscape Garden Design, were present. Land subject to flooding or inundation is present on the abutting property and work was performed within the jurisdiction of the Commission without a permit. P. Zaferiou came before the Commission in November 2016 and was told he needed to submit a RDA for the work he completed; an application was filed in Spring 2017. P. Zaferiou stated he removed 16 trees on his property in the land subject to flooding or inundation buffer zone. The neighbor’s property, 76 Glezen Lane, was used as an access road, removing numerous trees on the neighbor’s property to allow for access to P. Zaferiou’s property. Replacement of 19 trees and 60 shrubs were planted to mitigate the 16 trees removed. S. Greenbaum inquired if all the plantings were native within the 100-foot buffer as there was question that numerous plantings were not.

B. Howell and J. Barnett both requested a topography site plan of the property to determine the exact location of the land subject to flooding or inundation; there is no topography on the existing site plan.

Drew and Gina Dallin, 76 Glezen Lane, spoke on their current property conditions. Mr. Dallin explained that when they purchased the property a small wetlands area existed with ducks, located on the northeast corner of their property. After this project, their property now has an access road where trees were clear cut, sand was dumped along the road for easier truck access to 70 Glezen Lane, and there are no more wetlands. Mrs. Dallin assumed that P. Zaferiou received a permit from the required departments for the work performed. P. Zaferiou had a well installed within the buffer zone, which resulted in the removal of additional trees. The Dallins asked the Commission how the damage to their property can be mitigated to restore it back to a healthy condition.

Chip Healy, Irrigation Department of Lynch Tree Service, spoke on the irrigation permit regarding P. Zaferiou's property. Mr. Healy said that a permit is not required since they are on a well and not town water. S. Greenbaum questioned this assertion. Board of Health was able to sign off on the well without any issues. As the property is in the Conservation's jurisdiction, an approval from the Commission was required for the well installation.

L. Hansen inquired where the fill was placed and Mrs. Dallin said that sand was placed along the access road for the trucks. The sand would need to be removed as part of the permit.

For the next meeting, P. Zaferiou will need to provide the Commission with additional information including the topography, irrigation head locations, number of trees removed, trees and shrubs planted, including native and non-native species, and the location of the sand added.

Motion to continue the hearing at the Applicant's request to June 29, 2017 at 8:20pm under the Wetlands Protection Act;

Seconded 5-0

Motion to continue the hearing at the Applicant's request to June 29, 2017 at 8:20pm under the Chapter 194 Bylaw;

Seconded 5-0

13. **9:10 pm –Public Hearing, Carl Solander, Reverse Architecture, Applicant, 189 Plain Road, DEP File No. 322-XXX:** Notice of Intent filed pursuant to the Wetlands Protection Act and an application filed pursuant to Wayland's Wetlands and Water Resource Protection Bylaw by Carl Solander for 189 Plain Road, Wayland for a 496 sq. ft. addition to a single family one-story home and minor recontouring of landscape. Property is shown on Assessor's Map 25, Parcel 083 (Owner on record is John Matosky).

Carl Solander, Reverse Architect and applicant, John Matosky, were present. The project proposes the addition onto the existing house and removal of the concrete patio and pavers to install permeable pavers. C. Solander spoke on the interior and exterior design of the addition. One tree (peach) will need to be removed. B. Howell requested 6 inches of crushed stone placed under the patio for drainage.

L. Hansen has not received the DEP number yet and will need to continue the hearing until the number is received.

Motion to continue the hearing at the Applicant's request to June 29, 2017 at 8:15pm under the Wetlands Protection Act; **Seconded 5-0**

Motion to continue the hearing at the Applicant's request to June 29, 2017 at 8:15pm under the Chapter 194 Bylaw; **Seconded 5-0**

14. **9:30 pm –Public Hearing, Kevin O’Leary, Jillson Company, Applicant, 21 Training Field Road, DEP 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 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, and John Lehmann, property owner, were present. K. O’Leary spoke about the proposed scope of work; it will be a 2-lot conservation cluster with stormwater recharge basins to catch rain water and a common driveway avoiding the vegetative wetlands to reduce impact on resource areas. The property access is very limited; K. O’Leary prosed a culvert be placed under the existing driveway to connect the forebay to the infiltration basin. The wetlands have been previously delineated under an ANRAD filing. Fill will be brought onto the property for the access road and wetland replication is required under the bylaw due to encroachment of the proposed road on the isolated wetland. A site visit with the Commission members is scheduled for Friday, June 23 at 9:00am.

Motion to continue the hearing at the Applicant's request to June 29, 2017 at 8:00pm under the Wetlands Protection Act; **Seconded 5-0**

Motion to continue the hearing at the Applicant's request to June 29, 2017 at 8:00pm under the Chapter 194 Bylaw; **Seconded 5-0**

15. **10:00 pm –Public Hearing, Rebecca Devine, Applicant, 17 Hereford Road, DEP File No. 322-876:** 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 filed by Rebecca Devine. The amendment proposes to demolish the existing building, including the foundation and to construct a new foundation in the exact same footprint as the existing structure at 17 Hereford Road, Wayland. The property is shown on Wayland’s Assessor’s Map 06, Parcel 10.

Rebecca Devine, applicant, was present. B. Howell was concerned with the ground water as the amendment proposes for the demolition of the existing home and to rebuild on the exact same footprint. A question was raised as to missing groundwater elevation and the measurement of the basement. B. Drake, Drake Associates, was not present and new plans were to be brought in by B. Drake.

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 amendment to the existing Order of Conditions; **Seconded 5-0**

16. **Adjournment- 10:10 pm**

The next **Scheduled** Conservation Commission Meeting is June 29, 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.