

WAYLAND CONSERVATION COMMISSION

Minutes, Thursday, June 29, 2017 7:03 – 10: 25 PM

Approved: July 13, 2017

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

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

Not Present: John Sullivan

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.**

No comments were offered at this time.

2. **Land Management Update**

- a. **Bench and Bike Rack Installation-** A bench was installed at Rocky Point Conservation Area overlooking the water. Two bike racks were installed, one at Rocky Point and a second at Heard Farm.

- b. **Community Garden-** Seasonal employees tilled and planted wildflower seed mix in the previously tilled section. Wildflower seed mix was also placed around the bee boxes.

J. Barnett inquired on the status of the dumping of hazardous material at the gardens. Previously, two barrels were dumped at the garden with unknown hazardous waste. Wayland Detectives and DEP investigated, with the owner of the vehicle claiming that the vehicle was dropped off at an auto body shop, who then used the vehicle to dump the waste. The new auto body shop owner agreed to pay for the removal of the waste.

3. **Chapter 193: Stormwater Management and Land Disturbance Bylaw**

- a. **29 Claypit Hill Road; SMLD-20**

Daniel Carr, Stamski and McNary, was here to present. The existing house will be demolished and rebuilt with a proposed septic system for a 5-bedroom house. The tennis court will be removed as it is currently in poor condition.

The existing shed, house, and tennis court are proposed to be removed. This project is outside the 100 ft. buffer zone and is only jurisdictional under the Chapter 193 bylaw. D. Carr explained the impervious surface decreased. Proposed tree removal includes any trees

inside the siltation barrier, estimating about 60 trees. L. Hansen requested an inventory on the number of trees removed, including size and type.

D. Carr mentioned the roof run-off is uncontrolled as all the other impervious surfaces are pitched to the lot to the west. The Commission would require mitigation as you cannot put the property's stormwater in to the street or neighbor's property and would need to infiltrate their own property. L. Hansen would like the inclusion of a swale.

Before the issuance of a permit, L. Hansen would like a list of trees and a swale for the driveway.

Motion to authorize L. Hansen to issue a Chapter 193 permit for the proposed property work after additional information previously discussed is added to the site plan;

Seconded 6-0

b. 15/17/21 Training Field Road; SMLD-21

John Lehmann, applicant and homeowner, was present. J. Lehmann spoke that he is in the process of selling his home and proposes to install a stone wall and trees along his property, demarcating where his property line is. 14 trees in total will need to be removed; many are currently dead or are infected with pests.

Motion to authorize L. Hansen to issue a Chapter 193 permit for the proposed property work after additional information previously discussed is added to the site plan;

Seconded 6-0

c. 15 Fox Meadow Lane; SMLD- 8 (After-the-Fact)

An application for the property was received July 2016 and as this was during the transition of limited staff, it was never acted on. The proposed work was for a swimming pool, which was installed last year and is currently in use. The applicant is requesting a Certificate of Compliance for closure on this project.

Motion to authorize L. Hansen to issue a Certificate of Compliance under the Chapter 193 Bylaw; **Seconded 6-0**

4. **7:20 pm – Continued Public Hearing, Ben Keefe, Applicant, Stone's Bridge, 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.

L. Hansen spoke that the application needed to be reviewed by Natural Heritage as rare mussels were located nearby; L. Hansen is still awaiting feedback. Stone's Bridge is not in a priority habitat area. A coffer dam may not be allowed as Natural Heritage has the final ruling.

All four arches will be repaired by Wayland, as Framingham claims it does not have the budget and believes that since access is on the Wayland's side then the repairs should be done by the Town.

There is no DEP File No. as it is still under review by Natural Heritage.

Motion to continue the hearing at the Applicant's request to July 20, 2017 at 7:30pm under the Wetlands Protection Act; Seconded 6-0

Motion to continue the hearing at the Applicant's request to July 20, 2017 at 7:30pm under the Chapter 194 Bylaw; Seconded 6-0

5. **7:30 pm – Continued Public Hearing, Joe and Jake Tamposi, Tamposi Brothers I, LLC, Applicant, 74 Moore Road, 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. Patrick Garner, wetland scientist, performed a peer review on the property. Multiple flags were relocated; one changed near the edge of property and two were relocated on the existing lawn. P. Garner confirmed the revised site plan is in accordance with his peer review. S. Greenbaum and B. Howell visited the property and noted a dip in the topography of a section of the property which was especially wet; further discussions found the area was in the current FEMA flood plain at the 121 contour line). Chapter 194 recognizes the buffer as land subject to flooding.

J. and J. Tamposi performed the intermittent stream report on the property for six consecutive days. The Commissioners need to review the report to determine if it does meet the bylaw criteria. The stream has a bank.

D. Wells commented on the outermost area of the resource area as the stream along the northern tip of the property is intermittent and will most likely dry up in the summer. L. Hansen will include in the Notice of Intent that part of the stream was not delineated and should be presumed to be riverfront. L. Hansen would like to speak with P. Garner regarding this issue.

Motion to continue the hearing at the Applicant's request to July 13, 2017 at 7:05pm under the Wetlands Protection Act; Seconded 6-0

Motion to continue the hearing at the Applicant's request to July 13, 2017 at 7:05pm under the Chapter 194 Bylaw; Seconded 6-0

6. **7:40 pm – Public Hearing, Simone Mordas, Applicant, 9 Brewster Road, 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, 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.

Dave Burke, wetland scientist, and Simone Mordas, applicant, were present. The property is located at the end of a cul-de-sac with the proposed project located within the 100 ft. buffer zone. The property is 2.3 acres with a man-made intermittent stream and resource areas. The

proposed barn is approximately 41 ft. by 41 ft. There will be a drip strip along either side of the barn and removal of existing driveway with replacement of gravel; several thousand feet of existing pavement will not be replaced. D. Burke did mention that there is existing bittersweet and other invasive plants along the drainage easement, which L. Hansen will include in the Order of Conditions to remove.

D. Burke did not request any waivers as the previously filed Order of Conditions, 322-485, delineated the stream and was accepted by the Commission at this meeting.

John Griffin, 20 Alden Road, spoke as an abutter to the project. Mr. Griffin spoke on the wildlife habitat, as this area is a natural habitat and food source. Mr. Griffin did not think the project should be permitted as it is impacting the environment. D. Burke mentioned there is no wetland impact and the area is already disturbed. S. Greenbaum also noted that the area for the proposed barn was quite disturbed.

L. Hansen will include in the Order of Conditions to remove the bittersweet and install a drip trench off the barn side to go 2 ft. deep.

Motion to continue the hearing at the Applicant's request to July 13, 2017 at 7:15pm under the Wetlands Protection Act; Seconded 6-0

Motion to continue the hearing at the Applicant's request to July 13, 2017 at 7:15pm under the Chapter 194 Bylaw; Seconded 6-0

7. **8:00 pm – Continued Public Hearing, Kevin O'Leary, Jillson Company, Applicant, 21 Training Field Road, 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. S. Greenbaum, J. Barnett, and L. Hansen performed a site visit the previous week. Wetland replication as required under the regulations would require lowering the grade in some areas and removing established trees. The proposed plan will be minimal disturbance of any existing trees. K. O'Leary spoke on the proposal to replicate and enhance the existing area of wetlands, as it is most likely to succeed next to bordering vegetated wetland.

Based on L. Hansen's recommendations, K. O'Leary has modified his stormwater plan to reduce the size of one basin. L. Hansen will visit the property before the next meeting on July 13, 2017.

Motion to continue the hearing at the Applicant's request to July 13, 2017 at 7:20pm under the Wetlands Protection Act; Seconded 6-0

Motion to continue the hearing at the Applicant's request to July 13, 2017 at 7:20pm under the Chapter 194 Bylaw; Seconded 6-0

8. **8:15 pm –Continued Public Hearing, Carl Solander, Reverse Architecture, Applicant, 189 Plain Road, 322-888:** 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).

Motion to close the hearing under the Wetlands Protection Act; **Seconded 6-0**
Motion to close the hearing under Chapter 194; **Seconded 6-0**
Motion to issue an Order of Conditions with conditions as discussed under the Wetlands Protection Act; **Seconded 6-0**
Motion to issue a Permit with conditions as discussed under Chapter 194; **Seconded 6-0**

9. **8:20 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, and Maria von Brincken, Maria von Brincken Landscape Garden Design, were present. P. Zaferiou provided the Commission with the required information from the previous meeting. S. Greenbaum stated it needed to be received at least a week in advance prior to the meeting for review.

P. Zaferiou explained that fill was not added onto his property or his neighbors, rather sand was placed for the construction trucks at the entrance of 76 Moore Road as it drops in elevation between Glezen Road and the neighbor’s property. Sand still remains at the site.

Topography of the land subject to flooding and inundation shows the property slopes from 159 ft. to 150 ft. An irrigation well is located within 100 ft. of buffer zone; irrigation heads are not allowed within the buffer zone. P. Zaferiou will need to physically remove the irrigation system within the buffer zone or remove all the irrigation heads.

S. Greenbaum questioned the planting plan provided. Many species within the buffer zone did not look native and would need to be replaced with native species. The Commission would like to continue the meeting to review all materials received and identify any non-native plants.

Motion to continue the hearing at the Applicant’s request to July 20, 2017 at 8:10pm under the Wetlands Protection Act; **Seconded 6-0**
Motion to continue the hearing at the Applicant’s request to July 20, 2017 at 8:10pm under the Chapter 194 Bylaw; **Seconded 6-0**

10. **8:40 pm – Public Hearing, Ben Stevens, Trask Development, Applicant, 24/26, 32/34, 35 Covered Bridge Lane, DEP File No. 322-834, 322-843, 322-850:** Request to 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 24/26, 32/34, and 35 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 O, 030 P, and 030 Q.

Alicja Zukowski, Samiotes Consultants Inc., and Ben Stevens, Trask Development, were present. A. Zukowski stated the amendment for 24/26 Covered Bridge Lane (CBL) is for an increase in impervious area and a higher grade elevation.

L. Hansen reviewed the file and noted that the increase in grass is due to an extension of a 20 ft. retaining wall, the existing deck is out further than approved, drywells were moved, and a walkway was added along the house side. A. Zukowski stated that the delineation had changed and it was not within the 30 ft. buffer, but the Commission noted that a change in wetland delineation does not allow an unpermitted change to the entire project scope.

L. Hansen requested the wall be removed and placed back to the originally approved location. B. Howell spoke that the changes were major and would require a new filing and not just an amendment; S. Greenbaum and R. Backman agreed.

The homeowner at 24 CBL spoke that he enjoys the existing conditions of his property and would not like to see a change to the retaining wall.

B. Stevens spoke that removing the existing retaining wall will do more damage to the area as it has become well-established. L. Hansen did not approve of the unpermitted change in project scope; moving the wall without approval and granting an amendment will set precedent for any future projects. S. Greenbaum referred to DEP Policy 85-4 concerning whether an amendment will suffice or a new filing is required. Commissioners agreed a new filing was required as the changes and impact were significant. Project scope can be discussed at a future meeting when the new Notice of Intent is filed.

Motion to deny the request for an amendment to 24/26 Covered Bridge Lane, 322-834, and require a new filing for a Notice of Intent under the Wetlands Protection Act; seconded 6-0
Motion to deny the request for an amendment to 24/26 Covered Bridge Lane, 322-834, and require a new filing for a Notice of Intent under the Chapter 194 Bylaw; seconded 6-0

32/34 CBL is requesting an amendment to the existing Order of Conditions for a retaining wall placed within the 30 ft. buffer zone; 6-7 feet closer than proposed. Sprinklers were placed in the 100 ft. buffer zone, a large privacy berm was installed with crushed stone, non-native plantings were planted, and a detention basin was created smaller than proposed.

L. Hansen recommended the removal of the existing detention basin and install a sub-surface stormwater system. The current detention basin also serves the road, which B. Stevens said could not be replaced since he is no longer the property owner. L. Hansen inquired if the basin has been maintained over the years with A. Zukowski uncertain if it had been.

Over 1,000 sq. ft. of impervious surface has been added onto this lot that was not approved; only an amendment previously filed for 490 sq. ft. was approved.

create the originally proposed 5 acre conservation cluster. The Commission rejected the parcel as open space, but SVT has been interested in the property.

- b. Oxbow Fields-** L. Hansen compiled a comment letter to the Planning Board regarding Oxbow Fields. A request was made to reduce the field size and parking lot. S. Fair mentioned that the Recreation Department is currently in need of more field space and that Greenways is a potential idea for a new field.
- c. Permitting Requirements for Town Hall Soccer Field-** Proposal to remove and re-grade a small section of the of the soccer field as it is currently not flat. There would still be a small grade change to drain the water off the fields. L. Hansen proposes that we ask for an RDA as there will only be a only 2-3 in. grade change.

12. Return of Performance Guarantee

- a. 70 Rice Road; DEP File # 322-721 (\$1,000)**

Motion to return \$1,000 performance guarantee; Seconded 6-0

13. Approve Minutes: June 14, 2017

Motion to approve the Minutes of June 14, 2017; Seconded 6-0

14. Adjournment: 10:25pm

The next **Scheduled** Conservation Commission Meeting is July 13, 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.