

WAYLAND CONSERVATION COMMISSION

Minutes, Thursday, May 11, 2017 7:06 – 9: 39 PM

Approved: May 25, 2017

Location: Large Hearing Room, Town Building, 41 Cochituate Road, Wayland, MA

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

Minutes: Nicole Thomson

S.Greenbaum opened the meeting at 7:06 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.

2. **Land Management Update: Seasonal Employees**

L. Hansen noted that three seasonal employees were hired for the summer; Dan Rosen, Cado Prince, and Cooper Archambault. D. Rosen and C. Prince have previously worked as seasonal employees while C. Archambault will begin his first year working with the Conservation Department.

3. **7:15 pm- Public Hearing, 28 Michael Road, Jim Williamson, Applicant, DEP File No. 322-886:** Notice of Intent filed pursuant to the Wetlands Protection Act and an application filed pursuant to Wayland's Wetlands and Water Resource Protection Bylaw, Chapter 194, by Jim Williamson, proposing the construction of a single-family home, bituminous concrete driveway, flexi-pave porous asphalt, roof infiltration system, septic system, and associated grading and utilities for Lots 4, 5, 6, &7 of the Michael Road Conservation Cluster subdivision at 28 Michael Road. Property is shown on Assessor's Map 24, Parcel 151. Portions of the work are within areas regulated by the Commission.

Jim Williamson, applicant, was here to present. The original Order of Conditions was filed with DEP File No. 322-801, which expired in July 2016. Lot 1 was not jurisdictional. The retaining wall was constructed behind lot 7 and the road was completed, along with the utilities. J. Williamson is requesting a vote on the new Order of Conditions for the project and to vote on a Certificate of Compliance for the expired permit. L. Hansen asked for an update on what has been accomplished; J. Williamson said it is a 7-lot subdivision on 15 acres with only lot 7 completed. The house has been stabilized for three years with no issues. L. Hansen would like to perform a site visit of the property.

L. Hansen prefers to issue a Certificate of Compliance before opening a new Order of Conditions as the existing project scope will continue to remain the same. S. Greenbaum noted that the bounds need to be marked for the conservation land. J. Williamson will contact his engineer and review the conservation cluster special permit to determine boundaries and install them.

Motion to Issue a Certificate of Compliance for DEP File No. 322-801 under the Wetlands Protection Act; Seconded 7-0

Motion to Issue a Partial Certificate of Compliance for DEP File No. 322-801 under the Chapter 194 Bylaw; Seconded 7-0

Motion to close the hearing for DEP File No. 322-886 under the Wetlands Protection Act; Seconded 7-0

Motion to close the hearing for DEP File No. 322-886 under Chapter 194; Seconded 7-0

Motion to issue an Order of Conditions with conditions including L. Hansen will perform a site visit and the inclusion of an updated project narrative for DEP File No. 322-886 under the Wetlands Protection Act; Seconded 7-0

Motion to issue a Permit with conditions including L. Hansen will perform a site visit and the inclusion of an updated project narrative for DEP File No. 322-886 under Chapter 194; Seconded 7-0

4. **7:35 pm – Continued Public Hearing, 113 & 115 Boston Post Road, Eden Management, Inc., Applicant, DEP File No. 322-885:** 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, Chapter 194, filed by Eden Management, Inc. for a determination of resource areas at 113 and 115 Boston Post Road, Wayland. Property is shown on Assessor's Map 30, Parcel 70 & 71 (Owner on record is Mahoney's Garden Center LLC).

Brendan Mullaney, Beals and Thomas, was here to present on behalf of the applicant. The ANRAD was completed on two separate parcels and the adjacent dwelling. B. Mullaney is asking the Commission for confirmation of the resource areas delineated. The central and northern property is not within a resource area but is in the 100-foot buffer zone and 100-year flood plain; eastern extent of the property contains Pine Brook, and what the applicant identified as an intermittent stream that runs on both sides.

L. Hansen has contacted three peer reviewers; Dave Burke; Patrick Garner from Patrick Garner Co.; and Rich Kirby from LEC. B. Mullaney left the decision up to the Commission to determine who will perform the peer review. L. Hansen asked for permission from Catherine and Todd Burns, 8 Pinebrook Road, to perform mean annual high water delineation on their property; the Burns' were present and gave verbal confirmation to visit their property and perform delineation.

Confirmation of the wetland delineation involves a wetland scientist from Beal and Thomas along with the Conservation's choice of peer review to visit the property together and determine the wetland lines. If the wetland delineation from Beals and Thomas differs from that of the peer review then discussion and decisions will be made in the field. Wetland line will be decided so that all members can agree on. L. Hansen would like to have the delineation performed the week of May 15. B. Howell spoke on the original delineation performed on December 19, 2016; during the drought period.

Dave Halliwell, VHB, spoke on entrance access concerns as L. Hansen questioned how the Eversource trucks will access the entrance. More work was recently done at the crossings at S. Sarkisian's request which will need to be redone again. Existing rail and crossing at Glen Road and Plain Road will come closer to the road and the current fencing will be removed and replaced with DCR fencing. The Mill Brook entrance is too tight of a curve for the Eversource trucks to make; a gravel pathway specifically designed for the trucks is proposed and will meet-up with the bike trail. There will be gates on both sides of the gravel pathway.

Shrubs planted at Mill Brook are in the way of access and will be removed; D. Halliwell is unsure of the other locations. B. Howell noted the culvert access. The intent is to build the bike path over the culvert. D. Bartone will include a sign for Eversource drivers to not cross the culvert since the bike path is accessible from the other entrance.

S. Greenbaum asked about the cattle crossing. D. Bartone spoke on preserving the cattle crossing as Eversource will not need to fill it. Eversource has engineered all the work, brought attention to preserving it, and Eversource trucks could pass over the one in Wayland. Any further work to preserve the crossing will need to be decided by and paid for by DCR and the Town of Wayland. The Town of Weston is in a similar situation and it has contacted the Commission and the Mass Historical Commission about preserving the Weston crossings.

Maintenance of the shoulders falls on DCR, as they will take control of the access road once it is completed. DCR has a maintenance plan including stormwater management and standard operating procedures are in place for the rail trail.

Joanne Barnett, 142 Plain Road, speaking on her own behalf as an abutter, noted the ramp on Plain Road was recently redone but is not ADA compliant. Ms. Barnett questioned how the ramp could be flush with the access road since both are currently not the same width. D. Bartone stated that the ramp and path will not be widened; instead $\frac{3}{4}$ inch stone will be placed to accommodate the Eversource trucks. D. Halliwell spoke that removable bollards will be placed at the entrance with only the Town of Wayland and Eversource having a key to unlock for access. Ms. Barnett stated the stone shoulder would cause major concern for wheelchair access.

Tom Sciacca, 31 Rolling Lane, spoke on advocating for permeable paving and questioned how the drainage is being handled near brooks. Hayward Brook goes to Pine Brook, which is a cold water stream; Mr. Sciacca asked that consideration is taken for runoff into Hayward Brook. L. Hansen noted that porous pavement requires a deeper bed and impervious surfaces are more applicable to parking lots and not multi-use paths.

Larry Kiernan, 17 Concord Road, asked for more information regarding the proposed $\frac{3}{4}$ inch stone shoulder. Eversource trucks are larger than the 10 ft. wide access road. Both Eversource and DCR have been working to find a more user-friendly surface. L. Hansen is concerned that stone dust can erode away from a big rain storm. Mr. Kiernan inquired on the start date; D. Bartone would like it to begin soon since the longer the project is delayed the less likely it can start this year. Mr. Kiernan inquired on the cattle crossing; Eversource engineering was able to preserve the crossings but now the town and DCR need to decide if they would like to preserve the one in Wayland.

William Petri, 86 Glezen Lane, spoke on the proposed stone along shoulder. Mr. Petri encouraged Eversource to create a better solution as it is dangerous for bikes. Not many bike paths have stone on the shoulder due to safety concern.

Anne Harris, 38 Rich Valley Road, questioned the runoff onto Hayward Brook due to salt or road treatment; the road will not be treated or plowed in the winter months.

L. Hansen prefers not to close the hearing if there are no permanent plans for the shoulders. The existing plan shows $\frac{3}{4}$ inch stone but it may be reconsidered. The applicant was encouraged to make the decision on the shoulder surface and advise the Commission as soon as possible.

Motion to continue the hearing at the request of the Applicant to May 25, 2017 at 7:15pm under the Wetlands Protection Act; Secoded 5-0

Motion to continue the hearing at the request of the Applicant to May 25, 2017 at 7:15pm under the Chapter 194 Bylaw; Secoded 5-0

6. **8:30 pm – Continued Public Meeting, Sarkis Sarkisian, Planning Department, Applicant, Right of Way Plain Road Crossing Rail Trail, File No. D-901:** Request for Determination of Applicability filed by Sarkis Sarkisian, Planning Department to install safety fencing and a handicapped concrete ramp at the Right of Way Plain Road Crossing Rail Trail. Property is shown on Assessor's Map 99, Parcel 001F.

Motion to continue the hearing at the request of the Applicant to May 25, 2017 at 7:25pm under the Chapter 194 Bylaw; Secoded 5-0

7. **Other**

- a. **Update on 90 Dudley Road, File No. D-895-** Christopher Kirby was hired by the Conservation Commission to perform a peer review on the retaining wall. Based on Mr. Kirby's recommendation, the wall does not have enough reinforcing for the load it supports. A permit was never filed with the Building Department either.
- b. **Commercial dog walking regulation-** A proposed commercial dog walking brochure, newsletter, and application for all dog walkers using Wayland's conservation areas was presented. Comments included a separate fee for Wayland dog walkers and non-Wayland dog walkers; and the removal of a separate fee per dog as it will create more difficulty to license. It was suggested that commercial dog walkers wear an ID tag. The application will be updated to reflect these edits.
- c. **Update on 151 Plain Road Bounds; DEP File No. 322-780-** L. Hansen has no updates. This project is a conservation cluster that the Commissioners were told by S. Sarkisian would be completed in the Fall 2016. S. Fair noted that a June 1, 2017 deadline should be required and then impose fines if not met.
- d. **Property Owner request for acquisition of open space at 174 Pelham Island Road-** Janet Caristo-Verrill, homeowner, was present. Ms. Caristo-Verrill understood that the Conservation Department does not have the funds to acquire the land. S. Fair asked what Ms. Caristo-Verill's intent was with her land as the Recreation Department has been searching for land to build soccer fields on for years.

Ms. Caristo-Verrill hired an engineer to create a site plan for three equal lots with a new road from her proposed land; the appraisal value will be changed as now it is for a buildable lot. The property is not in the Open Space Plan, which does not make it a priority property to purchase. B. Howell noted that Heard Farm does not need any further access and there is a swimming pool that would need to be removed for safety concern.

Ms. Caristo-Verrill is asking the Commission to vote for an appraisal of her property. The funds to pay for the appraisal would come from CPC. R. Backman did not think the appraisal should use CPC funds.

Motion to not request an appraisal from CPC funds for 174 Pelham Island Road; Seconded 7-0

- e. **National Grid Gas Main Maintenance-** L. Hansen received a letter from National Grid for vegetated management. National Grid is redoing the gas main on Lakeshore Drive; all within the buffer zone. T. Davidson recommended erosion control measures be used.

J. Barnett reported witnessing utility trucks filled with diesel at the railroad track at Plain Road.

- f. **70 Glezen Lane; File No. D-904-** The property owner was told to submit an application on November 16, 2016 with the Conservation Commission as work was performed in land subject to inundation. An after the fact filing was submitted on April 21, 2017. The applicant is unable to make a meeting until June with a question as to whether it should be presented at an earlier meeting. It was decided that L. Hansen will advise the applicant to come before the Commission with his application at its first June meeting.

- g. **Covered Bridge compliance issues (322-822, 322-830, 322-834)-** Certificate of Compliance was issued for 18/20 Covered Bridge Lane. L. Hansen noted the wetland delineation line changed on the proposed site plan but that would not change the permit conditions. Similar issues happened on 24, 26, 32, 34, and 35 Covered Bridge Lane as the stone wall changed and 5 ft. of fill was added without the Commission's approval. Amended applications need to be submitted for these properties as it is a modification from the original Order of Conditions.

Motion to require filing of amendments for 24,26,32,34, and 35 Covered Bridge Lane; Seconded 7-0

- h. **Commission and CPC reappointment-** Commissioners J. Sullivan, J. Barnett, and R. Backman all have terms expiring this year. J. Sullivan will seek reappointment on the Conservation Commission and CPC; J. Barnett will also seek reappointment. R. Backman will not seek reappointment and instead would like to be an associate member. An associate member does not have the ability to vote but rather gains or shares learning experience.

- i. **WRAP draft report**-WRAP Committee requested input on its draft report. Major concern at this time is the parcel left of the Middle School Driveway as it should not be used for bus parking; no impervious surface or refueling is allowed there under the Order of Conditions. A permit would not be issued for parking at this property location. Multi-use fields with natural grass only (no artificial turf) and possible other recreation school uses could be allowed. L. Hansen noted stormwater can be managed in various ways. WRAP Committee will be notified.
8. **Request for Certificate of Compliance**
- a. **102 Lakeshore Drive; DEP File No. 322-819**- Defer to May 25, 2017 Meeting
 - b. **223 Glezen Lane; DEP File No. 322-572**
Motion to Issue a Certificate of Compliance under the Wetlands Protection Act;
Seconded 7-0
Motion to Issue a Partial Certificate of Compliance under the Chapter 194 Bylaw;
Seconded 7-0
 - c. **8 East Road; DEP File No. 322-821**
Motion to Issue a Partial Certificate of Compliance under the Chapter 194 Bylaw;
Seconded 7-0
9. **Request for Return of Performance Guarantee**
- a. **115 Lincoln Road; DEP File No. 322-651**
Motion to return \$3,000 performance guarantee; Seconded 7-0
 - b. **24 Rice Road (8 Elizabeth Road); DEP File No. 322-607**
Motion to return \$2,500 performance guarantee; Seconded 7-0
10. **Approve Minutes: April 27, 2017**
Motion to approve the Minutes of April 27, 2017; Seconded 7-0
11. **Adjournment**
Motion to Adjourn at 9:39pm; Seconded 7-0

The next **Scheduled** Conservation Commission Meeting is May 25, 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.