

WAYLAND CONSERVATION COMMISSION

Minutes, Thursday, May 25, 2017 7:07 – 9: 15 PM

Approved: June 14, 2017

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

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

Not Present: Tom Davidson, John Sullivan

Minutes: Nicole Thomson

S.Greenbaum opened the meeting at 7:07 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. **Potential Eagle Scout Projects-** B. Harris compiled an updated Eagle Scout list detailing the projects previously completed and currently outstanding. Projects to focus on for the year include Sedgemeadow bridges and fixing the planks on the walkways and creating more raised beds at the Community Gardens. Currently, three raised garden beds exist and L. Hansen received requests for additional garden beds. Loker Conservation sign broke and needs to be repaired.

- b. **246 Old Stonebridge Road Update-** Chief Houghton would like to perform training exercises at the location if time allows. The oil tank was pulled out of the basement and asbestos was removed. L. Hansen is still waiting for the building permit for demolition.

- c. **Update on Rice Road Dam-** Haley & Aldrich completed the dam inspection report 5 years ago and have been hired to perform the dam inspection report again. L. Hansen has not received an update on the report.

- d. **Stewardship Program-** A few Conservation properties still need land stewards. B. Harris will compile a list of outstanding properties requiring a land steward.

3. **7:15 pm –Continued Public Hearing, Eversource and DCR, Applicants, MBTA Right of Way, DEP File No. 322-879:** Notice of Intent and a Wetlands and Water Resources Protection application (Wayland’s Chapter 194) filed by Eversource to construct access roads to existing electric transmission structures along a MBTA Railroad Right of Way. The subject of these applications is the portion of the project within the town of Wayland from Route 27 East Wayland-Weston town line. Property is shown on Wayland Assessor’s Maps 23, 24, 25, 19, and 20. J. Barnett recused herself for this applicant.

Dave Halliwell, VHB; Dan Driscoll; Department of Conservation and Recreation (DCR); Kevin McCune, Eversource, was here to present. D. Halliwell spoke on revised material for the shoulder as loam and grass is now being proposed; previously stone was discussed as the primary material for the shoulder. The shoulder is 2 ft. with a 1 ft. slope protection; anything beyond the 3 ft. will not be disturbed and remain in its natural vegetation. This is consistent with the Rail Trail in Weston. R. Backman inquired if the Eversource trucks may have difficulty with the new shoulder material; D. Halliwell mentioned that gravel will be beneath 4 inches of loam and seed. Eversource will repair any damage to the shoulder by its vehicles.

The cattle crossing was another outstanding concern. Design and reconstruction plans were given to the Historic Commission to decide if the Town is interested in reconstructing them. D. Driscoll spoke that it would be done independently and is not part of the project scope. The project will solely focus on railing and surface repairs with no interior work. The Town will need to discuss with DCR on cattle crossing preservation.

Richard Conard, Historical Commission, inquired if Eversource will pay for the cattle crossing railings; DCR will pay for the railings. Mr. Conard followed-up with asking who the Eversource point of contact will be; D. Halliwell spoke that the Order of Conditions states who the point of contact is.

Bill Petri, 86 Glezen Lane, encouraged the Commission to approve the Eversource project. The concern regarding shoulder material was addressed and as Weston just approved the first 5 miles, the hope is for Wayland to approve as well.

K. McCune brought up concerns reading the draft Order of Conditions; specifically items discussing invasive plant control and removal. The Rights-of-Way are controlled by the Department of Agriculture. S. Greenbaum questioned some of the chemicals used for invasive plant control; previous comments from the Commission in Rights-of-Way have been provided with no avail. K. McCune would like to work with the Commission to reword the conditions addressing invasive plant control. L. Hansen asked for a revised Order of Conditions referencing the Vegetation Management Plan.

Stan Robinson spoke on opposition to spraying as the area has lady slippers.

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. **7:25 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. J. Barnett recused herself for this applicant.

Sarkis Sarkisian was here to present. The Plain Road crossing was originally completed as there was no certainty when Eversource would be completing a rail trail. The crossings could not be completed without all the other components, including markings and signs. The area where the crossing was installed falls under the jurisdiction of the Commission; a Request for Determination of Applicability needed to be filed but was not, rather S. Sarkisian is coming with an after the fact filing. Eversource needs to make changes based on their trucks, changing the design of the crossings.

In the Order of Conditions, the findings section should include the process as to why and when the crossings were built. Portions of the work fall under the Eversource permit.

Motion to issue a Negative Determination w/conditions as discussed under the Wetlands Protection Act; Seconded 4-0

5. **7:30 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, wetland scientist for Beals and Thomas, was here to present. Patrick Garner was hired to perform the peer review. P. Garner, B. Mullaney, L. Hansen, and a few of the Commission members met on site for the peer review. The wetland line slightly changed and flags shifted location for mean annual high water line.

Changes only occurred on the southeastern portion. The stream bank area was encompassed into the delineation, including 20-25 ft. north. River front area was already extended due to mean annual high-water change. The delineation expanded the buffer zone from the original plan.

P. Garner confirmed the delineation performed by B. Mullaney and the new plan reflected the changes made in the field. R. Backman inquired as to how the 100-year flood line was established; B. Mullaney had taken it from the 2014 FEMA flood lines. The flood line is unusual and does not follow elevation. B. Mullaney is not asking for confirmation from the Commission at this time for the flood line.

Susan Keller, 114 Boston Post Road, asked why the 100-year flood line is performed; it is the estimated 1 percent probability of a severe storm happening in a given year based on historical records. B. Mullaney mentioned that it details who needs flood insurance and the required building permits. R. Backman added that it shows the elevation level to build based on location.

Carol Lyons, 125 Boston Post Road, inquired on how close the 100-year flood line could be to a septic system. L. Hansen spoke that this is a decision and question for Board of Health as it is not in the jurisdiction of the Commission.

Mark Hayes, 1 Sylvan Way, asked for more information regarding the changes in the wetland flags. The new delineation line expanded the setback line for the wetlands. West of the property setback was adjusted as an area of bordering vegetation was adjacent to Pine Brook. The new delineation does not show an intermittent stream; rather 2 channels with an island in the middle, which extended the wetland line to the edge of the channel.

Carol Grumman, 10 Pinebrook Road, questioned the difference between the 100-foot and 200-foot line. The 100-foot line gives a further level of regulation to activities within the buffer zone.

Richard Stanley, 60 Cochituate Road, asked if it is in the Commission's best interest to see changes in hydrology. L. Hansen will address this issue when plans for the redevelopment of the property are received by the Commission.

Joy Viola, 14 Glover Road, inquired if the wetlands impact the building placement. At this time there are no proposed buildings, but they will be placed in compliance with the Commission's regulations. The new delineation line does affect the building placement.

R. Backman stated no activity is proposed south of the stream. B. Mullaney stated that he needed confirmation from the Commission to confirm wetland boundary for the south side. Vegetated wetlands do exist on the south side.

Motion to close the ANRAD under the Wetlands Protection Act; Seconded 5-0

Motion to close the ANRAD under the Chapter 194 Bylaw, Seconded 5-0

Motion to issue an ORAD based on the revised delineation under the Wetlands Protection Act; Seconded 5-0

Motion to issue an ORAD based on the revised delineation under the Chapter 194 Bylaw; Seconded 5-0

6. **8:00 pm –Public Meeting, 15 Concord Road, Sara Berenson, Applicant, File No. D-905:** 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 Sara Berenson for 15 Concord Road, Wayland for construction of a 12 by 16 foot deck on rear of house. Property is shown on Assessor's Map 23, Parcel 092.

Sara Berenson, applicant, was here to present. S. Berenson plans to construct a 12 by 16 foot deck behind her house. The septic is further behind the proposed deck location; wetlands existing even further behind the fence on the property. The deck will be built on sonar tubes with a requirement to have 6 inches of crushed stone beneath. No trucks will be allowed in the area, with S. Berenson confirming.

The Order of Conditions will include specific conditions of 6 inches crushed stone beneath the deck and space existing between the decking materials to allow for drainage, with no heavy machinery allowed.

Motion to require a performance guarantee of \$250.00;

Seconded 5-0

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**

7. **Other**

- a. **Dudley Woods Trail: Change in design scope; File No. D-899-** Ed Sanderson, Interim Department of Recreation Director and applicant; Ben Gary, Marshall Gary LLC; Brud Wright, Vice Chair of Recreation Commission, were here to present. The applicant is requesting an amendment to the permit. The Dudley Woods trail was originally permitted for porous pavement, the applicant would like a change in design scope to asphalt pavement instead. A statement was made that the DPW does not have the equipment to properly maintain porous pavement and will require the purchase of additional equipment.

The Commission is requiring a new permit rather than an amended permit as it is significant change in design scope. The application also includes an expanded parking lot. S. Greenbaum thought the numerous attendees at the last hearing had a right to know there was a proposed change in surface material.

B. Wright spoke on the need for asphalt pavement as the Recreation Commission wanted an ADA accessible trail and the upkeep on stone dust would be too difficult. Porous pavement was an alternative met with great response but since DPW does not have the equipment, it is a costly option. B. Wright mentioned that only a small portion is under the Commission's jurisdiction; he inquired as to why they are before the Commission for the whole trail. L. Hansen said it was completed as one permit since the entire project needs stormwater management.

The project took into account alternatives to porous pavement when originally submitted. This included the trail parallel to bioswale and the entire area is pitched, still allowing water to infiltrate through. Commissioners agreed that the application must be resubmitted with the addition of asphalt pavement instead. It will be on for the next meeting agenda, June 14, if all the information is submitted timely.

- b. **Update on 90 Dudley Road; File No. D-895-** L. Hansen has not received an update. The wall is 10 ft. high and is not stable above 9 ft. Further delay in fixing the project will result in fines as the wall is not structurally sound at its current height; pressure from the top of the wall and parking are causing safety concerns.
- c. **Bill Murphy Plaque at Trout Brook-** Request was received from Betty Salzberg to place a plaque at Trout Brook Bridge for Bill Murphy's volunteer service. B. Howell mentioned that historically the Commission has not had plaques placed at any Conservation area. The Commission would need to pay for the plaque; many did not feel it was appropriate to have the town pay for naming rights. The acceptance of a plaque will be allowed, but it needs to be donated and privately funded.
- d. **Twenty Wayland land donations and easement to Cow Common-** No further update on the properties (CR Area/parcel 16 and Meadow Management Area/parcel 15). Conservation Commission needs assurance that no contamination exists on the sites. Remediation is still

ongoing at Meadow Management Area. L. Hansen said that \$85,000 is still remaining in the performance guarantee, which will not be given back until compliance has been met.

- e. **17 Hereford Road: Change in project scope; DEP File No. 322-876-** Majority of the property falls within the Commission's jurisdiction. A permit was issued to raise the garage level, but the house needs to be rebuilt. L. Hansen spoke on the need for the applicant to file for an amended permit as it will stay on the same footprint and is not a significant change in scope.
- f. **Mainstone Farm Greenhouse-** A request to build a greenhouse and another small building by the farmer of Mainstone Farm was received from SVT. The proposed greenhouse is within 900 ft. of Old Connecticut Path. The Commission and SVT have the right to approve or deny the proposed buildings; SVT is encouraging approval. The greenhouse is 30 ft. by 100 ft. and the other building will be small with a refrigeration component. The Commission will visit the site and vote at the next meeting.

There was a Mainstone walkthrough on Tuesday 5/23. A proposed parking lot on Forest Hill would require curb cut, fill and a gate for the cattle field. Rice Road already has a curb cut with a disturbed area, making for an ideal parking lot location fitting 4-6 cars. Conservation Commission, SVT, and the Hamlen Family all agreed this was an ideal location.

8. Enforcement

- a. **Mahoney's Garden Center** – During the site visit for 113 & 115 Boston Post Road it was identified that Mahoney's Garden Center was in violation of illegal dumping; piles of potting soil, old plants, building materials and leaves were dumped along the bank edge of Pine Brook. L. Hansen will send an enforcement letter next week with impending fines.

9. Permit Extension Request

- a. **89 Lakeshore Drive; File No. D- 763-** A permit was filed 7 years ago; the applicant would like another extension to complete the project. There was a question as to what has already been done as no reports were filed with the Commission and the last correspondence was dated from 2013. The project was permitted for a new septic system and driveway reconstruction. The Commission will revisit the request for a permit at the June 14 meeting after a site visit.

10. Request for Certificate of Compliance

- a. **102 Lakeshore Drive; DEP File No. 322-819-** The plantings have not been in for two-growing seasons; many died last year. The septic system required yearly inspections and L. Hansen did receive confirmation from Board of Health that it has been inspected yearly.

**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. **72 Concord Road; File No. D-882**

**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

11. **Request for Return of Performance Guarantee**
 - a. **72 Concord Road; File No. D-882 (\$500)**
Motion to return \$500 performance guarantee; Seconded 5-0
 - b. **18 Audubon Road; DEP File No. 322-797 (\$1,200)**
Motion to return \$1,200 performance guarantee; Seconded 5-0
12. **Approve Minutes: May 11, 2017**
Motion to approve the Minutes of May 11, 2017; Seconded 5-0
13. **Adjournment**
Motion to Adjourn at 9:39pm; Seconded 5-0

The next **Scheduled** Conservation Commission Meeting is June 14, 2017 and will be held in the Wayland Town Building.