

WAYLAND CONSERVATION COMMISSION

Minutes, Thursday, September 21, 2017 7:10 – 9:36 PM

Approved: Thursday, October 5, 2017

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

Present: Barbara Howell, John Sullivan, Sean Fair (8:10pm), Tom Klem, Joanne Barnett, Tom Davidson (7:45pm Remote Participation) Chairperson: Sherre Greenbaum, Conservation Administrator: Linda Hansen

Minutes: Nicole Thomson

S.Greenbaum opened the meeting at 7:10 PM noting that a quorum was present.

S. Greenbaum stated that Tom Davidson will be participating remotely due to geographic distance. A quorum of the Conservation Commission is physically present at the meeting, all persons are audible to one another, and all voted will be roll call votes.

1. **Citizens Time: Designated time for input to the Commission regarding items that are *not* on the agenda.**

There was no comment.

2. **Land Management**

- a. **End of Seasonal Employees-** L. Hansen spoke that tomorrow, Friday 9/22, would be the final day of our last seasonal employee, Dan Rosen. The three seasonal employees have accomplished numerous tasks this summer with the assistance of B. Harris.

3. **7:15 pm –Public Meeting, Jason Letourneau, Applicant, 15 Smokey Hill Road, File No. D-916:** 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 Jason Letourneau, for 15 Smokey Hill Road, Wayland to perform landscape work including removal of invasive species and vista pruning. Property is shown on Assessor’s Map 45, Parcel 034.

Jason Letourneau, applicant, was present. J. Letourneau spoke that the scope of the work includes landscape, primarily located outside the 100 ft. buffer. A delineation of the property was performed earlier this year. Based on a recommendation from an arborist, three trees in the buffer zone are dead and require removal. The bittersweet along the retaining wall will be removed. The existing retaining wall will stay. L. Hansen and B. Howell performed a site visit. L. Hansen expressed concern that the exposed soil needs to be stabilized while growing grass to prevent runoff into the wetlands. No yard wastes allowed in buffer zone and no fill to be placed on property.

Motion to issue a Negative Determination 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

4. **7:30 pm –Public Hearing, David Magee, Merz Construction, Applicant, 68 Moore Road, DEP File No. 322-896:** 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 filed by David Magee, Merz Construction, for 68 Moore Road, Wayland to construct an addition to the existing garage and construction of a manhole and pump chamber tying to the existing sewage disposal system. The property is shown on Wayland’s Assessor’s Map 10, Parcel 64 (Owner on record is Geoffrey von Maltzahn).

Motion to continue the hearing at the Applicant’s request to October 5, 2017 at 7:15pm under the Wetlands Protection Act;

Seconded 5-0

Motion to continue the hearing at the Applicant’s request to October 5, 2017 at 7:15pm under the Chapter 194 Bylaw;

Seconded 5-0

5. **7:45 pm –Public Hearing, Thomas and Sarah Greenaway, Applicant, 60 Rice 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 filed by Thomas and Sarah Greenaway for 60 Rice Road, Wayland to replace single family home septic system. The property is shown on Wayland’s Assessor’s Map 45, Parcel 15.

S. Greenbaum stated that T. Davidson was present and participating remotely. Roll call was conducted by S. Greenbaum noting J. Sullivan, T. Klem, J. Barnett, B. Howell, T. Davidson and S. Greenbaum all in attendance.

Tom Greenaway, applicant, was present. In Spring 2016 an ANRAD was submitted to the Commission for approval to delineate the resource areas. An ORAD was issued in July 2016 and Planning Board approved the special permit for the conservation cluster. The existing septic field was placed in 1992; currently the septic is outside the new property boundaries and needs to be relocated. A site visit by L. Hansen found the property to be within the 200 ft. riverfront but work is outside the inner riparian. Waivers were requested for the project. The septic system plan has already been approved by Board of Health. Soil testing was completed for Board of Health approval. Bounds must be installed along open space of property prior to the start of any work. The hearing will need to be continued as there is no DEP file number.

Motion to approve the waivers as requested; Seconded; Roll call vote conducted by S.

Greenbaum noting J. Sullivan, T. Klem, J. Barnett, B. Howell, T. Davidson and S. Greenbaum all in favor 6-0.

Motion to continue the hearing at the Applicant’s request to October 5, 2017 at 7:10pm under the Wetlands Protection Act; Seconded; Roll call vote conducted by S. Greenbaum noting J.

Sullivan, T. Klem, J. Barnett, B. Howell, T. Davidson and S. Greenbaum all in favor 6-0.

Motion to continue the hearing at the Applicant’s request to October 5, 2017 at 7:10pm under the Chapter 194 Bylaw; Seconded; Roll call vote conducted by S. Greenbaum noting J. Sullivan, T. Klem, J. Barnett, B. Howell, T. Davidson and S. Greenbaum all in favor 6-0.

6. **8:00 pm –Public Hearing, Chris D’Antonio, Windsor Place, Applicant, 24 School Street, DEP File No. 322-897:** 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 filed by Chris D’Antonio, Windsor Place, LLC, for 24 School Street, Wayland to demolish the existing house, barn and driveway followed by construction of two new townhouse buildings, paved parking and driveways, new subsurface sewage disposal system, stormwater management system and supporting utilities. The property is shown on Wayland’s Assessor’s Map 52, Parcel 189.

Brian Nelson, Metrowest Engineering; Desheng Wang, Creative Land & Water Engineering; and Chris D’ Antonio, applicant, were present. D. Wang spoke on the ANRAD filing from 2015. The stream is considered perennial under the bylaw. There is no FEMA mapping of this property.

B. Nelson spoke on the project proposal. There will be two townhouses buildings, one set parallel to School Street outside the buffer zone and the second townhouse set beyond the first and entirely in the buffer zone. In total, it will be 26 bedrooms within 12 units. The site access is primarily off 24 School Street; cars will enter, follow the driveway between both buildings and exit onto East Plain Street. Each unit will have its own garage. Currently, no stormwater management is onsite. According to the presentation this plan would create an improvement on how stormwater is treated. Primary stormwater is catch basins and then to infiltrators. The system is designed for a 100 year storm with no overflow. Proposed septic system is in the northern section near the parking area. Each townhouse outside the buffer zone will have a small terrace off the back with porous pavers. The porous pavers were not included in the calculations for impervious surface.

T. Klem asked if any flood analysis was performed on the property as a statement from the findings in the ANRAD stated that the “Commission asked for calculations to determine the extent of bordering land subject to flooding and were told it would be calculated when any development for 24 School Street was proposed.” D. Wang stated that no stream analysis was performed as any flat water would overflow but not onto the property. T. Davidson questioned if there was any observation or recent data on how the stream responded to Hurricane Irma or Harvey. C. D’Antonio stated that no recent flooding had been observed; there has been no historic information on recent flooding.

Encroachment issues from the previous owner onto town property still remain. L. Hansen stated that the retaining wall and fill on town property will need to be removed. C. D’Antonio stated the plan was to add loam and plant wildflower seed mix instead on that property. D. Wang asked for permission to do test pit samples along the retaining wall to determine what exists. L. Hansen said samples can only be taken using a hand shovel. Reports will be provided at the next meeting.

B. Howell stated that the site plans depict a concrete washout area within the 100 ft. buffer, which is not allowed. The concrete washout area will be moved outside the buffer zone to a different location. Proposed septic system onsite is a fast treatment system. Snow storage is proposed on both sides of parking area; snow in northern corner will most likely run into the road and western corner run into catch basin. The snow cannot run off into the wetlands. J. Sullivan was concerned that if there was a large snow season with a dramatic period of warmth

and rain, the runoff would need to go somewhere. B. Nelson spoke that the system was sized for abnormal storms.

George Bernard, 103 East Plain Street, has retained the counsel of Attorney Michael Wiggins of the law firm Weston Patrick, P.A. for himself and the neighborhood to express concerns about the potential Chapter 40B project at 24 School Street. In addition, Mr. Bernard retained Scott Horsley of the Horsley Witten Group to review septic and storm water management issues at this site.

Michael Wiggins, Attorney for the neighbors of 24 School Street, stated that Mr. Horsley was not present at the meeting but that he is a groundwater expert; he had concerns over the close proximity of the septic system to the stormwater management. There are improvements from the existing conditions but not for a 26 bedroom townhouse. The density could cause a rise in groundwater and affect the wetlands. Mr. Horsley requires more time to review the stormwater and septic plans before providing an informed report to Commission. The characterization in 2015 of the stream as intermittent under state law has flaws in the analysis.

Shelia Carel, 18 Joyce Road, spoke about flooding on her property and next to their property. It is a large wetland complex in the area. The head of the stream begins in the Capital Middle School woods and all the rain and snow feeds into the vernal pool past 24 School Street. Ms. Carel stated that the vernal pool connects with the wetlands during heavy flood seasons. Ms. Carel questioned the proposal of areas designated for snow storage, as one area borders the wetlands and cannot be sure what will flow into it. Many animals live in the wetlands and any chemical usage or spillage can have effect on the wetlands and school children who observe and learn about the area. Natick residents receive drinking water from the area. L. Hansen mentioned that the previous owner owned a chimney business and could have dumped waste in the area.

J. Sullivan brought up 310 CMR 10.00 of the Wetlands Protection Act regulations which states that the purpose of the Act is the protection of water supply and groundwater supply, flood control, storm damage prevention, and protection of wildlife habitat, and that the applicant has not addressed how the area within the Commission's jurisdiction is being protected in the application or presentation tonight. D. Wang spoke that animals are seen daily and will address concerns. The proposed building takes into effect existing conditions and is trying to maintain the site as close as possible to existing conditions. S. Greenbaum requested a narrative addressing these concerns which D. Wang stated he will submit before the next hearing.

T. Klem questioned if the catch basins will account for the leakage of oil and other material from cars. B. Nelson spoke that the catch basins will have a deep sump at bottom allowing for clean water to flow back out. The O&M Plan was included with the NOI submittal and the catch basins will require periodic maintenance.

S. Fair stated that the entire second building is within the 100 ft. buffer and questioned why it wouldn't be removed from the proposed plan. D. Wang spoke that volume or runoff rate would not be increased according to the Wetlands Protection Act. S. Fair spoke that protecting the wetlands would involve removing the building from the 100 ft. buffer and it would reduce the number of issues currently existing.

Linda Miller, 30 School Street, is an abutter to the property. At the previous ZBA meeting a peer review was required for stormwater and Ms. Miller is unclear how any comments could be provided if there is no review. The proposed building is within the 100 ft. buffer and further issues of concern include snow removal and roof runoff all flowing into the wetlands. Ms. Miller did not believe the property was large enough to accommodate the proposed work.

L. Hansen discussed that the ZBA hired a civil engineering firm that will also address stormwater management. The Commission will need to hear the findings from the peer review at the next ZBA hearing on October 2 but may consider its own peer review if appropriate.

Molly Upton, 23 Bayfield Road, requested the Commission examine the impervious surface on this project. Ms. Upton raised concerns including snow storage, catch basin, and septic.

Nancy Leifer, 73 East Plain Road, thanked the Commission for listening to the concerns.

Carole Plumb, 17 Bald Rock Road, questioned where the town drains are in relation to School Street and East Plain Street. The drains are located on the corner of both roads. B. Nelson spoke that there will be no puddling on either road; rather the water is funneled to the middle of the site.

Michele Galicia, 20 Aqueduct Road, spoke that the homes around the area are in insurance flood plains. The buffer zones are in place for a reason and there is far too much encroachment. Ms. Galicia mentioned that the design does not fit with the neighborhood and a new design should be presented.

Gretchen Dressens, 155 Main Street, would like the Commission to consider the need to protect the resources for the neighborhood; it is a great area providing the middle school with learning opportunities.

Katherine Gardner, 5 Richard Road, questioned if the manmade pond currently in place would be filled by the proposed parking lot; B. Nelson responded that it would be filled. Ms. Gardner was concerned about the displacement of wildlife from the pond.

T. Klem mentioned if any further design plans had been taken into consideration. C. D'Antonio spoke that numerous design layouts had been proposed but the best soils for septic was in the northeast corner. Concerns regarding the entrance and exit of the parking lot also had to be considered.

L. Hansen spoke that the next step is to continue the hearing until results from the peer review on stormwater is presented to ZBA which will determine how the Commission should proceed further. B. Nelson noted that the Chapter 194 application may be withdrawn.

Motion to continue the hearing at the Applicant's request to October 5, 2017 at 8:00pm under the Wetlands Protection Act; Seconded; Roll call vote conducted by S. Greenbaum noting J. Sullivan, T. Klem, J. Barnett, B. Howell, T. Davidson, S. Fair and S. Greenbaum all in favor 6-0.

Motion to continue the hearing at the Applicant's request to October 5, 2017 at 8:00pm under the Chapter 194 Bylaw; Seconded; Roll call vote conducted by S. Greenbaum noting J. Sullivan, T. Klem, J. Barnett, B. Howell, T. Davidson, S. Fair and S. Greenbaum all in favor 6-0.

7. Other

- a. 24/26, 32/34, and 35 Covered Bridge Lane; DEP File No. 322-834, 322-843, 322-850-** The Conservation Department received a new Notice of Intent for 32/34 Covered Bridge Lane. The project will be heard at the next meeting on October 5, 2017.
- b. 104/106 Plain Road Update-** No further update since letter written by developer. Waiting for further explanation regarding the donation of property as open space to the Recreation Department.
- c. Rice Road Mainstone parking lot-** L. Hansen met with L. Mattei and P. Brinkman for a proposed 5-6 car capacity parking lot. DPW has sketched out the parking spots and will use millings from the DPW laydown area; the site will be regraded. The work should be completed in the next 4-5 weeks. SVT has volunteered to create a kiosk and put signs for directions to trail head. B. Harris will work with SVT to mark the trails with a GPS and develop a trail map. S. Greenbaum questioned if any action under the CR is needed to allow a parking lot; L. Hansen said that L. Mattei previously wrote about the parking lot proposal. L. Hansen will look further into this.
- d. Comments for STM Warrant Articles-** S. Greenbaum noted the possible need for the Conservation Commission to provide additional comments to warrant articles submitted by other boards. Any conservation issues or concerns should be raised before the Special Town Meeting. S. Greenbaum spoke that she would look further into this issue to determine if other committees can add additional comments for review.
- e. Vote on FY'17 Annual Report-** The Annual Report should include photos. Will be revised and voted on for the following meeting.
- f. Matters not reasonably anticipated by the Chair 48 hours in advance of the meeting, if any**

33 Bayfield Road- Homeowner, Warren Morris, had previously spoken with L. Hansen for proposed work on his property. The homeowner is proposing a 3-season porch placed on top of existing patio with no soil excavation. L. Hansen recommended an RDA since work is 80 ft. from Dudley Pond and no excavation work will occur. J. Sullivan spoke that the close proximity to Dudley Pond creates a sensitive resource area and should be an NOI. The Commission agreed with this latter approach and L. Hansen will inform the homeowner.

Closure on High School Artificial Turf Field- Since the Order of Conditions on the property was appealed to DEP and a superseding OOC was issued, the state will need to issue a Certificate of Compliance. The conditions under the superseding OOC were not followed. Facilities would like to hire a vac truck to clean carpet fibers from swale. An alternative is to remove top foot of soil and remove carpeting from swale as some carpeting is most likely buried in the topsoil. Only general maintenance is allowed under the O&M Plan. Question was raised if it made sense to remove a large portion of the swale and dig up large amounts

of carpet fibers if the fields plan is to be redone. There was also question of how much and what type of work should be allowed under the current permits. The project needs to be closed out before a new permit can be issued. The Commission needs more information and L. Hansen will ask facilities for scope of work.

Lake Cochituate drawdown - L. Hansen has only received comments from P. Brinkman, still waiting to hear from other departments. The Fire Chief is concerned with the water level being dropped and expecting to received comments from Board of Health as well.

8. Approve Minutes: September 7, 2017

Motion to approve the Minutes of September 7, 2017; Seconded 4-0 (J. Sullivan not present and T. Davidson no longer participating remotely)

9. Adjournment

The next **Scheduled** Conservation Commission Meeting is October 5, 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.