

Wayland Conservation Commission Meeting Minutes

Wednesday, February 28, 2024

Approved: March 20, 2024

Location: Commission members participated remotely via Zoom
Present: Sean Fair, Chair; Barbara Howell, Vice Chair; Tom Davidson; Shannon Fischer; Luke Legere; Jen Pearlman; Jenny Brown; Linda Hansen, Conservation Administrator; Monica Rivas, Conservation Department Assistant
Minutes: Monica Rivas

S. Fair opened the meeting at 6:32 PM, noting that the meeting was being recorded by WayCam and a remote quorum was present consisting of Shannon Fischer, Luke Legere, Jen Pearlman, Barbara Howell, Tom Davidson, Jenny Brown, and Sean Fair. All participants were present virtually.

1) Public Hearings (Starting after 6:30 PM):

- a) **24 School Street, (DEP file no. 322-0965): con't Notice of Intent** filed pursuant to the Wetlands Protection Act (310 CMR 10.0), submitted by Chris D'Antonio, Windsor Place LLC construction of twelve new townhouses, driveways and parking areas, subsurface sewage disposal system, stormwater management system, and supporting utilities at 24 School Street in Wayland, MA. Property is shown on Assessor's Map 52, Parcel 189 and is located within 100 feet of bordering vegetated wetlands and land under water.

The applicant requested a continuance to allow time to respond to comments from the peer reviewer.

L. Legere moved and B. Howell seconded the motion to continue the hearing under the WPA to March 20, 2024 after 6:30 PM. S. Fair initiated a roll call vote: YEA: S. Fair, T. Davidson, L. Legere, J. Pearlman, S. Fischer, J. Brown, B. Howell. NAY: None. ABSTAIN: None. Vote in favor 7-0.

2) Public Meetings, Request for Determination of Applicability (RDA):

- a) **13 Pollock Rd (D-1021): Request for Determination** filed pursuant to Wayland's Wetlands and Water Resource Protection Bylaw (Chapter 194) and the Wetlands Protection Act (310 CMR 10.0), submitted by Carlos Villatoro for the renovation and construction of an addition to a single family house in Wayland, MA 01778. The project is shown on Assessor's Map 52 Lot 180 and is located within the 200 foot Riverfront Area.

Carlos Villatoro appeared before the Commission. He stated they have hired an engineer and are working with the Board of Health to create an updated plan to include a septic system upgrade.

L. Hansen stated the project scope should include the septic system and permitted under one permit. The application can be placed on the next agenda after the applicant submits updated plans showing the proposed septic system.

L. Legere moved and T. Davidson seconded the motion to continue the hearing under the WPA to March 20, 2024 after 6:30 PM. S. Fair initiated a roll call vote: YEA: S. Fair,

T. Davidson, L. Legere, J. Pearlman, S. Fischer, J. Brown, B. Howell. NAY: None. ABSTAIN: None. Vote in favor 7-0.

- b) **43-135 Dudley Road and 2-9 Pine Road (D-1024): Request for Determination** filed pursuant to Wayland's Wetlands and Water Resource Protection Bylaw (Chapter 194) and the Wetlands Protection Act (310 CMR 10.0), submitted by Boston Gas Company for the replacement of the gas main on Dudley and Pine Roads in Wayland MA 01778. The project is located within the roadway on Assessor's Map 47A, Lot 95 and is located within 100 feet of bordering vegetated wetlands and land under water.

Carolyn Gorss and Rob Tyler with BSC Group appeared before the Commission. 913 linear feet of gas main will be replaced within the wetland buffer zone. None of the work proposed will be within 50 ft. of the wetland resource area. All work is proposed within an existing paved roadway. The gas main will be replaced in sections, with trenches dug up and covered at the end of each workday. Erosion controls will be placed around the outside of the work area. No catch basins were identified within the section of roadway where work is proposed. They requested a waiver from the drainage and soils requirements due to the project taking place within the paved roadway.

L. Hansen stated she had no issues with the project as proposed.

T. Davidson asked whether they will be using trench boxes. C. Gorss stated the excavation will be shallow (minimum depth 12 inches), and the gas main is only about 2 inches in diameter, so trench boxes will not be required.

L. Legere moved to issue the waivers for the drainage and soils information site plan minimum requirements. B. Howell seconded the motion. S. Fair initiated a roll call vote: YEA: S. Fair, T. Davidson, L. Legere, J. Pearlman, S. Fischer, J. Brown, B. Howell. NAY: None. ABSTAIN: None. Vote in favor 7-0.

L. Legere moved to issue a Negative Determination under the WPA and a permit under Chapter 194. B. Howell seconded the motion. S. Fair initiated a roll call vote: YEA: S. Fair, T. Davidson, L. Legere, J. Pearlman, S. Fischer, J. Brown, B. Howell. NAY: None. ABSTAIN: None. Vote in favor 7-0.

3) **Stormwater and Land Disturbance (SWLD):**

- a) **59 Draper Rd (SWLD-121):** Tom Schutz with Goddard Consulting appeared before the Commission. He presented a tree removal and replacement planting plan for the lot. 26 trees will be removed in total out of concerns for safety. 17 shrubs and 19 trees are proposed as replacement.

L. Hansen stated this was an after-the-fact filing for tree removal completed without a permit. Four trees were removed before she issued a cease and desist order.

S. Fischer suggested removing the top of the pines and leaving snags for habitat, specifically for the trees toward the back of the lot.

L. Legere had questions about a few of the healthy and young trees towards the back of the lot.

T. Schutz stated topping can kill the tree or split it in two and felt it more favorable to take them down to the ground.

L. Legere moved to issue a permit under Chapter 193 for 59 Draper Rd SWLD-121. B. Howell seconded the motion. S. Fair initiated a roll call vote: YEA: S. Fair, T. Davidson,

L. Legere, J. Pearlman, S. Fischer, J. Brown, B. Howell. NAY: None. ABSTAIN: None. Vote in favor 7-0.

- b) **80 & 86 Oxbow Rd Rd (SWLD-122):** No one appeared before the Commission. L. Hansen suggested meeting with the applicant offline. The driveway and a portion of the work proposed are located on town land. She shared the plans with DPW and they stated they would not approve the work as proposed. The applicant will need to make significant changes to their plans.

T. Davidson moved to continue the meeting to March 20, 2024 after 6:30 PM. L. Legere seconded the motion. S. Fair initiated a roll call vote: YEA: S. Fair, T. Davidson, L. Legere, J. Pearlman, S. Fischer, J. Brown, B. Howell. NAY: None. ABSTAIN: None. Vote in favor 7-0.

4) Request for Certificate of Compliance (COC):

- a) **265 Concord Rd (DEP File no. 322-932):** Rafe Brown, property owner, appeared before the Commission. He presented completed construction plans. Three stream crossing bridges were constructed for tractor access to the bee box area.

M. Rivas stated she conducted a Conservation Restriction monitoring site visit with Brian Harris, Conservation Land Manager. They walked the entirety of the CR and found that a trail had been cut from the south field, through the wetlands, and to R. Brown's property using a tractor. This was in violation of the CR conditions and an alteration of the resource area. They followed up with R. Brown to ensure that the trail would be abandoned. Going forward, vehicle access will only be allowed from the north through the stream crossings constructed as part of this project.

L. Legere moved and B. Howell seconded the motion to issue a Certificate of Compliance under the WPA and Chapter 194, with the condition that the southern vehicle access trail will be abandoned in perpetuity. S. Fair initiated a roll call vote: YEA: S. Fair, T. Davidson, L. Legere, J. Pearlman, S. Fischer, J. Brown, B. Howell. NAY: None. ABSTAIN: None. Vote in favor 7-0.

5) Other:

- a) **Receipt of correspondence from MassDEP regarding 113-115 Boston Post Road appeal of Order of Conditions (DEP file number 322-1000):** L. Hansen stated the Commission's denial of an OOC due to lack of information concerns were dismissed. DEP disagreed with the applicant's classification of degraded riverfront area. DEP opened the project for a comment period. A final decision has not been issued by DEP. L. Hansen stated the peer reviewers and other consulting services will be used to prepare a comment letter on the appeal. She feels the Commission should stress the protection and preservation of the cold water stream, an outstanding resource water.
- b) **Dog Policy on Conservation managed properties:** The Commission discussed options to manage dogs on Conservation properties due to the increase in complaints and conflicts caused by unleashed groups of dogs. Enforcement of the dog policy is difficult due to lack of resources. The animal control officer does not walk trails so they do not witness many of the issues.

6) Public Comment: none

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7) **Approve Minutes:**

a) **February 7, 2024 minutes:** The Commission had minor comments on the minutes.

B. Howell moved and T. Davidson seconded the motion to approve the February 7, 2024 minutes with revisions. S. Fair initiated a roll call vote: YEA: S. Fair, T. Davidson, L. Legere, J. Pearlman, S. Fischer, J. Brown, B. Howell. NAY: None. ABSTAIN: None. Vote in favor 7-0.

8) **Adjournment:**

The meeting was adjourned at 7:35 PM.

The next Conservation Commission meeting is scheduled for Wednesday, March 20, 2024 @ 6:30pm