

WAYLAND CONSERVATION COMMISSION

Minutes Thursday, September 1, 2011 7:32 – 10:10 PM

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

Present: Commissioners: Roger Backman, Markey Burke, Ted Harding, Barbara Howell, Chairman: Andy Irwin, Larry Kiernan (7:36), Conservation Administrator: Brian Monahan

Not Present: John Sullivan

Minutes: Andrea Upham

A.Irwin opened the meeting at 7:32PM noting a Quorum was present.

1. **7:32 pm** - Citizens Time/Public Comment: Items not scheduled on a Conservation Commission agenda.

Minnette Harrington, 19 Loker Street, expressed concern with outcome of 6 Loker Street project and shared photographs of the field, which produced weeds rather than grass. She addressed her concerns with the church about the property and received a letter from the project's architect stating that the reason weeds grew in was due to delay in the process of the final decision and planting in the month of June. M.Harrington feels the issue is soil quality to support ground cover growth and wondered if anything could be done about the situation. A.Irwin explained that the Commission's main concern is erosion but that the site will be on their list of sites to check.

2. **7:35 pm - Continued Public Hearing, Town of Wayland/DPW, Applicant, Main Street/Commonwealth Road; DEP File No. 322-756:** Notice of Intent filed by the Town of Wayland pursuant to the Wetlands Protection Act, G.L. ch. 131 s. 40 and the application filed pursuant to Wayland's Wetlands and Water Resources Bylaw, Chapter 194. The applicant is proposing to replace approximately 2,000 linear feet of water main at the intersection of Main Street (Rte. 27) and Commonwealth Road (Rte 30). The existing water main is old cast iron and is scheduled to be replaced for maintenance reasons with a larger pipe. The replacement of the main will also provide the Town with a future emergency interconnection with the Town of Natick.

Present were Stephanie Tarves, Tata & Howard, and Don Oullette, DPW.

S.Tarves began by addressing the concerns that were raised at last Conservation Committee Meeting. Regarding the datum for the site plan, Ms. Tarves spoke with Alf Berry, and it was in fact NGVD and noted as such on plan. Ms. Tarves showed the Commission where it was noted on the plan. Regarding resource delineations, Brian recently provided Ms. Tarves with information on the other delineated areas. There were two submittals they were considering. On the side of the coffee shop they found that the 200' riverfront area was pushed out, but regarding the wetlands, they added SES flag series. Based on the 30' no-disturb and 100' buffer zone, they are taking the more conservative approach on both areas. On the other side they overlaid their own, more conservative markings, but other flag locations are on there. Regarding the paved chute down to the brook, their approach is to use mulch in front of the steel plate to catch sediment before it goes down the paved chute. Ms. Tarves pointed out that they removed the erosion

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control from the area along the Cape Cod berm from the plan based on feedback that it isn't needed. Ms. Tarves reported that they had conducted borings along the road to determine areas where contamination could be encountered, and they did find on that side borings B4 and B5, which is in line with groundwater flow from the source area presented in previous reports where contaminated soils are likely to be excavated. They will prepare URAM for the construction and will require OSHA certification from the contractor. A.Irwin inquired as to whether there are plans for segregated stockpile management, and Ms. Tarves confirmed that they are in place. D.Oullette stated that the Town's contractor will be responsible for monitoring health and safety issues throughout project. The Notice of Award is being mailed out tomorrow and the contract should be in place within 2-3 weeks. S.Tarves confirmed that the project will be conducted in the evening hours. A.Irwin inquired if there is a need for dewatering. D.Oullette confirmed that they are only going five feet down, so there will be no issue. S.Tarves added that there is already groundwater wording in the specification stating that a fractionation tank will be required if needed. B.Monahan shared that a 5% "retain/hold-aside" figure had been agreed upon by all parties. D.Oullette shared with the Commission that Joseph Cardillo's firm had been awarded the contract, and that they are a very good firm.

Motion to close the meeting under the Wetlands Protection Act Seconded 6-0

Motion to close the meeting under the Bylaw Seconded 6-0

3. **7:52 pm – Public Hearing, Joseph & Kristina Bonventre, Applicants, 101 Boston Post Road, DEP File No. 322-757:** Notice of Intent filed by Joseph & Kristina Bonventre pursuant to the Wetlands Protection Act, G.L. ch. 131 s. 40 and the application filed pursuant to Wayland's Wetlands and Water Resources Bylaw, Chapter 194. The applicants are proposing a building addition with a garage within the 200 foot riverfront area at 101 Boston Post Road. The property is shown on Wayland's Assessors Map 30, Parcel 67.

Present was Matt Bombaci of GPR, representing the applicants. The original house on the property was built around 1900. Mr. Bombaci showed the proposed addition to the Commission on the plan, reviewing the deck and the gravel driveway, which is being moved. Riverfront is conversion of lawn (1750 square feet total area addition, including deck) with 2900 square feet to the end of the straw waddles. Driveway will remain gravel, with proposed infiltration trench to filter runoff from driveway into dry wells; straw waddles will delineate disturbance. There is a new sewage disposal system planned due to increase in bedrooms; septic is for six bedrooms (for existing five-bedroom house). T.Harding asked about drainage from roof. Mr. Bombaci said it will be down slope in the back with plans for some sort of a stone drip edge. Water discharging was discussed. R.Backman asked how they are planning to protect the slope. Mr. Bombaci reported that it was very stable already and they won't go near that. A.Irwin mentioned that there is no issue of vegetation in 100' area but that Bylaw regulations discuss alternatives and wondered what they were for this project. Mr. Bombaci shared that the only alternatives were not economically feasible as they would entail tearing down and rebuilding. Brief mention was made of barn on the property that was previously removed and filled in. A.Irwin encouraged that they establish limit of lawn to avoid future creep toward the top of the steep slope. B.Howell mentioned that the area could be delineated with rocks. B.Monahan added that straw waddles

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should be supplemented with a filter fence and that silt socks work well. A.Irwin urged that they not have waddle dug into trench; a spade opening for silt fence is preferred. B.Howell asked about what they expect to put underneath the deck area. B.Monahan commented that crushed stone underneath is usually required.

Motion to continue Hearing under the Wetlands Protection Act at the next Conservation Meeting, September 22, 2011 @7:35pm Seconded 6-0

Motion to continue Hearing under the Bylaw at the next Conservation Meeting, September 22, 2011 @7:35pm Seconded 6-0

4. **8:10 pm – Public Hearing, John Pauplis, Applicant, 125 Dudley Road, DEP File No. 322-758:**

Notice of Intent filed by John Pauplis pursuant to the Wetlands Protection Act, G.L. ch. 131 s. 40 and the application filed pursuant to Wayland's Wetlands and Water Resources Bylaw, Chapter 194. The applicant is proposing to replace an existing failed soil absorption system with a new four-bedroom septic system. The work is within the buffer zone of Dudley Pond at 125 Dudley Road, Wayland. The property is shown on Wayland's Assessors Map 47A, Parcel 71.

Mike DiModica was the representative joined by John Pauplis, the applicant. Mr. DiModica reported that the existing four-bedroom house has a failed cesspool on the north side along with some form of septic system in the back. They are proposing to reroute the soil pipe from the rear to the front to a leaching field 20x42. The plan highlights were reviewed, including impervious barriers designed to prevent seepage. There is approximately 2200 square feet of disturbed area with barrier on west/north sides to fully encompass. The driveway is gravel. Mr. DiModica reported that two variances were granted by the Board of Health. Limit of lawn area is on the south side, with one 24-inch beech tree to be removed. A.Irwin asked what will be done to maintain 50' setback. M.DiModica responded that the leach field can be staked. A.Irwin urged him to be certain of that beforehand.

Mike Lowery, 120 Lakeshore, asked if the large concrete cap on top of the existing cesspool is being removed. Mr. DiModica responded that he had rolled it down the slope by hand and will roll it back up. He also mentioned that there is no easement on the property.

Discussion ensued concerning the need to obtain permission from owners of that land.

Mr. DiModica further noted that a small portion of the stone walls will need to come out and be replaced during the project and stated they are not raising the grade at all. R.Backman inquired about plans for planting. B.Monahan said it will be stated in the conditions.

A.Irwin interjected that homeowners do have the ability to utilize a general permit for tree removal, so that with proper notice to the Commission and certain conditions met, residents are allowed to remove trees without pursuing formal applications.

Mr. Lowery raised the issue of the previous failure of the existing system and wondered if soils should be removed downslope if they have been saturated. A.Irwin responded that there is a need to strike a balance between cleanup and disturbance of the slope and also added that lime can be used to neutralize. M.Burke reported no odor when the Commissioners conducted a recent site visit. A.Irwin added that organic material should degrade over time.

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A.Irwin asked for coordination with property owners in the early stages of work and asked Mr. Pauplis when he wished to begin work. Mr. Pauplis responded that he would like to start as soon as possible.

B.Monahan recommended \$ 1200 for a Performance Guarantee

Motion to require \$1200 Performance Guarantee for project Seconded 6-0

Motion to close Hearing under the Wetlands Protection Act Seconded 6-0

Motion to close Hearing under the Bylaw Seconded 6-0

5. **8:30 pm – Public Meeting, Leon and Angela Zachery, Applicants, 151 Boston Post Road, File D-790:** Request for Determination of Applicability filed by Leon and Angela Zachery pursuant to the Wetlands Protection Act, G.L. ch. 131 s. 40 and the application filed pursuant to Wayland's Wetlands and Water Resources Bylaw, Chapter 194. The applicant is proposing to re-install a patio/deck at 151 Boston Post Road within 100 feet of bordering vegetated wetlands. The property is shown on Wayland's Assessors Map 29, Parcel 046.

Dan Metzler, Deck Contractor, was present. Project proposed is a small ground-level deck to replace existing patio. Discussion ensued about previous drainage problem, plans for height of deck and material to be used under the deck. B.Monahan reported that drainage had been a chronic problem in the past and felt that crushed stone underneath the deck would promote movement of water. Mr. Metzler expressed great concern, given the fact that there is not enough height; the deck is very close to the ground. He also expressed concern over the cost and didn't feel it would be a realistic solution for the measurements of this deck. After discussion, it was agreed that crushed stone would not be necessary underneath the deck because of the impact on deck height or the need to excavate soils to install stone under the deck, but agreement was reached that a crushed stone trench would surround the edge around the deck for drainage infiltration purposes and the deck would be slanted away from the steep slope.

Motion to require \$250 Performance Guarantee for deck project Vote not taken

Motion for negative determination with conditions under Wetlands Protection Act Seconded 6-0

Motion for negative determination with conditions under the Bylaw Seconded 6-0

B.Monahan will hope to have the decision ready within ten days.

6. **8:40 pm – Public Hearing, Northbridge Communities, LLC, (James Coughlin), Applicant, 134 Boston Post Road, DEP File No. 322-759:** Notice of Intent filed by Northbridge Communities, LLC, (James Coughlin) pursuant to the Wetlands Protection Act, G.L. ch. 131 s. 40 and the application filed pursuant to Wayland's Wetlands and Water Resources Bylaw, Chapter 194. The applicant is proposing an assisted living facility with associated grading, drainage, and utilities at 134 Boston Post Road, Wayland. Work is proposed within the 100-foot buffer zone to bordering vegetated wetlands and within riverfront area. The property is shown on Wayland's Assessors Map 29, Parcel 048.

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Chris Lucas of Lucas Environmental began presentation, joined by Eric Gerade of Stephenson Design Group, Ray Mitrano of Northbridge Companies, and Rebecca Bachand of UBLA.

A.Irwin shared with the group that the Commission will be engaging Lisa Eggleston of Eggleston Environmental for peer review on this matter, but Lisa could not attend this meeting.

Mr. Lucas reviewed the plan, which encompasses approximately 9.57 acres of land. The ANR (Approval Not Required subdivision) plan was approved on August 21, 2011 and the first lot is the subject for tonight's meeting. The second lot is expected to be used for agricultural purposes. There is an existing residence on the property which borders Hayward Brook. Mr. Lucas reviewed the bordering vegetated wetland line, the flood line and the 100' buffer zones, mentioning that previous beaver activity has caused flooding. The proposed assisted living facility is 35,600 square feet footprint with a courtyard center and parking along the edges. There is an infiltration basin in the back. This is a one- to two-story building, with the back section being two stories and the front one-story. Projected erosion controls were shown on the plans, and review of the design to preserve trees. Mr. Lucas reported a total of 189,000 square feet of riverfront area under the Wetlands Protection Act. He stated that the calculation is 3.7% so impacting 6.6% riverfront with two lots. The existing house is just outside the 200' riverfront area. A.Irwin asked if infiltration through the area without an open basin was considered. Eric Gerade shared that pervious pavement was looked at and due to utilities coming through, the infiltration galley would be a rather large system and the basin as proposed was determined to be a better design. A.Irwin inquired if alternatives were covered in report? Mr. Lucas said they can be added to the report and shared that project is outside 100' riparian zone and 50' from wetland with no work proposed in 30' disturb. T.Harding asked if any issues would be encountered due to this being two lots. A.Irwin recognized that in the Bylaw "the lot" will need to be looked into vis a vis thresholds; how to incrementally minimize impact will be looked at. Mr. Lucas reviewed that they are looking to preserve large trees in the riverfront area. T. Harding inquired if there could be any restriction at a later date should there be a new owner. Mr. Lucas said no, adding that they are considering the entire lot for their calculations and are looking for deed restriction across both lots. Mr. Lucas further stated that they are also looking at 6500 square feet of additional plantings for aesthetics and wildlife habitat and that for the portion outside of the fence, 5000 square feet will be grass, maintained periodically. M.Burke inquired if any restriction exists stating that the front parcel must be used for agricultural purposes. A.Irwin responded that is not in the Conservation Commission's immediate area of jurisdiction.

Eric Gerade gave an overview of the stormwater management aspects of the project, explaining that there will be a shared system for stormwater and wastewater disposal and reviewed plans with the group. Mr. Gerade stated that the reason for the shared system is to pull away from the agricultural area and tuck into the back. He stated that with respect to easements, Northbridge will own/maintain a major component of the system. Mr. Gerade reviewed that the existing site drains to Hayward Brook, discharging to cold-water fishery, so they are complying with those design requirements. He reported proposed pervious concrete in courtyard with grass swale as overflow, silt sock on downslope, catch basins for Boston Post Road to collect sediment. A.Irwin inquired about construction phase BMPs. E.Gerade said they were further identified in Stormwater Pollution Prevention Plan. A.Irwin mentioned that turbidity monitoring will be

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considered a requirement for stormwater during construction and inquired when the Commission will have Stormwater Pollution Prevention Plan. E.Gerade responded that it would be available two weeks prior to project. A.Irwin stressed his desire that the Commission have certainty of responsibility for items in Stormwater Management Plan and so would expect to have it for review during the approval process. B.Monahan concurred and added that he would expect that it will identify critical items regarding stormwater management beyond simple soil erosion and sediment control but also would cover management of pollutants used or generated during the construction work.

C.Lucas pointed out that the DEP 322-759 project has a variance on item 3; the scale is 1"-40' rather than 1"- 20'. B.Howell asked if datum was noted on the plan, and E.Gerade pointed out where it was on the plan.

A.Irwin inquired if the delineation today in site design was different than what was presented informally to the Commission a couple of months ago. E.Gerade responded that the basin was moved back substantially.

R.Backman asked if the construction included a basement. E.Gerade said there will be small basement piece in one area. A.Irwin inquired if the generator is gas or diesel, and E.Gerade responded that it is gas. A.Irwin inquired if there is currently any issue of impacted soils with demolition of the residence. Ray Mitrano responded that they were previously removed and there were no oil tanks.

Marji Ford, Lee Road, asked for clarification of "cumulative impact" on entire lot vs. subdivided lots. A.Irwin responded that the Commission will be looking into that and discussing the matter with the peer reviewer with respect to determination of "the lot", etc., and mentioned that the Bylaw is available on line and in the Conservation office.

Mike Lowery, Lakeshore Drive, inquired about the volume of water use that is planned and whether there was any plan to re-use to save town water. Mr. Gerade responded that there is approximately 10K gallon/day usage projected with no current plans for reusing water. A.Irwin mentioned that cisterns have been used in the past on other projects for rainwater reuse and inquired about any irrigation plan. Mr. Mitrano mentioned one in the courtyard area. A.Irwin emphasized no irrigation in the wetland resource areas. Mr. Mitrano shared that the septic field area will be meadow grass.

Debbie Tofias, Plain Road, asked if there can be agricultural use in the septic area. Mr. Mitrano responded that you can't grow on top of septic flow. Ms. Tofias asked if that would limit development of the front parcel. Mr. Mitrano stated that the limited size for the front parcel is approximately 2000-2500 square feet.

Stan Robinson, Wheelock Rd, asked which trees on the plan drawings are to be taken down and what they will be planning for replacement trees. Mr. Gerade reviewed the trees on the plan and specifically pointed out four large trees they plan to save, working with an arborist; others will be taken down and replaced with orchard style setting. Rebecca Bachand shared the general

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character of the area they are planning with meadowland, orchard area and shade trees and other trees in keeping with the New England character (sugar maple, oak, blueberry, witch hazel, dogwood, etc.). There will be a maintained area just around the building and views will be a farm setting. The views from Wheelock Road will include dogwood and witch hazel, similar to the types of trees already seen there. Mr. Robinson wondered what percentage of trees is to be affected. Mr. Mitrano explained that the top right corner is mostly briar bushes. A.Irwin confirmed that the proposed tree cutting is outside of wetland jurisdiction and that the mature trees in the Riverfront are being protected.

Marji Ford inquired if the Commission members will visit the site and point to trees specifically. A.Irwin confirmed that the members do visit sites before, during and after such projects with respect to the preservation of trees, etc., and Mr. Mitrano assured the group that they are maintaining as many as possible and taking effort to not impact them. L.Kiernan inquired whether it might be possible to put in a walking path. Discussion ensued about potential conservation restrictions and a deed restriction. Mr. Lucas commented that the restriction was to prevent further development only. B.Monahan shared that conservation restrictions are helpful for open space, so the Conservation Commission would prefer an offer of a conservation restriction for the riverfront. Mr. Mitrano responded that they are open to that discussion.

Ms. Tofias asked if a trail were developed, if there would be a way to link to that. Mr. Mitrano responded that he felt it would be quite distant. L.Kiernan expressed that easements could be used. B.Monahan commented on the buffer zone along the Brook. He noted that the 1995 Open Space Plan sought protection of the land along the brook. A.Irwin asked if the roof drainage was to be combined with street runoff. Mr. Gerade explained they were separate, adding that they are looking at alternative analysis on size of basin.

A.Irwin closed project discussion confirming that the Commission will be conducting peer review and will continue the hearing, asking Mr. Mitrano for permission for continuance, which he granted.

Motion to continue the Hearing under the Wetlands Protection Act at 7:45pm on September 22, 2011 Seconded 6-0

Motion to continue Hearing under the Bylaw at 7:45pm on September 22, 2011 Seconded 6-0

7. **Issuance of Order of Conditions [310 CMR 10.05 (6)], Chapter 194 Permit/s (Pending Closing of Public Hearing) and/or Determination of Applicability**
 - a. Main Street/Commonwealth Road, 322-756
Motion to issue Order of Conditions under the Wetlands Protection Act Seconded 6-0
Motion to issue Permit under the Bylaw Seconded 6-0
 - b. 151 Boston Post Road – D-790
Motion to issue negative determination with conditions under the Wetlands Protection Act Seconded 6-0
Motion to issue Permit under the Bylaw Seconded 6-0

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- c. 125 Dudley Road – 322-758
Motion to issue Order of Conditions under the Wetlands Protection Act Seconded 6-0
Motion to issue Permit under the Bylaw Seconded 6-0

There was a return to the performance guarantee discussion concerning 151 Boston Post Road, D-790. Decision was reached for withdrawal of motion for \$250 Performance Guarantee. The intent is that given the \$1000 outstanding Performance Guarantee, the Commission will require a \$500 Performance Guarantee for this project, allowing that \$500 of the \$1000 outstanding guarantee could be used upon favorable inspection.

Motion to require Performance Guarantee of \$500 for deck project, File D-790 Seconded 6-0
Motion, based on satisfactory site inspection of D-790 project by the Conservation Commission, to allow the release of \$500 from current outstanding Performance Guarantee on prior project to satisfy requirement of current D-790 Performance Guarantee Seconded 6-0

8. Other

- a. **3 Lawrence Road; DEP File No. 322-754**
Brief discussion about addition of covered entryway and 6' shift of house construction on the property recently reported to the Commission.
- b. **Discussion – Request for Performance Guarantee 67 Edgewood Rd (DEP File 322-695)**
B.Monahan will need to ascertain status of this matter and report back with details.
- c. **Other**
B.Monahan reported that Commission members conducted site visit to Pelham Island Road parcel discussed at last Conservation Commission Meeting. Brief discussion followed with consensus that the Commission would not be interested in acquisition of the property but would perhaps be interested in a Conservation Restriction. B.Monahan will prepare a letter to that effect.

A.Irwin shared issue of the annual filing of the MS4 Report, sharing that B.Monahan did not file the report on time, and the Town is being told it may be fined \$6K. A.Irwin urged that the Commission bring awareness of the areas covered in the report and to incorporate the MS4 into how we do business so other organizations in town can bring back information to Brian, including DPW and Board of Selectmen, so this is more of a collaborative effort and so that the criteria we're using and they're using maintains consistency. He also added that the set of standards we're expecting should be the same throughout all boards. Commission discussed with Mike Lowery that he could be a useful resource for next year's report. B.Monahan will enlist his assistance in March 2012.

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- d. **Chapter 193 Update:** B.Monahan reported that he needs to get back on track with Lisa Eggleston and shared that he will send out some word documents to Commissioners for tweaking pertaining to this subject.
 - e. A.Irwin shared that a Town Center Meeting took place this evening at 7:00pm regarding construction in the boundaries of the MCP disposal site. A.Irwin commented that he had reviewed the plan and submitted comments to Ben Gould, with primary concerns surrounding dewatering. They are moving forward with initial demolition phase.
9. **Minutes – August 11, 2011**

Motion to accept the August 11, 2011 Minutes Seconded 6-0

Adjournment

Motion to adjourn at 10:10pm Seconded 6-0