

## WAYLAND CONSERVATION COMMISSION

Minutes Tuesday, June 21, 2011 7:30 – 10:32 PM

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

**Present:** Commissioners: Roger Backman, Markey Burke, Barbara Howell, Chairman: Andy Irwin, Larry Kiernan (8:30), John Sullivan (7:50), Conservation Administrator: Brian Monahan;

Minutes: Andrea Upham

**Not Present:** Ted Harding

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

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

Sheila Carrel, Joyce Road – S.Carrel reported that she and her neighbors have been out with cameras and she wanted to share their work. They have been looking at land where proposed soccer fields are marked. They have gathered information from Mass DEP website concerning vegetation in forested wetlands, and they believe there may be forested wetlands along the Joyce Road side toward the Middle School. Vegetation was found such as red maple, swamp oak, high bush blueberry. A.Irwin asked if the information was presented to the committee, and S.Carel responded that the meeting had been cancelled which prompted her to come to tonight's Conservation Meeting. M.Burke suggested mailing materials to Commission. A.Irwin inquired about vernal pools and suggested formal submission of information. B.Monahan accepted package of information directly from S.Carel at end of discussion.

2. **7:40pm** Motion to accept Conservation Meeting Minutes of 6/7/11 Seconded 4-0  
Motion to accept Conservation Meeting Minutes of 5/12/11 Seconded 4-0

3. **7:44 pm – Informal Presentation to Conservation Commission and Planning Board: Proposed Development at 134 Boston Post Road (Lee's Farm Stand)**

Joint informal presentation/discussion of Planning Board and Conservation Commission. B.Pezzoni represented Northbridge Companies. He thanked both departments for the joint meeting and providing them with feedback early on in the process. The Buongiorno family has been trying to do something with the site for some time. At one time the project was large scale but with the changing economy, the project has shifted to an assisted living facility in the rear and farm stand in front in keeping with prior agricultural rules and regulations. Their purpose today was to discuss the back piece and what can be done with that. B.Pezzoni feels that what they can do to bring the site and farm stand together will be what community wants.

Ray Matrino spoke briefly and introduced Wendy Nowokunski President of Northbridge Companies, along with Partner, Jim Coughlin. Northbridge was formed six years ago when they saw a need for a boutique assisted living provider. Wendy is the owner/operator of several facilities in Massachusetts and Maine (Plymouth, Dartmouth, etc.). When farm opportunity came about, it

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seemed like an ideal opportunity as Northbridge has an “eat fresh, eat local” program, and adjacent farm would be ideal for residents. Northbridge also has other innovative programs representing that they are conscious of sustainability.

Anthony Buongiorno: A.Buongiorno presented that he had a number of contenders in consideration but chose Northbridge for this project, feeling confident that they could carry this through to completion and work with the restraints that exist on property. He feels Northbridge has both expertise and capability. He also feels that this project speaks to the partnership of the Town of Wayland and its community and that it can be a very successful project for everyone.

Ray M. presented overview of site constraints showing spots on the plan – septic fields testing and other components – and presented the general concept of the visual with farmhouse structure. The Assisted Living facility is Phase I and the Farm Stand is Phase II. This is a two-story structure with the Alzheimer’s unit on the first floor and Assisted Living portion on the second floor. This is a 32,500 square-foot, 64-bed facility with close to a 50/50 split on each floor.

Jon Stephenson, Engineer: J.Stephenson gave overview of site engineering aspects of project which consists of 9.6 acres with a single-family home as part of the project. The 32,000 square-foot building is off of Route 20 with access into the site, including 54 parking spaces. Lots are designed to comply with zoning requirements. Their planning includes trying to maximize the potential of the agricultural site. Board of Health has approved shared septic system, which may also require DEP approval. System includes up to 4,000 square feet of farm stand use on front parcel. Small field in front is required for leaching area. Wetland areas were reviewed. Mention of potential vernal pool where predatory fish were confirmed to be found so it is not operating as vernal pool.

A.Irwin interjected that an ORAD on this property falls within permit extension act (two years) and told the group that it is helpful for the Conservation Commission to have those defined boundaries. J.Stephenson responded that riverfront areas are of concern and they are reporting 9.8% performance standard there; no structural improvements occurring in riverfront area. A.Irwin asked about trees in the area. J.Stephenson noted some invasive species with some mature growth at Buongiorno house but scrub along with mature trees. A.Irwin asked for confirmation they are not cutting within 100 feet of riverfront. J.Stephenson confirmed that fact and added that rain garden, pervious pavement, water quality structures will meet performance standards for stormwater regulations. A.Irwin advised that Conservation Commission will be looking for erosion control measures due to the slope and proper management of materials (concrete washouts, etc.) and will continue to be interested in those things as project progresses. J.Stephenson confirmed that they are trying to minimize disturbance.

Sarkis Sarkisian, Town Planner, reported that abutters want this to be reviewed in comprehensive manner, reviewing assisted living in concert with the farm stand. There are concerns regarding splitting the lot into two parcels (lots) with the septic system on another property line/parcel. S.Sarkisian further raised issue of status of farm stand and grandfathering rights along with traffic and shared driveway requiring Zoning Board of Appeals special permit.

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Discussion about Bylaws on farm stand; the property had been taken out of 61A for tax purposes but new statute is promoting the use so intent is to parcelize and go to agricultural use in front. The timetable approved for the back parcel is late fall/early winter. The other parcel timeframe will come into play as soon as they find a user. Issue was raised of alternate use for the front parcel if not used as farm stand but team reported that best use is agricultural.

A.Irwin: Riverfront subject to regulations and interest in our town to protect riverfront corridors (200 ft); permanent protection desirable

Lee's Group – Joan Blair: Shared opinion that the group wanted this to be one parcel as town planner suggested. Dividing parcels leaves them vulnerable that front parcel may not be of benefit to town. Survey they conducted to keep Route 20 open came out very high. Whether farm or hayfield, parceling it up leaves it vulnerable. Would like to go back to Community Preservation and appeal to other parts of town to see if there is another use. No information has been shared on price for front parcel. They are urging comprehensive plan and recommend that Planning Board and Conservation Commission give reading on the plan.

B.Pezzoni shared that is why back parcel must be done first; not fair to Buongiornos to handle differently with constraints on front parcel being extreme.

Jill Ellison, resident, raised issue of B.Pezzoni perhaps having conflict of interest being a representative for Northbridge and involved as well with Buongiornos. B.Pezzoni handles with waivers from both sides.

A.Irwin reminded everyone that this is just informal hearing to review project; not the permit hearing.

Marji Ford, resident, discussed ongoing chronic problem of brook invading homes of Wheelock and Lee Roads and felt this could only put increased stress on brook. People in that area are already under water when extra precipitation falls.

A.Irwin: Rate and quantity of runoff will be strictly addressed and not looking for increase.

Helen Riese, resident and Pinebrook Association member since 2005, felt nobody wants this to be commercial; went before town to have master plan reviewed; Association wants open space; farm stand leaves concern that if left unspecified, will result in unhappiness.

Bill Sterling, resident, reported hearing people interested in renting farm stand but want ice cream stand; could septic accommodate such a use as designed?

B. Pezzoni: can't build anything bigger that would generate more than 600 gallons/day.

Malcolm Astley, resident, reported interest in front parcel; asked repeatedly for price that Community Preservation Fund could support.

B.Monahan noted that at 9.8%, riverfront is essentially used (limit being 10%)

Linda Segal, resident, asked how much water will this project use. Response was 10K gallons/day. S. Sarkisian inquired as to when formal application will be filed. Response was in next 45 days. Discussion closed at 8:50pm.

4. **8:58 pm – Public Meeting, Albert Zagame, Applicant, 15 Sylvan Way, D-787** : Request for Determination of Applicability filed 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 by Albert Zagame. The applicant is seeking to remove four maple trees from the premises of 15 Sylvan Way. Three trees lie within a buffer zone and the fourth tree sits on the border of the buffer zone and bordering vegetated wetlands. The property is shown on Wayland's Assessor's Map 25, Parcel 72, Lot 4A.

A.Irwin began by noting that Albert Zagame has open permits on which he has requested certificates of compliance. Conservation Commission has issues with those that are to be dealt with separately and are not part of tonight's discussion.

A.Zagame showed the Commission the trees on his plan that he wishes to take down; he reports that one is completely dead, one has cavity and others are dropping limbs. They are close to house and limbs come off in winds and present safety issues. He is proposing to cut and replant. Discussion ensued on snags, and A.Irwin feels they should be preserved as much as possible because they provide wildlife habitat.

B.Monahan felt that one tree in question could likely be in wetlands in no-disturb line.

A.Zagame pointed out where replanting will occur along back edge.

A.Irwin reported that Commission desires no interference; recommendation is to plant new trees and then they will allow cutting of old trees. Three trees can be cut to ground; dead tree is in wetlands so will not be touched

Patty Starfield, resident: Expressed that A.Zagame should have to comply with first orders before progressing with this new project; concerned with water flow

B.Monahan responded that formula will be used and planting of new trees will be more than six trees and certain species will be recommended.

A.Irwin: Commission will want to see planting plan, spacing, etc.

R.Backman asked if stump grinding is part of project. A.Zagame said none is planned.

B.Howell reported that she thought a sprinkler head was seen in buffer zone and B.Monahan confirmed that is not allowed. A.Irwin wants to expand scope of project to remove that and any other sprinkler in buffer zone. B.Monahan to arrange site visit.

Motion for \$500 Performance Guarantee Seconded 5-0

Motion for Request for Determination with negative determination w/conditions under Wetlands Protection Act Seconded 5-0

Permit under Wetlands Bylaw with conditions Seconded 5-0

A.Zagame will hear from Commission in next six weeks concerning compliance on other issues.

5. **9:15 pm – Public Hearing, Jason Boyce, Applicant, 7 Old Vineyard Way, DEP File No. 322-755:**  
Notice of Intent filed 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 by Jason Boyce. The applicant is seeking to provide site remediation for work constructed on the site under DEP File 322-609, to complete work originally required under the previous filing and to remediate areas where work extended further than shown on the permit plans. The property is at 7 Old Vineyard Way and is shown on Wayland's Assessor's Map 25, Parcel 83.

**Doug Miller, Goldsmith Prest & Ringwall:** Boyces have moved and were unaware of order when purchased property; closing attorney missed it so attempting to resolve that outstanding order and Commission recommended new Notice of Intent to clean up issues. Showed plan proposing to maintain existing slope area as stone to maintain stability on steep slope; proposing to remove fill from other area to existing ground and allow to revegetate; old wetland flags on plan; wetland is right up to side of barn/garage and quite close so removing fill should help natural revegetation. No disturb area was supposed to have been put in; retaining wall may have been disturbed at construction. By removing stone and taking out fill, etc., cleanup, will balance off impervious surface.

A.Irwin: original approved plan with impervious cover? D.Miller showed original plan submitted as grading plan after order had been issued; plan order issued on was general subdivision plan and grading plan was condition of that. What exists today is very close to original plan.

A.Irwin doesn't want any mistake about wetland line, and limit of lawn line needs clarification.

D.Miller: limit should be 30-ft no disturb. Assumed data plan must be corrected to N9VD.

R.Backman mentioned that before lot was built, the corner was rubble that should have been removed. Discussion about demarking the line with visual marker (plants, boulders). D.Miller reported that T.Livingston was hoping to have clear view of wetlands. A.Irwin mentioned that regarding 2-3" deep trench along waddle and prefers that it not be dug in.

A.Irwin felt project can move forward understanding that Commission will get the correction on the datum and there is consistency. B.Howell asked about catch basin in driveway. D.Miller said they will have it magnetically traced and pull the cover and get some elevation on it.

A.Irwin reported allowing repairs in back area, drainage inspection work, reseeding will be monitored through two growing seasons and some shrub planting plan along with showing limit of lawn. B.Monahan reported that there is another open file on this (DEP 322-500).

T. Livingston raised issue of grass vs. gravel. Would like to leave gravel and not do grass. Commission had no objection to leaving stone area in front of barn structure with restricted use of barn (no equipment storage, no vehicles, etc.).

**Motion to close hearing under Wetlands Protection Act Seconded 6-0**  
**No recommendation at this time for Performance Guarantee**  
**Motion to continue permit hearing under Bylaw Seconded 6-0**

Continued to July 14, 2011 @7:35pm

A.Irwin confirmed intention to move forward with Orders of Condition

D.Miller shared that Boyces have a significant amount of money being held in escrow for completion of this project. B.Monahan said decision will hopefully be out by 3<sup>rd</sup> week of July and some of this work is best left until fall season anyway. Discussion closed 9:50 pm.

6. **9:50 pm - Request for Return of Performance Guarantee**

a. **14 Country Corners; DEP File No. 322-727**

**Motion to release remaining \$500 to applicant Seconded 6-0**

b. **109 Dudley Road; DEP File No. 322-707**

**Motion to release remaining \$750 to applicant Seconded 6-0**

c. **11 Wheelock Road; File D-739**

**Motion to release remaining \$500 to applicant Seconded 6-0**

d. **3 Lawrence Road; File D 747**

A.Irwin raised issue of prior project which held Performance Guarantee but failure to perform. Forwarded monies from old to new but voted that new project required \$1,000 Performance Guarantee. Commission needs to take action requiring forfeiture of \$250 from older project with \$750 moving forward to new project and B.Monahan to communicate that \$250 additional needed to move forward on current project.

**Motion to require payment of \$250 for failure to submit engineering reports  
Seconded 6-0**

7. **Other – 10:00 pm**

a. **Compliance/Enforcement/Violations – 55 Knollwood, Others**

M.Lowery present for any discussion on Knollwood. B.Monahan confirmed that he owes letter on this. A.Irwin said that perception was property owner moving forward and would communicate what he had done; he needs to understand what he **proposes** needs to be shared **in advance** so he doesn't get himself deeper. B.Monahan confirmed that access to site was granted by T.Dreher as confirmed to Commission.

A.Irwin posed question about what DEP's opinion would be. B.Monahan to determine if they'd like to get involved. J.Sullivan raised issue of how to establish baseline; use of trees?

A.Irwin said next steps would be to get DEP involved; this is not standard situation, and

R.Backman added that rainfall forecasted this week would not help. B.Monahan proposes silt fence or couple of wattles at base within 48 hours.

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M.Lowery discussion on herbicides.

A.Irwin reported on sewage issue on Dudley Pond. Board of Health taking lead to get situation fixed but our concerns are cleanup with approvals from Conservation Commission and want to make sure emergency certifications gets issued by commission. Need for communication between Board of Health and Conservation Commission. B.Monahan has authority to issue emergency certification on the spot so he can come back and get ratification

A.Irwin wants to be clear with regard to emergency certification that further corrective work be filed with the Commission. There may be material (bacteria related) which they need to excavate due to health issue. If any excavation used, we want seeding and stabilization within certain number of days. M.Burke felt that if such an offense was repeated, there should be a fine.

B.Monahan will talk to Julia in Board of Health tomorrow.

A.Irwin felt this is emergency situation. BMonahan confirmed they cannot built septic without Notice of Intent. A.Irwin recommends Cease and Desist for any cutting of trees.

**c. Discussion on NStar Rights of Way**

L.Kiernan reported that there is a new person in charge.

BMonahan raised issue of flagging wetlands; walked with L.Kiernan and found no markings.

B.Monahan will communicate with NStar.

A.Irwin would like to know the location of the access roads in question for maintaining.

L.Kiernan felt they have been trying very hard to build a meadow-like environment; they are treating buckthorn and encouraging grasses resulting in fewer invasives. A.Irwin questions whether NStar knows aquifer protection areas and uses appropriate herbicides.

**b. Rice Road Dam Repairs – Status Report**

A.Irwin confirmed to Commission that we're trying to get engineer to help with specs for giving contractors instructions to do corrective actions. B.Monahan will report back on that.

**c. Meeting Schedule given to Commissioners**

**d. Other**

L. Kiernan: 375<sup>th</sup> activity and Conservation Commission participation; discuss at next meeting

**8. 5 Snakebrook Road – Proposed Patio File D-737**

Proposed change to project to include a patio. A.Irwin is willing to consider as amendment and landowner can process this without new filing. There will be advertisement for meeting to process; no objections.

9. General discussion about appointment for Housing to represent Commission. B.Monahan will visit again. Group discussion about one person who can represent both and to consider Betty Salzman.

Motion for adjournment 10:32 Seconded 6-0

The next Conservation Commission Meeting is scheduled for Thursday, July 14, 2011 in the Wayland



**TOWN OF WAYLAND  
MASSACHUSETTS  
CONSERVATION COMMISSION**

LIST OF PUBLIC DOCUMENTS PROVIDED TO THE CONSERVATION COMMISSION  
FROM June 7, 2011 to June 21, 2011

**June 7, 2011**

Notice of Intent filed by Jason Boyce for property located at 7 Old Vineyard Way

**June 8, 2011**

Letter from Andrea Gomez, Esq., re: 15 Sylvan Way (D-787)

**June 9, 2011**

D-739 Letter from property owner Raymond Yamartino  
DEP 322-583 Inspection Report #91 from The Field at Mainstone  
D-772 Samiotes Security Payment for Congregation Or Atid

**June 10, 2011**

Certified Abutter's list for 101 Boston Post Road  
New Addresses at Riverview Field from Building Commissioner  
Board of Appeals Public Hearing Notice 40 Pemberton and 426 Old Connecticut Path  
Board of Appeals Decision No. 11-09  
Board of Appeals Public Decision No. 11-13  
Board of Appeals Decision No. 11-14  
DEP 322-740 FAX from Melanie Kosich re: start of work at 40 Sedgemoadow  
DEP 322-665 Hayes Engineering Inspection Report #2

**June 13, 2011**

Comm of Mass mailing re: 2012 Hazard Mitigation Assistance Program  
DEP 322-642/322-643 Lake Cochituate extension permit from Lycott Environmental  
D-764 Condition 3 Routine Reporting from Tighe & Bond  
D-784 Lynch Tree Letter of Intent

**June 14, 2011**

DEP 322-708, 709, 710 Fieldstone Estates inspection report from H2O Engineering  
DEP 322-624 Inspection Report 23 from Sullivan, Connors & Associates

**June 15, 2011**

DEP 322-727 Request for refund of performance guarantee  
Tim Dreher – permission to inspect 55 Knollwood Lane

**June 16, 2011**

MACC Annual Dues for FY 2012  
DEP 322-552 Request for certificate of compliance and refund of performance guarantee (E.Chiang)

**TOWN OF WAYLAND  
MASSACHUSETTS  
CONSERVATION COMMISSION**

**June 17, 2011**

D-737 Request for Amendment for addition of patio

**June 20, 2011**

322-735 Wayland High School 6/2/11 site inspection report by Nitsch Engineering

322-735 Wayland High School 6/15/11 site inspection report by Nitsch Engineering

Transmittal of Revised Technical Note #59 from Baystate Roads Program