

WAYLAND CONSERVATION COMMISSION

Minutes Thursday, July 28, 2011 7:32 – 9:40 PM

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

Present: Commissioners: Roger Backman, Markey Burke, Ted Harding (7:40), Barbara Howell, Chairman: Andy Irwin, Larry Kiernan, John Sullivan (8:16), Conservation Administrator: Brian Monahan;

Minutes: Andrea Upham

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.

Linda Segal, Aqueduct Road, was present as follow-up to previous meeting's discussion on proposed Reeves Hill water tank project. She thanked the Commission for allowing her to speak and commented generally on municipal projects where the citizens of Wayland are all stakeholders. With respect to the Reeves Hill water tank work, the Notice talks about paperwork filed, but when she visited the office she found the usual application and felt it should have contained more detail. She wanted to bring this to the Commission's attention in light of the upcoming project involving beach drainage, which is something a lot of people care about.

2. **7:37 pm – Discussion of Proposed Changes for 76 Lakeshore Drive; DEP File 322-745**

Gayle Archambault and Larry Solomini were present to review field changes being discussed to their project. A.Irwin thanked them for pursuing the proper process and coming to the Commission in advance. A.Irwin noted the letter submitted detailing the proposed changes. The Commission reviewed the changes and discussed whether the request for the addition of a bulkhead would require the filing of an Amendment. With sidewalk removal, there is no net change with the bulkhead addition. The only other significant change is adding drainage mitigation and Commission was comfortable with the project moving forward. B.Monahan summarized that where footprint wasn't changing, an amendment would not be required. B.Monahan confirmed that the Meeting Minutes will reflect this action in lieu of letter.

Motion to approve change without Amendment under Wetlands Protection Act Seconded 6-0

Motion to approve change without Amendment under Bylaw permit Seconded 6-0

3. **7:47 pm - Discussion – Relocating house at 3 Lawrence Road; DEP File No. 322-754**

Tom Kemper reviewed scope of current project requesting to move house 10' due to change of plans on garage construction, which they have decided not to fund at this time. House is proposed to be moved away from buffer zone toward standard part of yard, and requesting commission approval for this change. T.Kemper reviewed drawing with the Commission. A.Irwin inquired as to the grading for ground surface toward slope at the location of the existing house. T.Kemper explained that right now garage is there, so will remain as is. A.Irwin inquired if the pad for existing garage will be removed, and T.Kemper confirmed that it will. M.Burke asked where garage will be constructed when they decide to move ahead with it, and T.Kemper said there will be a new plot plan. Discussion ensued about foundation drain and whether it could be run into a dry well. A.Irwin felt where that was groundwater to groundwater, it wouldn't be restricted.

T.Kemper confirmed it would be outside buffer zone. B.Monahan felt it could be done. A.Irwin felt that the concept of using the drywell was fine, but inquired if the drywell has the capacity to absorb the drainage and felt that requires engineering expertise. T.Kemper shared that they are not in a situation where they will get water in basement; just reviewing to see what makes more sense budget wise. A.Irwin confirmed that Kempers have 3 years in which to complete construction, and added that they could put pipe in next to foundation and not have it daylight. A.Irwin confirmed that if modifying from plan, the Commission would like to see what is being planned but this specific hearing is for proposal to move house to the right ten feet away from resource area. Hay bales already in but foundation will be ten feet away. R.Backman asked if asphalt is to become grass, and T.Kemper confirmed that it is. A.Irwin offered that depending on the location of the new garage in the future, the Stormwater Bylaw and drainage mitigation could become relevant. A.Irwin asked Commission to consider if an Amendment would be required at this time. M.Burke offered that given the reduced footprint, it would seem insignificant and A.Irwin agreed.

Motion to approve insignificant change without Amendment under Wetlands Protection Act –
Seconded 5-1 (1 abstained)

Motion to approve insignificant change without Amendment under Bylaw
Seconded 5-1 (1 abstained)

4. **8:02 pm – Discussion – Conditions in 30 Standish Road; DEP File No. 322-753**

Bob Drake was present for discussion and Commission reviewed infrared aerial pictures of property. A.Irwin confirmed that the purpose of the discussion is to address issues of altering vegetation and sprinklers. Discussion ensued on the footprint of where the sprinkler system is today and whether or not it had been expanded. B.Drake shared that there is an as-built plan of existing septic system in the Board of Health file from 1960s. A.Irwin shared that B.Monahan checked past history with installations near wetlands and a 50' cutback from wetland line was required. A.Irwin stated that if it is a historically installed system, we would require that it be cut back 50' from wetland, but any recently-installed system and certainly any new system without a proper permit would be "no sprinkler in the buffer zone." A.Irwin suggested that it appears that system is now farther away implying a modification of the system since its installation or a newer system. B.Drake confirmed that he will leave the wording the way it is without change. A.Irwin confirmed that research may be conducted and if new sprinklers were in fact installed, then the Commission would be seeking further reduction. All new work will be sprinkling 100' from bank of river. B.Howell added that backflow prevention is required. A.Irwin confirmed that Commission will leave Order of Conditions as is and any research done will be communicated with property owner. B.Monahan will amend finding of facts and make mention of discussion. A.Irwin confirmed that B.Drake withdrawing change and leaving sprinklers same to read as 50' from BVW or inner riparian zone. B.Monahan will call Bob when ready to pick up, likely next week.

5. **Agenda item picked up out of order at 8:20 p.m. – Public Meeting, Beckett Assoc. LLC, Applicant, 50 Sherman Bridge Road, File D-789:** Request for Determination of Applicability pursuant to the Wetlands Protection Act and Wayland's Wetlands and Water Resources Protection Bylaw (Chapter

194) application filed by Beckett Assoc. LLC, who is proposing to install a replacement Title V sewage system on the property (50 Sherman Bridge Road) to replace the existing cesspool. The property is shown on Wayland's Assessor's Map 06, Parcel 017.

Tom DiPersio from Thomas Land Surveyors, Philip Sandock and Perry Beckett were present.

T.DiPersio addressed the plan done by Snelling and Hamel showing resource areas on property and reviewed cesspool location inside 100-foot buffer zone and inner riparian zone. The septic drawing was submitted and approved by the Board of Health. The plan is to provide a new Title V, 2000-gallon septic system outside of the buffer zone -- same outfall pipe out of foundation, new tank and distribution line will follow right along edge of driveway with no disturbance of existing gravel drive or tree removal and will come up to leaching system outside of all resource areas. T.DiPersio pointed out 'dig out' area on plan and leaching system with six jumbo dry wells to be encompassed by four feet of crushed stone, and he confirmed that soil is all 2-minute perks. A.Irwin addressed the fact that this is a one-bedroom house and this proposal is for a five-bedroom septic system and expressed concern that this project is identified as replacement system, which would be a three-bedroom house as opposed to a five-bedroom house. A.Irwin noted an increase in substantial magnitude under the Request for Determination and suggested that while it might be beneficial to discuss the technical aspects of the project at this time, this is likely to require fuller notice and warrants a Notice of Intent. A three-bedroom capacity would be fine for replacement but increasing to five-bedroom capacity is different.

A.Kuzik, 52 Sherman Bridge Road, commented that he noticed same discrepancy with fivefold increase in size and wondered what plans for future construction would go along with that.

J.Stein, 49 Sherman Bridge Road, expressed concern about such a serious upgrade and what issues that may bring down the road. The property is just uphill from his foundation and he is concerned about flow and the need for reserve area in case this should fail. He felt the reserve area is better with regard to runoff but is within outer riparian zone and is not convinced that is a good thing and how zone-area boundaries are put in place. T.DiPersio commented that septic is allowed within riparian zone. A.Irwin raised issue of riverfront and 100' vegetation and limit of lawn asking what can be done to pull that back to create as much vegetation as possible and stressed that as planning progresses, Commission will be looking for no significant adverse environmental impact. Further discussion of wetlands line, silt fence and hay bales. P.Beckett offered that he utilizes "pizza cutter" method as effective.

Motion for positive determination under Wetlands Protection Act requiring applicant to pursue Notice of Intent Secoded 7-0

Motion for positive determination under Bylaw requiring applicant to pursue Notice of Intent Secoded 7-0

6. **8:40 pm** – Request for Release of Performance Guarantee

Alice Drive; DEP File 322-552

B.Monahan explained that subdivision project started out with \$50,000 Performance Guarantee.

A.Irwin added that Commission is still holding \$15,000 of performance guarantee and that project

is substantially completed but there is still an outstanding conservation restriction related to a trail easement. Discussion about subdivision plans ensued. A.Irwin offered that if the matter is in need of support of legal counsel, we have some money available for legal fees and inquired as to whether there is there a checklist that is reviewed. B.Monahan replied that there is a model but it takes a good deal of time to review discrepancies from the Plan and that Mary Antes helps him with those. B.Monahan said applicant could be responsible for chasing signatures on the Conservation Restriction, adding that the applicant cannot get a Certificate of Compliance until Conservation Restriction is done.

Motion to return \$12,000 of Performance Guarantee and keep \$3K for Conservation Restriction Seconded 5-2 (2 opposed)

7. **8:55 pm – Discussion of Outstanding Projects**

a. 44 Main Street

A.Irwin reviewed two remaining conditions that have not been addressed – one from December 1, 2009 concerning bollards and the other from May 1, 2010 to restore grades. These have gone on too long and there is now a need to establish new enforcement deadline with reasonable timeframe for completion or penalty will follow. Issued approval around the September/October timeframe of 2009, which was late in season for plantings but now at the beginning of August they have had ample opportunity to complete the work. A.Irwin recommended October 1, 2011 be established as deadline to complete both outstanding items – bollards and restoration. If that deadline is missed, we will pursue enforcement. M.Burke inquired as to what exists for penalties. A.Irwin confirmed the penalty is \$300 dollars per day. T.Harding commented that Commission has reminded them and they still haven't completed the actions. L.Kiernan inquired about other penalties that have been issued that are comparable. B.Monahan reported on a few, one based on reporting infractions and one on Knollwood. T.Harding recommended \$300 fine with \$300 fine per day to follow beginning October 1, 2011 if work not completed.

Motion under bylaw to issue \$300 ticket enforcement action and give owner deadline of October 1 to complete work and if not \$300/per day maximum fines possible under Bylaw Seconded 6-1 (1 opposed)

b. 55 Knollwood: Brief discussion of continuing concern with fill on slope of site.

8. **Discussion of Capital Budget – Land Acquisition**

B.Monahan will keep on agenda for next meeting and if anyone wants to pitch in, please see him.

9. **Other**

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

Sent request on Rice Road Dam and may be other capital costs so need to explore what they are.

b. **Land Acquisition**

A.Irwin commented that Commission does have CPA monies so should be putting in these requests each year. B.Monahan is pursuing trail easement on Rich Valley Road; mentioned informally and prepared letter a year ago. He shared that there is almost as much land unprotected as protected in Pine Brook. A.Irwin said that if land is more than five acres, they could consider chapter 61 for tax purposes. Discussion ensued concerning pieces of land for Conservation to look at acquiring. B.Monahan mentioned three acres touching Heard Farm off of Pelham Island. L.Kiernan felt that Commission had so little time to allocate to these conversations and that other towns have subcommittees or other ways of handling such things. A.Irwin responded that Wayland used to have land management committee, and B.Monahan mentioned prior committee for open space issues. T.Harding offered that perhaps Commission could address issues with subset of the Commission, such as they are doing with Stormwater subcommittee. L.Kiernan and T.Harding suggested that the Commission pull in more resources in a more coordinated fashion and start to compile such names and recognize these people. Commission also spoke briefly about access to Lower Millbrook from Plain Road.

c. Discussion about Conservation Commission Meeting Calendar. Due to conflicts, the August 25 meeting will be dropped and replaced with a September 1 meeting. Meetings in August will be August 11 only and meetings in September will be September 1 and 22. B.Monahan will update calendar.

d. There was a discussion about the Rice Road dam for which money has been appropriated to begin to address ways to respond when water levels become excessive. (Note: The dam overtopped in March of 2010 – it is an earthen dam and overtopping is undesirable.) B.Monahan asked J.Moynihan about work on the pump house. J.Moynihan has a person who is working on another historic building in Town, and he won't be available until end of August. B.Monahan also sent email to Dennis Bell of Haley and Aldrich to ask what it would cost to get assistance. A.Irwin may want to outline specifications so there is work scope so as to get bids.

e. **Update on Chapter 193**

B.Monahan requested that Commission allow expenditure of \$1800

Motion to revise previously approved \$1,000 to \$1,800 Seconded 7-0

A.Irwin requested that subcommittee set sights on having a draft at September 1 meeting.

10. **Minutes – July 14, 2011**

Motion to accept Minutes as amended. Seconded 7-0

M.Burke departed meeting at 9:30pm.

Commission signed for reissuance of Certificates of Compliance previously issued but not recorded by responsible party for 332-337 and 332-289.

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Approved: August 11, 2011

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A.Irwin stated with respect to 242 Old Stonebridge that Commission is proceeding administratively to return the Performance Guarantee and keep on our outstanding projects list that we want to have enforcement of work not done on the project. B.Monahan stated that he wants to let go of money in sequence.

Motion to adjourn at 9:40 pm Seconded 6-0

**TOWN OF WAYLAND
MASSACHUSETTS
CONSERVATION COMMISSION**

LIST OF PUBLIC DOCUMENTS PROVIDED TO THE CONSERVATION COMMISSION
July 15, 2011 to July 28, 2011

July 15, 2011

DEP 322-745 Requested Field Changes to Plan from Brian Mulligan
DEP 322-754 Request for site plan change
ZBA Hearing Notice

July 18, 2011

DEP 322-624 Inspection Report #25 from Sullivan, Connors
Letter from Mark Lanza re: Notice of Appearance, Michael Cook, et al vs. Planning Board, et al

July 19, 2011

Town Clerk memo re: new business hours and posting of meetings
Board of Appeals Decision No. 11-20

July 20, 2011

DEP 322-583 Inspection Report #94 from Samiotes
DEP 322-729 Revised as-built site plan from Meisner Brem Corporation

July 21, 2011

DEP 322-335 Mowing notice

July 22, 2011

DEP 322-665 inspection Report #5 from Hayes Engineering
Notice of site work beginning at Katharine Barton Nursing Home

July 25, 2011

Quote for trail markers from Voss Signs
DEP 322-708/709/710 Fieldstone Estates Engineer's Inspection Report

July 26, 2011

DEP 322-656/D-751 Request for Certificate of Compliance; David Jollin/22 Forty Acres Drive
D-772 Notice of silt fence removal (97 Concord Rd) from Samiotes
Town of Wayland Fleet Listing from Selectmen's office
Notice of Intent for Commonwealth Road Water Main filed by DPW

July 27, 2011

Notice of Town Code amendments to General and Zoning Bylaws from Town Clerk