

WAYLAND CONSERVATION COMMISSION

Minutes Thursday, December 15, 2011 7:37--10:30pm

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

Present: Commissioners: Roger Backman, Markey Burke, Barbara Howell, Chairman: Andy Irwin, Larry Kiernan, Conservation Administrator: Brian Monahan

Minutes: Andrea Upham

Not present: Ted Harding, John Sullivan

A.Irwin opened the meeting at 7:37 pm noting a quorum was present.

1. **7:30 pm – Citizens Time**

Betty Salzberg informed the Commission that the trails in Trout Brook have been cleared of fifteen blow downs.

Linda Segal commented that there was a PIP meeting last night regarding Raytheon and there was a handout provided which she copied for the Commissioners. She further reported that there are some changes going forward to be aware of. There will now be one PIP meeting per year, rather than two. Eleven years of work is available on line, and the repositories of hardcopies are being reduced from two to one. L.Segal wondered if that met with the Commission's approval, and A.Irwin commented affirmatively. Regarding Cow Commons, L.Segal commented that there was a verbal commitment made to continue that work. A.Irwin added that it is in their interests to continue monitoring between the north area and the wells. Ms. Segal felt it was a very instructive meeting and reported that discussion took place of the AULs, which will be separate. Ms. Segal expressed thanks to the Conservation Commission for their diligence over the process, and added that Ben Gould will continue to monitor.

2. **Beavers**

Alice McLean asked for an update on the Beaver situation. B.Monahan reported that he spoke to Beaver Solutions and followed up with phone conversations with a few different trappers for prices. One trapper charges a higher "setup" cost but the cost is lower per beaver, and another has a higher per beaver cost with a lower setup charge. A.Irwin commented that he would prefer those with a small setup charge with more incentive for more beavers. Clarification is needed on emergency certification. Alice McLean commented that the flooding is killing all the trees. A.Irwin said that over the next week we hope for implementation. B.Monahan added that the Commission will pursue the beaver deceiver in the spring because they will be back. Discussion ensued about the maximum expenditure planned for the trapping, which was discussed as capping at \$1500.

- ## 3. **7:50 pm – Public Hearing, D. Ouellette, P.E., Director of Public Works, Applicant, 266 Old Connecticut Path, DEP File No. 322-763:** Notice of Intent filed by Don Ouellette, P.E., Director of Public Works 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 Town proposes to replace their existing water supply wells with three small-diameter wells. The existing wells are

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sited within the 100-year floodplain and experience seasonal flooding. The Town intends to relocate the wells and the chemical feed facility outside the floodplain. Approval to construct a new chemical feed facility will be sought under separate cover. The proposed work is at Old Connecticut Path and shown on Wayland's Assessors Map 37, Parcels 032 and 033.

Stephanie Tarves, Tata & Howard, was present along with Mike Hatch from the Water Department. Ms. Tarves provided a letter from the National Heritage & Endangered Species Program (NHESP) stating that the project is not within the estimated habitat of rare wildlife area. Ms. Tarves summarized that this project from the Department of Public Works is for replacement of the Happy Hollow Wells located just south of school property within the 100-year floodplain, 100-foot buffer zone, bordering vegetated wetlands and 200-foot riverfront area to Dudley Brook. A.Irwin asked if this project included demolition of existing wells. S.Tarves explained that there is no demolition included with this notice. The plan is to abandon existing wells and to move operations uphill and outside of the floodplain area and construct a new chemical feed facility. Approval was received from Mass DEP Water Supply Division to replace the wells. The new chemical feed facility is required by DEP, and Ms. Tarves added that it is a better investment for the Town to construct a new facility. Based on that objective, replacement of the existing wells is the first step as the current wells are reaching the end of their design life, followed by construction of the new chemical feed facility and connecting in. Work includes three 18x12-inch-diameter gravel casings. R.Backman asked if this will result in less effect on the brook. Ms. Tarves responded that no additional volume will be pumped out and added that they are proposing three wells for purposes of operational flexibility to distribute the load. The present two wells are larger, which Ms. Tarves explained was typical back when they were installed, but if you have mechanical failure, two wells is not optimum. With three wells you can service one if needed and have others to rely on. Sanitary seals prevent breach situation.

A.Irwin introduced the subject of irrigation in the Town, sharing with Mr. Hatch that we have had a Town Bylaw that requires permits on sprinkler systems, asking if that process is being properly regulated. M.Hatch responded that he has only been the Superintendent for eight months so he really can't say. A.Irwin suggested that there is no regulation of the use of sprinklers; we're using far more water than we should and need to manage these situations and be concerned about lack of Bylaw enforcement while we're addressing wells and other such matters. We need to work on that and perhaps can talk more outside this meeting moving forward. L.Kiernan added that the use of new meters were voted down, which would have resulted in easier monitoring for the Water Department.

B.Howell inquired about how far up flooding will go in high-water situations. S.Tarves explained that they are not moving too far away from the floodplain. A.Irwin asked about how far proximity can be deviated from the old wells to the new wells. S.Tarves responded that is thirty feet or so. They are intended to be two-foot monitoring wells. Mass DEP requires the top of wells be eighteen inches above the floodplain. Ms. Tarves pointed out on the plan shown that the Town of Wayland floodplain is the 123-ft elevation (shown in blue on the plan), so the wells would be twelve to eighteen inches above that. Ms. Tarves informed the group that they will not be proposing buildings around these wells due to the use of submersible well pumps, which don't require structures around them. R.Backman asked if there will be a fence around the wells. S.Tarves responded that there are fences around the existing wells so they may have to fence around them. A.Irwin inquired as to when existing test wells went in. S.Tarves said it was January

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of 2011. R.Backman asked if they made application to the Conservation Commission for the installation. S.Tarves explained that a section of the state regulation stipulates a small list of activities that are determined to be insignificant and can proceed without application. A.Irwin reminded Ms. Tarves that there is also a Town Bylaw requirement. A.Irwin asked who was contracted at the time, and Ms. Tarves was not certain as she wasn't involved back then. Brief discussion ensued about soil in the area, and Ms. Tarves shared with the Commission that she didn't see any soil moving evident in wells one and two, and that soil movement in number three was unintentional as a result of snow removal, not intentional re-grading. A.Irwin raised the issue of access and snow removal and communicated that the Commission's priority is natural vegetation for the first 100 feet, adding that ignoring the Bylaw is not the way it should be. S.Tarves commented that the replacement wells are planned to be within fifty feet of the existing wells, so you're taking from the same aquifer. Referencing the plan shown, a discussion ensued about potentially moving uphill. B.Monahan explained that doing that may affect the next steps. S.Tarves discussed piping, which would extend down from the chemical feed facility to the wells. The existing water lines would remain the same, and those lines are not part of this application. They would like to have a meeting with the Conservation Commission for long-term planning and to come up with a solution for the site to make sure it meets both the needs of the Water Department and the Conservation Commission.

A.Irwin asked why the wells are being done now, rather than later, if they are not hooked in with existing piping. Ms. Tarves explained that the engineering design of the chemical feed facility and the electric system has to have specific information on the wells to be serviced. Pump tests are powered by temporary generators (diesel) which is mentioned in the Notice of Intent. It is a 50-hour pump test with secondary containment/spill equipment on site. The motivation for this is entirely flood related.

L.Segal asked S.Tarves to show the location of the piping on the plan again. Ms. Tarves pointed out where the chemical feed facility is located, which is across from the gate to the lacrosse field (Sheet C-1 on the plan). Kurt Tramosch asked about the proximity to the wells and if they will be in zone one. S.Tarves said there will be no more volume produced than with the existing wells. M.Hatch said it had been discussed to do away with that well and use Water Department wells for irrigation and eliminate irrigation wells. K.Tramosch asked if the existing wells one and two will be retained or abandoned/filled in. Ms. Tarves responded that Mass DEP allows you to pull out pumps and disconnect but still keep wells in the ground so that in an emergency, you could put a pump in and utilize the well once again. K.Tramosch asked if the monitor wells were still there. Ms. Tarves said there are a variety of wells in the ground but she cannot speak to which ones. K.Tramosch mentioned that the Wellhead Protection Committee had discussed them, adding that a generator used during recent power failure had to be fueled regularly and asked whether during a flood period it could be tied to a natural gas line to make wells operational on a regular basis. M.Hatch said that is part of the plan with the chemical feed facility. S.Tarves said the intent is to extend the gas line from the High School side and bring it over. A.Irwin asked if they would be using a wet or dry drilling method. S.Tarves was not certain, and A.Irwin commented that there is a big difference between wet and dry. He further inquired how wet drilling water would be contained if in a riparian zone. S.Tarves said she will find out. Comment was made that the sedimentation basin should be in prior to construction and discussion inquiry was made by A.Irwin about whether a mud rotary would be used and he expressed the need for a plan for drilling fluids as what they're using is relevant to impacts. He added that an informal hearing should be done

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sooner rather than later. Issues to be clarified were drilling methods and containments, along with the location verified with the Conservation Administrator in an effort to keep as far from the river as possible. K.Tramposch shared that renewable energy is encouraged by the DEP around water supply wells and asked if solar was considered. A.Irwin said that is beyond the scope of this project.

Motion to close Hearing under the Wetlands Protection Act; Seconded 5-0

Motion to close Hearing under the Chapter 194 Bylaw; Seconded 5-0

A.Irwin mentioned there would be retainage on the work as is expected with public projects. B.Monahan inquired as to the cost, and S.Tarves thought approximately \$90K-120K for the installation of three wells

4. **8:40 pm –Public Hearing, Richard G. Flaherty, III, Applicant, 21 Snake Brook Road, DEP File No. 322-764:** Notice of Intent filed by Richard G. Flaherty, III, 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 proposes to abandon a cesspool in the rear yard and construct a new septic system within the outer riparian zone to Snake Brook at 21 Snake Brook Road, Wayland. The proposed work is shown on Wayland’s Assessors Map 52, Parcel 054.

Scott Goddard of Goddard Consulting and Richard Flaherty, Applicant, were present for the discussion. Mr. Goddard reviewed the plan and summarized the project involving an existing single-family home with a perennial stream and BVW delineated by him. There is a one-foot grade change, and the 100-year flood plain is shown on the plan. The existing cesspool within the 100-foot buffer zone is to be abandoned. The Board of Health approved the new system in front of the house, including a new tank and leaching field. The new site is in the outer part of the 200-foot area. B.Howell asked if the plan was NGVD. S.Goddard said he will get it for her. B.Howell inquired about entrenching of hay bales, and A.Irwin explained that the Commission looks for silt fence to be toed in and hay bales to be staked on the ground surface. B.Howell and B.Monahan discussed a review of the property line on the plan with respect to snow removal. S.Goddard shared that he didn’t do a full boundary survey. A.Irwin communicated that the Commission has a standard condition for restoration of the buffer on bordering vegetated wetlands where the edge of lawn is to the wetlands line, and the inner riparian zone would be natural vegetation preferred. B.Monahan confirmed that it should be a vegetated buffer. A.Irwin explained to S.Goddard that he can do so through a planting plan to establish a vegetated buffer from the house to the river.

Discussion ensued about the 1990 pool installation, related fencing and handling of the surrounding land. B.Monahan suggested that from the line of the 100-year floodplain back could be just not mowed as lawn and left natural as a no-disturb area. A.Irwin explained that the Commission can work out remaining issues through the wording of the conditions in the decision to resolve issues so the project can move forward. Mr. Flaherty asked for confirmation of what a planting plan specifically means. A.Irwin explained the Commission would want to know where the revised limit of lawn would be and see shrubs for demarcation, adding that the planting plan can be native species. Mr. Flaherty mentioned that there is a gravel area on the change in slope. Mr. Flaherty stated that he will be selling the house and hates to lose the back yard area as it exists. A.Irwin explained that a limit of lawn line enables the restriction of activities, such as fertilization, which could affect wetlands. A buffer is needed between the lawn and the wetland

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area. B.Monahan explained that having a pre-emptive plan on record can help them in spring. S.Goddard conferred with R.Flaherty and requested a continuance to the next Conservation Commission meeting.

Motion to continue the Hearing to January 12, 2011 @7:35pm under the Wetlands Protection Act; Seconded 5-0

Motion to continue the Hearing to January 12, 2011 @7:35pm under the Chapter 194 Bylaw; Seconded 5-0

Issues needed to be further clarified were summarized as: NGVD, hay bales and buffer zone.

5. **Compliance Update: 55 Knollwood**

B.Monahan confirmed that he is in need of communicating with the property owner on this matter.

6. **9:02 pm – Public Hearing, Eric Knowlton, Applicant, 11 Old Sudbury Road, DEP File No. 322-765:**

Notice of Intent filed by Eric Knowlton 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 proposes to decommission the existing septic system and install a new septic system in the buffer zone to bank and bordering vegetated wetlands at 11 Old Sudbury Road, Wayland, MA. The proposed work is shown on Wayland's Assessors Map 23, Parcel 060.

Scott Goddard of Goddard Consulting was present for the discussion. Mr. Goddard explained that the project involves a two-family home on a small parcel of land with an intermittent stream. The leaching field to the side has failed (on stream side). The system was redesigned and approved by the Board of Health. The site is very tight and there is only one area outside of 50 feet that meets Title V standards. The only choice is for the system to be put underneath the existing gravel driveway. Mr. Goddard added that there is an above-ground pool on the property not shown on the plan and there is 25 feet from the edge of the house to the chain-link fence/wetland boundary. A.Irwin asked for confirmation of no grade alteration, and S.Goddard confirmed. L.Kiernan asked if this site is near the failed culvert, and B.Monahan said it is on the north side of the failed culvert. S.Goddard felt there would be substantial environmental improvements. B.Monahan and S.Goddard planned to meet to walk the property next week.

S.Goddard requested a continuance to the next Conservation Commission meeting.

Motion to continue the Hearing to January 12, 2011 @7:45pm under the Wetlands Protection Act; Seconded 5-0

Motion to continue the Hearing to January 12, 2011 @7:45pm under the Chapter 194 Bylaw; Seconded 5-0

7. **9:13 pm – Continued Public Hearing, Town of Wayland/John Moynihan, Applicant, Route 20 and 400 Boston Post Road, Proposed Sewer Work, DEP File No. 322-762:**

Notice of Intent filed by John Moynihan, Town of Wayland Public Building Director, 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 the construction, reconstruction, operation and maintenance of overhead and underground public utilities, including sewer south of Route 20 and 400 Boston Post Road, Wayland, MA. Portions of the work are in or within 100

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feet of resource areas. The property is shown on Wayland's Assessors Map 22, Parcel 1 and Map 23, Parcel 52.

Ian Catlow, Tighe & Bond, and Sam Potter, Wastewater District Commission, were present for the discussion. Mr. Catlow mentioned there had been concerns regarding the other pipe, the 36" drain/outfall pipe that is to be removed on the north side of Route 20. B. Monahan discussed the new proposed new outfall for the Town Center drainage and removing the existing outfall, mentioning that Town Center had said they were going to discharge to the existing 36" outfall, yet the plans show a new 36" CPP next to the existing 36" cmp which is to be removed. A. Irwin commented that Basin 2 is what should be looked at. B. Monahan stated that the existing outfall was manipulated and has been an irritant. Discussion ensued about pipes. A. Irwin stated to Mr. Catlow and Mr. Potter that if they were to change the project and not take out the pipe and have less impact, the Commission might consider that allowable as an amendment. A. Irwin summarized that the Commission would permit removal of the pipe and would also permit the option of leaving it with landscaping to end up with saw tooth addressed with plantings creating a canopy to create visual barrier. There is no issue with it staying there. Discussion ensued about stormwater management. B. Monahan said the existing pipe is 36" and that Twenty Wayland needs a 36" pipe to drain the stormwater basin to the river, which may be put inside, use the existing, or beside the pipe as shown on the Town Center Plan; it is up to them. A. Irwin said both options work with us and we are trying to prevent them from having to apply for an amendment down the road, adding that the pipe can be slip-lined if needed.

Mr. Catlow asked if Twenty Wayland has a plan for vegetation in that area. A. Irwin discussed the relocation of trees around the property for visual screen and vegetation focusing on re-establishing a canopy. B. Monahan said that 2.5-inch caliper trees are usual to start. Mr. Catlow asked how many trees were being requested. A. Irwin said a minimum of six trees with two rows of three deep to provide a visual screen between the site and the river. B. Monahan commented that button bush swapped for dogwood will do better in water. Mr. Catlow asked about tree varieties, and B. Monahan suggested blending with other plantings as using native species suitable to habitat.

L. Segal raised the issue of the last hearing where there were questions raised about the application with respect to the appropriate owner and applicant. A. Irwin explained he had consulted with legal counsel and all were addressed. B. Monahan said new signature pages were submitted today to him signed by Anthony J. DeLuca, KGI Properties. Discussion ensued about retainage. Mr. Catlow said project would be \$300K, and a retainage of 2-5% to 3% of the outfall portion (not to exceed \$10K) was agreed on. B. Monahan commented that getting plants in is a delicate balance. A. Irwin added that substantial completion would include the plantings. L. Segal asked who the applicant is, and A. Irwin responded that it remains as John Moynihan.

Motion to close Hearing under the Wetlands Protection Act; Seconded 5-0

Motion to close Hearing under the Chapter 194 Bylaw; Seconded 5-0

8. Issuance of Order of Conditions/Chapter 194 Permit

a. 134 Boston Post Road; DEP File No. 322-759

B Monahan shared that Lisa Eggleston, peer reviewer, is reviewing a draft from him.

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Motion to issue Order of Conditions under the Wetlands Protection Act; Seconded 5-0
Motion to issue Permit under the Chapter 194 Bylaw; Seconded 5-0

- b. 400 Boston Post Road: Proposed Sewer Work, DEP File No. 322-762

Motion to issue Order of Conditions under the Wetlands Protection Act; Seconded 5-0
Motion to issue Permit under the Chapter 194 Bylaw; Seconded 5-0

9. Request for Certificate of Compliance [310 CMR 10.05 (9)]

- a. 7 Old Vineyard Way and Old Vineyard Way Subdivision: DEP Files 322-755 and 322-500
B.Monahan said he had spoken to the engineer to inform him that we will hold this item until further review. B.Monahan added that he visited the site and three cars were parked there.

10. Request for Release of Performance Guarantee

23 Hereford Road; DEP File 322-718

B.Monahan recommended release of the full performance guarantee.

Motion to release \$1500 Performance Guarantee; Seconded 5-0

11. Compliance Updates

A.Irwin reported that 44 Main Street is moving forward.

12. Minutes – December 1, 2011

Motion to accept the December 1, 2011 Minutes as edited; Seconded 5-0

13. Correspondence/Expenditures

14. Land Management

B.Monahan expressed the need to be more proactive moving forward (e.g. Heard Farm).
B.Howell reported that Upper Millbrook is under water. R.Backman mentioned calling Doug Stephan to get the equipment out of Sedgemoadow. A.Irwin asked about the budget, and B.Monahan expressed the need to quantify in the future. A.Irwin stated that if the budget doesn't exist, we cannot react. Future Eagle Scout projects discussed were kiosks and posts/trail markings.

15. Further Issuance of Conditions

Discussion of Happy Hollow Wells was revisited with confirmation of the need for further clarification on the drilling method, moving the wells as far as possible from the stream, spill prevention, informal hearing with the Commission, and continuous monitoring of groundwater levels near stream. Brief discussion ensued about data retrieval process, and A.Irwin explained that putting those in now will give us before and after readings.

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Motion to issue Order of Conditions under the Wetlands Protection Act; Seconded 5-0

Motion to issue Permit under the Bylaw; Seconded 5-0

16. Other

- a. **Orchard Lane fence:** B.Monahan said he will work on a response.
- b. **Meeting Schedule:** Schedule for 2012 was handed out.

17. Adjournment

Motion to adjourn at 10:30pm; Seconded 5-0

**TOWN OF WAYLAND
MASSACHUSETTS
CONSERVATION COMMISSION**

**LIST OF PUBLIC DOCUMENTS PROVIDED TO THE CONSERVATION COMMISSION
December 2, 2011 to December 15, 2011**

December 2, 2011

322-500/755 Requests for Certificates of Compliance for 7 Old Vineyard Way from GPR, Inc.
322-701 Arborist Reports on Town Center southeast corner and main entrance
ZBA Hearing Notice for 12/13/11

December 5, 2011

D-760 Inspection Report on 268 Boston Post Road from Vineyard Engineering
322-744 Site control worksheet and layout worksheet for Town Center offsite
322-758 Notice to Start Work at 125 Dudley Road from M.J. DiModica
On-site Soil Investigations Report on 47 Country Corners Road from Peter Fletcher
On site Soil Investigations Report on Alpine Field from Peter Fletcher
322-762 Letter from Anette Lewis re: proposed Sewer Work

December 6, 2011

Notice of upcoming PIP meeting (12/14/11) re: former Raytheon facility from ERM

December 7, 2011

322-752 Inspection Report on 430 Boston Post Road from IESI
Board of Appeals Decision 11-28 re: Northbridge Communities Assisted Living Facility

December 8, 2011

322-762 Revised Sheets C-402/D-101 for the Wayland Wastewater Treatment Plant Project from Tighe & Bond
Heard Pond Water Chestnut Harvesting Project 2011 Annual Report from Tom Largy

December 9, 2011

Board of Appeals Hearing Notice December 27, 2011

December 12, 2011

322-763 Happy Hollow Replacement Wells Aerial Site Plan from Tata & Howard
322-665 Inspection Report #15 on 137 Boston Post Road from Hayes Engineering
322-624 Inspection Report #36 on Wayland Commons from Sullivan, Connors
322-740 Inspection Report on 40 Sedgemoor Road from Pure Ground, Inc.

December 13, 2011

Invoice (\$1,000) from Peter Fletcher for Alpine Field Soil Investigations Report (to be paid by DPW)
Invoice (\$502) from Peter Fletcher for 47 Country Corners Soil Investigations Report
322-710 Inspection Report on Fieldstone Estates from H2O Engineering

December 14, 2011

322-701/744 Inspection Reports on Town Center from RJ O'Connell

**TOWN OF WAYLAND
MASSACHUSETTS
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December 15, 2011

322-762 Wastewater Treatment Plant Upgrade Notice of Intent signature pages signed by Anthony DeLuca
Comm. Of Mass. DCR mailing re: post-disaster mitigation grant funding for Tropical Storm Irene/Other events

LIST OF EXPENDITURES

December 2, 2011 to December 15, 2011

December 6, 2011

Invoice: \$2100.00

Lisa Eggleston's Northbridge project review fee (9/1—10/31/11)

December 13, 2011

Invoice: \$502.00

Peter Fletcher's soils investigations report for 47 Country Corners Road (12/10/11)