

WAYLAND CONSERVATION COMMISSION

Minutes Thursday, July 14, 2011 7:35 – 9:50PM

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

Present: Commissioners: Roger Backman, Barbara Howell, Chairman: Andy Irwin (7:42), Ted Harding (7:40), Larry Kiernan, John Sullivan, Conservation Administrator: Brian Monahan

Minutes: Andrea Upham

Not present: Markey Burke

B.Monahan opened the meeting at 7:35 pm noting a Quorum was present.

1. **7:37 pm** - Citizens Time/Public Comment: Items not scheduled on a Conservation Commission agenda.

Mike Lowery reported on Lake Cochituate Watershed Council to inform the Commission that they have already pulled more than five acres and have had much success getting neighbors together. They are taking dual approach non-herbicide combination, which reduces a six-week project down to two weeks. Mechanical harvester removes most and divers do the rest. DCR perhaps could do under their Order of Conditions.

2. **7:40 pm – Continued 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. **Hearing open under Chapter 194 only.**

Doug Miller reviewed planting plan near garage and did submit a more formal plan based on current owner's request. Current owner found native plants to screen the area and plants should fit in nicely with wetlands. B.Monahan asked if fill is to be removed. Doug confirmed that they are pulling fill out – a foot or so – close to existing barn and then planting. B.Monahan stated that DEP 322-500 is still floating out there without a Certificate of Compliance. D.Miller will trace out drainage for the house and figure out where it goes, which will help out 500 by identifying where leaching system is. D.Miller reported that his clients spoke to their attorney and were told they should worry only about 322-609; not 322-500.

Motion to close Chapter 194 hearing under Bylaw Seconded 6-0

Motion to close hearing under Wetlands Protection Act Seconded 6-0

Motion to require a performance guarantee of \$1,200 Seconded 6-0

3. **7:50 pm – Public Meeting, Town of Wayland/DPW, Applicant, 139 Old Connecticut Path, File D-788:** Request for Determination of Applicability filed by the Town of Wayland pursuant to Wetlands and Water Resources Bylaw, Chapter 194. The applicant is proposing to construct

Approved: August 11, 2011

approximately 750 linear feet of 8-foot high chain link fence around the existing Reeves Hill Water Storage Tank at 139 Old Connecticut Path, Wayland. An existing water tank is also to be demolished. The property is shown on Wayland's Assessor's Map 34, Parcel 026.

Don Oullette, Director of Department of Public Works, reported that Town is required by DEP to have a fence around the water tank. They originally planned to put fence around both tanks but vendors have offered to remove smaller of two tanks at time of fencing in the other. They are currently in the process of rebidding that – approximately a \$15-20K job. As soon as that is done, they will proceed with the fence. Wetland jurisdiction delineation line goes through larger water tank. DEP allowed change from 8-foot fence to 6-foot fence, so this will not require ZBA approval. A.Irwin inquired about existence of stream. B.Howell confirmed that there is a stream, and B.Monahan pointed out where stream was on plan. Discussion ensued about ditch being there in the past. A.Irwin inquired as to whether there is clearing involved. D.Oullette confirmed they are keeping clearing very minimal. B.Monahan reminded that there is a trail monument and kiosk to be considered. A.Irwin asked where material will be staged for removal. D.Oullette said that will not be through wetland resource areas. R.Backman asked about the status of the old tank. D.Oullette reported that it would cost the Town over a half million dollars to continue to utilize the old tank and that it provided more capacity than really needed, and added that the Fire Chief approves the reduction in water storage. Generally fences have at least 2" of space open at the bottom to allow for movement of wildlife and this will be a condition of the permit. A.Irwin added that is provided DEP security provisions allow.

Linda Segal provided two handouts and shared comment that while she is glad to see security work, she is concerned about removal of the second tank as a loss of system capacity and was also displeased that in 2009 a capital plan was created, and at the time the two tanks were noted as a critical need. She wondered if DPW has discussed value of this tank that has been on capital plan since 2004. L.Kiernan questioned the relevance of her inquiries to Conservation Commission jurisdiction as the Commission does not define the project need and further the second tank is outside wetland resource areas. D.Oullette commented that there will be a substantial cost savings from not saving the old tank now.

Motion for negative determination under Wetlands Protection Act with conditions Seconded 6-0
Motion for Permit under Chapter 194 Bylaw with conditions Seconded 6-0

A.Irwin confirmed that an effort will be made to issue the decision within ten days.

4. **8:10 pm** – Discussion of Proposed Drainage Changes at Wayland Town Beach

D.Oullette reported that an existing catch basin near the beach house is a low point connected to an existing 18-inch drain pipe that also serves the nearby parking lots and discharges to the Lake. Problem with catch basin is when heavy flow/rain exists, 4-5 feet of water accumulates and floods the beach house basement. Water will eventually drain, but it has to wait its turn as parking lot runoff is going into the Lake. Water comes in around boathouse. Various proposals were discussed for managing the drainage into the catch basin separately from the parking lot runoff including the

Approved: August 11, 2011

concept of using a perforated pipe for subsurface infiltration along an alignment that would run down near to where the existing outfall is. There is no vegetation of concern that would be disturbed with that construction. It is a three-day job and will improve water situation. They have allotted \$30K for Vortechnix unit to be installed on the drain line serving the parking lots. Perforated pipe is terminated line. A.Irwin raised issue of overflow being over land and asked if they had looked at hydraulic analysis and whether the perforated pipe arrangement could take that much flow and infiltrate into ground without daylighting. A. Irwin also raised question about pretreatment/maintenance for the infiltration system consistent with MassDEP policy. Infiltration discussion ensued. A.Irwin pointed out that the specific water quality treatment unit presented may not be best option and encouraged D.Oullette to look at UNH studies and see what they have found to be more effective. B.Monahan offered to do research to see if there are other systems that perform better and offer better value. A.Irwin shared that depending on hydraulics, scope of work will require application. D.Oullette asked if it would be RDA or NOI. The Commission suggested that any option involving construction of a second outfall pipe into the Lake would require a Notice of Intent. D.Oullette will get something back in couple weeks.

D.Oullette – Other:

Discussion of Water Main at Rtes.27/30. He was told it needs Notice of Intent. A.Irwin offered that some water main projects require it and some do not depending on whether they meet the scope of a limited project or not.. D.Oullette said it will be a larger pipe. A.Irwin said if size is increased, then not subject to exemption from notice and is consistent with past practices that a NOI would be required. T.Harding asked the environmental impact of increasing pipe size. A.Irwin said DPW could ask DEP for interpretation whether the work might be covered as a limited project but otherwise an NOI would be expected. D.Oullette wanted to alert Commission that DPW will be bidding the work concurrent with preparing the Notice of Intent. B.Monahan said to be sure it complies with Chapter 193. A.Irwin discussed Snake Brook and hay bales that caught substantial debris in past project that involved a direct chute into brook. If this project could include offset deep sump drainage structures for sediment removal, and possibly hoods for oil removal, before it goes into brook, this would be the time to do it based on tremendous flow on east side of Rte. 27 that currently doesn't go through structured drainage.

Loker School update: D.Oullette alerting Commission for August discussion. He proposes to go in before snowfall when ground freezes and get rid of garbage and invasive plants with brush cutters and remove poison ivy, bittersweet, etc. to improve walking areas.

Cow Commons: D.Oullette would like to do test well to make alternate drinking well there to be buried underground with exception of one manhole. This is a ten-year process but needs to get started. A.Irwin raised issue of overstressing aquifer in that area for long time and asked where the Water Department stands on moratorium Bylaw of sprinkler systems. Town is struggling with water quality/consumption and Bylaw not maintained by Water Department. Sprinklers are supposed to be permitted – have we done such a survey? Were those systems permitted when installed according to Bylaw? Is there backflow prevention as required? The Conservation Commission urged DPW to focus more on the issues of water conservation and demand management.

Approved: August 11, 2011

5. **8:50 pm – Emergency Certification 310 CMR 10.06 – Upper Millbrook Conservation Area**
B.Monahan issued emergency certification to install flow devices in upper Millbrook. Recognized that emergency certificate is for emergency work and any other work needs to be appropriately noted. Installation has already happened and their work is complete. B.Monahan to confirm to them that any further work needs filing with Commission.
Motion to approve Emergency Certification Seconded 6-0 - Chip Summers showed the Commission pictures of beaver lodges at Upper Mill Brook expressing concern that soon they will no longer be habitable; he plans to write a story about how beavers have been disenfranchised. A. Irwin noted that adjustments to water levels are allowed prior to mid-November by Fish & Wildlife as that gives time for the beaver to adapt to the new level before wintering.

6. **8:53 pm – Request for Certificate of Compliance [310 CMR 10.05 (9)]**
 - a. **7 Oak Street, DEP File No. 322-746**
B.Drake: will forward copies of correspondence to Brian.
B.Monahan: recommends issuance of Certificate of Compliance noting that inspections not on record in timely manner. A.Irwin noted no decision on performance guarantee at this time. B.Monahan reminded that any new buyer of property cannot take down plantings required by performance guarantee. B.Howell and B.Monahan confirmed that plantings are in; closing set for July 28, 2011.
Motion for Partial Certificate of Compliance under Chapter 194 and Wetlands and Water Resources Protection Bylaw --- Seconded 6-0
Brian will confirm signatures within a week.

 - b. **143 Glezen Lane, DEP File No. 322-530**
B.Monahan stated this has no disturb area and other continuing conditions so would recommend partial certificate of compliance.
Motion for Partial Certificate of Compliance under Chapter 194 and Wetlands and Water Resources Protection Bylaw --- Seconded 6-0

7. **Discussion – Conditions in 30 Standish Road; DEP File No. 322-753**
Bob Drake reported on this project involving septic system and new deck. He was concerned about a statement that he overlooked in the Order of Conditions stating “no underground sprinkler system and none permitted under this permit.” He apologized for oversight but reported that entire backyard has a previously-installed sprinkler system. They are pulling back 35-45 feet and client is reconstructing stone wall to provide permanent barrier so will return to natural state; at that time proposing 100 feet of natural woods along with a 25-30 foot area in which they would like to allow sprinklers to maintain the extensive work done to the property.

A.Irwin asked when sprinkler was installed. J.Sullivan wondered if the owners came to the Commission or went through the Water Department at the time of installation.

Approved: August 11, 2011

Bob Drake said he can ask homeowner if they are aware when the system was installed. He is looking for rewording of condition concerning sprinklers to read that “there will be no **expansion** of the area.”

B.Monahan said he can do research. A. Irwin would like to know circumstance where we had that allowance, adding that the Bylaw on sprinkler systems has been since 2001 or possibly earlier. A.Irwin confirmed that there will be no decision until we look at precedent in history with cases 100 feet from BVW (bordering vegetated wetlands) T.Harding asked if there are things that can be done to mitigate negative impact of sprinkler systems. B.Drake spoke of technical aspects of some installations which have rain gauges so sprinklers are deactivated if certain amount of rain has fallen, etc. A. Irwin noted that those systems are mandatory as minimum requirements under the existing sprinkler Bylaw and would not be a mitigating factor. B.Monahan inquired about total square footage of back yard area. A.Irwin closed discussion that Commission will take under advisement and do some research.

8. Request for Return of Performance Guarantee

242 Old Stonebridge Road - File D-690 (Actual file number is D-744)

The Commission had voted to return the performance guarantee in 2009 as the applicant had represented that the paving of the area was not going to be done. The Commission voted then to release the performance guarantee and the paperwork will be processed for that action.

A.Irwin confirmed consensus that would like B.Monahan to pursue adequate facts for 242 Stonebridge and report back.

Other Discussion: A.Irwin briefly informed Commission that a suit was filed regarding the work being done at Ellie Lane and that Town Counsel will be addressing the situation in coordination with B. Monahan and A.Irwin and will keep you posted.

9. 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. 7 Old Vineyard Way, DEP File No. 322-755

Motion to Issue Order of Conditions for 7 Old Vineyard Way Seconded 6-0

Motion under Bylaw for Chapter 194 Permit Seconded 6-0

b. **(From Agenda Item 5) Public Meeting, P. Worstell, Applicant, 5 Snake Brook Road, File D-737:**

Public meeting to consider an application filed by P. Worstell to amend the Wayland’s Wetlands and Water Resources Bylaw, Chapter 194 Permit issued for File D-737 for an addition and site work at 5 Snake Brook Road, Wayland. The applicant is proposing to add a 16 x 12 foot paver patio and a 12 x 3 foot walkway with a stone trench edge. The property is shown on Wayland’s Assessor’s Map 52, Parcel 060.5 Snake Brook Road Amendment File D-737

Item was continued from an earlier time in the meeting as no one had attended the meeting regarding this project. B.Monahan reported on an amendment request to allow for addition of patio and walkway at 5 Snake Brook (D-737). This proposed work is outside of the buffer zone of wetlands and only reviewed under Chapter 194 as the applicant had not overcome the presumption that the stream, flowing from an outlet to the rear of the lot, was not perennial.

Approved: August 11, 2011

Motion to allow the minor change as 1st amendment to the project noting that drainage mitigation is needed with a stone trench around the proposed patio to infiltrate runoff for the small increase in impervious surface. Seconded 6-0

10. Other

a. Proposed Development at 134 Boston Post Road (Lee's Farm Stand)

B.Monahan thought issue with the front section of land suggested for farming use was left dangling and wondered if Commission feels it's important to know more about open space plan, zoning, etc. and whether we want to establish more of a commitment on the farming parcel. In other words, are we comfortable with this being left open? J.Sullivan felt that enough people in the audience had raised points of concern at the presentation that these matters should be followed up on. Discussion of septic on that parcel. A.Irwin wants to maintain trees along roadway and discussed concern that drainage from Route 20 doesn't go through structured drainage and we would want to have vegetated area or swale or other BMPs for water quality control.

b. Compliance/Enforcement/Violations – 55 Knollwood, Others

B.Monahan reported that he hopes to bring property owner in for discussion at the next meeting.

c. Rice Road Dam Repairs – Status Report

B.Monahan hopes to have something for next meeting.

d. Other A.Irwin asked about 44 Main and the date by which it was supposed to have been done. B.Monahan will get on agenda for July 28 meeting.

11. Administration, Expenditures, Payroll, Announcements, SIGNATURES

12. Minutes –June 21, 2011

Motion to approve Minutes of June 21, 2011 Seconded 6-0

13. Brief mention of L.Eggleston work group. BMonahan to update at July 28 meeting.

A.Irwin: Motion to authorize an additional \$1000 expenditure for review and development of draft stormwater regulations Seconded 6-0

14. Discussion of Wayland 375th Celebration

L. Kiernan updated Commission on 375th Anniversary and Conservation Commission's contribution. Current idea is that we come up with four or five 3.75 kilometer walks and promote to people to walk them in celebration of the anniversary. Walks are roughly two miles in length. L.Kiernan discussed improving signage, posting things on trails and improving maps. The plan would be to give each walk a specific name, and people could walk the entire year of the celebration and perhaps we could have some kind of recognition. More to follow.

Minutes – Thursday, July 14, 2011

Approved: August 11, 2011

Motion to adjourn at 9:50 pm Seconded 6-0