

Approved: 6/21/2011

WAYLAND CONSERVATION COMMISSION

Minutes Tuesday, June 7, 2011 7:30 – 10:25 PM

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

Present: Commissioners: Roger Backman, Ted Harding, Barbara Howell, Chairman: Andy Irwin, Larry Kiernan; Conservation Administrator: Brian Monahan;

Minutes: Andrea Upham

Not Present: Markey Burke, John Sullivan

1. **7:34 pm** - Citizens Time/Public Comment: Items not scheduled on a Conservation Commission agenda.

B.Howell: Barbara shared with the Commission that she was recently misquoted in the Town Crier. She went to a Recreation Department meeting concerning the proposed soccer fields at the Middle School to express her interest (as a citizen, not a Commissioner) in protecting that area as an outdoor classroom. She spoke about educational benefits of the outdoor classroom, but was quoted as talking only about trees, etc., without mention of her main points regarding education. A. Irwin felt she should let The Town Crier management know she was misquoted.

Stan Robinson presented that he has lived at 9 Wheelock Road for 44 years and wishes he had anticipated wetlands issues that have come up in that time. He is currently exploring a drywell because of drainage problems on the property. He indicated that contractors are telling him the application requirements will involve costs do not seem to him to be in line with scope of his project. Stan began to review aspects of the process. A. Irwin explained that he does not necessarily have to do every item without exception and that waivers can be voted on by commission. He also confirmed that Mr. Robinson can submit package if he wishes, but advised Stan that it may be best to do an informal review with the Commission and go from there. Brief exchange ensued regarding plans for tree removal and altering vegetation. Commission explained that all depends on scope of project once presented and specific riverfront issues. Mr. Robinson indicated that only grass and flowers would be disturbed. A. Irwin raised issues of groundwater and the brook but commented that the Commission would have less concern if project didn't divert runoff to a neighbor's property. Discussion closed with confirmation to Mr. Robinson that this item is best scheduled for a future informal session.

2. **7:40 pm – Public Hearing, 30 Standish Road, Barbara Jordan, Applicant, DEP File No. 322-753:** Notice of Intent filed pursuant to the Wetlands Protection Act, G.L. ch. 131 s. 40 and an application pursuant Wayland's Wetlands and Water Resources Bylaw, Chapter 194 filed by Barbara Jordan 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 a replacement septic system and a replacement deck at the existing residence at 30 Standish Road, Wayland. The property is shown on Wayland's Assessor's Map 20, Parcels 16 & 16A. **Continued under Chapter 194 only.**

Nobody was present to represent this discussion.

3. **7:40 p.m. – Public Meeting, Ali Shahidi, Applicant, 10 Brackett Road, File D-786:** 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 Ali Shahidi. The applicant is seeking to install some landscaping, create a patio, and a new landing portions of which work are in riverfront area and buffer zone 10 Brackett Road, Wayland. The property is shown on Wayland's Assessor's Map 23, Parcel 103A.

Ali Shahidi presented a plan proposing to build a new patio from existing deck on the plan. He is now proposing the addition of a shed next to patio that falls within 100-foot buffer. A.Shahidi confirmed that he did submit the plan to the Building Department for the addition of shed next to patio. Shed would not have foundation and is proposed to be next to patio behind house. He further mentioned that since submission, he determined that the dimension might change slightly.

A.Irwin discussed riverfront area and buffer zone looking at scale of plan from wetland line and felt buffer zone was in the right place. Discussion of items 1-6 and need to do something about grass. A.Shahidi planned to plant new sod in front and topsoil and seeding in the back come Fall. Plan calls for new patio cement paver bricks as shown and landscaping of 2-inch deep crushed stone ($\frac{3}{4}$ size suggested but not confirmed) to prevent weeds.

On side facing woods, there is a side entrance with proposal to add a 3 x 4 landing area using pavers and brick, but A.Shahidi now wants to upgrade to 4 x 4 area for dog area from basement. Dog kennel where shed currently stands will be removed. A.Irwin expressed concern to A.Shahidi that the project is "fluid" and the Commission needs to know specifically what he is looking to accomplish and does not accept the plans he is handing out tonight as a "moving target" to get approval on right now.

A.Irwin noted that A.Shahidi is looking for waivers to this project;

B.Howell mentioned sediment barrier waiver request;

B.Monahan thought the project may require more crushed stone than the 2-inch depth proposed; would need 6-inch depth to be effective.

A.Shahidi inquired about getting approval on original plan before Commission without changes/additions.

A.Irwin suggested that he should get his project as he would like it and Commission would like to work with him as to how best to accomplish that.

Brief discussion to ensure that A.Shahidi is aware that sod watering must be manual, and he confirmed his understanding that irrigation would be prohibited. B.Monahan suggested setting limits on project. A.Shahidi would prefer 12 x 10 shed and would then decrease patio size by two feet. A.Irwin asked for explanation on roof for side entrance. A.Shahidi confirmed that he had received very high estimates and therefore roof is no longer included in request.

Discussion ensued regarding drainage calculation requirements (automatically 1A and not 1B; so #4/5). Aquifer protection is applicable as Mill Brook is the eastern boundary. Will need to ascertain what sediment erosion control will be installed during time slopes are disturbed and be certain it is competent. B.Monahan commented that existing sediment barriers need replacement. He highly recommended getting something growing on the slopes to stabilize them.

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A.Shahidi asked if he could install sod around patio. A.Irwin expressed concern with Mr. Shahidi's changing requests and told him that perhaps he needs informal session with the Commission, though trying to be sympathetic for this first request and recommended sticking with seed around patio and not sod. B.Monahan confirmed that we want area stabilized so the scope of approval can be worked with to improve the area. B.Monahan proposed letting project move forward, which will result in improvement to sediment erosion and setting limit on square footage.

R. Backman recommends withdraw without prejudice and resubmit new plan.

T.Harding concerned about procedure but wants to help.

The permit will restrict size of deck/patio. Area is to be stabilized; a stone trench will be required.

Motion for \$500 Performance Guarantee Seconded 5-0.

Motion for Negative Determination of Applicability under Wetlands Protection Act with conditions Seconded 5-0

Motion to issue Chapter 194 Permit with conditions Seconded 5-0

It was confirmed that A.Shahidi needs to wait for issuance of the Permit with specific requirements detailed in the Permit in order to move forward.

4. 8:17 pm – Public Meeting, Robert and Debbie Lee, Applicant, 10 Millbrook Road, File D-785:

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 Robert & Debbie Lee. The applicants are seeking approval for access through riverfront area to construct a septic system at 10 Millbrook Road, Wayland. The property is shown on Wayland's Assessor's Map 23, Parcel 98.

Debbie Lee presented project to replace septic system on property. Trucks will need to go through a portion of riverfront; new leaching field is out of 200-foot zone. Project has passed Board of Health. A.Irwin noted access route on plan, two catch basins and outlet, inquiring as to whether that was new construction. D.Lee confirmed that it already exists. B.Monahan recommended \$250 performance guarantee and noted that a written report will be needed during the work from the septic installer. B.Monahan confirmed written decision will come soon and will phone D.Lee when ready and she can pick it up.

Motion for Negative Determination of Applicability w/conditions under Wetlands Protection Act Seconded 5-0

Motion to issue Chapter 194 Permit w/conditions Seconded 5-0

Motion for \$250 Performance Guarantee Seconded 5-0

5. 8:23 pm – Public Hearing, Thomas & Christina Kemper, 3 Lawrence Road, DEP File No. 322-354:

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 Thomas & Christina Kemper. The applicants are seeking approval for the construction of a replacement single family home and associated site work with a limited portion of the proposed construction to take place within 100' of a bordering vegetated wetland. The property is at 3 Lawrence Road, Wayland. The property is shown on Wayland's Assessor's Map 51B, Parcel 007.

Present were Tom Kemper and Kevin O'Leary, Professional Engineer. T.Kemper began explaining project to demolish house and rebuild a prefab home on the existing lot.

Kevin O'Leary presented: Tom & Christina Kemper and two young sons live at the property with less than ½-acre lot. There is nothing beyond the property, with school fields across the road on other side. The existing house is a 1951 slab. Replacement septic is already constructed and approved by the Board of Health. This filing is a Notice of Intent that supports the new house. Discussion about depth of foundation drain being as wide as it is deep (3' x 3'). Discussion about driveway ensued confirming that with time and funds permitting, they may relocate driveway. There is an area designated for stockpiling and significant refueling not expected. Erosion control barriers will maintain gravity flow; no groundwater issues; 2-minute perks; well draining; don't expect groundwater. 75-foot area sectioned off; about 400 square feet of disturbance. That can be done in one day and backfilled to do that portion, pull out and then do remainder. K. O'Leary said hydrological position doesn't suggest any groundwater issues. End cap of pipe covered to keep critters out. Footprint on prefab consists of the existing garage area with second story addition.

B. Monahan mentioned that towns should keep track of impervious surfaces; they are supposed to be able to report annually on increases/decreases. Discussion about mass highway and phase two. A. Irwin noted the steep slope and the need to be rigorous with maintenance of erosion barriers. R. Backman asked if Brian visited site. Site visit was conducted by B. Monahan and B. Howell. Responding to A. Irwin inquiry, Kevin confirmed that there is no tree cutting planned. B. Howell inquired about site inspection reports. Kevin said site plan had soil logs on it. Dumping was noted at time of site visit. Material to be removed. A flared end or something to dissipate water coming from foundation drain to slope will be required. B. Monahan noted that inspection reports for file D748 were not submitted in compliance with Permit and that \$250 will be forfeited from that performance guarantee.

Motion: Performance Guarantee of \$1000. Seconded 5-0

Motion: Transfer Performance Guarantee from file D748 to the current file 322-754 Seconded 5-0

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

Motion to close Hearing under Chapter 194 Seconded 5-0

Motion to issue Permit under Chapter 194 Seconded 5-0

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

B.Monahan will try to get to OOC/Permit as soon as possible.

6. **8:40 pm – Request for Certificate of Compliance [310 CMR 10.05 (9)] 3 Lawrence Road; D-748**

B.Monahan suggests getting site inspections so Performance Guarantee not compromised.

Motion for Partial Certificate of Compliance with exception of engineering reports Seconded 5-0

7. **8:45 pm – Meeting with L. Eggleston re: Chapter 193 implementation**

L. Eggleston presented an overview of the Stormwater and Land Disturbance Bylaw. She feels Wayland is underutilizing the Bylaw and proposes strategizing to develop regulations or a permit process in terms of what the Commission would like to see. Her opinion was that if it's on your

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books, you need to be enforcing it. She will address different options to approach the permit process.

L. Eggleston lives in Sudbury and worked with the Town of Sudbury in writing Bylaw and regulations and most recently did set of regulations for stormwater land disturbance in North Andover, trying to make consistent all stormwater laws throughout. She encouraged this Commission to follow the same procedure to provide ground rules in Wayland.

B. Monahan spoke of a project at Lincoln Road where the lawyer didn't know about the Bylaw's existence; A.Irwin mentioned needing public hearing. B.Monahan looking for recommendation for permit process by end of June.

L.Eggleston confirmed that you don't need extensive set of regulations but, rather, a process that people will know how to follow.

Confirmation by A. Irwin that B.Monahan and two commissioners (T. Harding and B. Howell) have agreed to work with L.Eggleston. This meeting is for general information that we're taking this initiative, using funding we have this year to have L.Eggleston assist us.

R. Backman inquired about timeframe. B.Monahan suggested about three weeks to get this done. General discussion ensued about whether establishment of a break point makes sense to allow compliance on certain issues without coming to whole commission. L.Eggleston offered that North Andover Board can designate agent for less-significant projects. A.Irwin raised issue of large construction projects of ten acres and up.

Discussion closed with first subcommittee meeting scheduled for June 13, 2011 @7pm.

9:10 L.Kiernan needed to leave the Conservation Meeting.

**8. 9:14 pm - Discussion of request for Conservation Commission Action – Ellie Lane
Kim Cook, present**

B.Monahan summarized that K.Cook has raised points on 2-lot subdivision on Lincoln Road.

K. Cook requested appeal of determination. In summary, complaints are that this is a very fluid project, things are incomplete, missing parts in catch basins and overflowing, drainage systems loaded with silt so already have problems. The subdivision approval of nine pages required Board approvals; hydro analysis said no deviations from definitive plan.

A.Irwin interjected that Conservation did not have wetlands jurisdiction on the project. The matter is whether the Stormwater and Land Disturbance By-Law had been enacted at the time the Planning Board approved the initial plan and whether it applies.

K.Cook felt Conservation had approval for the roadway layout and drainage systems. Town has held bond, abutters haven't been given courtesy of drawings and there have been significant modifications to subdivision plan. 7000 feet of pavement being added; trees being taken out that were to stay in place. Based on Stormwater Management Bylaw, there are significant alterations

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that will significantly alter drainage of land. They are responsible for right of way. K.Cook believes the Town should not allow project to go forward.

A.Irwin acknowledged that while there may be changes to the project, this is a project under the jurisdiction of the Planning Board. Conservation would need to have a decision by the Planning Board that this is a change or a new and different project. A.Irwin confirmed that it is not for Conservation to interpret Planning Board's decision.

Discussion between B. Monahan and L. Eggleston regarding conformance with Chapter 193 and issue of pervious pavement needing to be maintained properly or it will be impervious. Question is whether project grandfathered and unless modifying it, Chapter 193 wouldn't apply to it.

L.Eggleston commented that this project predated the Stormwater Bylaw.

B. Monahan asked opinion of L. Eggleston, who felt that the work could be a substantive change.

L. Eggleston's suggestion to K. Cook is to encourage Planning Board to reopen hearing.

K. Cook said Mark Lanza had issued decision on project. Landscape Architect made decisions to change things that are not within compliance in her opinion.

A.Irwin mentioned that there is latitude within landscape architects and suggested K. Cook may want to pursue that Planning Board needs new review and perhaps then will come to Conservation's jurisdiction. Determination is needed on whether the change in project was or was not approved in original plan by Planning Board, which is beyond the scope of the Conservation Commission. The Planning Board is in the driver's seat. Discussion ended 9:40 pm.

9. Other

Compliance/Enforcement/Violations – 55 Knollwood, Tim Dreher

9:40 pm Tim Dreher, present.

B.Monahan reported that he had email conversations with T.Dreher in April/May and then heard complaints about work on the site. Brian went to site and looked from public spot on a boat and found very serious problems. He will be doing a site visit tomorrow morning at 8:15. He felt there were very serious violations with a steep slope and trees, throwing material off bank and into pond. B. Howell added that it's a kettle pond.

T. Dreher explained to the Commission that he bought house in October. Within two weeks he found black mold up the wall indicating water damage up to the top and underneath the rug hardwood floors had buckled. He began trying to find where water was coming from. There was a mound in center of back yard which he tried to level off. He discovered a gutter that goes along and down and slopes into pond. He also found that over the winter all the water backs up from gutter and goes into house due to loam blocking the pipes.

Contractor proposes splits of six to eight different gutters. He started to move ahead and hit gas line on side; called up National Grid to mark the gas pipe and work came to a halt because pipe was where they were digging and would cost \$2-3000 to move.

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B.Monahan shared that trees had been removed from the property. A. Irwin asked what contractor was being used.

Discussed depression around septic system in low area. B. Howell asked if septic was tested and T.Dreher said it was fine when purchased. Bobcat excavation is now done and what remains is planting by hand on hill. T.Dreher asked Commission members what particular planting has to happen to make it right.

B.Monahan commented that it is a very unstable slope.

T. Dreher discussed use of good soil to create berm and plant flowering shrubs. He has cleared rocks out of pond that had been dumped there and removed old metal dock and lawn furniture covers found there, along with glass bottles; tricycle, tree limbs. He disposed of fence and thought perhaps he should have kept it.

R. Backman commented that with heavy rains, it seems like it would be a problem.

B. Monahan said it's the worst Dudley Pond infraction he's seen and confirmed that T.Dreher needs permits to move forward.

A. Irwin confirmed authority for B. Monahan to issue an Oder to Cease and Desist future work except for stabilization of slopes and soils. There is concern of possible damage to trees on slope and removal should be done very carefully to avoid tree death. Need to get some sort of plan for soil stabilization to avoid any future runoff. T.Dreher confirmed that two dead trees were taken down in Fall and that issue remains with some hemlocks.

A.Irwin expressed need for stabilization and tree replanting. Recent examples of DEP's enforcement for alteration of 5,000 SFT of cutting and filling wetlands resource areas/buffer involved thousands of dollars in penalties. A.Irwin confirmed that B. Monahan will report back and wants message to get to contracting community that they too are responsible and wants B. Monahan to seek them out so they are much more aware in the future.

A.Irwin reported on issue with septic/cesspool serving a house on Dudley Pond but not situated on the same property. Some people on Dudley Pond called reporting water running and brought to Conservation Commission's attention and Board of Health. BOH has taken lead on forcing corrective action. A.Irwin: Emergency Certification should have been obtained from Conservation and the requirement should still be addressed. B.Monahan to pursue jurisdictional issues with property owner who is conducting corrective actions.

10. 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. 30 Standish Road; DEP No. 322-753

B. Howell felt delineation of the lawn should be done; need an on average 100 feet and felt they should follow the contour with the stone wall. Discussion and agreement on B. Howell's observations. Discussion about pulling back lawn and meet the other wall to follow contour.

A. Irwin: should follow 30-ft no disturb line. Consensus that the lawn be retracted to 30-ft no disturb line. B. Monahan will draft wording.

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Motion to issue order of conditions under Wetland Protections Act with conditions as discussed Secoded 4-0

Motion for Bylaw Performance Guarantee from B. Monahan for \$1200 Secoded 4-0

Brief mention that B.Monahan is pursuing Rights of Way Maintenance with NStar.

11. Minutes – May 12, 2011 Meeting

Minutes of May 12 and June 7 meetings to be accepted at June 21 meeting.

Items not discussed:

- a. **Wellhead Protection Committee Comments for Conservation Areas**
- b. **Beaver Concerns/Emergency Certifications**
- c. **Meeting Schedule**

12. Adjournment 10:25 pm

Motion to adjourn Secoded 4-0

**TOWN OF WAYLAND
MASSACHUSETTS
CONSERVATION COMMISSION**

LIST OF PUBLIC DOCUMENTS PROVIDED TO THE CONSERVATION COMMISSION
FROM May 13 – to June 6, 2011

May 13, 2011

Request from Arlene Pollak to release performance bond on 109 Dudley Rd
Confirmation from HR Director to Andrea Upham confirming Admin position in Conservation Dept.
DEP 322-583 Inspection Report #89 for The Field at Mainstone from Samiotes
Notice of Appeal of Determination and Request for Public Hearing for 12 Ellie Lane

May 16, 2011

DEP 322-710, 708, 709 Engineer's inspection report
D-764 Determination of Applicability from Tighe & Bond
DEP 322-624 Inspection Report #21 from Sullivan, Connors & Associates

May 18, 2011

Certification of abutter list for 49 Loker St
Certification of abutter list for Water Dept Old Conn Path
Request for Determination of Applicability for 10 Brackett Rd
Memo from John Senchyshyn re Safe Driver Program for Wayland Town employees

May 19, 2011

Letter of intent - Lynch Tree Landscaping
ERM report on former Raytheon facility
Invoice from Henderson Striker re Greenways South field mowing and cow commons various work

May 20, 2011

188 Glezen Ln - site inspection from Sullivan Surveying Co
188 Glezen Ln - Determination of Applicability
MassDot regarding Yearly Operational Plan

May 23, 2011

Article 20 of the Zoning bylaws – Updated Federal Floodplain Overlay District Map – approved by the Attorney General's Office May 18, 2011

May 24, 2011

DEP 322-583 The Field at Mainstone Inspection Report on Erosion Control Monitoring from Samiotes
DEP 322-732 Construction observations from Bohler Engineering re 54 Boston Post Rd
DEP 322-779 188 Glezen Ln Site Inspection from Sullivan Surv.
DEP 322-779 188 Glezen Ln from Custom Designs ready to start project
DEP 322-779 188 Glezen Ln from Custom Designs construction schedule
DEP 322-779 188 Glezen Ln copy of application for BOH approval for a building permit
14 Sylvan Application for Chapter 194 from Al Zagame

**TOWN OF WAYLAND
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May 25, 2011

DEP 322-0735 Wayland High School inspection reports (two) on erosion control monitoring from Nitsch Engineering

DEP 322-665 Wayland Town Forest site inspection from Hayes Engineering

May 26, 2011

Tennessee Gas Pipeline 2011 Vegetation Management Plan

FEMA Letter to Thomas Fay re: Risk MAP Discovery Meetings for the Concord River Watershed Study

May 27, 2011

Board of Appeals Decision 11-08 – James and Wendy Scoppa – re: demolition/construction at 42 Sycamore Road

D-771 – 81 Riverview Circle site inspection memorandum from Samiotes

D-764 Determination of Applicability from Tighe & Bond

May 31, 2011

DEP 322-746 7 Oak Street landscape report from Drake Associates

June 1, 2011

DEP 322-708/790/710 Fieldstone Estates Engineer's inspection report from H2O Engineering

June 2, 2011

Stormwater Management Permit correspondence from Reed Hilderbrand Assoc regarding 87 and 97 Lincoln Road

June 3, 2011

D-787 Request for Determination 15 Sylvan Way from Albert Zagame

June 6, 2011

DEP 322-624 Wayland Commons Inspection Report from Sullivan, Connors & Associates