

**WAYLAND CONSERVATION COMMISSION**  
**Minutes Thursday, March 31<sup>st</sup>, 2011 7:30 – 10:50**

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

**Present:** Commissioners: Roger Backman, Markey Burke, Ted Harding, Barbara Howell, Andy Irwin,  
Chairman, Larry Kiernan, John Sullivan; Conservation Administrator: Brian Monahan; Minutes  
taken by: Cheryl Kane

**1. Citizens Time/Public Comment: Items not scheduled on a Conservation Commission agenda.**  
**7:35 Public comment:**

Mike Lowery made a proposal to make "sweeping roads a priority to protect surface water". He was instructed to talk to Highway Division of DPW.

M. Lowery requested that the Board of Public Works investigate the possibility of installing waste water lines under the proposed new Turf fields at Middle School. A system could potentially handle 44 houses.

A. Irwin suggested that M. Lowery talk to the Waste Water Commission since they already have experience and more information in this area. Ms. Irwin wrote the original legislation.

M. Lowery stated that the Surface Water Quality Commission Study has been completed. It will be presented at April 12<sup>th</sup> meeting.

**2. 7:45 pm – Continued Public Hearing, Lake Cochituate, Lake Cochituate Watershed Council, Applicant, DEP File No. 322-751: Hearing to consider a Notice of Intent filed pursuant to the Wetlands Protection Act, G.L. ch. 131 s. 40 and Wayland's Wetlands and Water Resources Bylaw, Chapter 194 proposing the following at Lake Cochituate: hand pulling in areas of Lake Cochituate infested with invasive plants. The portion of Lake Cochituate in Wayland is generally shown on Wayland's Assessor's Maps 46C, 46D, 50, 51C, 54, and 55. Hearing open under Chapter 194 only.**

Petitioners: Mike Lowery and Carol Berkowitz, from the Natick Watershed Council.

The Bylaw decision is not yet ready. The permit will be ready by April 12<sup>th</sup>. A draft with the "Order of Conditions" from Natick was given to the Commission. There was discussion regarding some sections that are to be adapted for Wayland specifically. R.Backman asked about water chestnuts and M. Lowery said there are some in one area but it is not a problem. A. Irwin wanted to know if the residents are supportive of hand pulling the invasive plants. C.Berkowitz indicated that her neighborhood is supportive. M. Lowery stated that the abutters are aware because mailings have gone out. B. Monahan shared that when the decision is made the abutters are notified.

Motion to close to Chapter 194 hearing

Seconded

Voted unanimous 6-0

- 3. Public Meeting, 53 Country Corners, Heather and Michael Pineault, File D-778:** Request for Determination of Applicability filed pursuant to the Wetlands Protection Act, G.L. ch. 131 s. 40 and application filed pursuant to Wayland's Wetlands and Water Resources Bylaw, Chapter 194. The applicants are proposing to close in a portion of an existing deck to create a screen porch and related construction including, if needed, additional footings, at 53 Country Corners Road, Wayland. The property is shown on Wayland's Assessor's Map 48, Parcel 006.

7:50

Petitioner H. Pineault proposes to enclose a 15'x22' portion of an existing deck. According to the Building Department two additional footings are needed. The deck is located on the opposite side of the house from the stream. The Pineaults are proposing down spouts to capture rain and will also have some rain barrels. B. Howell asked if there is stone under the deck and the answer is no, the area is dirt. A. Irwin requested to know the distance of buffer zone to the intermittent stream and H. Pineault stated that the distance is approximately 92 feet, the house being in-between. There is a rise by driveway and then it drops off to the stream. R.Backman stated that there is a need to get rid of dirt that will be dug out for the footings, the response being that the dirt will be distributed in yard.

Motion: To Issue a Negative Determination of Applicability under bylaws.

Second

Voted unanimous 6-0

Motion: Requirement for \$500 performance guarantee under Chapter 194 bylaw

Second

Voted unanimous 6-0

Motion to issue Chapter 194 permit as discussed and revised.

Second

Voted unanimous 6-0

- 4. 8:00 PM – Public Meeting, 188 Glezen Lane, S. Correia, Applicant, File D-779:** Request for Determination of Applicability filed by Steve Correia pursuant to the Wetlands Protection Act, G.L. ch. 131 s. 40 and application filed pursuant to Wayland's Wetlands and Water Resources Bylaw, Chapter 194. The applicant is proposing an addition and new deck on the northwest corner of the existing house at 188 Glezen Lane, Wayland Massachusetts. The property is generally shown on Wayland's Assessor's Map 11, Parcel 076B.

8:04

Peter Graham, Contractor for homeowner Steve Correia described the proposal. The plan is to take down an existing deck and build an addition. Erosion control is proposed hay bales that are not to be dug into the ground. Tubes with mulch or some with wet land plants may be used as alternative. Construction is barely within 100 feet of wetlands and Hazelbrook is 200 +/- feet away. The buffer zone wraps around the back of the house. Different options were looked at by the owner and

contractor but this proposed site is the most appropriate. No bedrooms are included therefore no septic issues per the Board of Health.

Peter Graham disclosed that the foundation will be four to six feet on the rear wall. There will be precast leaching pit, 6' in diameter and 6' in depth with 2 feet around it and 2 feet underneath it. There must be 6 inches of stone under the proposed deck. B. Monahan asked where the excavation material will go and P. Graham confirmed that it will all be removed. A. Irwin discussed the lawn and the no disturb zone to which S. Correia replied that it will be left as is. The total square footage of the addition is just under 500. A waiver was given on investigation of the impervious area.

Motion: Waive NGDV, soil and drainage calculations.

Seconded

Vote unanimous 7-0

Motion: Negative Determination under Wetland Protection Act

Seconded

Vote unanimous 7-0

Motion: Issue \$1000.00 performance guarantee

Seconded

Vote unanimous 6-0

Motion to Issue Chap 194 permit with conditions as discussed and revised:

Seconded

Vote unanimous 7-0

5. **Public Hearing, 430 (sic) Boston Post Road, Raytheon Company, Applicant, DEP File No. 322-7???: 8:20 PM Hearing Started.** 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 Raytheon Company for limited groundwater investigation via temporary points in the buffer zone and the construction of an injection trench and injection wells in the buffer zone to improve performance of the existing bioremediation at 430 Boston Post Road, Wayland, MA. The property is shown on Wayland's Assessor's Map 23, Parcels52C and 52D.

John Drobinsky described the proposal for additional characterization to accelerate treatment in the northern area where excavation was done; injection trench and injection wells. The pumps for recirculating ground water will be powered by solar panels. Silting sand condition exists and the goal is to break down chlorinated solids with this series of wells. In answer to T. Harding's question the concentration is currently 1000-2000, and they would like to accelerate the process. R.Backman inquired if the Commission has permission to go on the property to which the answer is, yes.

T. Harding asked how this works to which J. Drobinsky responded that organic microbes help degradation, injection with patent pending: alcohol, vegetable oil and potassium hydroxide.

A clean-up plan was not filed, but instead an addendum, a modification of the existing plan. A. Irwin asked how long and J. Drobinsky replied 5-10 years. J. Drobinsky stated that pumps will not be shut off in winter, they would like to run them all year. The pumps would stay in place until perhaps new technology comes along to change the plan. L. Kiernan asked how far down to which J.Drobinsky

stated 15-25 feet then it dives down near the river to maybe 100 feet. Our goal is to get it to drinking water standard. A. Irwin discussed long term maintenance and inquired what will be happening to maintain? J.Drobinsky responded that if it needs to be repaired we take care of it. We will continue to monitor wells and ultimately de-commission the wells on property.

Decommissioning will require a filing.

Notice of Intent (no DEP file # issued at time of hearing)

Motion to continue until April 12<sup>th</sup> 8:00pm

Seconded

Vote unanimous 7-0

Motion to continue Chap 194 April 12<sup>th</sup> 8:00pm

Seconded

Vote unanimous 7-0

There was brief discussion about the contamination in the ground water in front of Wayland Cleaners bordering the Raytheon area. A stream is right next to cleaners behind Sovereign bank.

6. Request for Return of Performance Guarantee: Raytheon DEP Files 322-564/322-647  
8:45 Balance \$30,000 plus interest,  
Discussed that the performance guarantee for 322-564 was used, in part, for 322-647. It was noted that the 30,000 had previously been voted to be released and apparently had not been processed.  
Motion: Release funds of \$30,000.00 performance Guarantee  
Seconded  
Vote unanimous 7-0

7. **Public Hearing, 205 Boston Post Road, 205 Rice Road Nominee Trust, Applicant, File D-777:**  
Application filed by 205 Rice Road Nominee Trust, pursuant to Wayland's Wetlands and Water Resources Bylaw, Chapter 194. The applicants are proposing the construction of an in-ground pool and spa with associated patio deck, pool house with sewer tie in, landscaping, grading and stormwater management areas at 205 Rice Road. Wayland, MA. The property is shown on Wayland's Assessor's Map 35, Parcel 35A.

8. **Public Hearing, 205 Boston Post Road, 205 Rice Road Nominee Trust, Applicant, File D-776:** An application filed by 205 Rice Road Nominee Trust, pursuant to Wayland's Wetlands and Water Resources Bylaw, Chapter 194 proposing the construction of a stable, indoor riding ring, outdoor riding ring and paddocks at 205 Rice Road. Wayland, MA. The property is shown on Wayland's Assessor's Map 35, Parcel 35A.

9:35 Present for the above two hearings:

On behalf of petitioners: Paul McManus, Atty Brian Levy, Brandon Ducharme, Greg Roy.

On behalf of the Town of Wayland: Lisa Eggleston

On behalf of and including abutters: Maura Shaughnessy, Stephen Garvin

Paul McManus, Engineer EcoTech, declared that the petitioners have filed Notice of Intent. He explained the map and description of the area around house. Everything new has been designed to

stay away from crucial areas. Highlights of the motion were given to the Commission regarding bylaws. Water is not being sent off the property, the water is being contained and infiltrated within the boundaries of the property. There is a proposed erosion sediment control barrier to encircle the project. The water will be collected and treated. No estimated NHESP habitats in the vicinity. It is a medium growth upland forest. They are unaware of any aquaculture.

L. Eggleston gave her report regarding pool site: A site visit was conducted and report was reviewed. Excellent soil for infiltration. NOI's filed. More storage is being created by depression. Excess volume being created. Unique site with no run off – completely straight forward.

The pool discharge will not be put where it can go into the stream. The discharge must be contained on site and any overflow will go into one of the depressions.

L. Eggleston reported findings regarding proposed horse stable: a SWPPP Plan is required. She suggested a beehive grate on the catch basin. Manure will be taken care of with a 5 sided container, no cover. It has been approved by BOH. The container with the manure will be emptied periodically and contents removed from site.

If a project is covered by an Order of Conditions that is an exemption from Chapter 193 which is also under the purview of the Conservation Commission. This was discussed during the meeting.

Steve Garvin, Samiotes Consultants, pointed out that the direction of overflow will run into neighbor's yard and would prefer to see flow in different direction. Applicant's representative stated that the flow is currently/already going in the same direction. Peak discharge is slightly higher. L. Eggleston agreed with applicant's assessment and further stated that the reporting is very conservation/ fair LSFI. The soil is sandy and exfiltration needs to be considered in the analysis according to L. Eggleston.

R. Backman posed the question, where is there ground water - the answer was that none was found. A. Irwin asked, will land saturate/absorption top off? G. Roy replied that we've covered this calculation/standard. Post development runoff rate. L. Kiernan raised a question of drainage around stable. The reply was that all water is going into infiltration area which is made up of arched rows/chambers going into outer riding area/depression. The roofing material for the stable is residential asphalt shingles.

S. Garvin requested more information regarding runoff. He is concerned about the flow leaving the property in 100-year storm. This will be done by Applicant's Engineer. L. Eggleston was going to follow-up on any assessment or response by the applicant's engineer.

Paul McManus described the plans /functioning of stable and outdoor riding area. He added that the infiltration area had test pits made this week. Gravity system septic in depression. Swale to collect run off. A. Irwin questioned having a septic in the depression, however the BOH approved, it is not wetlands.

Motion: Continue Pool D-777 hearing under Chapter 194 to the next meeting April 12<sup>th</sup> 8:15 pm.

Second

Vote unanimous 7-0

Motion: Continue hearing for D-776 under Chapter 194 to the next meeting April 12<sup>th</sup> 8:15 pm.

Second

Vote unanimous 7-0

## 9. Other

### a. Request for waiver on plan requirements: 32 Hampshire Road

9:15

Peter Gossels and Architect (Frank Reed) Handed out proposal, with graphics.

The proposal is for a small addition less than 200 feet from river and flood plain – but the elevation is approximately 45 feet up from the river and there are woodlands are in between. The petitioners requested that engineering plans be waived since the tests will not reveal anything.

A. Irwin asked if there are trees to be removed or changing grade. The answer to both being no. There will be no surplus material used. A. Irwin stated that since they will be adding an impervious area the run off should be addressed. If plans are required by other departments, such as the Building Department, the Conservation Commission would like copies. Frank Reed added hay bales will be used to control run-off/not dug into the ground. There was some discussion about the tubing alternative to hay bales. A gravel bed will also be added. B. Monahan discussed development of river front, addressing the drainage, and measurement of lawn vs. undisturbed vegetation.

Motion to Waive Engineering Plans

Second

Vote unanimous 7-0

### b. Request for waiver on plan requirements: 6 Loker Street

Gravel parking lot to make into field – engineer plan needed?

A. Irwin stated that spot grades are needed because it is in a flood plain.

Motion: Deny waiver requirement for Engineer Plans

Seconded

Vote unanimous 7-0

### c. Warrant Article Comments – Annual Town Meeting

Discussion On warrant Article #7: Capital Request for dam issue on Town Meeting Warrant.

An Engineer's report is available. The repair will improve the dam's condition but it will still not be compliant. It is a temporary fix. There is a need for an organized spillway. Right now you can only go down 6" +/-, if more the dam will be undermined. Loker School is in the path if the dam lets go. There is a need to research what a permanent, long term fix will cost. The Conservation Commission needs to consider the responsibility for generating awareness of the potentially unsafe situation.

### d. Re-paving at 97 Concord Road

Gravel parking lot to porous (pervious) pavement

Motion consider the work as an amendment to the Chapter 194 to allow the existing pavement at the entrance and exit to be replaced.

Seconded

Vote unanimous 7-0

e. Open Meeting Form Signatures

Brian will make available/email to everyone and they are to be turned in to Lois Tombs, Town Clerk.

f. Other There was discussion of the grassed swale and plowing at 44 Main Street. The swale is not grassed – appears to be stone. Also that A. Irwin discussed the fact that the Main Street Sunoco is within the Zone II of Natick's water supply.

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

**11. 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. 231 Boston Post Road, DEP File No. 322-750

A.Irwin discussed fire and rebuilding-open louvers from grade up to flood plain level. Need to be sure there is no lip on louver and that top cannot be submerged. Is there anything new being added to impervious area? The answer is no. More flood storage now than before.

Motion: Recommend performance guarantee of \$2000.00

Second

Vote unanimous 7-0

Motion: Issue chapter 194 permit as revised and discussed

Second

Vote unanimous 7-0

**b. Lake Cochituate Three Town Hand Pulling/Diver Assisted Suction Harvesting, DEP File No. 322-751 (Pending receipt of Wetlands Protection Act filing fee.)**

Andy: Finding items irrelevant to Wayland/Lake Cochituate

T. Harding: #39 apply? B. Monahan: Yes

B. Monahan: Chapter 194 from Dudley will be looked at

B. Monahan: Town's Wetlands Protection Act fee has not been received. DCR had clearly stated at one of the planning meetings that they pay fees. While the local bylaw fee has been waived there is an outstanding fee required by the WPA.

A. Irwin: Brian will bring recommendation to commission

Motion to issue an Order of Conditions pursuant to the Wetlands Protection Act, as discussed and revised, pending receipt of the WPA fee.

Motion was Seconded

Minutes 3/31/11

APPROVED: April 12, 2011

8

Vote unanimous 7-0

c. 53 Country Corners Road File D-755

above

d. 188 Glezen Lane, File D-773

above

**12. 10:50 pm Adjournment**

The next Conservation Commission Meeting is scheduled for Tuesday, April 12, 2011 in the Wayland Town Building



## Conservation Department (mail from 3/17/2011 through 3/31/2011)

- 3/17/ 2011-- Positive impact on our Ecosystem Eleanor Moore (what we did) cleared brush at community gardens on 3/12/2011.
- 3/17/2011- Metro West Daily NEWS LEGAL Advertisement issue for Heather and Michael Pineault 53 Corners rd. Wayland Ma.
- 3/17/2011- Legal advertisement issue for Steve Correia, 188 Glezen Lane, Wayland
- 3/17/2011- Legal advertisement issue for Raytheon Company
- 3/17/2011- Building Department Re: Boston Post Rd. – Wayland Foreign Motors violation of the Stat building code, 780.
- 3/18/2011 -- Notice of Intent, Abutters notification letter Raytheon Company. Expansion of the Bioremediation system.
- 3/18/2011 -- Addition to the residence of Peter and Nancy Goessel.
- 3/21/2011- Wayland will celebrate its 375<sup>th</sup> Anniversary in 2013-14. Meeting scheduled for Wednesday, April 27th 7:30pm. Large hearing room of the town building.
- 3/22/2011- D-722 Operation and Maintenance plan for 97 Concord rd. Wayland, Ma.
- 3/22/2011- Soil Testing for drainage system on 3/28/2011, 205 Rice rd. Ducharme & Dillis. Civil Design Group, Inc.
- 3/24/2011- Board of Appeals decision No. 11-05 Carlos E. Ponce and Federica C. Ponce special permit granted, with conditions.
- 3/24/2011- Board of Appeals decision No. 11-06 Barbara R. Harris, Renewal of special permit granted with conditions set for here in.
- 3/24/2011- Board of Appeals decision No. 10-30 Dajon Realty Trust ( David Mahlowitz) special permit granted, with conditions.
- 3/25/2011- Application of James and Wendy Coppa , property location 42 Sycamore rd. Public hearing April 12,2011.
- 3/25/2011- Town of Wayland payroll change authorization, for Karen Park.

3/25/2011- Five copies from the Columbia Design Group LLC.

3/28/2011—Hand Delivery for Sullivan & Worcester notice of intent, 10 copies by Samiotes Consultants as land subject to flooding on the property at 205-209 Rice road.

3/28/2011- University of New Hampshire publication of the real dirt.

3/28/2011- Garden plot application John Emery.

3/28/2011- Eggleston Environmental- Proposal for consulting services.

3/29/2011- Heather Short's payment for garden plots.

3/29/2011- Notifications of Environmental sample collection, Former Raytheon Facility 430 Boston Post Rd. Wayland

3/29/2011- Sullivan, Connors & Associates, Subject Wayland commons DEP#322-624 Inspection Report #1700.