

# WAYLAND CONSERVATION COMMISSION

Minutes Wednesday, November 16, 2011 7:34 – 10:01PM

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

Present: Commissioners: Roger Backman, Markey Burke, Ted Harding (7:55), Barbara Howell,  
Chairman: Andy Irwin, Larry Kiernan, John Sullivan (8:00), Conservation Administrator: Brian Monahan

Minutes: Andrea Upham

A.Irwin opened the meeting at 7:34PM noting a quorum was present.

1. **7:30 pm** - Citizens Time/Public Comment: Items not scheduled on a Conservation Commission agenda. No comments were received by the Commission
2. Beaver

Rod McLean, 15 Wheelock, shared that he was present to hear any update on the recent beaver discussions. B.Monahan reported that he sent an email to Beaver Solutions to begin the process of talking about solutions to the beaver problems. He did confirm that Beaver Solutions is not able to trap. B.Monahan shared that the Commission will need to get things in order before Emergency Certification is drawn up. Regarding previous discussions about potential date limitations involved with trapping, B.Monahan believes that the Emergency Certification would override any date limitations. B.Monahan mentioned that while trapping season is now in effect, any traps must be checked daily by law. B.Monahan will report back with further info. Mr. McLean inquired about available funding to address the beaver issues. A.Irwin shared that the Commission will pursue how to find funding for that in this fiscal year. B.Monahan confirmed they hope to address this in the next month or so.

3. **7:40 pm - Public Meeting, Brad and Joanna Meiseles, Applicants, 7 Lingley Lane, File D- 796:** Request for Determination of Applicability filed by Brad and Joanna Meiseles, 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 applicants are proposing to install an in-ground gunite pool, patio and related construction work such as fencing, tree work, and a potable water well within 100 feet of a resource area at 7 Lingley Lane, Wayland, MA. The property is shown on Wayland's Assessors Map 24, Parcel 159A.

**Steve Jackson of Jackson Pools and Brad Meiseles, Applicant,** were present for the discussion. Referring to the plan, B.Monahan offered that he felt the area being defined as jurisdictional is likely not correct, feeling it is probably bigger than noted. He advised that the line may change once properly calculated for the land subject to flooding or inundation. Mr. Jackson began by explaining how the location of pool was decided, based primarily on straight line of sight from the kitchen area inside the home and also taking into account the restrictions of the septic tank on the property. Mr. Jackson reported that the area is basically flat. He pointed out that there are four trees marked on the plan for removal within 100 feet of the wetland –a 3-tree clump and a 6-inch oak and in addition a 24-inch oak and a 16-inch oak in the upland area. Discussion ensued about the Commission's tree and shrub replacement process. R.Backman asked if there is any concern about the roots of the 24-inch oak. Mr. Jackson felt it is distant so is not a concern.

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A.Irwin pointed out that the plan shows existing grades but not proposed grades and discussed the substantial dip on the south side of the proposed pool. A.Irwin felt that if the pool were level with the plateau, then grading on the slope or a retaining wall would seem to be necessary. S.Jackson explained that they ran a string line from the edge of the patio to the deep end of the pool, and it is flat. A.Irwin pointed out the depression in the middle section of pool and commented that there was the potential for devastation of the slope to construct what is being proposed. B.Monahan explained that there are no proposed grades on the plan to allow the Commission to evaluate the change. S.Jackson reported that there is a three-foot difference and that where the dip is located, the water currently rushes down the hill. Their plan is to grade with processed gravel to allow for a gradual slope along the length of the pool, which will be an improvement. Discussion ensued about filling associated with construction of the concrete pool deck slab. A.Irwin questioned Mr. Jackson as to how he planned to transition from the slab to the existing grade on the slope, and B.Monahan pointed out to Mr. Jackson that the plan doesn't show that transition; it has existing grades but should also show what the project will be at completion. S.Jackson commented that B.Monahan had been very helpful but asked how he had previously missed this point. B.Monahan pointed out since he had a plan with an engineer's stamp he did not look as closely as the engineer would typically address such issues.

Discussion ensued about slope erosion. A.Irwin confirmed the Commission's need to understand how the transition gets made along with confirmation of the footprint, stability, disturbance of slope, and asked if they plan to vegetate the slope or make a retaining wall. S.Jackson stated that a retaining wall is not necessary on this project. B.Howell asked if the stairs are existing stairs and Mr. Jackson confirmed that they are. S.Jackson asked if it would be possible to have the engineer (Hamel) do another grading plan. A.Irwin asked what material is planned for stabilization of the soil slope. Mr. Meiseles felt it might be grass; Mr. Jackson pointed out that good gravel allows for better penetration. L.Kiernan asked if this could actually be an improvement in grading. A.Irwin pointed out the need to decide tonight to either issue a Determination with specific conditions or deny the RDA and proceed with a Notice of Intent.

A.Irwin asked about the path for heavy equipment access, and Mr. Jackson said that the area between the tank and the leach field is already marked. B.Monahan pointed out that the Board of Health may require that they plate the septic. B.Howell pointed out the need for NGVD. A.Irwin asked about materials planned for backfill, and Mr. Jackson responded that he will use Constantine out of Tyngsboro, who provides septic-grade gravel. A.Irwin explained that the Wetlands Protection Act stipulates that no asphalt be used for backfill, and further confirmed that there should be no sprinklers in the buffer zone. Discussing the increase in impervious surface creating runoff down the slope, A.Irwin asked what is planned to promote infiltration from the new impervious surface. Mr. Jackson reported that the deck has been kept at a minimum on the downhill side, and stamped concrete will aid in water shedding all the way around. B.Monahan shared that some form of drainage mitigation would be required. Mr. Jackson did not see a problem to do a stone border and suggested that a french drain might help to slow it down. A.Irwin responded that it might work best on the downslope side to direct flow to an infiltration chamber while infiltration directly from a stone trench would be fine around the rest of the perimeter. B.Monahan asked if this was planned to be a chlorinated pool, and Mr. Jackson explained it is a salt system chlorine pool that will have a cartridge filter and involve no backwashing.

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A.Irwin told Mr. Jackson that before they can move forward with construction, the Commission will need a plan with grading and drainage mitigation along with water discharge and infiltration design. B.Monahan mentioned the need to be compliant with Board of Health regulations for protection of the existing septic system and other requirements for pools. A.Irwin added concern that there be no ongoing discharge of pool water containing, protection of the septic tank and connecting lines with pre- and post- inspections. A.Irwin closed by confirming that the Commission will through conditions be requiring submissions of plans for clarification on drainage, slopes, confirmation of grades and datum. Mr. Jackson confirmed that the remaining construction outside of the pool itself will not take place until springtime. A.Irwin added that there will be a need for a planting plan.

**Motion to issue Negative Determination with conditions under the Wetlands Protection Act; Seconded 6-1**

**Motion to issue Permit under the Chapter 194 Bylaw; Seconded 6-1**

**Motion to require a \$2,000 Performance Guarantee; Seconded 6-0; 1 abstain**

A.Irwin and T.Harding explained to Mr. Jackson and Mr. Meiseles that the performance guarantee is a form of security deposit, which is returned if the permit conditions are followed.

A.Irwin explained there is a ten-day appeal period that follows issuance of the determination; however, one may proceed at risk with the construction.

4. **8:30 pm –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 feet of resource areas. The property is shown on Wayland’s Assessors Map 22, Parcel 1 and Map 23, Parcel 52.

**Presenting were Jessica Roberts and Ian Catlow from Tighe & Bond.**

Ms. Roberts began review of the proposed sewage treatment facility upgrade project. The focus of the Notice of Intent is the construction of 1900 linear feet of sewer outfall pipe measuring six inches, along with the demolition of the 1100 linear feet of existing six-inch pipe. Ms. Roberts pointed out the highlights on the plan. A.Irwin raised the issue of the stormwater outflow from Basin 2 and felt there should be a discussion with Twenty Wayland to review this as he recalled that they were planning on putting in a new pipe. Ms. Roberts shared that they will be requesting waivers for drainage and soils – soils were based on 2007 ORAD which, based on recent changes, was extended to 2012. They are not proposing new impervious area.

The restoration plan was outlined by Ms. Roberts, and she reported that a portion of the new 6-inch pipe will be directionally drilled under Route 20. There is plan for an artificial tributary measuring 20x3x2, along with 60 feet of BVW impact and an additional 30 feet will be shrub restoration. A.Irwin inquired if there can be restoration where they remove the existing outfall. Mr. Catlow asked if he was referring to the 36-inch pipe, and A.Irwin confirmed that he was. Mr. Catlow responded that if that pipe is no longer a fixture, it would be an issue for Twenty Wayland with respect to cutting back. B.Monahan inquired about grading, and Mr. Catlow confirmed a

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return to existing grade. He further explained that the constraint is limited to a 20-foot easement they hold and can't go outside of, and added that the project has been bid for price and any change there will affect price. Mr. Catlow went on to say that the existing outfall has large stones. They had lengthy negotiations about the new outfall, with the design/intent being to mask the pipe and flow out of the pipe so that in low water conditions you wouldn't see rushing water. R.Backman asked if the location of where the new pipe daylights is above flood stage. Mr. Catlow said that hydraulically it works. Ms. Roberts drew the Commission's attention to the sending/receiving pits on the plan (black dots on C105). A.Irwin asked about dewatering. Ms. Roberts responded that a URAM is probably in order and added that if they were to encounter contamination, they would be working with a LSP to determine next steps. Mr. Catlow added that the Town's contractor will be subcontracting out to the Twenty Wayland contractor, mentioning that Lopes is authorized to work because they're bound by existing approved Twenty Wayland plan. A.Irwin asked if upgraded discharge or downgraded discharge and indicated there was no need to answer that now, but that the Commission will be looking for indications of means of discharge and what treatment is provided and where. R.Backman asked why there is tree removal. Ms. Roberts shared that the alternative analysis resulted in avoiding tree removal and removing primarily shrubs on the south side, along with perhaps two maple trees cut for access. A.Irwin referenced that C402 hay bales are rejected and cannot be excavated and set into the ground. The use of silt fence is fine, but the rule of no hay bales on the slope is standard with Town proposals. B.Howell cautioned that they need to install the barrier at the site before beginning removal of anything. B.Monahan asked whether there was detail on sheet D101, Ms. Roberts said there was not. Brief discussion ensued of gray/shaded areas on the plan and grading. B.Monahan concluded that rather than returning to existing grade, they could feather it out (20-foot wide), and the plants will do better.

Before closing, A.Irwin asked if anyone in the room had any further comments. Tom Sciacca of the River Stewardship Council referred to an observation B.Howell had made about the water being right up to the road at the site. Mr. Catlow commented that it is a conveyance. Mr. Sciacca added that if that area is flooded up to the road, it will interfere with whatever vegetation goes in there and it will require maintenance. A.Irwin added that there will be monitoring for two growing seasons to determine stability and success as part of the conditions. A.Irwin also mentioned that before tree cutting is done, the Commission will require a marking of which trees are being cut. Mr. Catlow responded that it is laid out down to the last 250 feet. A.Irwin inquired about National Heritage, and Ms. Roberts said she will have their response by the next Conservation Commission meeting on 12/1. Discussion ensued about sequence of work and storm drainage.

A.Irwin asked for permission to continue the hearing until 12/1/11 at 8:40pm, which was granted.

Motion to continue the hearing under the Wetlands Protect Act; Seconded 7-0

Motion to continue the hearing under the Chapter 194 Bylaw; Seconded 7-0

**5. 9:10 pm –Review of Proposed Change in Treatment Configuration Raytheon, DEP File 322-752**

A.Irwin announced that the purpose of the agenda item was for an informal review of proposed changes.

**Present for the discussion were Jonathan Hone of Raytheon, John Drobinski of Environmental Resources Management, and Dr. Sami Fam of Innovative Engineering Solutions, Inc. Mr.**

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Drobinski reported that they don't need to install an infiltration gallery. Three wells were proposed and one additional well added. Investigation revealed that the shallow zone is very clean, so they eliminated the shallow gallery resulting in less footprint/excavation. A.Irwin summarized their report, which proposes to eliminate trenches and add one well, asking the Commission if they feel an amendment is needed. B.Howell responded that it wasn't. A.Irwin confirmed that the Commission has their correspondence for the file and acknowledged the reduction in scope. B.Monahan referenced comments Dr. Fam had received that the sediment barriers that had been done on the site previously were not done right.

A.Irwin made brief mention of a recent Notice of AUL. Brief discussion ensued about RAM plan for dewatering. A.Irwin urged that we want to be sure that provisions in permits for discharging and dewatering cover issues.

**6. 9:23 pm – Emergency Certification – Sidewalk Stabilization - 41 Cochituate Road**

B.Monahan reported that the Assistant Town Administrator, John Senchyshyn, raised the issue of the walkway erosion on the Children's Way pathway, which had caused someone to twist their ankle. He wanted it paved, feeling it was a public safety hazard. The work was completed by the DPW on 11/15/11. A.Irwin commented that he had communicated with J.Senchyshyn on 11/14/11 that provided the work was limited in scope to that required to address the emergency it would be processed by the Commission as an Emergency Certification.

**Motion to issue Emergency Certification; Seconded 7-0**

**7. Other**

a. FY 2013 Budget/Staffing: A.Irwin reported aiming for level funding and that a staffing proposal was submitted with a meeting scheduled for November 21, which he will attend with B.Monahan

**b. Canoe Access – Route 20**

Brief summary: Money was set aside years ago for canoe access on Route 20 to create a legitimate turnaround area. Tom Sciacca shared the history that forty years ago it was a launch area and over the years it eroded and became unusable. People created their own turnaround on River Road and Sherman Bridge and abandoned Route 20. In 1996 \$10K was appropriated by Ken Moon to improve the area. Highway was going to replace the bridge, so the project waited. In 1999 the River Stewardship Council was formed. The Hamlen parcel was discussed and it was addressed that perhaps Raytheon could donate it to the Town, and Raytheon agreed. Mass. Highway ultimately built the ramp, but did not include a turnaround. B.Howell said they did the same thing in Littleton. The availability of \$3K was discussed with Finance, and B.Monahan has shown willingness to manage the project. L.Kiernan added that a landing or fishing pier would be very useful there and suggested it be added for consideration. A.Irwin closed saying that with no objections from the group, Brian will prepare an application.

c. Meeting Schedule – B.Monahan is working on it.

d. Chapter 193 Status – To be scheduled

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- e. Rice Road Dam – B.Monahan reported that J.Moynihan had suggested Hayley & Aldrich.
  - f. Special Town Meeting – A.Irwin will attend the meeting on 11/17.
8. **Request for Certificate of Compliance [310 CMR 10.05 (9)]**
- a. 367 Commonwealth Road; DEP File 322-673  
B.Monahan reported that a piezometer well was put in but without the required continuous monitoring. He will speak to the applicant and recommends deferring this item.
9. **Updates/Other**
- a. 55 Knollwood Lane – A.Irwin reported that the property owner was told details are needed for the Commission to approve his alternate plan for excavation and that non-compliance was continuing to accrue with the delay as he has an approved method to do the work but is electing to not use that method. Brian met w/town counsel to review options.
  - b. 44 Main Street – A.Irwin reported no word from Mr. Hueber and emailed him today asking for his schedule for work.
  - c. A.Irwin referred to the emergency regulations put in place for the October snowstorm damage and suggested an article in the Town Crier.
  - d. A.Irwin reported that the new DEP Commissioner is working to streamline DEP and individuals should carefully review the proposed changes as the deadline for comments was extended to 12/5/11.
  - e. M.Burke will phone Mrs. Norwood about attending the next meeting.

10. **Minutes – November 3, 2011**

**Motion to accept the Minutes as edited; Seconded 7-0**

11. Other

A.Irwin raised remote meeting issue raised by F.Turkington, which the Town needs to decide on before Town Boards may use remote access for meetings.

B.Monahan referenced a letter from Cynthia and David Hill concerning the fence at 56 Orchard Lane. A.Irwin mentioned “as-built” in conditions that we could request if needed. The letter was addressed to the Board of Health with a copy to the Conservation Commission, and B.Monahan spoke to the Board of Health. A site visit will be set up.

**Adjournment**

**Motion to adjourn at 10:01pm; Seconded 7-0**