

WAYLAND CONSERVATION COMMISSION

Minutes Thursday, October 6, 2011 7:30 – 9:43 PM

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

Present: Commissioners: Roger Backman, Markey Burke, Ted Harding, Barbara Howell, Chairman: Andy Irwin, Larry Kiernan (8:02), John Sullivan (8:22), Conservation Administrator: Brian Monahan

Minutes: Andrea Upham

A.Irwin opened the meeting at 7:30PM noting a quorum was present.

1. **7:30 pm - Citizens Time/Public Comment:** Items not scheduled on a Conservation Commission agenda. **No comments were offered.**
2. **Minutes – 22 September 2011**
Motion to accept the September 22, 2011 Conservation Commission Minutes as edited;
Seconded 5-0
3. **Update on 44 Main Street**
A.Irwin reminded the Commission that as of the last Conservation Meeting, plans were expected from Mr. Heuber. He since spoke to Mr. Heuber again, who had been out of the country recently, and Mr. Heuber confirmed he will have them by Tuesday, October 11, 2011.
4. **7:35 pm - Continued Public Hearing - John Bartick, Building Form LLC, Application, 9 Barney Hill Road, DEP File No. 322-760:** Notice of Intent filed by John Bartick, Building Form, LLC, 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 to construct an addition, patio and deck; to install a new septic system and perform associated grading in the riparian area at 9 Barney Hill Road. The property is shown on Wayland's Assessors Map 44, Parcel 46.

Motion to close the Hearing under the Wetlands Protection Act; Seconded 5-0
Motion to close the Hearing under the Chapter 194 Bylaw; Seconded 5-0
Motion to accept recommendation of \$1200 Performance Guarantee; Seconded 5-0
5. **Chapter 193 Update**
B.Monahan reported he will be getting a draft set of regulations from Lisa Eggleston and mentioned that The Commission has a set number of hours coming from her and will decide how best to use the time. B.Monahan acknowledged the need to get the matter moving forward. T.Harding and B.Monahan will clarify for L.Eggleston what is in her area of responsibility and report back to the Commission in two meetings.
6. **7:40 pm – Continued Public Hearing, Northbridge Communities, LLC, (James Coughlin), Applicant, 134 Boston Post Road, DEP File No. 322-759:** Notice of Intent filed by Northbridge Communities, LLC, (James Coughlin) pursuant to the Wetlands Protection Act, G.L. ch. 131 s. 40

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and the application filed pursuant to Wayland's Wetlands and Water Resources Bylaw, Chapter 194. The applicant is proposing an assisted living facility with associated grading, drainage, and utilities at 134 Boston Post Road, Wayland. Work is proposed within the 100-foot buffer zone to bordering vegetated wetlands and within riverfront area. The property is shown on Wayland's Assessors Map 29, Parcel 048.

Presenting were John Stephenson and Eric Gerade of Stephenson Design Group and Chris Lucas of Lucas Environmental. Mr. Stephenson reported to the Commission that there is a modified design that they haven't formally submitted yet. Based on comments received from the Conservation Commission and Lisa Eggleston, the new design outlines how they arrived at new layout with alternatives completed showing between 2% to 10% impact. The layout representing the 4.2% alternative was reviewed specifically, showing areas including the brook, site boundary, subsurface soil absorption system (7K gallons per day), farm stand area and area of mature growth trees. A.Irwin inquired if the MCP disposal site is a constraint. J.Stephenson responded that hydraulic loading must not cause migration of contaminants or negatively impact remediation going on out there. Discussion of site boundary ensued and review of site constraint plan. Ray Mitrano of Northbridge Properties commented that the property line is for parcel 1 and 2 and they are keeping disposal site issues outside the development site boundary as necessary for development project financing.

J.Stephenson reviewed packets detailing the W1 and W3 impact plans. C.Lucas confirmed that they went from 6.6% to 4.4%. They are trying to maximize agriculture on the front parcel. The Plan was reviewed in detail by color coded areas, showing where riverfront impacts were downgraded and where they raised site grade and pulled grading out of riverfront area. Rain garden was added and mature growth trees saved. Mr. Stephenson confirmed that the plan complies with stormwater standards and Wetlands Protection Act and that it provides five times the recharge than required by stormwater regulations.

Mr. Stephenson referenced the 0% impact plan, which shifted the building to the west and leach field to the west and resulted in significant construction premiums with infiltration system underground along with a considerable loss of agricultural use of the front parcel and devalues the front parcel. Mr. Stephenson confirmed that their analysis resulted in preferring the 4.2% alternative. A.Irwin inquired if this alternatives analysis will be submitted formally to the Commission with not only plans but also with narrative justification. J.Stephenson confirmed that it would and that they would like to advance their preferred alternative to final design. A.Irwin indicated that no decision to accept a particular alternative would be made until the alternatives analysis was reviewed by the peer reviewer. A.Irwin asked for confirmation that the size of the building is the same as previously reviewed. Mr. Mitrano confirmed that the facility remains the same.

M.Burke inquired about other alternatives in the package and A.Irwin explained the Bylaw process for submitting them.

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R.Backman asked if there was any problem with grading with the land to the east. E.Gerade commented on the Islamic Center and discussed ridge area, mentioning that all was accounted for. J.Stephenson will summarize in their submission package.

Molly Beard, Glezen Lane, asked about total amount of elevation change. J.Stephenson explained that it varies by area. Responding to M. Beard's inquiry as to how high the building is, Mr. Mitrano confirmed 35 feet.

T.Harding asked if an answer was ever received by the Commission concerning the issue of the mitigation between the two lots. J.Stephenson responded that the Orders of Condition would have to apply to both parcels.

Marji Ford, Lee Road, confirmed a letter was written by Joan Blair and Malcolm Astley. A.Irwin confirmed that the hearing would not be closing tonight. M.Ford added that she was happy to see a 0% impact plan where trees would not be touched.

Joy Viola, Glover Road, stated that she was pleased to see alternatives being explored and urged the Conservation Commission to provide for the integrity of Hayward Brook which is already stressed and is a cold-water fish stream which warrants extra protection. A.Irwin confirmed that the Commission is exploring the possibility of Conservation Restriction at the corner of Hayward Brook.

A.Irwin confirmed the matter will continue to the next meeting as the Commission will need recommendations from peer review on the alternatives evaluation package. B.Monahan commented that may not want to move yet to full-blown engineering review; appropriate first for peer review to give feedback on the design concept.

Continuation of the matter to 9:00PM on October 20 was granted by the applicant.

Motion to continue the Hearing until 9:00PM on October 20, 2011 under the Wetlands Protection Act; Seconded 5-0

Motion to continue the Hearing until 9:00PM on October 20, 2011 under the Chapter 194 Bylaw; Seconded 5-0

7. Compliance Updates

a. 55 Knollwood Lane

A.Irwin confirmed there had been a site visit on Tuesday. A minor breach of silt fence at slope was noticed; perhaps 40% of soil was removed; soil staining at trees was close to four feet at trunks; stones remain that are of a size that can't get through the vector; tomorrow is deadline for work to be completed; M.Burke offered to accompany B.Monahan to the site. A.Irwin confirmed that B.Monahan will conduct an inspection with photo documentation. A.Irwin acknowledged that soils compacting have added to the job but that the vector can take care of that. A.Irwin further mentioned that he will invite the DEP to get involved if we can't get the proper resolution on our own. A.Irwin shared with the Commission that these kinds of issues would be interesting for a Town Crier article about the Commission addressing such matters. Site visit confirmed for 10:00AM Friday.

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b. 15 Sylvan Way; DEP Files 322-659

Al Zagame, 15 Sylvan Way, was present. B.Monahan reported that this was a project at the property of Al Zagame. The outstanding issue of a Certificate of Compliance needs to be resolved, but most conditions were not met. Notice to start work was not given for 2008 garage construction. Fred King from Schofield was hired; he did grading and as-built. B.Monahan commented that from the time of the Chapter 194 Permit and Orders of Condition until the request for the Certificate of Compliance there was no communication; therefore, no way to check compliance. A.Irwin asked Mr. Zagame if there was a log kept. Mr. Zagame responded that he has a log and pictures at home. A.Irwin made comment that any future work will contain a substantial performance guarantee in light of this history. A.Zagame confirmed that his tree project has not been started because he is waiting for this to be cleared up first. A.Irwin said the Commission needs to be sure the planting plan was followed and status of property is as expected; the paperwork was not submitted as expected, and any future work permits (including one permit issued recently) will need to be strictly followed. B.Monahan will conduct a property inspection and report back on November 3 to discuss a partial Certificate of Compliance to close out the file.

c. Other

8:50 pm - 9 Barney Hill Road

Motion to issue Permit under the Chapter 194 Bylaw; Seconded 7-0

Motion to issue Order of Conditions under the Wetlands Protection Act; Seconded 7-0

Discussion ensued about Chapter 194 templates and process. A.Irwin forwarded standard conditions to B.Monahan to add.

Town Center Project: B.Monahan and A.Irwin reported that a productive site meeting at the Town Center took place. One issue was that perimeter sediment barriers were trenched. Mr. Dougherty is aware of the need for compliance, and the engineer needs to monitor. He is currently scheduled to be on site only once a week; A.Irwin felt the Commission may need to rethink that. Discussion ensued about the need for subcontractors to hold to the permit. A.Irwin expressed concern about the silt fence being non-compliant. The message needs to get to them in writing from B.Monahan and action needs to be taken with subcontractor with penalty to set the tone. A.Irwin will leave the penalty issue to B.Monahan's discretion. A.Irwin shared that he will be looking for first engineer's report and raised the issue of the use of a consultant for periodic review with this project.

8. 9:15 pm - Requests for Return of Performance Guarantee

a. 74 Moore Road; D-755

B.Monahan shared that the applicant wanted some wording changed on the Certificate of Compliance he needs to research. Concerning the Performance Guarantee, the planted blueberry bushes have not yet had two years so recommendation is for release of \$1000 of \$1500 Performance Guarantee.

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Motion to release \$1000 of the Performance Guarantee for plantings to survive one additional year; Seconded 7-0

b. 53 Country Corners; D-778

Motion to return the \$500 Performance Guarantee; Seconded 7-0

9. Brief discussion of property at 174 Pelham Island Road; Commission consensus that property is not on the open space plan and there is no interest in pursuing the property.
10. **Request for Certificate of Compliance [310 CMR 10.05 (9)]**
22 Forty Acre Drive; DEP 322-656
B.Monahan recommends closing the first file and updating with new as-built plan. A.Irwin agreed, noting that the data was accurate as of that time. A letter will be sent.
Motion to issue a Partial Certificate of Compliance with ongoing conditions under the Chapter 194 Bylaw; Seconded 7-0
Motion to issue a Partial Certificate of Compliance with ongoing conditions under the Wetlands Protection Act; Seconded 7-0

11. Discussion – Capital Budget/FY 2013

A.Irwin asked B.Monahan about getting dam work done. L.Kiernan inquired as to why we need the dam commenting that a lot of dams are being abandoned due to wildlife, etc. and wondering if this is one we could get rid of. A.Irwin responded that the cost is substantial to get rid of it. L.Kiernan raised the issue, cost aside, as to what it was really for and why we wouldn't let it go back to its natural habitat. B.Monahan advised that we need to be concerned with people who bought land there and also added that the gate house is historic. A.Irwin summarized that considering cost and impact, we would need to have some other driver to explore removing it. Conducting a study would be more costly than we can handle so we should move ahead to address repairs and maintain current safety issues.

In closing, it was mentioned that M.Burke will address the Ken Moon award for Hank Norwood in the next few weeks. B.Monahan and M.Burke are to work out a time on an upcoming agenda to invite Hank's widow, Peggy, to a meeting for a presentation.

Motion to adjourn at 9:43PM; Seconded 7-0

**TOWN OF WAYLAND
MASSACHUSETTS
CONSERVATION COMMISSION**

LIST OF PUBLIC DOCUMENTS PROVIDED TO THE CONSERVATION COMMISSION
September 23, 2011 to October 6, 2011

September 23, 2011

322-759 Drainage Review of 134 Boston Post Road from Lisa Eggleston
322-755 Notice to start work at 7 Old Vineyard Way from GPR, Inc.
D-771 Notice of final inspection by Samiotes at 81 Riverview Circle

September 26, 2011

322-583 Inspection Report on The Field at Mainstone from Samiotes
RDA for 30 Lakeshore Drive for landscaping, driveway and walkway

September 27, 2011

Response letter from Janet Caristo-Verill re: 174 Pelham Island Road property

September 28, 2011

322-701 Revised Contact List for Wayland Town Center
Notice of Intent from Kenneth Hogue for replacement septic system at 236 Commonwealth Road
322-753 Site Inspection for 30 Standish Road from Drake Associates

September 29, 2011

ZBA Hearing Decisions: 19 Fuller Road, 10 Edgewood Road, 3 Richard Road
FY 2013 Budget guidelines from Michael DiPietro
RDA from Joseph Gerstein for deck construction at 410 Hayfield Lane

September 30, 2011

322-648 Site Inspection on Covered Bridge from Samiotes
D-764 Routine Reporting on Sand Hill Sanitary Landfill from Tighe & Bond
322-665 Site Inspection on 137 Boston Post Road from Hayes Engineering
322-624 Site Inspection on Wayland Commons from Sullivan, Connors

October 3, 2011

322-756 Notice to Start Work on Water Main from Tata & Howard
Letter continuation from Janet Caristo-Verrill regarding 174 Pelham Island Road

October 4, 2011

322-710 Inspection Report on Fieldstone Estates from H2O Engineering

October 5, 2011

CR Monitoring Report from Betty Salzberg

October 6, 2011

322-583 Inspection Report on the Field at Mainstone from Samiotes
D-777 Amendment to Order of Conditions for 205 Rice Road from Lisa Valone