

# WAYLAND CONSERVATION COMMISSION

Minutes Thursday, November 15, 2012 7:32 - 10:25 PM

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

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

**Minutes:** Andrea Upham

**Not present:** John Sullivan

A.Irwin opened the meeting at 7:32 PM noting that a quorum was present.

1. **7:32 pm – Citizens Time**  
No comments were offered.
2. **Minutes – October 25, 2012**

**Motion to approve the October 25, 2012 Meeting Minutes as edited; Seconded 5-0**

3. **7:35 pm – Public Meeting, Raytheon Company, Applicant, 430(400) Boston Post Road, File D-810**  
An application filed pursuant to Wayland's Wetlands and Water Resources Bylaw, Chapter 194 by Raytheon Company. The applicant is proposing to install 5 monitoring wells in jurisdictional areas; 4 in the buffer zone at the southeastern corner of the property and one in riverfront area along the western side of the property at the former Raytheon Building at 430 sic (400) Boston Post Road, Wayland. The property is shown on Wayland's Assessor's Map 23, Parcel 52.

John Drobinski of ERM and Jonathan Hone of Raytheon were present for the discussion. Mr. Hone and Mr. Drobinski reviewed the plan with the Commission, showing the five monitoring wells proposed for installation, four in the buffer zone and one in the riverfront area. A.Irwin commented to them that the Commission is currently monitoring groundwater levels in that area. B.Monahan added that there will also be an additional data logger put in the sentinel wells at Cow Common. Mr. Drobinski reviewed the process for sampling. A.Irwin inquired about the plume. Mr. Drobinski replied that the northern area is working quite well and early next year they will resample the wells; Raytheon didn't want to impede any remedial work which is why the layout is as it appears on the site. B.Howell raised the issue of the signature of the property owner. A.Irwin confirmed that KGI does own the property. B.Monahan confirmed that Raytheon will be at the PIP on November 28, and Mr. Drobinski confirmed that it is just a status update.

**Motion to issue a Permit under the Chapter 194 Bylaw; Seconded 5-0**

**Motion to require a \$1,000 Performance Guarantee; Seconded 4-1 (1 opposed)**

4. **Land Management – Rice Road Dam**  
A.Irwin updated the Commission that after the recent storms, it was necessary to make sure the spillway wasn't blocked by beavers and work will continue on that. He also reported that a proposal was just received in the last day from the dam consultant for repairs. The first item will be removal of tree stumps.
5. **7:50 pm – Public Hearing, John Bartick, Building Form LLC, Applicant, 11 Barney Hill Road,**

**Approved: December 6, 2012**

Page 2

**DEP File 322-790.** Abbreviated Notice of Resource Area Delineation filed pursuant to the Wetlands Protection Act, G.L. ch. 131 s. 40 and a Notice of Resource Area Delineation filed pursuant to Wayland's Wetlands and Water Resources Bylaw, Chapter 194 filed by John Bartick, Building Form LLC. The applicant is requesting resource area delineation (confirmation of bordering vegetated wetland boundary and a determination of the stream status) for 11 Barney Hill Road, Wayland, MA. The property is shown on Wayland's Assessors Map 044 Parcel 046A.

John Bartick, Applicant, Fred King of Schofield Engineering, and Brian Levy, Esquire were present for the discussion. Mr. Schofield reminded the Commission that Mr. Bartick had come before the Commission a year ago for the adjacent lot at 9 Barney Hill Road, and this is the vacant lot next door.

The plan was reviewed with commissioners, pointing out two streams that join together and go underneath Country Corners Road in the culvert. The property is a 1.38 acre lot, and Mr. Bartick is beginning to plan for development of the property and wishes to confirm wetland and bordering vegetated wetland line along with the status of the stream that runs through the property. Mr. King noted that riverfront boundaries were not a factor in Mr. Bartick's previous filing. The wetlands boundary was flagged out in August. GLM did the delineation and it carried into this lot quite a bit. Mr. King explained that he confirmed their line and extended it to the flags of the adjacent property – he wanted to locate bank and mean annual high water, and the gap was filled in with blue flags. They waited until September and provided the information on rainfall data in their report. Mr. King shared that the Board of Health data showed three bedrock wells and that only one is close, adding that they are limited-use irrigation wells.

Mr. King reported on the stream status study that was conducted, which consisted of a six-day study at a time when there were showers at night (9/13/12 – 9/18/12). There are 4 stations for evaluation and at Station 1, Country Corners Road, the stream was dry the whole period in both channels. Photos of station and culvert showed combination as dry. At station 2, 9 Barney Hill Road, it was dry except on 9/13/12 and 9/15/12, with just minor puddling. At Station 3 on the lot, it was dry except for 9/14/12 and 9/15/12. Station 4, 400' from Station 2, had minor puddling without movement toward stream (detailed in photos). Mr. King commented that it seems to be the classic definition of an intermittent stream. A.Irwin commented that we have had very depressed groundwater levels in the state. Mr. King responded that the USGS/DCR reports show normal levels. A.Irwin added that the Bylaw does discuss interaction of the stream with groundwater and asked if the puddles were an expression of groundwater. Mr. King responded that they were. A.Irwin asked for confirmation that no portion of the stream channel indicated perennial flow, and Mr. King said it did not unless you consider the slight trickle between puddles that was referenced. A.Irwin cited that there is one significant difference between the Bylaw language and the state language – there could be discontinuous sections of groundwater discharging into that stream channel. Discussion ensued on timing of evaluation.

Keith Cooper, abutter at 81 Woodridge Road, referenced a stream on his property which runs all the time and he was wondering where you can and can't build. A.Irwin explained the 100-foot inner riparian zone concerns vegetation as opposed to building and the outer 200 feet is regulated. A.Irwin referenced a significant difference between new development and existing home development and encouraged informal discussions with the Conservation Commission before plans are drawn up so you will know the limits.

**Approved: December 6, 2012**

Page 3

B.Monahan made comment that the other decisions clearly state “did not accept resource areas” so whatever line is accepted will be the line for the project. A.Irwin commented that the Commission may want to verify it in the spring. Mr. Levy asked if the riverfront arc is drawn, won't that bring with it the buffer zone, riverfront, etc.? Mr. King said that under the state definition it is intermittent, so it will be just the Bylaw to deal with and the BVW is the same for both. A.Irwin responded that it is appropriate to get the delineation plan on the riverfront arc and continue. Mr. Bartick asked if they are unable to delineate until April. A.Irwin said they could file a Notice of Intent if not going right to the boundary line; if they are not challenging that line, they could go ahead. Mr. Levy asked if the ByLaw would preclude the Commission from ruling on the BVW now, and B.Monahan said it would mimic whatever is acceptable with the state. Mr. Levy summarized that they would be returning to the next meeting to present the plan with the riverfront arc and receive ruling on riverfront and non-final determination on BVW. The Commission's request for continuance was granted.

**Motion to continue the hearing to December 6, 2012 at 8:00pm under the Wetlands Protection Act;  
Seconded 6-0**

**Motion to continue the hearing to December 6, 2012 at 8:00pm under the Chapter 194 Bylaw;  
Seconded 6-0**

**6. 8:45 Informal Review – DPW Vehicle Storage Building Project – Roger Alcott, Weston & Sampson Engineers**

Jeff Alberti and Roger Alcott of Weston & Sampson Engineering were present for the discussion. Mr. Alberti reviewed the plan and site proposed for development, summarizing the new public works facility proposed with minor renovation to the salt storage structure (an 8.75-acre parcel). Mr. Alberti explained that at the 2012 Town Meeting approval created an access change to the facility – access will be from Route 20 as a new road from the transfer station into the site and the previous River Road access will be for emergency use only. Mr. Alberti provided an overview of the internal layout of the proposed Public Works Facility, including the inside vehicle storage area. Mr. Alcott reviewed the increase to impervious area, including the roadway to the transfer station, noting that the Tennessee Gas Pipeline runs across the site and there are regulations to follow. The building is proposed at 132-foot elevation.

Building drainage plans were described as a central trench drain which would empty into a double-walled industrial wastewater holding tank and then taken off site; a separate septic tank would be utilized. There are chamber systems for water retention and infiltration with the system designed to treat storm events. R.Backman asked how they are handling methane gas from the landfill, and Mr. Alcott said there is an existing gas venting trench with additional vents likely, and the passive venting system will continue to work and will be monitored quarterly (through the post closure use permit). A.Irwin asked about the current status, and D. Ouellette said that they are still working out final evaluations for gas monitoring, etc. from DEP, and application has been made for closure. D.Ouellette added that the methane should drop significantly over the next five to ten years.

Discussion ensued of wetland resource areas and history and expectations of the land. A.Irwin commented that the access roadway included 5100 cubic yards of fill (in 1978) and the

**Approved: December 6, 2012**

Page 4

Conservation Commission was supposed to have been given care and control of a certain portion of the land when its original intended use was finished. The expectation was that the roadway itself was to be accessed for the dump and, once done, the area would be restored and care and control would then be given to the Conservation Commission. A.Irwin expressed concern that there has been a lot of investment on this new project without speaking to the Conservation Commission about a road that has a lot of history. The Commission has general concerns that this looks like a permanent access road. D.Ouellette responded that the landfill function will need to be monitored for 25-30 years.

A.Irwin noted many questions that are received from the public about flooding with this river. D.Ouellette responded that a box culvert is very doable thing in this project, and it was discussed that more than one would be in order. A.Irwin added that there are endangered species in this area, land subject to flooding and inundation, additional wetlands at the composting area and a swale on the west side of the shed was identified as wetland (between the landfill and shed on right). A.Irwin requested a copy of the site assignments and Board of Health approvals for the transfer station, recycling center and composting operation. Mr. Alcott said they have met with Natural Heritage.

T.Harding questioned looking at widening the road area for stormwater management. Annette Lewis, Claypit Hill Road, commented that where the landfill road meets the DPW road, demolition of the salt shed and having the road go through that area would be preferable. Mr. Alberti said he will pass that along.

A.Irwin raised the issue of mitigation and encouraged conversations for planning in that regard. Linda Segal requested website posting of submitted photographs, which Mr. Alberti acknowledged.

A.Irwin asked D.Ouellette to include post-closure maintenance plans for informational purposes separate from a Notice of Intent. A.Irwin asked D.Ouellette if it is accurate they are not looking to use further excavation, and D.Ouellette said they haven't for years. D.Ouellette expressed concern about a compressed time schedule for the project. A.Irwin responded that a riverfront encroachment analysis under the Bylaw is very different than the state analysis; the Commission wants to see the feasibility of each increment up from 0% whereas the state will allow up to 10%.

7. **9:50 pm – Public Meeting, Town of Wayland DPW, Applicant, 41 Cochituate Road, File D-811**  
An application filed pursuant to Wayland's Wetlands and Water Resources Bylaw, Chapter 194 by the Town of Wayland. The applicant is proposing to install 4 galvanized steel posts in the riverfront area/buffer zone to the west of the soccer fields at 41 Cochituate Road and thereafter hang a net to prevent balls from going into the resource areas. The property is shown on Wayland's Assessor's Map 23, Parcel 001.

Don Ouellette, DPW Director, was present for the discussion and summarized that the project was a result of complaints about children coming in contact with poison ivy, etc. in the woods while retrieving balls. A.Irwin inquired about specific distance of the pipes. Brief discussion ensued and A.Irwin confirmed the pipe distance would be not more than 200 feet long and specific details are to be provided by D.Ouellette. D.Ouellette confirmed that the structure will not be more than 16 feet high and the screen will be nylon mesh. A.Irwin recommended a clearance of 4" off the ground for

**Approved: December 6, 2012**

Page 5

the passage of wildlife, and R.Backman requested that the mesh be no smaller than 3” for protection of birds.

**Motion to issue a Permit under the Chapter 194 Bylaw; Seconded 6-0**

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

a. 81 Riverview Circle; File D-771

B.Monahan confirmed he viewed the area, which is now stable.

**Motion to issue partial Certificate of Compliance under the Wetlands Protection Act; Seconded 6-0**

**Motion to issue partial Certificate of Compliance under the Chapter 194 Bylaw; Seconded 6-0**

Current homeowner, Chris Desmond, inquired about silt fence removal, and the Commission confirmed that it can be carefully removed. B.Monahan referenced a previous file on the project, which needs to be checked for closure.

**9. Review of omission/change on original Plan for 88 Dudley Road; DEP File 322-788**

A.Irwin confirmed that the Commission determined no need for action.

10. A.Irwin recommended that members of the Commission conduct a site visit to the Clara Barton Nursing Home property.

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

a. 14 Country Corners Road; DEP File 322-769

**Motion to issue partial Certificate of Compliance under the Wetlands Protection Act; Seconded 6-0**

**Motion to issue partial Certificate of Compliance under the Chapter 194 Bylaw; Seconded 6-0**

b. 236 Commonwealth Road; DEP File 322-761

**Motion to issue partial Certificate of Compliance under the Wetlands Protection Act; Seconded 6-0**

**Motion to issue partial Certificate of Compliance under the Chapter 194 Bylaw; Seconded 6-0**

**12. Discussion: Conservation Commission 2013 Meeting Calendar**

B.Monahan will send a proposed calendar in one week. The next two meetings are December 6 and December 20, 2012.

**13. Land Management**

a. Farming Agreements – R.Backman reported he spoke to Mr. Stephan today. The Commission will discuss future advertisement of the farm land.

b. Trail Map Modifications – B.Monahan informed Commissioners that there is a need for a system to ensure that changes to trails are captured in GIS.

**Approved: December 6, 2012**

Page 6

**14. Updates**

- a. B.Monahan reported that an Eagle Scout recently did an excellent job making a kiosk at Hamlen Woods.
- b. A.Irwin reported a conversation with Frank Dougherty about concern with the Town Center inspection reports of two weeks ago that had noted certain items as closed that weren't. The most recent report did note the items as open – the most significant was the outfall and the other concerned basins 2 and 3 – the finding was unclear.
- c. A.Irwin confirmed he received written acknowledgement of the letter he sent regarding Mr. Poole.

**15. Citizen Inquiries**

Mike Lowery, Lakeshore Drive, inquired about the status of 89 Lakeshore Drive. B.Monahan reported that a site visit is needed. Mr. Lowery also reported to the Commission that there has been a change and there are now no abatements on sprinkler systems.

**16. Other**

- a. Capital Budget Update  
A.Irwin reported that the assigned person felt the Commission's argument presented regarding the DPW savings was creative.
- b. Other  
A.Irwin reported conversations with Plain Road abutters and potential financial support to the acquisition.

**17. Correspondence/Expenditures**

**18. Adjournment**

**Motion to adjourn at 10:25pm; Seconded 6-0**

The next Conservation Commission Meeting is scheduled for **Thursday, December 6, 2012** in the Wayland Town Building.



**TOWN OF WAYLAND  
MASSACHUSETTS  
CONSERVATION COMMISSION**

**LIST OF PUBLIC DOCUMENTS PROVIDED TO THE CONSERVATION COMMISSION  
October 26, 2012 to November 15, 2012**

**October 26, 2012**

322-712 Registry filing of CoC for 7 Brackett Road from Lynn Dunbrack

**October 31, 2012**

322-759 Notice to Start Work at 134 Boston Post Road from Callahan Contracting

322-784 Notice to Start Work at 104 East Plain Street from DJ Morris Contracting

**November 1, 2012**

322-769 Request for CoC for 14 Country Corners Road from Drake Associates

322-624 Inspection Report for Wayland Commons from Sullivan, Connors

322-710 Inspection Reports for Fieldstone Estates from H2O Engineering

322-701 Town Center Inspection Reports from RJ O'Connell

**November 2, 2012**

322-761 Request for CoC for 236 Commonwealth Road from Drake Associates

Board of Appeals Decision 8 Adelaide Avenue

**November 5, 2012**

322-665 Inspection Report on 137 Boston Post Road from Hayes Engineering

D-771 Request for CoC for 81 Riverview Circle from Samiotes

**November 6, 2012**

322-775 Sediment barrier update on 121 Dudley Road from Skip Miller

**November 8, 2012**

322-788 Request for review of plan alteration at 88 Dudley Road from Jamie Pierce

322-789 Project reporting and performance guarantee on 22 Plain Road from Ken Chase

**November 9, 2012**

D-809 Inspection Report on 430 Boston Post Road from IESI, Dr. Sami Fam

**November 13, 2012**

Notice of Intent for pool construction project at 237 Rice Road from Samiotes

**November 15, 2012**

322-701/744 Town Center Inspection Reports from RJ O'Connell

**LIST OF EXPENDITURES    October 26, 2012 to November 15, 2012**

<b>11/2/12</b>	DPW/Water Dept.	\$337.75	<i>Community Gardens</i>
----------------	-----------------	----------	--------------------------