

WAYLAND CONSERVATION COMMISSION

Minutes Thursday, December 6, 2012 7:37 - 10:10 PM

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

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

Minutes: Andrea Upham

Not present: Markey Burke, Ted Harding, John Sullivan

A.Irwin opened the meeting at 7:37 PM noting that a quorum was present.

1. **7:37 pm – Citizens Time**

No comments were offered.

2. **Minutes – November 15, 2012**

R.Backman submitted a minor edit to the Minutes.

Motion to approve the November 15, 2012 Minutes as edited; Seconded 4-0

3. **7:38 pm – Public Hearing, William Roberts, 237 Rice Road, File D-812:** Application filed pursuant to Wayland's Wetlands and Water Resources Bylaw, Chapter 194 by William Roberts. The applicant is proposing to construct an in-ground pool and associated deck at 237 Rice Road, Wayland. The property is shown on Wayland's Assessor's Map 35, Parcel 030I.

Ted Doucette, Samiotes, was present for the discussion. Mr. Doucette reviewed the plan with the Commission, summarizing the request to construct an in-ground pool and associated pool house, showing that the limit of work does not encroach on the 100-foot bordering vegetated wetlands buffer zone, though land subject to flooding and inundation is within that 100 feet. A.Irwin pointed out that the application is for a pool and deck though the plan shows a pool house as well. Mr. Doucette explained it was merely an oversight while completing the paperwork in time for the deadline.

Mr. Doucette reviewed truck access on the site, summarized how the pool house roof drainage water will infiltrate into a dry well and showed a small infiltration trench around the pool deck which will overflow into an additional drywell. Mr. Doucette confirmed that the two drywells will prevent any additional stormwater runoff, adding that his drainage analysis area was a 10K-foot area around the site. He indicated that no specific performance standards were found in the Bylaw regulations for isolated land subject to flooding. R.Backman inquired about stockpiling and Mr. Doucette showed an area on the plan outside the 100-foot buffer zone to wetland.

A.Irwin raised the issue of whether excavated soil might be impacted with respect to septic material. Mr. Doucette confirmed that the leach field will percolate down rather than out toward the sides so there should be no lateral impact. A.Irwin encouraged being prepared if material is found to be otherwise and requires a contingency plan. Brief discussion ensued of keeping pool water level 6" below the top to compensate for rainstorms. A.Irwin added that there is a DEP policy for dewatering pools so it is not performed when the chlorine level is high. Brief discussion ensued of discharge system, and Mr. Doucette confirmed it to be outside of most resource areas except for isolated land subject to flooding. Pool design was questioned and Mr. Doucette explained it (the design of the pool with such things as back wash and/or filtering) is not at that

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point. A.Irwin asked if the pool house contains sanitary facilities. Mr. Doucette confirmed it does not. A.Irwin commented that the pool dewatering policy from DEP should be reviewed so we can take it under advisement for the Bylaw conditions, and he indicated that a condition within the permit will request copies of the registration of the drywells to the DEP.

Carmen Kroll, 233 Rice Road, expressed serious concerns about the project. Comments included:

- Presumably largest pool in Wayland
- Is within wet meadow which will effect wildlife habitat
- In 2006 pond was created as reservoir for runoff water and in spring 2010 pond was filled and the creek from discharge point to the pond was filled
- Concern with steep slopes, runoff, discharging pool chemicals, fill altering soil PH
- Project adds more than 3700 square feet of impervious
- Replacement area for septic not shown
- Soil review data is from 2003 long before houses were built and before drastic topographic changes
- Planting plan to compensate for removed vegetation
- Construction fence doesn't surround entire site leaving neighbors unprotected

Ms. Kroll's closing comment was about pool usage, and A.Irwin explained that how the pool will be used and by whom is not within the scope of Conservation jurisdiction. A.Irwin invited Mr. Doucette to respond to concerns presented. Mr. Doucette explained that Samiotes had done the previous work when houses were developed so wetland flags and other information from that time were on record, adding that they are 120 feet outside of the buffer zone. A.Irwin responded that hydrology has changed, and the Commission would like to see data of characterization of the lowland area and establish whether a wetland has been created in that area and look at the isolated land subject to flooding area with respect to wetlands. B.Monahan commented that he recalled there was a wet pocket and then there were calculations for 100-year storm. On recent inspection it looked wetter than it was before and there is probably more water than before the development so may be BVW and ILSF. Mr. Irwin shared that he had heard that geochemistry alterations from inundation might change soil appearance within as little as 3-5 years. From the audience Mr. King of Schofield Engineering commented as to how fast hydrology might change, and he suggested 15-20 years for hydric soil conditions to be clearly visible. A.Irwin said he would like to explore the matter and see evidence to define resource areas.

A.Irwin addressed diversion of flow and shedding, asking Mr. Doucette to confirm how the design will not lead to shedding of water to the north or south properties. Mr. Doucette responded that the contours and slopes will naturally create a swale, and they can pick up more topography near the property line to show the defining edge of the swale that will contain the flow on site. Concerning the lawn/septic area, A.Irwin asked if flow will go around or on to the pool deck. Mr. Doucette responded that it is fairly level with pervious soil so the flow will infiltrate; there is a natural flow already to the sides. When asked about a reserve area for septic, Mr. Doucette confirmed that there is a reserve area in front which he will confirm. A.Irwin asked that it be noted on the plan and added that a clean fill condition will exist and be monitored. Ms. Kroll asked about erosion from roof runoff, and Mr. Doucette explained that water from the gutter will go into a dry well.

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A.Irwin noted no big trees are being cut and asked for clarity on limit of lawn designation. Mr. Doucette explained that it will be left natural or vegetation added. A.Irwin asked about the surface treatment inside the fence. Mr. Doucette responded that it may be stone with decorative grass but not yet determined. A.Irwin confirmed that the Commission would want pervious surface.

Mr. Kroll, 233 Rice Road, inquired about the amount of water and the copper/chlorine content. Concern was expressed about how much water will there be and where chemicals will end up. A.Irwin explained that there will be conditions that will address discharge of pool water, adding that the amount of copper is fairly low in parts-per-billion levels, and chlorine is a consumed chemical so doesn't have a major effect when put in perspective with other materials that go into septics. Mr. Kroll asked if the project will be looked at in a year or two after completion. A.Irwin explained that there is no other situation of such monitoring for future impact; the Permit coverage will be consistent with other pool projects. Slopes will be addressed through vegetation and sediment erosion control barriers, and a Certificate of Compliance will not be issued until the site is stabilized with respect to netting, vegetation, etc.

B.Howell expressed concern about the dry well inlet grates that would be utilized on the project and wondered how small the openings are as small birds can get trapped with larger openings. Mr. Doucette will try to find grates with smaller area openings.

Don Jones, 243 Rice Road, asked what the setback is from the side property lines, and A.Irwin explained that is not Conservation's role to regulate that; perhaps Building or Zoning could assist. Mr. Jones asked whether infiltration trenches must be set back from leaching fields and how far. A.Irwin explained that a provision in the septic regulations discourages run-on to septics, but this would not be considered too close as there is no diversion of water immediately onto the septic system. Mr. Jones expressed concern about the trench not extending entirely around the pool house. Mr. Doucette responded that there is a two-foot wide opening that can handle going into the ground. A.Irwin explained that the larger area is handled by trenching so the small ribbon around the back is less of a concern.

Pat Jones, 243 Rice Road, explained the history of their property which was initially a field and then the house was built and trees removed. There was a water main issue and their basement was flooded with 12K cubic feet of water per hour, resulting in their basement now having six pumps operating, and the idea of this pool project is frightening to them. A.Irwin explained that the housing project was entirely out of the jurisdiction of the Conservation Commission. They since adopted Chapter 193, the Town's Land Disturbance Bylaw, which discusses runoff not under Conservation Commission jurisdiction through the Wetlands Protection Act and/or Wetlands Bylaw.

Mr. Doucette showed the temporary construction storage area on the plan. A.Irwin commented to Mrs. Jones that topography indicated that on the north side of the driveway there is a swale by a vegetated slope which should not flow up onto their land and the Commission is looking at that being properly channeled. A.Irwin explained that if water is managed, people can change their grading; the Commission will evaluate the potential for water shedding onto other property as part of this project review. A.Irwin added that the hydraulic analysis provided indicates that there

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will be no increase in rate or runoff of water leaving the property, and the Commission is asking for confirmation of topography to validate that the model is correct.

Mr. Doucette confirmed that the open items include verification of resource areas, clarification of topography for abutters north and south, confirmation of replacement area for septic, register for UIC, erosion control plan, and findings on grates with smaller openings.

Motion to continue the hearing to January 24, 2013 at 7:35pm under the Chapter 194 Bylaw; Seconded 4-0

4. **8:50 pm – Continued Public Hearing, John Bartick, Building Form LLC, Applicant, 11 Barney Hill Road, 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.

Fred King of Schofield Engineering and John Bartick, applicant, were present for the discussion. Mr. King summarized that since the last meeting he had gone out to the field, found the location and submitted material and photos. He drove the stake and drew the arc, and did both sides to show the total area. It was discussed that there is an understanding that there is no definitive line of BVW boundary. A.Irwin explained that when this kind of provisional determination exists, the Commission makes a decision, but if it comes to April and the applicant wants a definitive decision to get the BVW line confirmed, we should not require an additional filing; a request in writing will suffice. Mr. King commented that there should be clarification on the website concerning the timing for delineations; they really need to start at the end of September. A.Irwin reviewed that this is a Resource Area Delineation identifying riverfront, BVW (didn't discuss land subject to flooding and inundation; Mr. King confirmed no need). A.Irwin commented he doesn't see depressions in topography so noting absence on the southern portion and not defining on the north side. Mr. King noted the need to make a distinction in riverfront between state and local.

Motion to close the hearing under the Wetlands Protection Act; Seconded 4-0

Motion to close the hearing under the Chapter 194 Bylaw; Seconded 4-0

Motion to issue an Order of Resource Area Determination under the Wetlands Protection Act; Seconded 4-0

Motion to issue a Resource Area Determination under the Bylaw; Seconded 4-0

5. **Review of Submission and SWPPP – 134 Boston Post Road; DEP File 322-759**

A.Irwin reported that Northbridge submitted an affidavit that they had a change on their plans in the process of going through other boards and questioned the Commission on whether that is amendment worthy. B.Monahan commented that the change will have to be put on a future agenda for the Commission to determine if it is an amendment or new NOI, adding that we need to clarify out to them that we would like further discussions to understand the details of change in the riverfront area. It was agreed that B. Monahan will communicate a request that they come before the Commission for that determination.

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6. Request for Return of Performance Guarantee

- a. 14 Squirrel Hill Road; DEP File 322-773

Motion to approve the release of the \$2,000 Performance Guarantee; Seconded 4-0

- b. 163 Glezen Lane; File D-805

Motion to approve the release of the \$350 Performance Guarantee; Seconded 4-0

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

38 Concord Road (Sage Hill); DEP File No. 322-736

B.Monahan gave recommendation to defer the discussion to a future meeting to allow for necessary site soil stabilization.

8. Discussion: Conservation Commission 2013 Meeting Calendar

B.Monahan reported dates set through August and they will be sent to Commissioners.

9. Land Management

- a. Discussion: Ken Moon Award

A.Irwin reported that the Commission discussed that in the future, nominations will be made in October for the year closing. The Commission has chosen for 2012, and the award will be announced in January.

- b. Danforth Green Project – Framingham

B.Monahan reported that a hearing notice was received. Discussion ensued to send a letter to the planning board regarding the previous agreement for the management plan for Pod Meadow.

- c. Rice Road Dam and Beavers

B.Monahan reported that he will meet with Mike Callahan to pursue beaver activity.

Regarding the GZA Snake Brook Dam service proposal, A.Irwin reported that with funding and without objection, the Commission will have B.Monahan proceed with contracting services to get specs prepared and the Commission will review to incorporate into the final proposal. Commissioners should forward comments to B.Monahan so he can move forward with contracting services. Discussion ensued on bidding process.

10. Compliance Updates/Complaints

- a. Town Center Project

A.Irwin reported that the corrective action for outfall is being undertaken and they are pulling the pipe back further away from the river and giving flood storage so it is a win/win.

B.Monahan was there Wednesday and will go back tomorrow.

- b. 104 East Plain Street

B.Monahan reported that a citation was issued to the contractor after tracking was found for a third time and silt sacks were not in catch basins.

- c. Plain Road – Bridge and Boardwalk

B.Monahan reported that photos were taken and reviewed and B.Monahan will address.

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d. 89 Lakeshore Drive

The Commission discussed that a letter will be sent by B.Monahan. The possibility of a second citation was discussed.

11. Other

a. W.H.S. Drainage

A.Irwin reported on the issue of outfalls with sediment. A.Irwin referenced 11/19/12 communication from Nitsch Engineering where a procedure for drainage cleaning was proposed. B.Monahan and A.Irwin reviewed the cleanout procedure, gave direction to proceed and the HS project is doing the corrective work.

b. DPW Building – Permanent Building Committee

A.Irwin reported that he attended the recent PBC meeting. He noted being unhappy about design and permitting and had conversations with others regarding resource areas not defined. A.Irwin, B.Monahan and John Moynihan went to the Lord property and discussed mitigation they could do on the project regarding the floodplain issue and informal discussions to review possible options. They discussed the existence of three culverts and how more, and bigger, box culverts under the road would create more flow passage and restore flood storage volume. Another major item was delineation of the wetland resource area – swale near shed and composting area and their implications – along with the area behind the salt shed which could be naturalized. The project has a lot of excess soil (clean) and it was discussed that the Lord pit could be restored to a hill. Discussion ensued of a gravel parking lot for trail head. A.Irwin confirmed that before there is a plan for mitigation, they should come back for informal review. A.Irwin noted that the landfill was a separate operation and the DPW argues that ongoing access is necessary for post-closure maintenance.

c. Tree Committee

B.Monahan reported that Joy Viola is not able to serve. The latest idea is to modify Chapter 193 to cover, and B.Monahan sent an email on the topic. A.Irwin stated that at the next meeting everyone should have read it and be ready to accept or reject it.

d. Annual Town Meeting Warrant Articles

B.Monahan reported trying to get lined up to get appraisal. It was agreed that the letter sent to the Bennett Road landowner would be re-sent via certified mail. A.Irwin reported that he recently learned that if you are using CPC money for conservation land, there has to be a CR held by land trust.

Motion to submit a warrant article to acquire land parcel; Seconded 4-0

e. Operating Budget Update

B.Monahan reported that there is something coming out shortly, and there is a Board of Selectmen's meeting scheduled for December 17, 2012.

f. Other

B.Monahan reported an inquiry about Town Center de-icing conditions. The permit said "no sodium chloride" and he questioned if that extends to a mixture containing sodium chloride

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but not the primary active ingredient. B.Monahan will discuss with the contractor. A.Irwin expressed preference for either of the two options that does not contain sodium chloride. B.Monahan will pass that along.

12. Correspondence/Expenditures

13. Adjournment

Motion to adjourn at 10:10pm; Seconded 4-0

The next Conservation Commission Meeting is scheduled for **Thursday, December 20, 2012** in the Wayland Town Building.

**TOWN OF WAYLAND
MASSACHUSETTS
CONSERVATION COMMISSION**

**LIST OF PUBLIC DOCUMENTS PROVIDED TO THE CONSERVATION COMMISSION
November 16, 2012 to December 6, 2012**

November 16, 2012

322-736 Request for Certificate of Compliance for Sage Hill subdivision from Michael Staiti
322-778 Inspection Report on 15 Sylvan Way from Goddard Consulting
D-809 Reporting info for 430 Boston Post Road from IESI

November 19, 2012

322-624 Inspection Report on Wayland Commons from Sullivan, Connors
322-665 Inspection Report on 137 Boston Post Road from Hayes Engineering
322-759 Package of reporting requirements for 134 Boston Post Road from Callahan Contracting

November 20, 2012

Notice of Intent to raze/reconstruct at 9 Old Farm Circle from M/M Moser

November 21, 2012

D-805 Notice of project completion and request for site inspection at 163 Glezen Lane from M.Evangelista

November 26, 2012

322-710 Inspection Report on Fieldstone Estates from H2O Engineering
Notice of 11/28/12 PIP meeting from Raytheon
322-775 Notice to start work at 121 Dudley Road from Skip Miller
Board of Appeals Hearing Notice for 12/11/12 – 139 Boston Post Road
322-767 Pre- and Post-Project photos for 9 Sylvan Way from Susan Larson/James Haber
322-788 Notice to start work at 88 Dudley Road from Jamie Pierce

November 27, 2012

322-790 Amended plan and photos for 11 Barney Hill ANRAD from Schofield Brothers
Notice of Intent for Lundy Lane Lot 3 from Michael Staiti

November 28, 2012

322-710 Inspection Report on Fieldstone Estates from H2O Engineering
322-774 Notice to start work and construction schedule for 138 Glezen Lane from Platt Builders

November 29, 2012

322-773 Request for return of performance guarantee for 14 Squirrel Hill Road from GPR on behalf of Davies
Town of Framingham Public Hearing Notice re: Danforth Green 360-unit development off RiverPath Drive

November 30, 2012

D-809 Project update for 430 Boston Post Road from IESI
322-624 Inspection Report on Wayland Commons from Sullivan Connors
322-701/744 Town Center Inspection Reports from RJ O'Connell

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December 3, 2012

322-778 Site Inspection for 15 Sylvan Way from Scott Goddard
D-805 Request for return of performance guarantee for 163 Glezen Lane from M.Evangelista
RDA for stone wall project at 128 Glezen Lane from New England Stonemasonry
Client contact letter from ERM
Client contact letter from ProScience Analytical Services

December 5, 2012

Board of Appeals hearing notice 12/18/12 – 1 Wildwood Road

December 6, 2012

Postcard from EPA – notice of 12/13/12 informal meeting re: capping of Framingham’s Reservoir No. 2/Nyanza
D-813 Additional plans for 128 Glezen Lane from New England Stonemasonry

LIST OF EXPENDITURES November 16, 2012

11/29/12	Fedex	\$23.37	<i>CR Package to Chris Latham Law Offices</i>
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