

WAYLAND CONSERVATION COMMISSION

Minutes Thursday, May 10, 2012 7:27 - 10:35PM

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, Conservation Administrator: Brian Monahan

Minutes: Andrea Upham

Not present: John Sullivan

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

1. **7:37 pm – Citizens Time** – No comments were offered.
2. **7:37 pm – Continued Public Hearing, Stuart & Dana Davies, 14 Squirrel Hill Road, DEP File No. 322-773:** Notice of Intent filed by Stuart & Dana Davies 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 application is for the installation of a water supply well at 14 Squirrel Hill Road, Wayland. The proposed work is shown on Wayland's Assessors Map 15, Parcel 056.

Bruce Ringwall, GPR, Inc., was present for the discussion. A.Irwin commented on having received from Mr. Ringwall the boring log for the geothermal wells. A.Irwin asked if the seal is going to 70 feet and Mr. Ringwall explained that it will go at least ten feet into the bedrock at whatever depth bedrock is encountered and that they will drive the sleeve further into the bedrock until a seal is achieved. Mr. Ringwall introduced Glenn Fitzpatrick, well driller, who was present. Discussion on the sealing process ensued. Mr. Ringwall informed the Commission that the well permit application was done on Monday. A.Irwin revisited the understanding of sprinklers in the buffer zone being prohibited. Water quality was discussed and Mr. Ringwall addressed the basement area on the plan showing the Commission where the water line is and where treatment, if needed, will be to a dry well in the front. A.Irwin mentioned the possible need for a discharge UIC registration under 310 CMR 27.08(2). Mr. Fitzpatrick and Mr. Ringwall felt that wouldn't be a requirement but Mr. Ringwall stated that he will confirm and, if needed, they will obtain it. Mr. Ringwall reviewed the plans for a tailing pit and revised sediment erosion controls, stating that there are layers of protection in place for any situations of overtopping that might occur. Mr. Fitzpatrick commented on the drilling process and water level requirements. A.Irwin mentioned that casing requirement will be a condition, and Mr. Ringwall responded that it is state code.

Motion to close the hearing under the Wetlands Protection Act; Seconded 4-2 (abstain);

Motion to close the hearing under the Chapter 194 Bylaw; Seconded 4-2 (abstain)

Motion to issue Permit with conditions under the Chapter 194 Bylaw;

Seconded 4-1-1 (abstain/recuse)

Motion to issue Order of Conditions under the Wetlands Protect Act;

Seconded 4-1-1 (abstain/recuse)

Motion to require a Performance Guarantee of \$2000; Seconded 4-1-1 (abstain/recuse)

3. **7:55 pm – Continued Public Hearing, Richard and Brenda Sharton, Applicants, 50 Aqueduct Road, DEP File No. 322-776:** Notice of Intent filed by Richard and Brenda Sharton pursuant to

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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 application is for hardscape and softscape landscape improvements to the property at 50 Aqueduct Road, Wayland. The proposed work is shown on Wayland's Assessors Map 48, Parcel 087. **Note:** Commission has received a request to continue this hearing to May 24, 2012

Motion to continue the hearing to May 24, 2012 at 8:30PM; Seconded 6-0

4. **8:00 pm – Informal Discussion - Proposed Generator and Pad at 12 Plain Road - S. Linden**
Mrs. Linden summarized that she desires to install a standby generator and her plan was reviewed with the Commission. Her home sits on Mill Brook and the generator is proposed to be near the garage as shown on the plan with a pea stone base proposed. Brochure of the actual generator was shared. Two propane tanks will be needed. A.Irwin encouraged Mrs. Linden to have her contractor touch base with the Fire Department. A.Irwin asked if any tree/shrub clearing is proposed, and Mrs. Linden explained that it's only groundcover in the area. A.Irwin asked that the pea stone apron be a little bit bigger than the unit for mitigation purposes. B.Monahan explained that this is a site where there is a clause for no more impervious surface in the riverfront, proposing that when the large shed on the property is replaced, it could be built smaller to compensate. Mrs. Linden agreed. Discussion ensued on soil removal which will be addressed at the application meeting. B.Monahan added that 6" deep of stone under and around the pad is the Commission's standard to promote infiltration. B.Monahan recommended Mrs. Linden use the RDA application.
5. **8:15 pm – Continued Public Hearing, Fred Mannix, Applicant, 122-124 Lakeshore Drive, DEP File No. 322-772:** Notice of Intent filed by Fred Mannix 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 application is for the construction of a "shared" sewage disposal system to serve the existing houses at 122-124 Lakeshore Drive, Wayland. The proposed work is shown on Wayland's Assessors Map 46B, Parcel 031 & 032.

Steve Poole of Lakeview Engineering and Fred Mannix, applicant, were present. Mr. Poole explained that updated information was provided since the last meeting, adding that the generator adaptor will run the battery for the alarm during any power outage. A.Irwin inquired about the Board of Health regulations registered on the deed. Mr. Poole said that a multipage shared system agreement was reviewed by town counsel and that twice per year a system inspection will occur along with performance testing. Mr. Poole will get full copy to B.Monahan. Mr. Poole confirmed to the Commission that the inspection process remains in perpetuity. A.Irwin expressed the Commission will want the O&M plan and reports, particularly should there be a need for repair, for monitoring purposes. B.Howell expressed that NGVD datum is needed and Mr. Poole will see that it is converted. B.Howell commented that the hay bales were incorrect on the plan. B.Monahan explained to Mr. Poole that hay bales should be at grade and sediment barriers toed in. B.Monahan reminded Mr. Poole of the need for a planting plan. A.Irwin explained that ongoing conditions will exist given the need for ongoing reporting to the Conservation Commission on the system for as long as it is operating.

Motion to close the hearing under the Wetlands Protection Act; Seconded 5-1 (abstain)

Motion to close the hearing under the Chapter 194 Bylaw; Seconded 5-1 (abstain)

Motion to issue Permit with conditions under the Chapter 194 Bylaw; Seconded 5-1 (abstain)

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Motion to issue Order of Conditions under the Wetlands Protect Act; Seconded 5-1 (abstain)
Motion to require a Performance Guarantee of \$2500; Seconded 5-1 (abstain)

6. **8:30 pm – Other**

a. **Comments for Amended Conservation Cluster – Covered Bridge**

B.Monahan reported that he prepared suggested comments to send from the Commission to the Planning Board. B.Howell read off additional items, which B.Monahan will add to the document to be sent.

Motion to send Conservation Commission comments with additions as discussed;
Seconded 6-0

b. **Release of 53G funds for peer review – 205 Rice Road (File No. D-777/D-778)**

Motion was made at the previous meeting and requires only document signing.

c. **Release of Performance Guarantee – 14 Quincy Road (DEP File No. 322-729)**

B.Monahan recommended the release of \$2000 of the \$2500 performance guarantee, with \$500 held for the recent plantings to establish themselves.

Motion to release \$2000 of the Performance Guarantee; Seconded 5-1 (abstain)

d. **Release of Performance Guarantee – 7 Oak Street (DEP File No. 322-746)**

B.Monahan will conduct an inspection and report back at the next meeting.

e. **Change in Sediment Barrier; DEP File No. 322-701**

B.Monahan reported that a site inspection was conducted on Monday. A.Irwin reported alterations to sediment barrier were reviewed and he spoke to the engineer about deviations piece of reporting. He will endeavor to reduce the volume and reports should be better going forward.

7. **8:45 Conservation Cluster – Covered Bridge**

Devens Hamlen and Steve Garvin, of Samiotes were present for the discussion.

Mr. Garvin showed the Commission the entirety of the project on the plan. He explained there is an existing special permit in place but this is a new special permit. The same lot lines remain but additional open space has been created. There is an allowance for 15 lots or units and they are going from a single-family development to more of a condominium feel with two attached buildings each with three to four bedrooms on each of the lots. The approach is an appeal for empty nesters with a bedroom on the main floor. The plan will go from 35% of open space to 50% of open space, which protects the vista of Rice Road. Discussion ensued of zoning requirements of “attached” units. Septic for each pair of attached buildings is a single system under Title V. Mr. Hamlen mentioned that the area is gravel so impact is less for septic. Mr. Garvin reported they are going to the Board of Health Monday night. Mr. Garvin expressed that the plan respects the original riverfront areas and does not encroach additionally from the previous plan. A.Irwin expressed his desire for an inventory in the submission package.

Mr. Garvin mentioned questions and concerns on the Lot 3 Chapter 194 decision.

Mr. Garvin raised the issue of the Planning Board looking for comments, and A.Irwin reported the Commission has a standard set of comments to transmit to Planning.

A.Irwin asked Mr. Garvin if there are drainage structures in areas where they are declaring open space. Mr. Garvin responded that open space areas cannot have structures, such as drives or roads, but there is nothing saying that they can't have drainage BMP systems upon them.

B.Monahan commented that whoever gets that parcel has to take care of the drainage. Mr. Garvin stated that easements are in place, such as for Lot 11, and an association will be set up for maintenance items. Mr. Garvin also noted improved access to Parcel E. A.Irwin requested property markers; Mr. Garvin will recommend appropriate markers. B.Monahan asked what type of Conservation Restriction was raised, and Mr. Garvin explained they need to review that now.

Mr. Garvin returned the discussion to the decision on Lot 3 stating that the WPA Order of Conditions was fine but the Chapter 194 decision required trees to be replaced and tree cutting discussions during the hearing were not in those terms. Mr. Hamlen stated he felt the decision was unnecessarily overreaching and extensive. Mr. Garvin commented on another issue of the condition regarding garbage grinders, stating that the Conservation Commission is restricting something the Board of Health would approve. They would like to work with the Commission on these conditions.

Mr. Hamlen inquired about timeframe, and B.Monahan confirmed that the Commission will communicate next week to Planning. Mr. Garvin responded that they hope to close the special permit on the 22nd and requested a copy of that submission. A.Irwin closed by saying he will find a time to get a smaller group discussion arranged.

8. Land Management – Farming Agreements

B.Monahan stated that after feedback from town counsel, he needs to track down insurance information before they can be signed off on by the Commission, and the issue of fee per acre needs resolution. Discussion ensued of \$550 fee. Mr. Hamlen responded that Heard Farm date needs to be July 15, and he needs documentation ASAP. B. Monahan indicated that the revised agreement would be sent out to Mr. Hamlen on or before Monday May 21.

a. Farm Agreement - Cow Common

Motion for \$550 total annual fee for haying of Cow Common fields; Seconded 6-0

b. Farm Agreement - Heard Farm

Motion for \$1000 total annual fee for Heard Farm farming; Seconded 6-0

B.Monahan will send drafts to the Commission tomorrow with agreement to deliver final document to Mr. Hamlen by one week from Monday.

c. Dog rule clarification and hearing

Discussion ensued to publish a hearing notice amending previous wording of dog rules on Conservation land proposing a total of three dogs per person allowed.

Motion to hold hearing regarding dog rules on Conservation land; Seconded 6-0

d. Farm Agreement – Sedge Meadow

A.Irwin summarized that there had been a very informal agreement with Mr. Stephan who had worked the fields two years ago but was not able to tend to the fields in 2011. Perceiving that Mr. Stephan was not continuing to work the property B.Monahan was working out an agreement with Mr. Linehan. Without notice Mr. Stephan apparently started working the land a few weeks ago. A.Irwin asked R.Backman if there had been any discussion of Mr. Stephan's right to continue to work on the land. R. Backman said that had not been discussed. Discussion ensued of proceeding with what is best for the Town. Mr. Linehan would be paying for maintenance of the fields and will be doing organic gardening which is relevant as the fields are within the Town well head protection zone. Decision was reached that R.Backman will communicate an offer to Mr. Stephan that if he is willing to conduct organic gardening and make an annual payment of \$xxx to the Town for use of the land we will seek to enter into a formal agreement with him with those conditions. If he is not interested then we will proceed to negotiate with Mr. Linehan.

e. Beaver Update

B.Monahan informed the Commission that he had received two proposals for flow control devices for Lee Road and he prefers the option of the smaller pipe and would like the Commission to authorize the expenditure of \$1800 for such a device at Lee Road should it be needed.

Motion that in the event there was an emergency situation, the Commission would authorize an \$1800 expense for flow control device at Lee Road; Seconded 6-0

Discussion ensued of the apparent "vigilante" dam activity that unauthorized individuals are taking into their own hands as shown on emails received by B.Monahan recently. A.Irwin commented that the Commission needs to put out a press release to the newspaper. These people that are breaking dams are simply causing beavers to get even more creative.

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

a. 44 Main Street; DEP File No. 322-725

B.Monahan will conduct a field visit to see if pea stone was removed.

10. **Compliance Updates**

a. 55 Knollwood Lane

Site visit to be set up.

b. 50 Rich Valley Road

B.Monahan to send follow-up letter regarding the lack of a wetland delineation.

11. **Issuance of Order of Conditions/Chapter 194 Permit (Pending Closing of Public Hearing)**

a. 8 Lundy Lane, DEP File No. 322-777

Motion to issue Permit with conditions under the Chapter 194 Bylaw; Seconded 6-0

Motion to issue Order of Conditions under the Wetlands Protect Act; Seconded 6-0

Motion to require Performance Guarantee of \$1200; Seconded 6-0

12. **Correspondence/Expenditures**

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13. Minutes – April 26, 2012

Motion to accept the April 26, 2012 Minutes as edited; Seconded 6-0

M.Burke commented that after she reviewed the Minutes of the last Meeting, it became apparent that the Commission should put in place standard septic procedures for Dudley Pond residents. A.Irwin discussed the handout for the Board of Health regarding the variance issue. A.Irwin asked Mr. Goldsmith to talk about alternative systems and to start people on the process of researching same.

11. Citizen Inquiries

1. 37 Old Sudbury Road

B.Monahan reported that he had received notice of dumping complaints in the wetlands at the property and sent a letter to the property owner. The property owner will obtain a landfill permit, and a second letter will be sent by B.Monahan to set a two-month deadline for the cleanup with a reminder that no further dumping will be allowed.

2. 35 Concord Road Drainage Cleaning

B.Monahan reported a resident complaint. The Town came in with a vactor to clean out pipes, which is routine. B.Monahan will respond to the resident with the Commission's response.

3. 9 Pemberton Road

B.Monahan expressed a need to visit the property.

14. Adjournment

Motion to adjourn at 10:35pm; Seconded 6-0

The next Conservation Commission Meeting is scheduled for **Thursday, May 24, 2012** in the Wayland Town Building.

**CONSERVATION COMMISSION
MEETING ATTENDANCE SHEET**

DATE: May 10, 2012

NAME	ADDRESS OR COMPANY	AGENDA ITEM
BRUCE KINGMAN	GPR, Inc.	14 SQUIRREL HILL RD.
FRED MANNIX	FCM	LAKESHORE ON
Steve Poole	Lakeshore Dng Assoc	122-124 Lakeshore
Dennis Hunk	Self	
STEPHEN CAPKIN	SCA	COY BRIDGE
	- List not complete -	

**TOWN OF WAYLAND
MASSACHUSETTS
CONSERVATION COMMISSION**

**LIST OF PUBLIC DOCUMENTS PROVIDED TO THE CONSERVATION COMMISSION
April 27, 2012 to May 10, 2012**

April 27, 2012

Board of Appeals hearing notice for May 8, 2012

April 30, 2012

Inspection Report on 28 Pequot Road (Emergency Cert. for septic project) from Meisner Brem
322-765 Letter from Goddard Consulting requesting extension for NOI filing on 11 Old Sudbury Road

May 1, 2012

322-771 Project update on 15 Barney Hill Road from Goddard Consulting
322-708/709/710 Inspection Report on Fieldstone Estates from H2O Engineering
322-701/744 Town Center Inspection Reports from RJ O'Connell
322-740 Inspection Report on 40 Sedgemoor Road from Melanie Kosich
D-775 Notice to start work at 33 Bayfield Road from Warren Morss
D-799 Notice to start work at 22 White Road from Chris Merrill Excavating

May 2, 2012

Board of Appeals Decisions – 17 Loblolly Lane; 39 West Plain Street
NStar follow-up letter re: herbicide application along power line rights-of-way
322-665 Inspection Report on 137 Boston Post Road from Hayes Engineering
322-746 Request for return of performance guarantee for 7 Oak Street septic project from Laura Xu
Letter to F.Turkington from OARS re: Sudbury River Water Quality Monitoring

May 3, 2012

322-771 Revised letter re: 15 Barney Hill erosion control from Scott Goddard
322-772 Letter of update and full-size plans for 122-124 Lakeshore project from Steve Poole
Board of Appeals 5/22/12 hearing notice

May 4, 2012

322-744 Construction layout plans for Town Center (Routes 20/27) from EMJ

May 7, 2012

322-624 Inspection Report on Wayland Commons from Sullivan, Connors
322-771 Request for plant species modification at 15 Barney Hill Road from S.Goddard
Letter of notification to ConCom from NStar re: routine repair/maintenance of access roads

May 8, 2012

Board of Appeals decisions; 9 Lake Road Terrace, 72 Oxbow Road; 17 Rich Valley Road

May 9, 2012

D-795 Notice to start work at 410 Hayfield Lane from J.Gerstein

May 10, 2012

322-771 Inspection Report on 15 Barney Hill Road from Sullivan, Connors

LIST OF EXPENDITURES

April 27, 2012 to May 10, 2012

5/1/12	Cook's Automotive (gasoline)	\$124.00
	Country Home Products (mower deck)	261.98
	Richey & Clapper (Honda push mower)	254.96
	Richey & Clapper (misc. supplies)	55.15
5/3/12	Henderson Striker (Cow Commons plot tilling)	720.00