

# WAYLAND CONSERVATION COMMISSION

Minutes Thursday, July 19, 2012 7:50 – 10:30 PM

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

**Present:** Commissioners: Acting Chairman: Roger Backman, Ted Harding, Barbara Howell, Larry Kiernan, Conservation Administrator: Brian Monahan

**Minutes:** Andrea Upham

**Not present:** Chairman Andy Irwin, Markey Burke, and John Sullivan

R.Backman opened the meeting at 7:50 PM noting that a quorum was present.

1. **7:50 pm – Citizens Time** - No comments were offered.
2. **7:50 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 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. **Applicant has sent a letter requesting this hearing be continued to a meeting in September.**

**Motion to continue the hearing to September 13, 2012 at 7:35PM under the Wetlands Protection Act; Seconded 4-0**

**Motion to continue the hearing to September 13, 2012 at 7:35PM under the Chapter 194 Bylaw; Seconded 4-0**

3. **7:52 pm – Continued Public Hearing, Richard & Rita Tse, Applicants, 20 Rich Valley Road, Wayland; DEP File No. 322-781:** Notice of Intent 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 by Richard & Rita Tse. The applicant is seeking to replace a cesspool with a Title V compliant septic system at 20 Rich Valley Road, Wayland, MA. The property is shown on Wayland’s Assessors Map 025 Parcel 005.

**Motion to continue the hearing to August 9, 2012 at 7:35pm under the Wetlands Protection Act; Seconded 4-0**

**Motion to continue the hearing to August 9, 2012 at 7:35pm under the Chapter 194 Bylaw; Seconded 4-0**

4. **7:55 pm - Continued Public Hearing, Norman (Skip) Miller, Applicant, 121 Dudley Road, DEP File No. 322-775:** Notice of Intent filed by Norman (Skip) Miller 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 repair of a septic system at 121 Dudley Road, Wayland. The proposed work is shown on Wayland’s Assessors Map 47A, Parcel 073.

**Skip Miller, homeowner, was in attendance for the discussion.** Mr. Miller reported that the engineer had previously met with the Board of Health to review the project, which involves moving to an innovative technology system. Mr. Miller reported that the Board of Health gave

Approved: August 9, 2012

Page 2

conditional approval for the project, and they have chosen the “Singulair System” which is on the DEP approved list. Mr. Miller reviewed the plan and provided a handout on the Singulair system to the Commission. Mr. Miller summarized the system, which he explained as a mini municipal wastewater system for the back yard, which includes a 3-chamber tank. Mr. Miller explained that his system will go into a pumping station and then pumped to leaching field. He further reported that the installer has done a lot of these Singulair systems. R.Backman inquired as to the specific location on the property, which Mr. Miller showed him on the plan, noting that it was kept as far from the pond as possible. L.Kiernan asked if trees were proposed for removal, and Mr. Miller responded that only a shrub will need to be removed. Discussion ensued about the Operations and Maintenance Plan, which will be a requirement of the new system. B.Howell raised the issue of power outages, and Mr. Miller confirmed that the alarm has a battery backup.

Mr. Miller discussed the other home renovation aspects of his project, specifically the work on the foundation, which needs to occur in a timely fashion. He explained that there is no change in footprint, but they will need to hold the structure in place while the foundation is duplicated underneath. The Building Department has plans for the work. Mr. Miller reported that his original intent was to use the Generic Home Repair Permit but the wording requiring “all work within footprint” prohibited that because he will be 6-10” outside of the footprint as digging will need to occur to locate footings and rebuild. B.Monahan cautioned Mr. Miller that sediment barriers should be changed based on where digging is said to need to occur. Mr. Miller shared with the Commission that he is a general contractor and he will have his crew assisting him; cribbings will be used to support the structure to allow the foundation work to be completed.

<b>Motion to close the hearing under the Wetlands Protection Act;</b>	<b>Seconded</b>	<b>4-0</b>
<b>Motion to close the hearing under the Chapter 194 Bylaw;</b>	<b>Seconded</b>	<b>4-0</b>
<b>Motion to require performance guarantee of \$2500;</b>	<b>Seconded</b>	<b>4-0</b>
<b>Motion to issue Permit under the Chapter 194 Bylaw;</b>	<b>Seconded</b>	<b>4-0</b>
<b>Motion to issue Order of Conditions under the Wetlands Protect Act;</b>	<b>Seconded</b>	<b>4-0</b>

The Commission noted to Mr. Miller that they will require submission of a more complete engineering plan for the file, and B.Monahan added that the plan was done by a registered sanitarian and requested that the site plan and the as-built be done by an engineer based on the structural work involved with the project.

5. **8:15 pm – Public Hearing, Ken Chase, Applicant, 5 White Road; DEP File No. 322-785:** Notice of Intent filed 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 by Ken Chase. The applicant is proposing to remove an existing garage and to replace and upgrade a failed septic system with associated grading and retaining wall. A portion of the proposed work is located in the wetland buffer zone at 5 White Road, Wayland, MA. The property is shown on Wayland’s Assessors Map 030 Parcels 091 and 029A.

**Joyce Hastings of GLM Engineering and Ken Chase, Applicant, were present.** Ms. Hastings explained that this property was originally two separate lots and that the septic system sits within the 100-foot buffer zone with a retaining wall on the septic side and the proposal includes removal of the garage from the buffer zone. There are six trees to be removed in the buffer zone and access will be along the edge of the driveway. Proposed mitigation includes

Approved: August 9, 2012

Page 3

plantings along the edge of the wetland and the installation of a cultec infiltration unit for roof runoff. It was noted the planting plan needs modification. Ms. Hastings informed the Commission that topography was done with the Board of Health so she provided a separate plan to show outside of the floodplain zone. House removal and the rebuilt house are outside of the buffer zone. L.Kiernan inquired as to limit of lawn and J.Hastings showed an area near the retaining wall which will be lawn. B.Howell inquired about a garbage disposal notation, and J.Hastings explained there is no disposal to avoid needing a larger system but the plan required them to show that even though they are not having one. Ms. Hastings reiterated that the property was originally two parcels but is now one. B.Monahan referenced the wetland flagging and stated that he felt that the south side delineation may be a little off and would be noted in the decision. B.Howell inquired about the sediment barrier plan, and Ms. Hastings stated that Filtermitt will be used. B.Monahan made commented on putting in a condition with reference to Chapter 193.

<b>Motion to close the hearing under the Wetlands Protection Act;</b>	<b>Seconded 4-0</b>
<b>Motion to close the hearing under the Chapter 194 Bylaw;</b>	<b>Seconded 4-0</b>
<b>Motion to issue Permit under the Chapter 194 Bylaw;</b>	<b>Seconded 4-0</b>
<b>Motion to issue Order of Conditions under the Wetlands Protect Act;</b>	<b>Seconded 4-0</b>
<b>Motion to require a performance guarantee of \$2000;</b>	<b>Seconded 4-0</b>

6. **8:30 pm – Continued Public Hearing, Al Zagame, Applicant, 15 Sylvan Way, DEP File No. 322-778:** Notice of Intent filed by Al Zagame 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 upgrade the septic system and close out all prior permits. This includes tree removal, fence, and shed relocation at 15 Sylvan Way, Wayland, MA. The property is shown on Wayland’s Assessors Map 25, Parcel 072.

**Al Zagame, property owner, and Scott Goddard, Goddard Consulting, were present for the discussion.** Mr. Goddard summarized the project as a request for a new septic system combined with wrapping up loose ends of former projects on the property and close those files out with Certificates of Compliance. Mr. Goddard reviewed that at the last meeting plan changes were requested and they had since spoken with the Board of Health. A site walk was held with B.Monahan and Commissioners on Tuesday. Mr. Goddard reported that he had new plans with him for Commissioners and they were handed out to abutters in attendance. Mr. Goddard reviewed the plan, noting the erosion control line extended to entire northern property line, trees marked for removal, roof tie-ins for abandoned wells, etc. Mr. Goddard addressed the issue of the swale on the northern property where the edge was raised and cross section detail was added to show hand work of 4” berm to prevent runoff. R.Backman asked if there was a change being proposed to the fence, and Mr. Goddard responded that only two posts were changing and 4” on bottom will be cut off. Discussion and review of swale and contour ensued. R.Backman asked about a planting plan, and Mr. Goddard reminded the Commission that the 2011 RDA for tree removal was already approved. B.Monahan referenced a tree by the shed stating that if part of the replication, it should be replaced, adding that the tree replacement chart is now included in decisions to confirm replacement ratio for trees. S.Goddard responded that the two trees in back will be left as snags, and the three already approved for removal will be done with 2:1 replacement ratio as detailed in decision. He felt there is room to add one more in the southern edge. B.Monahan addressed the old projects

Approved: August 9, 2012

Page 4

with issues of non-compliance, such as the absence of a notice to start work, lack of inspection reports, etc., adding that given the history of non-compliance, the performance guarantee on the current project will be higher than normal. B.Monahan also addressed issues, such as dry wells which were not properly inspected by engineers and he cautioned Mr. Goddard and Mr. Zagame that the engineer should be there when the drainage mitigation connection is made.

Patty Starfield, 28 White Road, asked if the Commission is voting for the septic project as well as Certificates of Compliance on the old projects and inquired as to whether there will be additional planting in a stressed area. Ms. Starfield referenced that previous letters talked about grades and asked if they are going to be checked. B.Monahan confirmed the need to go through and check grading, and everything that needs to be corrected will be integrated into the new Order of Conditions. S.Goddard mentioned that only a portion of this plan shows grading. B.Monahan stated that it may be a condition in the decision that grading needs to be verified and/or corrected. S.Goddard questioned that if it were off by only six inches, would that be worth the land disturbance and suggested that perhaps they shouldn't alter if not needed, adding that it looks good from a wetland function perspective. B.Monahan stated that if the hearing is closed, they need to understand there may be a condition to correct grading if needed. Mr. Goddard confirmed his understanding.

Ms. Starfield called to the Commission's attention that on the new plan under "General Notes" #12 states no BVW and wondered if that is true. S.Goddard acknowledged that statement being an error on the plan. B.Monahan suggested that Mr. Colonna may wish to correct the plan to remove the word "no" from that item.

<b>Motion to close the hearing under the Wetlands Protection Act;</b>	<b>Seconded 4-0</b>
<b>Motion to close the hearing under the Chapter 194 Bylaw;</b>	<b>Seconded 4-0</b>
<b>Motion to require a performance guarantee of \$3000;</b>	<b>Seconded 4-0</b>
<b>Motion to issue Permit under the Chapter 194 Bylaw;</b>	<b>Seconded 4-0</b>
<b>Motion to issue Order of Conditions under the Wetlands Protect Act;</b>	<b>Seconded 4-0</b>

7. **9:03 pm – Public Meeting, Sudbury Valley Trustees, Applicant, North Field-Greenways Conservation Area, File D-804:** Request for Determination of Applicability filed 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 by the Sudbury Valley Trustees. The applicant is proposing to selectively herbicide buckthorn, multiflora rose and reed canary grass late this summer and again next year at the North Field at Greenways Conservation Area. Portions of the work may be within the riverfront area, wetlands, and/or buffer zone. The property is shown on Wayland's Assessors Map 33 Parcel 001A.

**Laura Mattei, Sudbury Valley Trustees, was present for the discussion.** Ms. Mattei reviewed that she had come to the Commission a few years ago and that they now wish to improve the field. She stated that in the last fifteen years, the plant diversity has decreased dramatically and they would like to treat the buckthorn, multiflora rose and reed canary grass with herbicides. B.Howell asked if the Natural Heritage group had been informed. Ms. Mattei said she had sent the notice to the DEP but hadn't yet spoken to Natural Heritage. B.Howell felt they should be given the opportunity to offer input. R.Backman inquired about mowing procedure. Ms. Mattei explained that they were mowing but it was not maintained as a hay field; last year it

Approved: August 9, 2012

Page 5

was not mowed but every other year it had been, and even with annual mowing, the buckthorn thrived.

L.Mattei mentioned that there is Nyanza/mitigation funding, and Greenways is on their plan for mitigation; they are taking a broad perspective and this application was taken into their plan. She felt that if there is extra funding, perhaps they can do some restoration on field edges. She explained that the fields were mowed in early spring to bring down the height of the buckthorn for herbicide treatment. Spray treatment is proposed for the end of August. B.Howell asked how the spray is kept away from the vernal pool ditch and other wetlands. L.Mattei reviewed the area on the plan and agreed that the wet area wouldn't be sprayed. B.Monahan said he believes they don't spray in standing water. B.Monahan stated there will be a condition to get reaffirmation from Natural Heritage stating that they have no objection.

**Motion to issue a Negative Determination with conditions under the Wetlands Protection Act; Seconded 4-0**

**Motion to issue a Permit under the Chapter 194 Bylaw; Seconded 4-0**

8. **9:22 p.m. – Public Hearing, Wayland Housing Authority, Applicant, 104 East Plain Street; DEP File No. 322-784:** Notice of Intent filed 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 by the Wayland Housing Authority. The applicant is proposing to replace the existing septic system with associated site work at 104 East Plain Street, Wayland, MA. Work is within the riverfront area of a perennial stream. The property is shown on Wayland's Assessors Map 52 Parcel 188.

**Bob Drake of Drake Associates and Brian Boggia, Wayland Housing Authority, were present.**

Mr. Drake summarized that this is a 10K square foot lot with a perennial stream on the east and wetland area around east and north boundaries. The house is a 3-bedroom ranch slab with existing cesspool. The entire site is in the buffer zone and inner riparian for perennial stream. Mr. Drake reported that silt testing found suitable soils for the septic system to support their proposal for a 2K gallon combined tank – 1500 for septic and 500 for pump chamber to pump to the system located in the front yard. Perks were reported as three minutes per inch. Mr. Drake shared that he had done a replacement two years ago at 102 East Plain Street. He reported that Title V complied with for 50' offset and he met with the Board of Health and obtained a waiver. He noted there are a series of catch basins in the area, and the soil absorption system has to be 25' away (allowed to be less due to slab). Mr. Drake will provide a double barrier to reduce risk of lateral migration, which will go three feet below septic system. One 8" tree in the front yard will be removed. Mr. Drake reviewed that the existing gas service runs under driveway as well as the water service, which they are relocating and routing per Board of Health so fully compliant with 10' offset, which puts them in the 15' no disturb area; they will restore the area to original condition. Mr. Drake reported that the Board of Health was satisfied and the DPW was satisfied with the barrier plan.

B.Howell asked if they had thought of utilizing the new alternative systems. B.Drake explained that he had discussed that briefly with B.Monahan this afternoon and had also made contact with David Chandler and are discussing options to see if such a system could fit. B.Drake commented that while the alternative technology does add to the life of the system, the negative is dealing with tenant housing and operational complexity.

Approved: August 9, 2012

Page 6

Discussion ensued encouraging consideration of innovative/alternative system. T.Harding added that low maintenance, low risk alternative systems that could work are worth a look. B.Drake reiterated the difficulty with operational issues of alternative systems. B.Monahan commented that the regulations defer to the local Bylaw so they don't meet the setback, and if the setback is not met, the Commission has the right to question what impact the leach field has on wetlands. R.Backman asked about groundwater levels, which Mr. Drake commented were about 5' below grade in December 2011. B.Monahan addressed additional plantings, which Mr. Drake agreed would be appropriate. Discussion ensued of the Board of Health requirement to size the system for garbage disposal whether or not being utilized.

<b>Motion to close the hearing under the Wetlands Protection Act;</b>	<b>Seconded</b>	<b>4-0</b>
<b>Motion to close the hearing under the Chapter 194 Bylaw;</b>	<b>Seconded</b>	<b>4-0</b>
<b>Motion to issue Permit under the Chapter 194 Bylaw;</b>	<b>Seconded</b>	<b>4-0</b>
<b>Motion to issue Order of Conditions under the Wetlands Protect Act;</b>	<b>Seconded</b>	<b>4-0</b>
<b>Motion to require a performance guarantee of \$1200;</b>	<b>Seconded</b>	<b>4-0</b>

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

a. 15 Barney Hill Road; DEP File No. 322-771

Ross Trimby, property owner, was present, and B.Monahan raised issue of his site inspection earlier in the day which showed a large area of dirt with no grass growing. Mr. Trimby commented that the area is surrounded by trees and his landscaper had said no grass will grow there. B.Monahan felt that was absurd and commented that all leach fields are seeded, adding that they had altered the ecosystem and he had never seen one that hadn't been loamed and seeded. Mr. Trimby responded that they put grass back where there was grass previously. B.Monahan said that if the area is going to be left, it must be mulched with straw, and added that it is the first he had seen in twelve years. Mr. Trimby explained that they raked in mulch; the landscaper said grass won't grow because it is in the pine forest and never gets sun. Everywhere lawn was disturbed, grass was planted, but in the mossy area which is now the leach field, it was mulched. B.Monahan commented that the Certificate of Compliance can say "mulched area may be seeded assuming no change in grade" as a continuing condition.

<b>Motion to issue partial Certificate of Compliance under the Wetlands Protect Act;</b>	<b>Seconded</b>	<b>4-0</b>
<b>Motion to issue partial Certificate of Compliance under the Chapter 194 Bylaw;</b>	<b>Seconded</b>	<b>4-0</b>

10. **10:20 p.m. – Public Hearing, Myke Farricker & Carol Ranson, Applicant, 14 Valley View Road; DEP File No. 322-783:** Notice of Intent filed 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 by Myke Farricker & Carol Ranson. The applicant is proposing to construct a replacement septic system in the buffer zone and riparian zone at 14 Valley View Road, Wayland, MA. The property is shown on Wayland's Assessors Map 53 Parcels 007.

**Bob Drake, Drake Associates, was present for the discussion.** Mr. Drake reviewed the septic replacement project for the existing three-bedroom home. Site was reviewed, including the property line which runs along the tree line. Mr. Drake reported that delineations were checked and the proposed septic in the back yard meets all offsets. There is a 22" tree causing a tight fit for access so request was made for access over conservation land to access the project site from

Approved: August 9, 2012

Page 7

that side. B.Monahan commented that a formal letter requesting access is suggested, which can be handled separately.

<b>Motion to close the hearing under the Wetlands Protection Act;</b>	<b>Seconded</b>	<b>4-0</b>
<b>Motion to close the hearing under the Chapter 194 Bylaw;</b>	<b>Seconded</b>	<b>4-0</b>
<b>Motion to issue Permit under the Chapter 194 Bylaw;</b>	<b>Seconded</b>	<b>4-0</b>
<b>Motion to issue Order of Conditions under the Wetlands Protect Act;</b>	<b>Seconded</b>	<b>4-0</b>
<b>Motion to require a performance guarantee of \$1500;</b>	<b>Seconded</b>	<b>4-0</b>

11. **Request for Return of Performance Guarantee**

33 Bayfield Road; File D-775

**Motion to return the performance guarantee; Seconded 4-0**

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

a. 56 Orchard Lane; File D-733

**Motion to issue a Partial Certificate of Compliance under the Chapter 194 Bylaw;  
Seconded 4-0**

13. **Request for Extension of Order of Conditions [310 CMR 10.05 (8)]**

137 Boston Post Road; DEP File No. 322-665

**Motion to extend the Order of Conditions for a period of one year; Seconded 4-0**

14. **Minutes – June 28, 2012**

**Motion to approve the June 28, 2012 Meeting Minutes; Seconded 4-0**

15. **Correspondence/Expenditures**

16. **Adjournment**

**Motion to adjourn at 10:30pm; Seconded 4-0**

The next Conservation Commission Meeting is scheduled for **Thursday, August 9, 2012** in the Wayland Town Building.