

# WAYLAND CONSERVATION COMMISSION

Minutes Thursday, April 5, 2012 7:32 – 10:08 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, Conservation Administrator: Brian Monahan

**Minutes:** Andrea Upham

**Not present:** John Sullivan

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

**1. 7:30 pm – Citizens Time**

**Sally Newbury, Pelham Island Road**, expressed interest in whether or not the Conservation Commission planned to take a position on the issue of the access road (DPW site). A.Irwin expressed to Ms. Newbury that he would be interested in speaking with her to get the history and mentioned that he had communicated his concern about alternate use; now more of a solid use transfer station than landfill but beyond that didn't see changing the use in any way. Discussion ensued about alternate use and where the history on that might be located. Ms. Newbury instructed the Commission to track the files that exist on the Lord parcel, recalling that it was a gentlemen's agreement. A.Irwin responded that the Commission is trying to keep that alive. Discussion ensued about pursuing resource delineations when Town situations like this arise. A.Irwin asked B.Monahan to draft a letter to Selectmen so that these resource delineations can be done in advance. A.Irwin explained that we are offering the hand to plan ahead so we're not identifying locations without being aware of any boundary situations that might exist. B.Howell added that there are also archaeological and historical issues to be considered. R.Backman shared that he had written a letter on the topic that was published in the current Town Crier. Ms. Newbury shared that the flooding on River Road does seem to be of concern and shared that someone at the first hearing mentioned the difficulty of two large trucks passing the road at the same time.

- 2. 7:42 pm – Public Hearing, Ross Trimby, Applicant, 15 Barney Hill Road, DEP File No. 322-771:** Notice of Intent filed by Ross Trimby 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 to abandon an existing failed septic system and replace it with a new system located farther from the bordering vegetated wetlands and river than existing conditions at 15 Barney Hill Road, Wayland. The proposed work is shown on Wayland's Assessors Map 44, Parcel 045.

**Ross Trimby, Applicant, and Scott Goddard of Goddard Consulting were present.** Mr. Goddard began to summarize the project, involving the existing single-family home on a 2.5 acre site with a perennial stream in the rear. The plan was reviewed in detail, with mention of a naturally vegetated buffer and a small lawn area around the home, with the existing septic system and leach field highlighted. B.Howell mentioned that the plan must be adjusted from NAVD to NGVD to meet the Commission's requirements. Proposed construction of a new septic system was reviewed, with the new leach field partially in the lawn and partially in the wooded area. Mr. Goddard shared that the work in the riverfront area is exempt on this project, confirming that they meet the redevelopment standard. Mr. Goddard highlighted his March 28, 2012

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memorandum which details planting and mitigation, mentioning that the Trimby's want to maintain as many trees as possible. The original Notice of Intent called for ten trees to be removed. They since had a surveyor stake the limits of the leach field and identify trees that must come out and found only five trees in the leach field area (1 red maple, 1 hickory and 3 white pines). The plan dated March 28, 2012 has pictures showing the septic area, and a pink ribbon identifies the largest tree – a 24" white pine. Page two of the memorandum shows an area around the lawn for planting to be eliminated with a plan to plant a collection of shrubs in that ring around the lawn area. There is no proposal for additional trees as there is already a dense canopy. The planting plan was reviewed, which includes inkberry, witch hazel and spicebush shrubs – a total of 31 shrubs for five trees coming out. The area in total is 1280 square feet to convert from a landscaping bed to a planting area. A.Irwin asked for confirmation of how many bedrooms exist and Mr. Trimby confirmed four bedrooms. A.Irwin mentioned the project is not increasing impervious surface.

B.Monahan recommended a \$1,200 performance guarantee for the project.

T.Harding explained the performance guarantee process to Mr. Trimby.

**Motion to close the hearing under the Wetlands Protection act; Seconded 6-0**

**Motion to close the hearing under the Chapter 194 Bylaw; Seconded 6-0**

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

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

**Motion to recommend Performance Guarantee of \$1,200 Seconded 6-0**

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

7 Old Vineyard Way; DEP File No. 322-755

A.Irwin summarized that he had written a letter addressed to the property owner and called the Engineer in advance to discuss the letter. He said he had received responding correspondence late today from the engineer, in which he stated that the purpose of the plan was not to show that particular area discussed by A.Irwin in the photographs but to show the drainage. A.Irwin will give the response proper consideration, but the Commission has to take appropriate action at this time with respect to the Certificate of Compliance.

**Motion to deny the request for a Certificate of Compliance; Seconded 6-0**

A.Irwin summarized that the Commission needs to think about next actions and decide how to proceed at the next meeting. A.Irwin noted that the Commission was told the work was complete (such as removal of debris) though large objects of debris still remained on the property. In addition, the sediment barriers were not removed prior to requesting a Certificate of Compliance. A.Irwin closed noting that any developments will be shared with all Commissioners.

**4. 8:06 pm –Continued Public Hearing, Devens Hamlen, Applicant, Lot 3 (10 Covered Bridge Lane); DEP File No. 322-770:** Notice of Intent filed by Devens Hamlen 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 has filed an application for a single family development with septic system and grading on Lot 3 (10 Covered Bridge Lane), Covered Bridge Conservation Cluster at 223, 229 Rice Road, Wayland. The proposed work is shown on Wayland's Assessors Map 035, Parcel 030 and 030F.

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**Stephen Garvin of Samiotes was present, along with Devens Hamlen, Applicant.** Mr. Garvin presented the revised plan and mentioned that they had preserved trees within 5-10 feet of the hay bale; they pulled back to preserve trees, including the various birch varieties mentioned by B.Monahan at the last meeting. Disturbance was reduced to 500 square feet. Mr. Garvin reviewed that they are looking to install pervious pavers; the driveway will now run off more effectively. He explained that the pervious pavers use a base of crushed stone. Discussion ensued about the pervious paver product. B.Monahan noted that driveways and sidewalks require much less sub-base. R.Backman asked about the elimination of one of the overflow areas. Mr. Garvin responded that in reducing impervious area, the need was eliminated. He added that a segmental wall detail was also added to the plan. A.Irwin urged that the Commission wants to keep inventory of riverfront allocation as we go forward. R.Backman asked the height of the retaining wall, and Mr. Garvin confirmed two to three feet. A.Irwin stated that but for the roadway, these lots were not altering the inner riparian zone. S.Garvin informed the Commission that the Board of Health had approved the septic project today. A.Irwin confirmed to Mr. Garvin that detail on the pavers would be appreciated. The condition in the decision will state that it will be a pervious driveway with detail to be provided by the engineer/applicant.

**Motion to close the hearing under the Wetlands Protection Act; Seconded 6-0**

**Motion to close the hearing under the Chapter 194 Bylaw; Seconded 6-0**

**Motion to recommend a Performance Guarantee of \$1,500; Seconded 6-0**

**5. Discussion – Heard Farm and Cow Common Fields**

**Devens Hamlen was present for the discussion.** Mr. Hamlen explained to the Commission that he wants to create a five-year maintenance program with a focus to bring the fields into proper condition and be able to hay it and grow corn to feed the cows. Mr. Hamlen expressed that Tim Henderson has the knowledge and expertise as to how to bring the fields back. B.Monahan responded that he understands Mr. Hamlen's desire for a time commitment but shared that corn isn't a good way to renovate a field to make the grass better. D.Hamlen said it will be one year of corn and then back to grass. B.Monahan reiterated that corn will not improve soils. D.Hamlen expressed that he will yield to Tim Henderson. A.Irwin expressed his desire to understand the maintenance needs and communicate with Mr. Henderson what needs to be done as a condition of the agreement established between us, asking if there are other conditions to put on the table. A.Irwin asked the Commission if the corn at Cow Common presents a problem for any reason. B.Monahan stated that there is an individual who highlighted nesting bird issues. R.Backman responded that North Cow Common field would seem to be the area to reserve for birds. A.Irwin asked what the condition would be and asked if that area can be mowed. B.Monahan responded that the target date of July 15 is used. A.Irwin addressed Mr. Hamlen, summarizing that July 15 is a workable date; the mowing at the north field at Cow Commons hay field would be after July 15. Mr. Hamlen expressed that the nutritional value of hay decreases week to week throughout the summer, so delaying does have a serious effect on the nutritional value of hay, adding that June is the best time to harvest hay. A.Irwin confirmed that July 15 would be the date for the north field mowing. Mr. Hamlen discussed whether all parties can monitor together rather than setting a firm date. B.Monahan responded that the south field is less of a habitat and can be planted and mowed as desired. T.Harding asked if there should be an assessment. B.Howell said the birds (bobolink) nest the same time every year. Discussion ensued about options – whether to use a firm date or do an

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assessment. Mr. Hamlen asked if there could be a section that can be left open – perhaps closer to the river or woods, depending on the birds' nesting habits – and the rest could be mowed. A.Irwin asked B.Howell if they were to mow half, if the birds in fact would move, and she said they might. Mr. Hamlen explained that Tim Henderson is very conscientious and desirous of being adaptable with changes that make sense from both sides. A.Irwin stated that if we go to the assessment method, we will need flexibility in both directions, and we are specifically talking about the north field on Cow Commons only. L.Kiernan confirmed that we could target July 15 with flexibility in both directions depending on the situation. A.Irwin summarized for the Commission that a long-term management program is needed in order for this to be productive for the investment, asking if there is any objection to a five-year plan. There was no objection. A.Irwin summarized that the south field would be agricultural use with no date restriction, and the north field would be a managed hay field with nutrients added and timing of mowing to have a target date of July 15, which with assessment could be two weeks earlier or two weeks later based on bird nesting. Mr. Hamlen urged that this needs to be finalized ASAP. A.Irwin stated there is a need for management of the fields at the edges. A.Irwin asked if there are any issues with respect to the management of Heard Farm. B.Monahan responded that they are only proposing lime and ash with no mowing before July 15 without further research; the date may be subject to negotiation.

#### **Motion to allow a five-year agreement for management of fields at Cow Common and Heard Farm; Seconded 6-0**

A.Irwin urged that he wants to get to a point where we give direction so the implemented plan is understood; at the moment July 15 is the mowing date for Heard Farm. Mr. Hamlen asked if it is acceptable for Tim Henderson to fertilize and begin, and the Commissioners said yes.

#### **6. Informal Discussion – 3 Water Row**

**Mark Fried, resident, and Joseph Dick, Architect, were present for the discussion.** Mr. Fried has lived at the property for 22 years and 11 years ago came to the Commission. The pricing on the project reviewed at the time was such that it was not pursued. This project is significantly scaled back with a remodel of the kitchen and a porch. There is a slight expansion of the footprint and the plan is to open up the area underneath kitchen to increase flood storage. A.Irwin raised the issue of the CVS project, where one was our decision and one was the State's, and discussion ensued of standards of performance for access of flood waters into compensatory storage areas. Mr. Fried said they designed with complete flow so there is nothing stopping water at all. Mr. Dick handed out a sketch to the Commissioners with review of all sides and elevations discussed. Mention was made that the flood elevation figure should be checked. A.Irwin stated that by having the entire side toward the river all open, it is no more impeded than it is today. B.Monahan noted that the riverfront should be acknowledged and noted by the person who prepares the application. An increase in the impervious surface in the inner riparian zone was noted, B.Monahan noted no outer riparian zone on the lot, but mitigation may be required. A.Irwin noted that a plan for limit of lawn and planting in inner riparian can be mitigating factors that can be addressed in the plan, adding that a 15' no-disturb buffer from wetland flag line would be a vegetated buffer as opposed to lawn, and the Commission will need to know where limits of work will be, along with access route, plantings, etc. A.Irwin asked for confirmation that there is no change in bedrooms being handled by the septic system, and Mr. Fried confirmed that there is no change. Mr. Fried asked about next

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steps for application. A.Irwin asked Commission members if they had any issues at the present time and they did not. A.Irwin urged that Mr. Fried and Mr. Dick understand the constraints and mitigation for the site. B.Monahan discussed analysis on impact of riverfront under the regulations, offering that they can email him in advance. A.Irwin noted that the May 28, 2010 regulations note the proposed alteration of riverfront in percentage incremental steps of change. Mr. Fried asked if they should do an analysis of riverfront square footage, and A.Irwin confirmed that they should. B.Monahan told Mr. Fried the application would be addressed at a May meeting. B.Howell noted that the Commission requires NGVD datum on plans. A.Irwin noted that the wetlands will need to be flagged.

### 7. Compliance Updates

#### a. 55 Knollwood Lane

A.Irwin would like B.Monahan to conduct an inspection at the property to assess what remains and determine the stability of the slope and status of the final cleanup to original grade. B.Monahan will go out and communicate to Mr. Dreher a desire for a planting plan by May 1, 2012.

#### b. 50 Rich Valley Road

B.Monahan confirmed that the Enforcement Order was sent and that he needs to send something to Lynch. A.Irwin noted issues that exist of allegations of tree removal. The initial enforcement did not address trees. Information is needed on how many trees were removed and from where (discussion of any sketch and/or invoice from contractor with detail). A.Irwin noted that we now need to have the activity addressed with a replacement planting plan. M.Burke noted that the homeowner was unaware of the rules being new to the area.

### 8. Discussion – CPC Warrant Article

The CPC Article was touched on briefly; L.Kiernan plans to be at the town meeting should it be discussed.

### 9. Emergency Certification 310 CMR 10.05

28 Pequot Road

A.Irwin requested a motion on the item.

**Motion to ratify the Emergency Certificate issued; Seconded 6-0**

### 10. Request for Return of Performance Guarantee [Chapter 194]

14 Quincy Road – DEP File No. 322-729

B.Monahan needs to address the planting plan; this item will be on for May 10.

Unrelated brief discussion ensued regarding terminology in decisions of “permanent stabilization as defined in this agreement” and the need to spell that out either in decisions or in regulations.

### 11. Issuance of Order of Conditions/Chapter 194 Permit – Covered Bridge

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A.Irwin requested a letter to Devens Hamlen that we move forward on the conservation restriction as this is the first lot of potential multi-lot development. The Commission would like the submission of a draft Conservation Restriction prior to the commencement of construction of this lot. Restatement was made of additional elements to be noted as needed in the conditions, to include detail on pervious pavers, a planting plan and permanent demarcation as to the limit of lawn.

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

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

**12. Other**

- a. Meeting Schedule sent to Commissioners was reviewed. **June 7 will now be June 14, 2012.**
- b. Earth Day Event – April 29, 2012 – A.Irwin will be there for that. M.Burke will be at Russell's Garden Center on April 21, 2012. L.Kiernan may be able to help as well.

**13. Correspondence/Expenditures**

**14. Minutes – March 22, 2012**

**Motion to approve the Minutes of the March 22, 2012 Meeting; Seconded 6-0**

- 15. The Commission revisited the discussion of the transfer station and access over Conservation land.** The Selectmen are looking to put a facility on the other side of the landfill and have access to the River Road property through the landfill access driveway. The proposed facility will have frontage on River Row but residents are concerned about traffic on that public roadway and are pushing for alternate access. R.Backman reminded the Commission to look at his article in the Town Crier suggesting that there are better places to put the DPW facility. A.Irwin pointed out that locations they are thinking about for alternates should be known by the Commission so we can look at relative wetland issues for multiple sites rather than just narrowly looking at and addressing one site. If we have all the information in advance, then we can rank them from our perspective. A.Irwin stated that the driveway into the landfill area was granted for temporary access for the limited purpose of serving the landfill. To change the use and make it a legal access road for another purpose must have approval of the Conservation Commission as the driveway crosses Conservation Property (the Lord Parcel) and that approval would have to ignore the original temporary and limited access agreement. L.Kiernan expressed that things change over time. A.Irwin acknowledged that but shared that it is going across land that the Commission owns and the past agreement must not be ignored. A.Irwin urged that there is a need to have wetland resource areas defined on each of the alternative locations so that a judgment might be made of relative wetland impacts. T.Harding expressed the need to at least have a conversation.

**16. Adjournment**

**Motion to adjourn at 10:08PM; Seconded 6-0**



**TOWN OF WAYLAND  
MASSACHUSETTS  
CONSERVATION COMMISSION**

**LIST OF PUBLIC DOCUMENTS PROVIDED TO THE CONSERVATION COMMISSION**

**March 23, 2012 to April 5, 2012**

**March 23, 2012**

Notice of Intent for replacement septic system at 8 Lundy Lane from Drake Associates  
322-767 Notice to start work and planting plan for 9 Sylvan Way from Susan Larson  
ZBA hearing notice 3/27/12

**March 26, 2012**

Letter concerning tree removal activity at 50 Rich Valley Road from Stephen & Lisa Breit  
322-766 Notice of CoC recording information for 208 Lakeshore Drive from Ryan & Faenza, Attorneys at Law

**March 27, 2012**

Letter concerning tree removal activity at 50 Rich Valley Road from Sidney & Razel Sklar  
322-771 Board of Health permit for 15 Barney Hill Road septic repair  
322-735 Inspection Report on Wayland High School from Nitsch Engineering

**March 28, 2012**

322-771 Amendment to NOI for 15 Barney Hill Road from Goddard Consulting  
322-764 Notice to start work at 21 Snakebrook Road from Goddard Consulting  
322-744 Wetland Replication and Flood Storage As-Built Plan from EMJ Corporation

**March 29, 2012**

322-624 Inspection Report on Wayland Commons from Sullivan, Connors  
322-770 Revised plans for Covered Bridge project from Samiotes  
322-744 Town Center Offsite docs -- notice to start Route 20 roadway work, updated contacts, etc. from EMJ

**March 30, 2012**

322-769 Notice to start work at 14 Country Corners Road from MacDowell Company  
322-701 Request for Approval of Erosion Control Modification for Town Center from RJ O'Connell  
322-665 Inspection Report on 137 Boston Post Road from Hayes Engineering  
Board of Appeals Hearing notices and decision

**April 2, 2012**

D-785 Notice to start work at 10 Millbrook Road from Deborah Lee  
322-744 Pandelena Construction sequencing plan for Town Center from EMJ

**April 3, 2012**

322-701/744 Town Center inspection reports from RJ O'Connell  
322-712 Request for Certificate of Compliance on 7 Brackett Road from Lynn Dunbrack  
Notice of Intent for septic upgrade project at 122-124 Lakeshore Drive from Lakeview Engineering Assoc.

**April 4, 2012**

322-725 Request for Certificate of Compliance on 44 Main Street from Crosspoint Assoc/Cochituate Commons  
322-710 Inspection Report on Fieldstone Estates from H2O Engineering



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322-708/709 Erosion control inspection request at Fieldstone Estates from Brite Excavating  
Notice of Intent for septic system repair project at 121 Dudley Road from Green Hill Engineering  
322-762 Authorization of Wastewater Treatment Plant project from Department of the Army to John Moynihan

**LIST OF EXPENDITURES**

**March 23, 2012 to April 5, 2012**

**April 3 2012**

- Forestry Suppliers Inc. (misc. conservation/garden/site visit supplies): \$536.83