

# WAYLAND CONSERVATION COMMISSION

Minutes Thursday, August 30, 2012 7:30 - 10:00PM

**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 (7:35), Conservation Administrator: Brian Monahan

**Minutes:** Andrea Upham

**Not present:** John Sullivan

A.Irwin opened the meeting at 7:30 PM noting that a quorum was present.

## 1. 7:30 pm – Citizens Time

Elodie Carel, Sage Estrada and Megan Kistner, representing Girl Scout Troop 73167, presented information pertaining to their silver award project on the subject of garlic mustard. Brochures were handed out to Commissioners. The girl scouts had a booth at Russell's to educate the community on how to locate and eradicate this invasive species. They are proposing to consider possibly teaming up with the Town of Sudbury to provide an invasive weed dumpster so this plant and others like it are not being put in compost and other places where they will return. Specific trash bags from Whole Foods were shown, which are green in color and are compostable, biodegradable and made from potato starch. It was thought that they are desirable for this cause as being earth friendly and standing out as being for "invasives only" based on the green color being distinctly different from the regular trash bags. B.Monahan offered to share the brochure on the Conservation website, and the girl scouts offered to email the pdf so the Commission could feel free to tweak the brochure. A.Irwin referenced that hand pulling only is allowed in wetland areas, and B.Howell mentioned that the key is pulling the garlic mustard before it goes to seed. Sheila Carel also noted mowing before flowering is effective so seeds will not sprout again.

2. **7:42 pm – Continued Public Hearing, James Pierce and Richard Cresswell, Applicants, 88 Dudley Road; DEP File No. 322-788:** Notice of Intent filed pursuant to the Wetlands Protection Act and an application filed pursuant to Wayland's Wetlands and Water Resources Bylaw, Chapter 194 by James Pierce and Richard Cresswell. The applicants are proposing to demolish the existing house and construct guest parking and prepare for future soil absorption system (s.a.s.) at 88 Dudley Road, Wayland. Work is within the buffer zone of Dudley Pond and is shown on Assessor's Map 47A, Parcel 061.

**Mr. Pierce and Mr. Cresswell were present for the discussion.**

<b>Motion to close the hearing under the Wetlands Protection Act;</b>	<b>Seconded 6-0</b>
<b>Motion to close the hearing under the Chapter 194 Bylaw;</b>	<b>Seconded 6-0</b>
<b>Motion to require Performance Guarantee of \$1000;</b>	<b>Seconded 6-0</b>

T.Harding explained the Performance Guarantee requirement and process to Mr. Pierce and Mr. Cresswell. B.Monahan offered to email a sample decision to highlight for the applicants the nature of the standard conditions included in the Chapter 194 Bylaw Permits.



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cantilevered overhang over the first floor of approximately 74 square feet addition but with the same footprint, which will overhang the existing decks on the ground, which are impervious surfaces. B.Monahan cautioned that under zoning regulations, they may not consider impervious the same as Conservation with respect to aquifer protection properties. A.Irwin asked how much of the existing foundation will remain, and Mr. Poole said all of it will remain. Mr. Mannix mentioned that he is allowed up to a 20% increase for a nonconforming lot. B.Monahan added that they may not have considered aquifer protection. Mr. Mannix explained that the house is currently five feet below the road and they plan to extend the stem wall up to get the wood out of the ground; they are not adding but simply raising so the basement is at basement level. Mr. Mannix reviewed the plan with the Commission, pointing out a large ivy-covered tree that will be left alone. Mr. Mannix added that another addition is planned at a later time that will require him to return to the Commission. A.Irwin confirmed that the roof footprint will be 70 feet larger. R.Backman inquired about access for construction. Mr. Mannix said they will be working from inside the house and construction will be done from the road.

A.Irwin raised the issue of stormwater management and roof runoff needing to be addressed, commenting that they were not submitted and there is question as to whether the Commission has enough information to move forward. Mr. Mannix expressed not being aware that calculations were needed given the fact that the roof was overhanging impervious surface. A.Irwin commented that the issues he is raising are all on the Bylaw Application checklist and ideally projects such as this are not brought to the Commission as a verbal presentation but the material is given in writing in advance for review. B.Monahan offered that they could withdraw the application and re-file. Mr. Mannix expressed confusion as to why they would need to withdraw, and Mr. Poole expressed timing as an issue as they try to get this project underway. Mr. Mannix summarized the condition of the land with puddling, etc., and expressed that he is willing to fix it but wants to do it right. The work he is proposing is to allow him to move in and then later on he will file an application for a garage and other items. A.Irwin explained that the future plans don't impact the discussion here and now but that the current consideration is the issue of aggregates of impact which are accruing, and the Commission needs to communicate concerns. Discussion ensued on mitigation. A.Irwin said they the Commission is trying to understand the net change related to the project. Mr. Poole read from the application narrative. Mr. Mannix acknowledged the drawing/stamp problem but expressed confusion over coming to an understanding of pervious and impervious surface on the project. A.Irwin asked for confirmation that the work will not be altering the ground and that the work will be done by hand with no impact or disturbance. Mr. Mannix confirmed that it will be done by hand and explained that they will physically remove the roof and take it off site. A.Irwin asked about concrete trucks and washout procedure. Mr. Mannix said his contractor has a pump and equipment washout will be conducted offsite. Mr. Mannix added that insulating concrete forms (ICFs) will be used and approximately four yards of concrete will be used.

A.Irwin summarized the matters discussed that the project will not increase impervious surface, will not alter grades and there will be no pollutants based on washout being handled offsite and debris removed and legally disposed of daily. A.Irwin commented that had the application paperwork filed by the applicant included both the current and proposed inventory of impervious surface, there wouldn't have been such a lengthy discussion. B.Monahan reminded Mr. Poole that the datum needs to be corrected and the Board of Health needs confirmation of

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DEP approval. B.Howell asked for confirmation of how many bedrooms are in the house and Mr. Mannix confirmed that there are two.

**Motion to issue a Negative Determination w/conditions under the Wetlands Protection Act; Seconded 5-1 (Opposed)**

**Motion to issue a Permit under the Chapter 194 Bylaw; Seconded 5-1 (Opposed)**

Brief discussion ensued of conditions which will be included in the decision prior to work commencing, including datum updated; detail of existing impervious surface to show present vs. proposed; no concrete truck washout; sediment barrier detail, plan signed/dated by P.E., among others.

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

**7. Compliance Updates**

**a. 76 Lakeshore Drive**

Gayle Archambault was present for the discussion. B.Monahan raised the issue of the need for documentation of proper disposal on the project, which Ms. Archambault then presented to him for the file. B.Monahan mentioned the need for the no-disturb area being on the as-built plan, which could be handled by noting as “generally depicted by shrubs.” A.Irwin explained to Ms. Archambault that B.Monahan will review the material she presented to him and action on the Certificate of Compliance will be taken at the next meeting, and request for return of the Performance Guarantee can be sent to the Commission once receipt is given to B.Monahan that the Certificate of Compliance is filed with the Registry of Deeds.

**8. Other**

**a. 151 Plain Road**

Michael Staiti was present for the discussion and summarized the proposal for a 10-acre parcel off of Plain Road and reported that they negotiated an agreement for a Conservation Cluster with Fields Lane as the frontage. The project will save the existing historic house; there will be one new 4500 square-foot house on 1+ acre off of Plain Road and one 3200 square-foot home off of Lundy Lane. Mr. Staiti reported that they will create a permanent deed-restricted easement which will provide trail access in perpetuity, and 6.34 acres will get donated to Conservation – targeted area under open space plan. Mr. Staiti explained that the original proposed seven-lot subdivision didn’t go forward. A.Irwin inquired about septic testing, and Mr. Staiti reported that the perk tests are fine, and they will be outside of 75 feet from wetlands. They will also eliminate the driveway that comes off of Fields Lane. Mr. Staiti expects a 12-16 month project and appreciates the Commission sending the Planning Board a note with support. A.Irwin noted that the Commission directs B.Monahan to send a memorandum to the Planning Board.

**9. Compliance Updates**

**b. 89 Lakeshore Drive**

Debra Weiner was present for the discussion. A.Irwin summarized actions agreed to at the last meeting; the Commission did follow up and sent letter to Engineer with a copy to Ms.

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Weiner. Ms. Weiner reported that she hasn't heard from the engineer. Ms. Weiner reported that she met with someone to discuss better stabilization and move the driveway forward; weed growth has begun to stabilize one side. B.Monahan asked if the silt sacks had been cleaned, and Ms. Weiner said they had not and she will have to hire someone to do it. A.Irwin asked that she report back as to any follow up with Vineyard Engineering.

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

a. 102 East Plain Street; DEP File No. 322-747

B.Monahan reported that plantings were done since the last Request for Certificate of Compliance; six out of ten survive, and he recommends issuance.

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

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

B.Monahan noted that his recent site visit indicated that a fence had gone in without approval. B.Monahan will write to the new property owner that a fence is regulated work without the proper permit, and any future alteration would require a permit.

**8. Compliance Updates/Complaints**

a. Wayland High School; DEP File No. 322-734

A.Irwin commented that there are still issues. B.Monahan spoke to J.Moynihan about resolution, and B.Monahan will keep the Commission posted on the open compliance issues.

**9. Other**

a. A.Irwin reported that B.Monahan had ordered and received data logging equipment for the Happy Hollow Wells totaling \$1850 and A.Irwin will train B.Monahan in equipment set-up. The cost for equipment and maintenance had been projected as \$30K, which represents a substantial cost savings for the Town. Data logging procedure discussion ensued.

b. Herbicide Application NStar R.O.W.

Discussion ensued about the need for people to be paying more attention to this growing trend involving ROW maintenance. L.Kiernan inquired as to whether there are BMPs in place. A.Irwin commented that the ROW management plan includes limitations on wetlands applications, but questioned whether there could be an exemption under the Bylaw. A.Irwin recommends B.Monahan arrange for a walking of the project for identification of wetland resources for management purposes, adding that we should ask them what delineation they have marked in the field.

c. Pending Conservation Restrictions – B.Monahan reported that he is working on the matter.

d. Town Center Project (off -site and on-site) Updates

A.Irwin reported there are still outstanding issues of newly reconstructed storm drain outfall and that when they get to the point of removing the existing culvert, they will do compensatory correction, which will be kept on the Commission's list of things to be done. Discussion ensued about the intersection at Russell's. B.Monahan commented that there is no showing of resource areas so there is a bit of an issue there.

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

**a. 32 Hampshire Road; File D-781**

A.Irwin reported to the Commission that Mr. Gossels acknowledged knowingly not doing inspection reports intentionally as it would be less costly to forfeit the performance guarantee. A.Irwin asked B.Monahan to write to Mr. Gossels that we may return a portion of the performance guarantee if drainage mitigation is done. R.Backman recommended returning \$350 of the \$750 guarantee if the drainage mitigation is done.

Motion to return \$350 of the \$750 Performance Guarantee pending a response from Mr. Gossels indicating the required drainage mitigation has been provided; Seconded 5-1 (1 Opposed)

**b. 12 Plain Road; DEP File No. 322-675**

**Motion to return the Performance Guarantee; Seconded 6-0**

11. A.Irwin noted comments the Commission should pass on to the Planning Board with respect to the proposed Finnerty's Village project to include green space, drainage mitigation and a reminder about stormwater management under Chapter 193.

**12. Issuance of Order of Conditions/Chapter 194 Permit (Pending closing of hearings)**

**a. 88 Dudley Road; DEP File No. 322-788**

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

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

**b. 3 Water Row; DEP File No. 322-786**

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

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

**Motion to require performance guarantee of \$1200; Seconded 6-0**

B.Monahan will address limit of lawn/planting plan issue in the conditions.

**c. Old Sudbury Road Sidewalk; DEP File 322-787**

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

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

**Motion for 5% retainage of the project cost to be released upon acceptance of an as-built plan, inspection and indication that site soils have established vegetation; Seconded 6-0**

**13. Land Management**

**a. Status of Farming Agreements – work, payments received**

B.Monahan reported that no payments have been received from previously-executed farming agreements. B.Howell commented that she is very upset with the condition of the Sedgemoor land. B.Monahan reported that the Cow Common farming agreement dates were ignored as to mowing on the North Field. A.Irwin requested that B.Monahan send a letter to Mr. Hamlen that payment is necessary and failure to return payment may result in termination of the contract. A separate letter at a later date can address non-compliance issues.

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- b. Seasonal Workers Status - B.Monahan reported that he may have seasonal help in the fall.
- c. Brief discussion ensued of Cow Common and land to the south.

**14. Correspondence/Expenditures**

**15. Adjournment**

**Motion to adjourn at 10:00pm; Seconded 6-0**

The next Conservation Commission Meeting is scheduled for **Thursday, September 13, 2012** in the Wayland Town Building.





**TOWN OF WAYLAND  
MASSACHUSETTS  
CONSERVATION COMMISSION**

**LIST OF PUBLIC DOCUMENTS PROVIDED TO THE CONSERVATION COMMISSION  
August 10 to August 30, 2012**

**August 10, 2012**

322-665 Inspection Report on 137 Boston Post Road from Hayes Engineering  
322-701/744 Inspection Reports on Town Center from RJ O'Connell

**August 13, 2012**

Application for site plan review and approval/site plans for Finnerty Village from S.Sarkisian  
RDA for proposed modifications at 122 Lakeshore Drive from Steve Poole  
Letter from Bob Olshansky to Board of Health re: 225 Old Connecticut Path septic application  
322-783 Performance Guarantee and letter re: access over Conservation land at 14 Valley View from M.Faricker

**August 14, 2012**

322-740 Project Report on 40 Sedgemeadow Road from Melanie Kosich

**August 16, 2012**

322-785 Work schedule and project report for 5 White Road from New Wampum Realty LLC  
322-765 Contractor information and performance guarantee for 11 Old Sudbury Road from Eric Knowlton

**August 17, 2012**

322-744 Town Center Wetland Replication Monitoring Report from EMJ  
322-675 Request for Performance Guarantee return from Sally Linden

**August 20, 2012**

D-XXX Replacement planting list for 28 White Road from Patty Starfield

**August 22, 2012**

322-701 Town Center Plant List (large plan in office) for buffer zone/riverfront from EMJ  
Notice of permit applications/hearing for 151 Plain Road development and copy of plan from Mike Staiti  
322-785 Permit/OOC responses for work at 5 White Road from Ken Chase  
322-710 Inspection Report on Fieldstone Estates from H2O Engineering

**August 23, 2012**

322-691 Groundwater/Water Quality Monitoring Report on CVS Pharmacy from Vanasse Hangen Brustlin Inc.

**August 24, 2012**

Board of Appeals public hearing notice 9/11/12  
Letter re: groundwater analytical data for 430 Boston Post Road from ERM  
322-701/744 Town Center inspection reports from RJ O'Connell

**August 27, 2012**

D-809 RDA for remediation activities at 430 Boston Post Road from Innovative Engineering Solutions, Inc.  
322-665 Inspection Report on 137 Boston Post Road from Hayes Engineering  
322-624 Inspection Report on Wayland Commons from Sullivan, Connors

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**August 28, 2012**

322-745 CoC Request (Bylaw portion and fee) for 76 Lakeshore Drive from Gayle Archambault  
Letter to BoH from East Middlesex Mosquito Control re: current risk data  
322-758 Notice to start work and contact names for 125 Dudley Road from MJ DiModica

**August 29, 2012**

D-805 Notice to start work at 163 Glezen Lane from Michael Evangelista  
D-808 Letter from Thomas Zazzara authorizing Fred Mannix to act on matters re: 122 Lakeshore Drive

**LIST OF EXPENDITURES    August 10 – August 30, 2012**

<b>8/16/12</b>	Cook's Automotive	\$132.00
	Richey & Clapper	22.99
<b>8/27/12</b>	Cook's Automotive	\$118.00
	Richey & Clapper	20.00