

WAYLAND CONSERVATION COMMISSION

Minutes Thursday, December 20, 2012 7:32 - 10:15 PM

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

Present: Commissioners: Roger Backman, Markey Burke, Ted Harding (8:13), Barbara Howell, Chairman: Andy Irwin, Conservation Administrator: Brian Monahan

Minutes: Andrea Upham

Not present: Larry Kiernan, John Sullivan

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

1. **7:32 pm – Citizens Time**
No comments were offered.

2. **Minutes – December 6, 2012**

Motion to approve the December 6, 2012 Minutes as edited; Seconded 3-1 (1 abstain)

3. **Minutes – December 17, 2012**

Motion to approve the December 17, 2012 Minutes; Seconded 4-0

4. **7:37 pm – Public Hearing, Robert & Tracy Moser, Applicants, 9 Old Farm Circle; DEP File No. 322-791:** 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 Robert & Tracy Moser proposing to raze the existing one-story wood frame single family structure and construct a new home on the existing foundation with the exception of a 4-foot expansion on the east side of the garage at 9 Old Farm Circle, Wayland. The property is shown on Wayland's Assessor's Map 38, Parcel 67.

Lee (Tracy) Moser, Applicant, Mike Staiti, Lingley Lane LLC, and Tom DiPersio of Thomas Land Surveyors & Engineering Consultants, were present for the discussion. A.Irwin began the discussion by commenting that the meeting notice indicated that the building is to be razed and looked for clarification on that wording. Mr. Staiti responded that they are working within the first floor framing structure and walls, which was already approved by the ZBA. A.Irwin explained that the application received by Conservation says "razed" and Mr. DiPersio said that had been their impression. A.Irwin explained that the scope of the work needs to be equal to or less than the scope of the notice; it cannot be more than what was advertised. Mr. DiPersio explained that on the east side there is a proposed four-foot extension and roof cover and a proposed sunroom on piers off the back of the house. Mr. DiPersio commented that Art Allen went out and located flags called "bank flags" and Mr. Allen's narrative said no BVW but noted a drainage ditch that receives stormwater from the cul-de-sac. Mr. DiPersio said they had done a topography survey based on information provided by B.Monahan; they did a six-inch survey and found low spot to be 195.3. B.Monahan commented that in 2010 there was a lot of flooding and asked what was the extent of flooding around the ditch. Mr. DiPersio explained that to depict that on the plan would require a hydro study of the area. B.Monahan commented that it was suggested that there was water well beyond banks and a site visit

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today seemed to suggest several grade changes east from the garage. A.Irwin asked for confirmation that there is no change in grade proposed around the house, and Mr. Staiti confirmed that.

John Antes, 11 Old Farm Circle, recalled that 9 Old Farm Circle was the only one that did not get water in the basement; the sump pump worked and the owner took steps to keep water out.

A.Irwin raised the issue of isolated land subject to flooding and inundation and the treatment of runoff and infiltration. Mr. DiPersio responded that they are adding a drywell in the front yard (detail on plan) which is a pre-cast unit surrounded by stone. Discussion ensued on the datum used for the plan and on the requested variance from NGVD datum. A.Irwin confirmed the need for common (NGVD) datum. The request for waiver was not accepted by the Commission. A.Irwin inquired about the driveway, and Mr. DiPersio explained that it runs out to the street and will have no change in size. The existing deck, which is bigger than the proposed sunroom, will be removed. Mr. Staiti confirmed the expansion of the mudroom area.

A.Irwin inquired about access on the property for the construction removal aspect of the project, and Mr. Staiti confirmed that there is room on the west side. B.Howell asked if the number of bedrooms will remain the same, and Mr. Staiti confirmed they remain at three and mentioned the septic system is fairly new. Brief discussion ensued of the septic system installed approximately 18 months ago, which B.Monahan expressed wasn't known by Conservation.

A.Irwin explained the need to keep washout in an appropriate pit and follow BMPs from the EPA. B.Monahan raised the issue of Old Farm Road and Old Farm Circle where the plan picks up abutters that aren't on the list. A.Irwin summarized concerns that the steep slope be kept stable, there is prevention of wash down to the wetland and the management of water isn't increasing the rate of runoff. He added that the impervious surface and the size of the drywell indicates neutral or decreased rate of runoff, so no objections indicated. B.Monahan commented that when they are working on amending the plan, they could also mark the lay-down area.

Permission to continue the hearing was requested and granted.

**Motion to continue the hearing to January 10, 2012 at 7:35pm under the Wetlands Protection Act;
Seconded 4-0**

**Motion to continue the hearing to January 10, 2012 at 7:35pm under the Chapter 194 Bylaw;
Seconded 4-0**

5. **8:13 p.m. – Public Hearing, Michael Staiti, 151 Plain Road LLC, Applicant, Lundy Lane, DEP File No. 322-792:** 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 Michael Staiti, 151 Plain Road LLC. The applicant is proposing to construct a single family home on the lot. There will be clearing, grading, and landscaping within the buffer zone to wetlands. The lot is at the end of Lundy Lane (Lot 3), Wayland shown on Wayland's Assessor's Map 25, Parcel 90.

Mike Staiti and Tom DiPersio were present for the discussion. B.Howell questioned the plan datum. A.Irwin asked if alterations were being made, and Mr. Staiti confirmed no change in grade and explained that they are looking for a 50-foot backyard 50 feet off of wetlands to be left undisturbed with landscaping planned in the front. A.Irwin inquired about tree removal, and Mr. Staiti confirmed

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those to be removed are mostly pines. B.Monahan confirmed the need to quantify all trees 6" or greater (waiver granted). A.Irwin explained that new plantings will be native species and will be conditioned. B.Monahan added that required replacement plantings may be done beyond the buffer zone, such as for screening the trail easement. Mr. Staiti explained that a sign will identify the trail and a split-rail fence delineation will help the neighborhood to know where it is. A.Irwin noted a temporary disturbance of the foundation drain, and Mr. DiPersio explained that it is a rip rap splash apron around the pipe (Note 7). B.Monahan explained that work could be done all at once to minimize inspections needed. R.Backman asked if there is gas service, and Mr. Staiti confirmed it is propane.

Virginia Steele, 22 Sylvan Way, expressed her desire for a good path through the easement and indicated she was surprised to find that the beginning of the path had been moved and there is now a new beginning that keeps it within the easement. Poison ivy exists, and Ms. Steele hoped that could be scraped down as it is a steep step from the driveway to the path. Mr. Staiti confirmed a plan to meet out there so they can accomplish that. A.Irwin asked for confirmation of plan datum, which Mr. DiPersio confirmed as NGVD.

Motion to close the hearing under the Wetlands Protection Act; Seconded 5-0

Motion to close the hearing under the Chapter 194 Bylaw; Seconded 5-0

6. **8:27 pm –Public Meeting, Deborah Kelsey, Applicant, 128 Glezen Lane; File D-813:** Request for Determination of Applicability filed pursuant to the Wetlands Protection Act and an application filed pursuant to Wayland's Wetlands and Water Resources Bylaw, Chapter 194 by Deborah Kelsey proposing to construct a fieldstone wall along the front of the property at 128 Glezen Lane, Wayland. The property is shown on Wayland's Assessor's Map 15, Parcel 006.

Robert Young of New England Stonemasonry was present for the discussion. Mr. Young explained that a plan of original landscaping was done previously and the homeowner now wants a stone wall between the driveway and the parking area to be 62 feet long and 24-30" tall. Mr. Young showed a photograph of one such wall he had done in Lincoln to demonstrate the appearance of the wall, which is designed to look like it has been there for many years. A.Irwin inquired about the excavation planned for the base, and Mr. Young confirmed a crushed-stone footing of 12 inches. A.Irwin inquired about soils removal, and Mr. Young confirmed they will go right into a truck and then offsite to Sudbury. Mr. Young confirmed no grade changes and no excavation outside of the stone wall. A.Irwin commented that the work is generally more than 30 feet from the drainage outfall without need for delineation. Mr. Young confirmed there is no tree removal, adding that one tree had previously been removed. A.Irwin confirmed the need for homeowners to provide notice of tree cutting to the Conservation Commission in advance of activity.

Motion to issue a Negative Determination with conditions under the Wetlands Protection Act; Seconded 5-0

Motion to issue a Permit under the Chapter 194 Bylaw; Seconded 5-0

Motion to require a \$250 Performance Guarantee; Seconded 5-0

7. **8:35 pm - Informal Discussion – Proposed DPW Facility**

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Jeff Alberti, Weston and Sampson, was present for the discussion and shared that Roger Alcott would be joining shortly. Mr. Alberti explained they are revisiting for a second informal discussion before submitting their application, and a recap of the project and plan was shown. Mr. Alberti explained that they had made it clear in their narrative that there were potential changes with the work along the access road. The proposed new roadway was highlighted on plan. Mr. Alberti confirmed that their wetland scientist was Mel Higgins from Weston & Sampson. B.Monahan commented that the wetlands line on the east side is roughly between 117-118, and the mean annual high water mark is the same on both sides of the river so is established on east side and just need elevations to match. A.Irwin added that the plan should show delineation and show topography when submitted with the Notice of Intent, noting inner vs. outer riparian zone and different standards.

Mr. Alberti reviewed the wetland restoration and the various options to be considered. Mr. Alberti said that three different acreages were assessed but the plan presented is one acre. A.Irwin requested Mr. Alberti address the areas of concern A.Irwin had presented in an earlier email – the roadway was to be a temporary road which was to be removed when the landfill closed; the volume of floodplain filled from 116-123 elevation (in 1978-79); the road isn't coming out any time soon so there is a need to address the Wetlands Protection Act impacts for floodplain. A.Irwin asked for dimensions of the roadway and Mr. Alberti estimated area of road at 42K square feet of space. A.Irwin commented that the BVW and flood storage are calculated separately and that plan provides 43K square feet of replacement.

Roger Alcott joined the meeting and discussion ensued on flood zone and incremental elevations. A.Irwin asked what is being retained behind the salt shed in terms of future use. Mr. Alberti and Mr. Alcott reviewed the Option 1 Plan. J.Moynihan commented that there is consideration being given to removing the shed and sending the stored equipment to the new facility. A.Irwin commented on the plan that the light area behind the shed was potential for flood storage or closer to the roadway going to the east so a channel could connect for restoration. J.Moynihan explained that the Permanent Building Committee hasn't discussed the matter yet but there is a larger area on Option 1A removing the salt shed and using adjacent area for more compensatory storage. Options 2 and 3 were reviewed, along with Option 4, which included a box culvert. R.Backman asked why they would not double up on box culverts, and A.Irwin explained he is not looking for replacement of the cross section that was there. Mr. Alcott expressed the need to look at how many connections there are. J.Moynihan commented they can take a look at that again. A.Irwin stated he would like to improve the conditions to better than their original state and wasn't sure how much analysis was done on those culverts initially.

R.Backman asked if they are proposing improvement to only the base of road. Mr. Alcott confirmed that it is the same elevation with improvements only to the surface area. A.Irwin asked what kind of slip liner would be used, and Mr. Alcott confirmed it is made by Snaptight. T.Harding inquired about the terms of their O&M plans. A.Irwin responded that the Conservation Commission would like to have what we think should be done so the DPW has a maintenance plan and schedule to follow. It was stated that the Permanent Building Committee has a meeting on January 3, 2013, and an application will not be filed until after that. A.Irwin encouraged the group look at stream gauge data in terms of rate of rise. A.Irwin thanked all involved for coming

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to the Commission for these informal discussions, and raised the issue of the care and custody of the roadway. J. Moynihan expressed that it could be handled in a warrant article in the spring. Sally Newbury asked if there were any plans to widen the area. J. Moynihan said there are no plans to widen; they are talking about a maximum of five parking spaces.

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

- a. 11 Charena Road; DEP File No. 322-329

**Motion to issue partial Certificate of Compliance under the Wetlands Protection Act;
Seconded 5-0**

- b. 103 East Plain Street; DEP File No. 322-779

**Motion to table until such time as determination can be made that compliance exists with
the no-disturb condition; Seconded 5-0**

B.Monahan will send a letter indicating there shouldn't be mowing beyond the shrubs

9. Land Management

- a. Dogs – New signs are in process at Conservation land.
- b. Rice Road Dam – There are discussions with contractors about what might be put inside the gate house; A.Irwin and Mr. Antonell to visit the site with B.Monahan. A.Irwin stated the need for preparation of specs for dam repair.
- c. Beavers – B.Monahan has a three-page report which will be sent to Commissioners. B.Monahan confirmed seeing evidence that a human being is breaching the dam. An additional proposal was sent from the contractor and will be sent along to Commissioners for consideration. A.Irwin stated that if the alteration continues, the Commission will not be able to spend more money to address flooding. B.Monahan will draft another letter to homeowners. Discussion ensued of sign posting in the area noting the potential for \$25K fine.

10. Compliance Updates/Complaints

- a. Town Center Project – It was reported that Mr. Dundon may cease reporting and a new engineer may resume the activity.

11. Other

- a. Tree Committee – B.Monahan will coordinate membership between B.Howell, T.Harding and himself.
- b. Chapter 193 Update – Land Disturbance Committee. It was discussed that legal definitions are needed.
- c. Annual Town Meeting Warrant Articles

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A.Irwin raised the issue of the land at 74 Plain Road for which the Conservation Commission would like to submit a warrant article as a placeholder for acquisition of that parcel with CPA funds.

Motion to submit a warrant article to pursue acquisition of 74 Plain Road parcel with CPA funds; Seconded 5-0

A.Irwin urged that the Commission needs to be considering an aggressive approach to purchase and utilize properties, such as was done with Rowan.

Motion to submit an article to Town Meeting to propose that transfer of care and custody of the Lord parcel, with the exception of the access roadway to the Landfill, be turned over to the Conservation Commission; Seconded 5-0

Discussion ensued of the need for a deadline in an amended vote.

Motion to submit an article to Town Meeting to propose that transfer of care and custody of the Lord parcel, with the exception of the access roadway to the Landfill, be turned over to the Conservation Commission by June 30, 2012; Seconded 5-0

12. Correspondence/Expenditures

13. Adjournment

Motion to adjourn at 10:15pm; Seconded 5-0

**TOWN OF WAYLAND
MASSACHUSETTS
CONSERVATION COMMISSION**

**LIST OF PUBLIC DOCUMENTS PROVIDED TO THE CONSERVATION COMMISSION
December 6, 2012 to December 20, 2012**

December 7, 2012

D-728 Notice to start work at 26 Plain Road from Donelan Contracting
Stipulation of Dismissal re: DeVincent v. Town of Wayland Concom from Eliason Law Office

December 10, 2012

322-770 Performance Guarantee for 10 Covered Bridge Lane from Covered Bridge, Inc.
322-329 Request for Certificate of Compliance for 11 Charena Road from Drake Associates

December 11, 2012

322-624 Inspection Report on Wayland Commons from Sullivan, Connors
Memo from Planning Board to Town Clerk re: Certification of Action on 151 Plain Road/Fields Lane

December 12, 2012

322-701/744 Town Center Inspection Reports from RJ O'Connell
322-710 Inspection Report on Fieldstone Estates from H2O Engineering
322-665 Inspection Report on 137 Boston Post Road from Hayes Engineering
322-691 Wetland Mitigation Monitoring Report on CVS Pharmacy from Vanasse Hangen Brustlin, Inc.

December 13, 2012

322-779 Request for Certificate of Compliance for 103 East Plain from Schofield Engineering
322-759 Inspection Report on Carriage House at Lee's Farm from EBI Consulting
322-759 Reporting requirements for the Carriage House at Lee's Farm from Callahan, Inc.

December 17, 2012

ZBA Hearing Notice – YMCA 139 Boston Post Road
322-701 Letter to DEP for approval to fill in temporary construction basin at Town Center from RJ O'Connell
322-701 Letter to DEP for approval to remove hay bales at Town Center from RJ O'Connell

December 18, 2012

322-765 Letter for permission to remove tree at 11 Old Sudbury Road from Kristin Knowlton

December 20, 2012

Memo from Building Commissioner re: Habitat for Humanity - 89 Stonebridge Road
Mass. DCR re: opening of the application period for FEMA Hazard Mitigation Grant Program
Letter from URS Corporation re: Draft Annual Groundwater Monitoring Report – New England Sand & Gravel
NOI for Proposed Gas Regulator Station on Concord Road from Mason & Associates
322-782 CoC Request for 28 Pequot Road from Nilda Jacobus

LIST OF EXPENDITURES

12/14/12	Brian Monahan	\$173.97	<i>Department Clothing Allowance</i>
	Voss Signs	517.60	<i>500 Trail markers/12 Dog Notice signs</i>