

WAYLAND CONSERVATION COMMISSION

Minutes Thursday, May 24, 2012 7:30 – 9:00pm

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

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

Minutes: Andrea Upham

Not present: Larry Kiernan, John Sullivan

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

1. **7:30 pm – Citizens Time** – No comments were offered
2. **7:35 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.

This item was requested for continuance to the June 14, 2012 meeting by the engineer

3. **Request for Extension of Order of Conditions 310 CMR (8)**
Heard Pond Mechanical Harvesting; DEP File No. 322-678

Motion to extend Heard Pond Permit for DEP File 322-678 for three years under the Chapter 194 Bylaw; Seconded 5-0

Motion to extend Heard Pond Order of Conditions for DEP File 322-678 for three years under the Wetlands Protection Act; Seconded 5-0

4. **Request for Certificate of Compliance [310 CMR 10.05 (9)]**
 - a. **44 Main Street; DEP File No. 322-725**

A.Irwin reported that the site is generally stable though (1) stone material that had been pushed by plows down the hillside remains and wasn't removed, and (2) the way they generated the cover (plantings) was to put in rolls for sediment erosion control and then they filled to the top and seeded so that when they remove the erosion control, it will leave a 6-8" slope. We should note that it wasn't done as conditioned and issue the partial certificate of compliance with no further work required. B.Monahan will do a final site inspection of the property for the next meeting.
 - b. **74 Moore Road; D-755 (Applicant is seeking clarification on wording)**

B.Monahan reported that the owners filed the previously-issued Partial Certificate of Compliance but are now asking for wording changes. Brief discussion ensued.

Motion to issue amended Partial Certificate of Compliance under the Chapter 194 Bylaw; Seconded 5-0

5. **Request for Release of Performance Guarantee**

a. **74 Moore Road; File D-755**

Motion to release remaining \$500 Performance Guarantee conditioned upon satisfactory site inspection by B.Monahan; Seconded 5-0

b. **7 Oak Street; DEP File No. 322-746**

Motion to release \$800 of Performance Guarantee, reserving remaining \$200 for plant replacement; Seconded 5-0

6. **Commission on Invasive Species Management (CISMA)**

A.Irwin reported that the Commission had already voted support for this in the past so they simply need to sign the necessary form before them.

7. **Land Management – Farm Updates**

A.Irwin reported that the farming agreements signed by Commissioners are not liked by Mr. Hamlen and he'd like to edit them. Brief discussion ensued and copies of Mr. Hamlen's comments were shared. R.Backman asked if Mr. Hamlen was disputing the August 15 date, and B.Monahan confirmed. A.Irwin asked Commissioners if they are interested in changing that date and reminded the Commission that the July 15 date came with an understanding that if there was a heavy population of birds, Mr. Hamlen would accommodate by two weeks' time. A.Irwin reported that with respect to Cow Common, Mr. Hamlen's comment is that the field we're giving him access to farm is totally worn out.

Shifting to Heard Farm, A.Irwin commented that the issue is whether the date of August 15 remains or not; the agreement was August 15 in the past. If we give July 15 on this, we go back to the discussion that the earliest it could be would be July 15 and if the bird population were active, mowing would be deferred for as much as two weeks. A.Irwin confirmed that B.Monahan and the Commission need to make the call on that. M.Burke asked if the Commission is protecting birds on both properties, and B.Monahan said we're actually splitting the difference on both. A.Irwin stated that wording would be "no later than August 1 and earlier mowing could be conducted after July 15 with permission from the Conservation Commission based on the absence of birds." B.Howell referenced the Town of Lincoln where, if there was a presence of an endangered species, everything stopped. B.Monahan added that he can request that the Commission would like to be kept apprised of bird activity from those individuals involved with the birds. A.Irwin noted paragraph H in the agreement to B.Howell's attention that stoppage of activity for protection of endangered species is covered.

Motion to modify Heard Farm Farming Agreement such that the date for Fields 1 and 2b be moved up to August 1 or possibly July 15 depending on bird population; Seconded 5-0

8. **Other**

A.Irwin made mention of environmental testing the proposed River Road location for the DPW building, sharing with the Commission that one soil samples had arsenic enough to be reportable so more samples were taken and no more found but excavation planned for further testing so he suggested going back to the first sample to rule out a lab error, advising that three

Approved: June 14, 2012

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or four retests would create a weight of evidence to evaluate the condition. Linda Segal asked who was managing the process, and A.Irwin replied that it is John Moynihan. L.Segal asked if there are any orchards in that area, and A.Irwin replied that none are known to be present.

9. **8:10 pm – Public Meeting, Town of Wayland, J. Moynihan, Public Buildings Director, 38 Cochituate Road, File D-800: May 24, 2012:** Request for Determination of Applicability filed by John Moynihan, Town of Wayland Public Buildings Director, 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 two activities within the riverfront area: remove the existing paved surfaces, (12' x 15' and 12' x12' approximate) on the north and east side of the Public Safety Building respectively and install footings, walls and a roof to create utility space for equipment from the existing building basement at 38 Cochituate Road, Wayland, MA. The property is shown on Wayland's Assessors Map 23 Parcel 106 and Map 24 Parcels 8A, 8B, 8C and 8 D.

John Moynihan was present for the discussion. R.Backman asked if this project is part of \$1M+ allocated for fixing the basement, and J.Moynihan confirmed that this is that project. A.Irwin mentioned having general questions about riverfront and buffer zone, asking if all work is higher up on the property on the property, and J.Moynihan confirmed that fact, adding that net impervious is not changing. They are removing concrete from the east that is 2" thick and replacing with footing and a structural path, and on north side removing pavers and going down to footings and putting in a structural slab with roof. B.Monahan shared that a drip line needs to be relocated along with one tree. J.Moynihan showed plan to interested citizens in attendance. R.Backman inquired about roof drainage created from the work. J.Moynihan said the pitch on the north side will be to the west and that's where the drip line will be relocated; on the east side it is flat and will drain to parking lot to stormwater basins. R.Backman asked if all material will be taken off site and J.Moynihan confirmed that it will. B.Monahan said that a mulch sock is recommended.

Linda Segal, 9 Aqueduct Road, commented that she recalls a fence on the property but didn't see one mentioned in the hearing notice. J.Moynihan reported that there is a fence adjacent to the generator building on the north side; dumpsters are being relocated and fencing around it. L.Segal commented that the fence wasn't in the notice so should be added to the record.

Mary Kowalski, 9 Millbrook Road, had received a butter notification and process for public comment was explained by the Commission after her inquiry.

Discussion closed with J.Moynihan stating that the fence will be added. B.Monahan will touch base with Alf Berry regarding existing site plans.

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

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

10. **Continued Public Hearing, Norman (Skip) Miller, Applicant, 121 Dudley Road, DEP File No. 322-775:**

Motion to continue hearing to June 14, 2012 @9pm under the Chapter 194 Bylaw;

Seconded 5-0

Motion to continue hearing to June 14, 2012 @9pm under the Wetlands Protection Act;

Seconded 5-0

11. Presentation by Representatives of the Dudley Area Advisory Committee

This item was postponed for more time for ample preparation by the DAAC.

12. Minutes – May 10, 2012

Motion to accept the May 10, 2012 Minutes as edited; Seconded 5-0

13. Compliance Updates/Complaints

a. 55 Knollwood Lane

M.Burke expressed a desire to attend the next site visit at 55 Knollwood Lane

b. Other – Twenty Wayland

A.Irwin reported he conducted a site inspection along with B.Monahan and reported out to Mr. Dougherty and his team that at the new sewer outfall there was a filling of stone that was put on top of existing vegetation at the edge of the floodplain and bordering vegetated wetlands, so they cited him and asked for correction of the matter. Email was sent from the engineer and A.Irwin requested corrective actions. B.Monahan said he was out there because they want to plant 15 trees. A.Irwin reported that the Commission had noted a condition that all fill be clean fill, and they found reground asphalt used as road bedding material and on the southeast corner (near the Stop & Shop site) there was material cascading down the slope toward wetland and sediment barriers. F.Dougherty said material was pulled back onto the top and asked the Commission to consider when putting down an asphalt surface, what is inappropriate about asphalt material immediately underneath? A.Irwin made the distinction that it could be considered if part of the road bed system, but “clean fill” specifically says no asphalt and the condition is standard/preprinted, so raises issue. A.Irwin mentioned Alice Drive was one similar situation. B.Monahan recommended the Commission not decide immediately, but to allow him time to do a little research. He will get information to the Commission for consideration/response. A.Irwin stated that with regard to the side slope area, the engineer acknowledged the issue but it wasn’t in the report sent to the Commission. A.Irwin added that there have been a few issues raised and we need to continue to be diligent. Brief discussion ensued of licensing board. B.Monahan will draft a letter that the Commission could look at.

14. Dog Rules

Discussion for dog rules on conservation land will be advertised for June 14, 2012 meeting.

15. Citizen Inquiries

Brief update by B.Monahan concerning dumping in wetlands at 37 Old Sudbury Road being addressed.

16. Update – Lot 3/Covered Bridge

A.Irwin reported to the Commission about a discussion he had with Steve Garvin regarding his concerns on the Lot 3/Covered Bridge Permit, which were (1) restriction on use of garbage grinders and (2) planting of trees. A.Irwin addressed Mr. Garvin’s point on plantings explaining

that in the original development, while we did not have conditions, we did have findings relating to trees being retained/replaced and we are expecting an appropriate revegetation to meet our criteria. In terms of garbage grinders, A.Irwin's point made was that Title V requires that a system serving a house with a garbage grinder must have a 50% larger leach field. Our regulations provide that discharge from an approved Title V system is not significant provided outside setback requirements from the wetlands; however, that presumption of insignificance doesn't apply to the construction of a system. If you have impacts that could occur from construction of a leach field and grading, that doesn't necessarily carry the same protection. S.Garvin said that the Board of Health requires that all leach fields be big enough to support garbage grinders for new construction. A.Irwin couldn't find such a provision and didn't see the 50%. S.Garvin feels that the size of the fields approved were sized appropriately for garbage grinders. B.Monahan commented that a good deal of research discovered didn't recommend garbage grinders. A.Irwin told Mr. Garvin that if he included a 50% larger field, then we didn't realize it and would have pushed for a smaller one. Mr. Garvin said the fields were that big because they were driven by the BOH Bylaw. A.Irwin said the decision stands for now and the ball is back in their court, but we did follow up swiftly after the discussion at the last meeting. T.Harding asked which Commission has jurisdiction. A.Irwin said both do.

A.Irwin will be meeting with the Board of Health on Tuesday, May 29, 2012. The issue is that there are additional requirements in zone two nitrogen-sensitive areas, there are state regulations in terms of Title V and greater constraint where existing home needs to repair, and there is the concept of maximum feasible compliance. A.Irwin reviewed the policy which talks about innovative systems and should be looking for alternative system. The Board of Health indicates they have been processing applications looking at those impacts and seeks clarification what more Conservation wants from homeowners. A.Irwin concluded that the Conservation will need to use upcoming projects as examples to share our concerns with the Board of Health.

17. **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. **NOTE: The Commission has received a request to continue this hearing to July 17, 2012 and a vote on that request is the only anticipated action to be taken.**

Motion to continue the hearing for file 322-776 per applicant's request to July 17 at 7:35pm under the Chapter 194 Bylaw; Seconded 5-0

Motion to continue the hearing for file 322-776 per applicant's request to July 17 at 7:35pm under the Wetlands Protection act; Seconded 5-0

18. **Rice Road Dam**

A.Irwin reported out that we still have not made modifications to the dam to follow up on the inspection report of a year ago. We want set of specs so we can get the work done rather than by word of mouth. A.Irwin requested that B.Monahan push for more support from John Moynihan to get the process going for design and procurement.

19. Sedge Meadow

R.Backman reported that he wrote to Mr. Stephan about Sedge Meadow. B.Monahan commented that when we spent money in 2011 to get fields mowed, we weren't making forward progress. A.Irwin added that we felt organic would be better, so the issue is if he is willing to continue and engage on the new agreement. Both the letter sent to Mr. Stephan and the letter he wrote in return were read to the Commission. Mr. Stephan raised the issue that he felt he should not have to pay the fee for the first year. B.Monahan commented that 2010 was the first year. A.Irwin stated that we should keep the fee agreement as it was and clarify crops. B.Monahan raised the issue of planting corn. R.Backman reported that he asked Mr. Stephan what he would plant as a winter cover crop if planting corn during the summer but he had received no answer yet and R.Backman added that we need nitrogen back in the soil. B.Monahan said there can be a requirement put in the agreement.

20. Correspondence/Expenditures

**21. Motion to adjourn at 9:00pm; Seconded 5-0
Adjournment**

The next Conservation Commission Meeting is scheduled for **Thursday, June 14, 2012** in the Wayland Town Building.

**TOWN OF WAYLAND
MASSACHUSETTS
CONSERVATION COMMISSION**

LIST OF PUBLIC DOCUMENTS PROVIDED TO THE CONSERVATION COMMISSION

May 11, 2012 to May 24, 2012

May 14, 2012

322-735 Inspection Report of Wayland High School from Nitsch Engineering
322-763 Notice to Start Work at Happy Hollow Replacement Wells from Tata & Howard
322-768 Inspection Report of 23 Sylvan Way from Sullivan, Connors
Summary of Town Code amendments adopted at Town Meeting from Town Clerk

May 15, 2012

322-710 Inspection Report on Fieldstone Estates from H2O Engineering

May 16, 2012

322-624 Inspection Report on Wayland Commons from Sullivan, Connors
322-701/744 Inspection Reports and Request for Erosion Control Modification from RJ O'Connell

May 17, 2012

322-665 Inspection Report on 137 Boston Post Road from Hayes Engineering
Notice of Intent for Septic replacement project at 103 E.Plain Street from Schofield Engineering
D-768 Sketch of proposed tree cutting at 138 Draper Road from Paul Nechipurenko
Special Meeting Report from Bay Circuit Alliance

May 21, 2012

322-752 Soil stability update for 430 Boston Post Road from Innovative Engineering Solutions, Inc.
322-776 Request for continuance to July 17, 2012 for 50 Aqueduct Road project
Notice of Intent for septic replacement at 15 Sylvan Way from Goddard Consulting
322-576 Request for Certificate of Compliance for 15 Sylvan Way from Goddard Consulting
322-659 Request for Certificate of Compliance for 15 Sylvan Way from Goddard Consulting

May 22, 2012

Building Department notice of new address for Summer Lane subdivision

May 23, 2012

D-776/777 Requests for CoCs for 205 Rice Road projects from Ducharme & Dillis

May 24, 2012

Abutter notification for septic project at Wayland Housing Authority from Drake & Associates
322-775 Request for continuance of 121 Dudley septic project from Green Hill Engineering
Board of Appeals Decisions: 228 Glezen Lane, 241 Main Street, 22 Pine Ridge Road