

WAYLAND CONSERVATION COMMISSION

Minutes Thursday, June 14, 2012 7:32 – 10:50 PM

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

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

Minutes: Andrea Upham

Not present: Ted Harding; John Sullivan

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

1. 7:30 pm – Citizens Time

Susan Foster, 23 Old Connecticut Path, reported that in the area of Heard Farm a two-inch blue hose is running from the sump pump/basement of her neighbor onto Heard Conservation land. The neighbor moved the hose perpendicular to the split rail fence and she asked who is responsible and why the hose is near conservation land at all. A.Irwin responded that the Commission had an understanding that the hose had been removed from Town land but they will check into it.

2. 7:35 pm – Public Hearing; Proposed Dog Regulations

A.Irwin explained that some modifications were made to the dog regulations on Conservation land and public notice was made, and he pointed out that the word “fine” was changed to “non-criminal penalty.” A.Irwin acknowledged that a lot of research had been done by Joy Viola regarding the practice of other towns along with the Sudbury Valley Trustees. Comments from the public included:

Susan Foster, 23 Old Connecticut Path: Reporting on professional dog walkers after walking on Heard Farm for the last eleven years and encountering very surly dog walkers; reporting on Weston’s program where one dog walker brings in \$800 per year per professional; \$100 per license fee with dog tags and IDs.

Susan Young, 18 Pinebrook Road: Supplied documentation of Weston Bylaws to Commissioners and reported that Weston also provides barrels all over for waste.

Bill Worstell, 5 Snakebrook Road: Suggesting fewer prohibitions and treating some areas differently.

Lynn Connolly, 271 Concord Road: Reporting not encountering problem with dog walkers; suggests continuation of three dog process.

A.Irwin commented that the Commission is trying to find a balance and we also have birds in play on conservation land and need to protect the habitat.

Steve Sandler, 22 Michael Road: His experience walking Heard Farm is that people are polite and things are going well as they are and suggests that leashing on grassland birding sites is unnecessary based on what he has seen.

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Beth Olney, 3 Dean Road: Expressed that no more than two dogs per walker off leash and under voice control is an arbitrary number and felt wildlife item unreasonable.

Pam Narang, 232 Old Connecticut Path: Reporting that people play ball with their dogs in the nesting sites and that shouldn't happen on those areas.

Susan Young added that if we stop the ball throwing behavior, then the dogs will stay on the path.

Lauren Reynolds, 166 Pelham Island Road: Questioned enforcement process; she lives near Heard Farm and rarely sees town personnel.

A.Irwin commented that if we have the absence of any rules, then when conflict arises, we have nothing in place to change the situation.

Denise Dickinson, Commonwealth Road: Felt the rest of the town shouldn't have to change for the behavior of one or two people.

A.Irwin made comment that the Conservation Department has received numerous calls, which doesn't suggest this is just one or two people. B.Howell added that the proposed regulations being discussed are really quite lenient considering the fact that no dogs are allowed in national wildlife refuge lands and Audubon lands whatsoever.

Jeff Mazur, 9 Heard Road: Reported multiple incidents with his small children getting knocked down by unleashed dogs; rules are helpful to frame discussions/issues that arise.

M.Burke reported that she lives on Squirrel Hill Road and she has had her own dogs attacked by unleashed dogs coming on her land from conservation land.

Jennifer Condon, Animal Control Officer: Reported receiving several calls a week; she does patrol areas; she records license plate numbers of dog walkers that abuse the situation.

Paul Rubinfeld, Heard Road: He lives on conservation land and doesn't feel grassland leashing is fair. There are many bobolinks this year; clearly they're thriving.

Lori Flanagan, 39 Walker Farm Road, Sudbury: Expressed the need for better definition of grassland areas and questions an exception if a dog is on a marked path.

Nick Patterson, 159 Pelham Island Road: Commented that dogs on leads in parking lot and waste cleanup is current bylaw; there are more and more bobolinks and damage from dogs would be rare; bobolink population is increasing.

Mr. Keogh, Heard Road: Inquiry on hours that this applies to -- Loker area says dawn to dusk. Hours should be posted.

Barbara Brad Allen, 131 Old Connecticut Path: Addressed the issue of plastic bags being amended and noted for trail area use only; expressed that item to not approach others is silly.

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Dave Levington, Nobscot Road, Sudbury: Expressed appreciation for Heard Farm and suggests containers for plastic bag supply and formal way for people to voluntarily contribute money to support Heard Farm.

Linda Fair, Melody Lane: Reported that plastic bags are left behind and the plastic does not disintegrate.

Susan Young expressed that she would be willing to encourage the forming of a group for “Friends of Heard Farm” to assist with moving forward.

A.Irwin addressed the Commission, and L.Kiernan expressed that it has been three years and the Commission needs to move forward swiftly.

Resident, 40 Nolan Lane: Inquired as to how the Commission will approach a final decision. A.Irwin responded that this is not a poll; the Commission is hearing what the issues are and will be making minor adjustments to what was published as proposed regulations.

- 3. 8:20 pm – Public Hearing, George Bernard, Applicant, 103 East Plain Street, DEP File No. 322-779:** Notice of Intent filed by George Bernard 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 to install a new septic system to replace the existing failed septic system at 103 East Plain Street, Wayland, MA. The property is shown on Wayland’s Assessors Map 52, Parcel 175.

Dave Schofield of Schofield Engineering and George Bernard, Applicant, were present for the discussion. Mr. Schofield explained the project is to replace an existing failed septic which is not functioning. Soil testing was conducted and confirmed poor soils along with a perk rate of 36.33. A stream across property on eastbound side was shown on the plan along with the BVW and perennial stream. Mr. Schofield reported that gas and water service on the property result in further work limitations. They plan to employ a Presby system for reduction in footprint and grades, and Mr. Schofield further explained that the treatment occurs in the field; there is a 12-inch pipe and treatment occurs at the interface of stone and pipe – a passive system. Mr. Schofield commented that this is a good situation for Presby systems as it is a sloping lot resulting in minimized grading toward resource area by deploying this system. The pumps are located in downhill side and pump up to high side near East Plain Street. Mr. Schofield reported being aware of Chapter 193 requirements and will meet those as well; the erosion control barrier will be outside of 30 feet. Mr. Schofield mentioned that the Board of Health variance was approved, adding that the Wayland regulations say 75 feet, which are more stringent than the state regulations.

A.Irwin commented that this is one of those cases where we’re trying to get coordination between the Board of Health and Conservation. A.Irwin commented on the property being a tight site and asked if the Board of Health had restricted garbage grinders in terms of sizing of the field. Mr. Schofield confirmed that the site is not designed for a garbage grinder because soil testing is so bad that they couldn’t go 50% greater (as stated on the plan). B.Howell asked if there was a DEP approval letter, and Mr. Schofield responded that he didn’t think it an issue any

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longer based on recent correspondence. A.Irwin asked if tree cutting was planned, and Mr. Schofield responded that there are five trees noted and they will not be taken down. A.Irwin questioned plans for a driveway replacement project to allow the applicant flexibility. B.Monahan commented that trees were cut and the driveway widened. Mr. Bernard reported that he had cut trees not realizing they were within 100 feet of the stream in order to widen the driveway for his kids as new drivers and replanted bushes. A.Irwin commented that what is shown as the existing driveway is what will be the replacement size.

Brief discussion ensued about Partial Certificate of Compliance language. D.Schofield commented that the As-Built being done by a registered sanitarian should be appropriate as this is a septic-only project.

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

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

4. **8:40 pm - Public Meeting, S. Linden, Applicant, 12 Plain Road, File D-801:** Request for Determination of Applicability filed by Sally Linden, 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: installation of a stand-by generator on a 12 square foot (s.f.) pea stone base and one propane tank (36" diameter) on a 40 inch in diameter concrete pad at 12 Plain Road, Wayland, MA. The property is shown on Wayland's Assessors Map 0193 Parcel 006

Sally Linden was present for the discussion and handed Commissioners copies of calculations for the project and reported that she just learned that the generator won't have any apron at all so square footage will be smaller. S.Linden expressed that she hoped the outcome would be for shed removal in the coming years. A.Irwin commented that the Commission would like the change to the shed to be in 2.5 years or less. B.Monahan added that he could put a condition with proper language in the permit. A.Irwin confirmed that the timeframe for the shed work should be 2.5 years or earlier with plans for modification of the shed to reduce footprint to 200 square feet. B.Monahan recommended a \$350 performance guarantee for the current project.

Motion to issue a Negative Determination w/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 Performance Guarantee of \$350; Seconded 5-0

5. **8:53 pm – 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.

Scott Goddard of Goddard Consulting and Al Zagame, Applicant, were present. Mr. Goddard reported learning the history of past projects and meeting with B.Monahan to discuss a strategy for a new permit to condense the old projects and roll anything outstanding into the new for a new OOC moving forward. Mr. Goddard summarized that DEP File 322-576 was partially

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complete in 2006 and DEP File 322-659 issued in 2006, which may have been a continuation of same work. The 2011 RDA was filed for removal of four trees, though work has not begun. S.Goddard reports that work is in substantial compliance and appears that Certificates of Compliance were not issued from a 2008 request from Schofield Brothers. A.Irwin summarized to close the old projects with Partial Certificates of Compliance and new order is in place prior to the issuance of any old CoCs. S.Goddard asked why there are not full Certificates of Compliance, and A.Irwin explained that there are continuing conditions.

S.Goddard explained that the current proposal is to upgrade the septic tank within the 50-foot buffer zone; the wetland area is the Schofield delineation. S.Goddard reviewed the plan; several of the fence posts were placed within BVW line which will be shifted outside; also noted that the As-Built for the shed was proposed as 10 x 10 – but is proposed as 10 x 12. The leach field will be abandoned and new tank and new leach field will be installed as far away from the BVW as possible; the leach field will be outside of 50-foot line.

A.Irwin inquired about the sizing of the field. S.Goddard reported that Sullivan Connors sized the system and received approval from the Board of Health; he was not sure of methodology. A.Irwin commented that they didn't ask for variance of field sizing, which is 50% larger than that required by Title V and questioned why they didn't ask for variance for further separation from wetland. Discussion of the need for Board of Health/Conservation Commission coordination ensued.

S.Goddard reviewed trees on the property, reporting two dead trees (14 and 20 inch maples) and a live cluster against the house near leach field area; buffer zone plantings have been installed. They have 25 trees on a small lot; fence/shed/trees are other issues from prior activities. A.Irwin asked about shed location. S.Goddard explained they are requesting after-the-fact approval of the additional two feet (10' x 12' rather than 10' x 10'). A.Irwin asked about retaining wall location. S.Goddard referenced it is on the north property line near the shed and he confirmed he will get clear existing grades. A.Irwin commented that the natural grade break was recognized and dispersing around leach field was reviewed. A.Irwin added that there should be no increased drainage to the street and expressed the need to get control on site; grading is proposed to property line so a construction fence will be required so there is no runoff onto the neighbor's yard. R.Backman asked if the roof drain was being replaced. S.Goddard responded that it will connect into the current leach field and be used as a dry well.

S.Goddard commented that the 2008 plan prepared for the Certificate of Compliance request shows shrubs and trees. R.Backman said the Commission will need revised/updated drawing as close to as-built as they can get, including limit of lawn and roof drainage. S.Goddard noted the request. Discussion ensued about trees, and Mr. Zagame commented that he has planted trees and don't want to see them choking each other; Mr. Zagame welcomed visit by Commissioners to walk the property. A.Irwin responded that the Commission will look at overall inventory. S.Goddard asked about a site walk. A.Irwin sought continuance of hearing and offered time for public comment.

Patty Starfield, 28 White Road, asked if the Commission is going to go back to previous orders for fulfillment. A.Irwin responded that the Commission's intent is to bring things to a point

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where we have a good plan for vegetated buffer and wetland protection, septic pulled back from the wetland and a net balance on trees, etc.

P.Starfield raised question about trees on the north side where #15 meets #17, asking what will happen to those tree roots if excavation occurs right up to where they are. A.Irwin commented that the field visit will help the Commission, though close excavation may not necessarily kill them. The Commission will address during their site visit.

P.Starfield asked about an existing irrigation system. Mr. Zagame confirmed it is gone. P.Starfield asked about a wire on the fence to be removed. A.Irwin said the Commission will look at that.

Ann Tardiff, 14 Meadowview, inquired about tree replacement policy and general discussion ensued.

**Motion to continue the hearing to July 17, 2012 @8pm under the Wetlands Protect Act;
Seconded 5-0**

**Motion to continue the hearing to July 17, 2012 @8pm under the Chapter 194 Bylaw;
Seconded 5-0**

Site walk will be scheduled. Request for new plan with vegetation, roof drainage, etc. was confirmed, and discussions will be held between Conservation and Board of Health.

6. Informal Review – Proposed Library Layout, 400 Boston Post Road

Jim DeVellis, Civil Engineer, was present for the discussion and he noted the presence of members of Kang Architects. Mr. DeVellis reported being hired to work for the Town to look at the old Raytheon site for possible development for new Wayland Public Library and Senior Center. They looked at older plans, wetlands, etc. based on a need to figure out constraints before they can move ahead with a building plan. They will review aerials and schematics and will be presenting concept to move ahead with funding. A.Irwin asked if they have reviewed Bylaw regulations which require analysis of the project feasibility with incremental levels of encroachment and Mr. DeVellis confirmed that they have reviewed the requirements.. Mr. DeVellis reviewed the plans with the Commission. An area of an old day care building was noted; pavement is now ripped up and under construction; wetland area was reviewed along with 100-foot buffer zone and 200-foot riverfront shown. Mr. DeVellis explained that their starting point was 30,000 SF of alteration to keep under the 10% threshold.

A.Irwin commented that the status of the proposed building site as a separate legal lot from the remaining development needs to be cleared up before the discussion of percentages of riverfront alteration can begin in earnest. Mr. DeVellis reported that the shared building is 40K square feet – 20K for each floor of the library and senior center. Parking bays were reviewed; issue of “redevelopment” discussed, along with issues of habitat value/endangered species regarding alteration of riverfront vis a vis “no significant environmental impact.” B.Monahan raised the issue of “no further development of riverfront” with respect to Twenty Wayland, noting that they would need to be aware of it. They want to acquire public green for parking lot and add walking trail to canoe launch for open space. L.Kiernan reviewed the Cow Common area path and whether it could be integrated, commenting that rail trail connection would be

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great. Mr. DeVellis expressed there is a lot of potential and added that Kang is trying to come up with a footprint and go back to both Committees. B.Monahan expressed the need to make clear that this project will be using all of the riverfront allocation. A.Irwin raised the issue of the Rivers Council interest in the view from the river, which should be a consideration moving forward. Stormwater management standards were also mentioned as consideration. A.Irwin commented that 10% is the maximum alteration of riverfront under the WPA and there is a need to justify any level of encroachment for new construction under the By-Law.

7. **9:00 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 agenda item is being continued per request of the applicant.

Motion to continue the hearing to June 28, 2012 at 9:15pm under the Wetlands Protection Act; Seconded 5-0

Motion to continue the hearing to June 28, 2012 at 9:15pm under the Chapter 194 Bylaw; Seconded 5-0

8. **Request for Certificate of Compliance [310 CMR 10.05 (9)]**
 - a. 205 Rice Road File D-776 and File D-777
Deferred until June 28, 2012 meeting
 - b. 15 Sylvan Way; DEP Files 322-576 and 322-659
Deferred until July 17, 2012 meeting
 - c. 44 Main Street
To be issued at the next meeting on June 28, 2012

9. **Land Management**

a. **Dog Rules**

A.Irwin expressed that he liked the idea of adding clarification concerning the section on harass wildlife, adding "**or disturb field nesting sites during nesting season**" (for Heard Farm and Cow Common); other areas will be excluded. Direction will be for B.Monahan to take the final proposed wording to the dog officer and report back for final review.

Motion to direct B.Monahan to communicate with Dog Officer concerning rules for dogs on conservation land and if there are no substantive changes to approve the rules as discussed and amended above; Seconded 5-0

10. **Other**

a. **Wayland High School Compliance Report**

A.Irwin reported that he met informally with F.Turkington and he would have conversation with John Moynihan. We have our consultant engaged and fully expect that will not be her last review of the project. A.Irwin commented he is pleased that Nitsch Engineering is back on board; when inspections stopped, things happened. We are exploring where all that is and sending a clear message. Timing of the reports is important.

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b. Meeting Schedule

Brief mention was made that July 17 meeting may shift to July 19; calendars will be reviewed by B.Monahan.

11. Issuance of Order of Conditions/Chapter 194 Permit – 103 East Plain Street

Motion to issue Permit under the Chapter 194 Bylaw;	Seconded	5-0
Motion to issue Order of Conditions under the Wetlands Protect Act;	Seconded	5-0
Motion to require performance guarantee of \$1200;	Seconded	5-0

12. Correspondence/Expenditures

13. Minutes – May 24, 2012

Motion to approve the May 24, 2012 Minutes as edited; Seconded 5-0

14. Farming

R.Backman reported that Mr. Stephan doesn't know about dock markers yet. B.Howell commented that a lot of damage was done. B.Monahan said the farming agreement needs to be signed.

Motion to adjourn at 10:50pm; Seconded 5-0

Adjournment