

WAYLAND CONSERVATION COMMISSION

Minutes Thursday, January 26, 2012 7:35 – 9:43PM

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

Present: Commissioners: Roger Backman, Markey Burke, Ted Harding (8:15), Barbara Howell,
Chairman: Andy Irwin, Larry Kiernan, John Sullivan (8:20), Conservation Administrator: Brian Monahan

Minutes: Andrea Upham

A.Irwin opened the meeting at 7:35PM noting a quorum was present.

1. **7:30 pm – Citizens Time** – No comments were offered.
2. **7:35 pm – Continued Public Hearing, Margot and Keith Johnson, Applicant, 14 Country Corners Road, DEP File No. 322-7???**: Notice of Intent filed by Margot and Keith Johnson 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 applicants have filed an application to remove 19 trees around the existing house with replacement plantings. The site, 14 Country Corners Road, is entirely in the buffer zone and riparian zone. The proposed work is shown on Wayland's Assessors Map 044, Parcel 027.

B.Monahan reported that the issuance of a DEP File number has still not occurred.

Bob Drake of Drake Associates and Jeff Plant of MacDowell Company were present along with applicants Keith and Margot Johnson. Mr. Drake reported that earlier in the week B.Monahan and B.Howell looked at the site. Pictures were shared with the Commission and a summary of the areas discussed ensued, specifically: (1) entrance (2) side slope area where cutting will occur (3) view into back yard area of proposed plantings (4) pinpointed area of erosion on side slope where J.Plant is proposing hardscaping (rocks/stones). R.Backman inquired as to where the erosion originated, asking if it was from roof runoff. B.Drake responded that it is pitching from the deck, not from roof runoff and added that the proposed patio area and enhanced infiltration area and downspouts will capture stormwater runoff from the main roof area and will show enhancement of watershed standards. Discussion ensued of trees in question, and J.Plant reported that there are three to four snags to be left on the property for wildlife habitat. J.Plant is to review the revised tree count. Mr. Plant passed out a listing of bullet points from the last meeting and reviewed them with the Commission. Regarding snags, Mr. Plant identified four that are suitable to leave as snags – an 18" Ash, two 14" Red Maples, one 20" Red Maple. A.Irwin commented that a 15-20' height is recommended for snags. J.Plant reiterated the standard that for every tree removed, 2 new trees or 5 shrubs should be planted. Fifteen trees are proposed for removal, with a plan for eight replacement trees (mitigating four trees) with eleven remaining accounted for with the proposal of 60 additional shrubs – all native and wetland-friendly plantings. In addition to the varieties reviewed at the last meeting, they are also proposing some highbush blueberry bushes in the landscape.

J.Plant commented that a couple of the slope areas are severe, and B.Monahan forwarded to him suggestions for plantings effective on slopes. Instead of ivy as originally proposed, Mr. Plant reported now planning lirioppe, a ground cover, along with introducing some boulders to create planting pockets. With respect to the possibility of a conservation restriction on the property discussed at the last meeting, Mr. and Mrs. Johnson reported that they have decided they are not interested in pursuing that. Mr. Johnson assured the Commission that while they do not wish to

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pursue the restriction, there will be no plans to revert back from what is being proposed here tonight. B.Drake added that any future owner will have the continuing conditions to follow on the property.

B.Drake mentioned that entire roof will be taken care of. A.Irwin addressed J.Plant asking if the plan he was looking at is new. J.Plant responded that it is Revision 2 dated 1/26/12, which he will deliver to the Conservation office.

A.Irwin asked the applicants for permission to continue the hearing, which was granted. The issue of the DEP check not yet having cleared is being researched by B.Drake.

Motion to continue the hearing to 2/16/12 at 7:50pm under the Wetlands Protection Act;

Seconded 5-0

Motion to continue the hearing to 2/16/12 at 7:50pm under the Chapter 194 Bylaw;

Seconded 5-0

3. **7:50 pm- Public Hearing, Sture Blom, Applicant, 23 Sylvan Way, DEP File No. 322-768:** Notice of Intent filed by Sture Blom 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 to decommission an existing septic system and install a new septic system in the Buffer Zone at 23 Sylvan Way, Wayland. The proposed work is shown on Wayland's Assessors Map 025, Parcel 069.

Scott Goddard, Wetlands Specialist, was present along with Sture Blom, owner/applicant. Mr. Goddard reviewed this existing single-family residence and property shown on the plan, noting the BVW and the stream in the rear. Mr. Goddard reported that B.Monahan has looked at the property. The proposal is to replace the existing system and leach field with new ones. S.Goddard proposes to put the tank out back and running around house with the leach field in front. B.Howell commented that this is a riverfront project. A.Irwin addressed the area being in the inner/outer riparian; S.Goddard responded that the field is mostly outside of the inner riparian. S.Goddard explained that he has submitted a revised plan to the Commission and explained that the plan does not show the stream location or limit of lawn. S.Goddard reported there is on average greater than a 15-foot buffer to BVW. S.Goddard reported that there is a new request for two standing trees and one down tree to be removed from the property. Addressing the plan, S.Goddard pointed out that a tree had fallen near flag 12, which they would like to remove to the root if possible. The two standing trees (one by flag 6) is a leaner over the garage, close to the home and the other is close as well. A.Irwin commented that they are depleting the 15-foot buffer zone with the removal of the trees, and explained the policy for the replacement of trees removed with plantings to offset for what you're removing. B.Monahan told S.Goddard that he will need a planting plan. S.Goddard commented that the hearing can be continued to allow him to present an appropriate planting plan and amend the plan to show the trees to be removed. A.Irwin suggested that the limit of lawn that exists today be modified with the planting plan to perhaps pull back the lawn a little so there is a clear demarcation for purposes of a survey plan (whether with a line of plantings, boulders, etc.) that doesn't allow the lawn to creep. S.Goddard commented that he can specify for the continued meeting. A.Irwin reviewed for the homeowner the value snags have to the wildlife and habitat, and added that if they leave snags on the

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property, they aren't required to have as many new plantings. S.Goddard closed by saying he will locate the limit of lawn, stream bank and trees.

**Motion to continue the hearing to 2/16/12 at 8pm under the Wetlands Protection Act;
Seconded 5-0**

**Motion to continue the hearing to 2/16/12 at 8pm under the Chapter 194 Bylaw;
Seconded 5-0**

4. **8:05 pm – Public Hearing, Susan Larson, Applicant, 9 Sylvan Way, DEP File No. 322-767:** Notice of Intent filed by Susan Larson 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 to decommission a cesspool and install a new septic system in the Buffer Zone at 9 Sylvan Way, Wayland. The proposed work is shown on Wayland's Assessors Map 025, Parcel 075.

Scott Goddard, Wetlands Specialist, was present with Susan Larson, owner/applicant.

S.Goddard reported that this project is similar to the project just discussed and is a neighboring property. Review began of this existing single-family dwelling outside the 100-foot buffer zone. S.Goddard commented that there is a large natural buffer zone (50-70 feet) and that a new plan was provided today to abandon the existing cesspool and replace it near the old one. The proposal involves taking down 10-15 feet of vegetated buffer but still maintaining a natural buffer to BVW. No trees of substantial size are proposed for removal within, but at the end of the buffer zone, there is one large oak proposed to be removed. B.Monahan questioned two 24-inch pines on the property and commented on a 6-inch tree that had appeared to have been removed. B.Monahan added that the Commission can include a condition for replacement plantings. A.Irwin asked how close are we coming to 2:1 on the slope, and S.Goddard said it is at about 2:1. A.Irwin commented that a steep slope creates issues for mowing and stability. B.Monahan said those are things for the owner to think about. Discussion ensued about the footprint, and B.Monahan shared with the owner that the project creates an obvious footprint on the property.

A.Irwin asked if B.Monahan had a recommendation for performance guarantee. B.Monahan recommends \$1200. A.Irwin explained the performance guarantee process to the applicant. A.Irwin said the Commission will be looking for a planting plan, slope stability and added that no garbage disposals will be allowed.

Motion to close the hearing under the Wetlands Protection Act; Seconded 6-0 (1 abstain)

Motion to closed the hearing under the Chapter 194 Bylaw; Seconded 6-0 (1 abstain)

Motion to recommend Performance Guarantee of \$1200; Seconded 6-0 (1 abstain)

Motion to issue Permit with conditions under the Chapter 194 Bylaw; Seconded 6-0 (1 abstain)

Motion to issue Order of Conditions under the Wetlands Protect Act; Seconded 6-0 (1 abstain)

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

a. 12 Lee Road; DEP File No. 322-645

Ted Doucette of Samiotes was present along with owners Greg and Carleen Richards.

Mr. Doucette summarized the Order of Conditions has expired and that the original work was done by Wayland Engineering Services, who has since gone out of business. Mr. Doucette

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prepared the request based on the copies of materials they had on file. He summarized that the project was for an addition of 2nd story living space over the foundation and an added deck to the front with infiltration trench required. He reported that the site and work complied generally with the OOC, though a few discrepancies exist. Discussion ensued of net impervious area, which Mr. Doucette summarized as proposed being 3575 square feet and result being 3554 square feet. Mr. Doucette reported that the Order of Conditions was issued on May 3, 2006 and expired on May 3, 2009; work started in November 2007 and was completed July 2008 but wasn't recorded until January 2008 and no inspection reports were found on record. He further mentioned that in the back there is a drain pipe not shown on the construction plans (sump pump), and the stockade fence required at the 15-foot buffer was constructed as a split rail. A.Irwin explained to the owners that the Commission actually prefers split rail for wildlife purposes, so that is a good thing. Discussion ensued about plantings.

Motion to issue partial Certificate of Compliance under the Wetlands Protection Act; Seconded 7-0

Motion to issue partial Certificate of Compliance under the Chapter 194 Bylaw; Seconded 7-0

b. 7 Old Vineyard Way/145 Plain Road: DEP Files 322-775 and 322-500

B.Monahan summarized for the Commissioners that file 322-500 is done; there is no O&M plan, and he recommends closing out the file with the notation that there is no O&M plan. A.Irwin added that this is not something the current people created. B.Monahan explained that he received three reports from Doug Miller at GPR. A.Irwin responded that with the indication that infiltration is in, the Commission can issue partial a Certificate of Compliance under 322-500.

Motion to issue partial Certificate of Compliance under the Wetlands Protect Act; Seconded 7-0
Motion to issue partial Certificate of Compliance under the Chapter 194 Bylaw; Seconded 7-0

c. 21 Snakebrook Road; DEP File 322-764

Motion to issue Permit under the Chapter 194 Bylaw; Seconded 7-0
Motion to issue Order of Conditions under the Wetlands Protect Act; Seconded 7-0
Motion to recommend performance guarantee of \$1200; Seconded 7-0

d. 7 Old Vineyard Way, DEP File 322-775

A.Irwin commented that with the replanting of the wetland, the concern is if the site becomes unstable and we close the file, then they cannot do the corrective work. B.Monahan explained that we do not know if anything is growing. A.Irwin summarized the status of the project and request for Certificate of Compliance, noting that plantings are fresh and soils are not stabilized.

Motion to deny the Request for Certificate of Compliance; Seconded 7-0

6. **Continued Public Meeting, Wayland Conservation, Applicant, Town-Wide Request for Generic Home Repair (roofing, siding, window replacements), File D-797:** Request for Determination of Applicability filed by the Conservation Commission pursuant to the Wetlands Protection Act, G.L. ch. 131 s. 40 and the application filed pursuant to Wayland's Wetlands and Water Resources

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Bylaw, Chapter 194. The applicants are seeking to issue a general permit for routine house repairs within the buffer zone for sites throughout the Town of Wayland.

This item is to be tabled to the next meeting. A.Irwin reported that it might be better to amend our regulations to identify certain projects that are insignificant, adding that in the next two months, he would like to entertain that and incorporate typical standards into Bylaw regulations. In addition, it was noted that the generic tree permit should also be on the Conservation website so people are aware.

7. Other

a. Budget follow-up

A.Irwin expressed thanks to R.Backman for attending the budget meeting on their behalf.

b. Proposed Warrant Articles – 2012 Annual Town Meeting

B.Monahan commented that he had set up and sent the land acquisition request without any specific property identified. A.Irwin stated that the Commission doesn't have any warrant articles.

Motion to put article in next town meeting as placeholder for land acquisition; Seconded 7-0

c. J.Sullivan reported on the Community Preservation Association discussions about revoking or suspending the Community Preservation Act. There is a current balance of \$7M; opposition is saying that even though it is intended for historic projects – originally geared for open space, housing and historic preservation – they want to eliminate the collection of the surcharge and reinstitute it when existing funds are exhausted. The State has been lowering the matching rate. A.Irwin urged to keep on radar and to reach out to Jack Kelly to see status of open space plan. J.Sullivan added that these are the same people who pushed issue on surplus funds; hopefully it won't be dissolved. Discussion ensued about open space, rail trail, etc.

d. 56 Orchard Lane Correspondence (File D-733)

A.Irwin reported that this issue concerns a question about the fence location on the property, and B.Monahan has sent a letter to the property owners requesting that they verify the exact fence location.

e. Action on Dewatering Plan for Off-site Roadway Improvements (DEP File No. 322-744)

A.Irwin summarized that the Commission had been sent a very brief dewatering plan. Discussion ensued concerning requirements for monitoring specified in general construction permit for dewatering in MA. The distinction is whether the project contains more than one acre, which triggers coverage under general permit. This is just uncontaminated groundwater – one easy solution is to call for monitoring schedule required by the EPA general permit and submit level of coverage under federal permit. A.Irwin stated that we should have no visible turbidity and velocity, dissipation and separation monitoring (within 30 feet), and we want them to adhere to EPA general monitoring requirements for dewatering. The Commission can approve this dewatering plan with those conditions – no visible turbidity and velocity dissipation and at least 30' from the wetlands and evidence of

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compliance with the construction general permitting requirements or that the general permit does not apply. They cannot discharge to a storm drain or BMP. L.Kiernan commented that we want it to go back clean and not create a gully.

Motion to approve dewatering plan with conditions as discussed; Seconded 6-1

A.Irwin reported on a Town Center issue that had arisen with respect to the silt sacks for catch basins. The DPW was asked by RJ O'Connell on 1/12/12 to take the silt sacks out. There wasn't proper coordination with Conservation. They copied Conservation on the letter asking the DPW for permission, and the 1/12/12 letter was not received in the Conservation office until 1/25/12. As a deviation, it was not properly communicated. A.Irwin stated that Mr. Dundon wrote that the silt sacks were still in on 1/18/12. As long as the silt sacks are not necessary, they can be taken out, but no work can be done in that area while they're gone and they should continue to monitor. If they're not stable now, they will need to come up with an alternative.

f. Beaver Update

B.Monahan reported that three beavers were trapped and that the trapper feels adults are still present; therefore, B.Monahan does not recommend breaching of the dam at this time based on findings.

g. Other

Motion to approve "Filtrexx" and "Filtermitt" as alternative sediment barriers approved by the Conservation Commission; Seconded 7-0

8. **Compliance Updates**

A.Irwin reported on 44 Main Street: bollards have been installed and they have created swale.
B.Monahan reported on 55 Knollwood: no new correspondence exists, and he needs to pursue issues with M.Lanza.

9. **Land Management**

a. **Motion to approve Greenways evening walk on February 8; Seconded 7-0**

b. Brief discussion on dog walking issues. B.Monahan will check other towns and report back.

c. R.Backman raised topic of highway garage on River Road – issue of scenic road.

10. **Correspondence/Expenditures**

11. **Minutes – January 12, 2012**

Motion to approve January 12, 2012 Minutes as edited; Seconded 7-0

12. **Adjournment**

Motion to adjourn at 9:43pm; Seconded 7-0