

# WAYLAND CONSERVATION COMMISSION

Minutes Thursday, June 28, 2012 7:35 – 9:45PM

**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 7:35 PM noting that a quorum was present.

1. **7:35 pm – Citizens Time**

No comments were offered.

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

a. 205 Rice Road; Files D-776 and D-777

**Motion to issue Partial Certificates of Compliance under the C194 Bylaw;  
Seconded 5-0**

b. 44 Main Street; DEP File No. 322-725

Motion was taken at a recent meeting resulting in Partial Certificate of Compliance for 44 Main Street. B.Monahan noted no record of Registry filing for the original Permit and Order of Conditions. The Partial Certificate of Compliance is to be issued to the applicant with a note that it is to be filed concurrently with the Permit and Order of Conditions previously issued.

3. **Minutes – June 14, 2012**

**Motion to approve Minutes of June 14, 2012; Seconded 5-0**

4. **7:45 pm – Public Meeting, Robert Young, Applicant, 117 Plain Road, Wayland, File D-802:**

Request for Determination of Applicability filed pursuant to Wayland's Wetlands and Water Resources Bylaw, Chapter 194 by Robert Young. The applicant is proposing to install a 17' x 19' greenhouse adjacent to the pool area and provide a 6" deep x 18" wide gravel perimeter around the building within the buffer zone to the 100-year floodplain at 117 Plain Road, Wayland, MA. The property is shown on Wayland's Assessors Map 020 Parcels 029 and 029A.

**Alan Smith, property owner, was present for the discussion.** Mr. Smith reported to the Commission his intent to build a greenhouse and reviewed a plan showing the planned location of the greenhouse at the end of the existing pool. He explained that  $\frac{1}{4}$  of the footprint lies within the buffer zone of the floodplain. A proposed stone drain around the greenhouse is planned. B.Monahan commented that he recommend a drip line, which is what they're proposing. A.Irwin inquired as to access for construction, and Mr. Smith responded that all access will be from outside the resource area. T.Harding inquired about sediment barriers, and A.Irwin explained to Mr. Smith that a simple silt fence or silt sock will be better than hay bales, and it adds the benefit of creating a limit of work for contractors. A.Irwin asked about the foundation, which Mr. Smith explained is proposed as a full foundation. A.Irwin commented

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that there will be a condition noting no disposal of excess soil in the buffer zone. Discussion ensued about location of the greenhouse, and A.Irwin noted that a condition will note that the greenhouse is to be no closer than 65 feet to the floodplain.

**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. Farming Agreement – Sedge Meadow**

B.Monahan read an excerpt from the edited farming agreement concerning butterflies.

**Motion to enter into farming agreement for farming of Sedge Meadow with Doug Stephan; Seconded 5-0**

**6. 8:00 pm – Public Meeting, Kristen Murawski, Applicant, 26 White Road, Wayland, File D-803:**

Request for Determination of Applicability filed 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 by Kristen Murawski. The applicant is proposing to install a fence in the buffer zone of wetlands at 26 White Road, Wayland, MA. The property is shown on Wayland's Assessors Map 025 Parcel 067.

**Kristen and Michael Murawski, homeowners, were present for the discussion.** A.Irwin explained the Commission's requirement that there be space underneath the fence and made comment that the wetland line hasn't been defined exactly so where we might otherwise normally give dimensions from that line, it might be appropriate to set a condition that we're looking for the section 75 feet from the corner to have a 4" space as well. Discussion ensued about wetland location and setback requirements. A.Irwin explained that the Commission is allowing the fence but the approval is not permission to alter the area enclosed by the fence. Discussion ensued about the property, slope and how to best accommodate their fencing needs to contain their dog and the Conservation requirements that there be 4" underneath the fence for wildlife passage. Decision was reached that the section of fencing from the top of the slope down will require the 4" opening underneath.

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

**Motion to issue a Negative Determination under the Wetlands Protect Act; Seconded 5-0**

**Motion to require a performance guarantee of \$500; Seconded 5-0**

**7. 8:13 pm – Public Hearing, Nilda Jacobus, Applicant, 28 Pequot Road, Wayland, DEP File No.**

**322-782:** Notice of Intent filed 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 by Nilda Jacobus. The applicant is filing for a septic system replacement of a collapsed cesspool in riverfront area proposing at 28 Pequot Road, Wayland, MA. The property is shown on Wayland's Assessors Map 043D, Parcel 022.

**Mike DiModica was present for the discussion representing Nilda Jacobus.** The plan was reviewed by Mr. DiModica showing the failed cesspool area which caused residents to vacate. Emergency Certification was done to install the system. Soil testing was done and the installed erosion control was shown on the plan, and Mr. DiModica explained that they are fifteen feet

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out of the 100-foot riverfront with a minimal amount of grading on the easterly side of the buffer zone. The homeowners would like to landscape the rear yard with lawn area outside of the buffer zone and 100-foot riverfront and remove stone-dust patio – total of 1500 square feet of impervious surface. Mr. DiModica reported that no trees are proposed for removal; the homeowners simply wish to establish the rear yard again, and the system remains for 3-bedroom usage. A.Irwin inquired about the limit of work line, which Mr. DiModica showed on the plan as ending at the 170 line. He further explained that the septic field will be half lawn, and the limit of lawn was shown. Mr. DiModica explained that for the portion that is not lawn, they will apply wood chips and let it naturally vegetate. A.Irwin asked if the leach field is more than 75 feet from wetland line, and Mr. DiModica confirmed that it is outside of the 100-foot buffer zone, so there is no encroachment.

**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**

**Motion to require performance guarantee of \$750; Seconded 5-0**

8. **8:25 pm – Public Hearing, Richard & Rita Tse, Applicants, 20 Rich Valley Road, Wayland; DEP File No. 322-781:** Notice of Intent 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 by Richard & Rita Tse. The applicant is seeking to replace a cesspool with a Title V compliant septic system at 20 Rich Valley Road, Wayland, MA. The property is shown on Wayland's Assessors Map 025 Parcel 005.

**Mark Farrell, Green Hill Engineering, was present with Richard Tse, property owner.** Mr. Farrell reviewed the project for repair of a cesspool not functioning. Plumbing changes were made inside. Mr. Farrell reviewed the plan showing that below the house is Hayward Brook and the whole lot is outside the inner riparian and a portion in outer riparian, which runs through an addition and swimming pool. Mr. Farrell reported good soils, good perk rate, and the location of the septic was shown on the plan. Mr. Farrell commented the area is slightly raised on the downhill side, with hay bales and silt fence below it, along with a designated area shown for stockpiling. M.Burke asked what will be done with the extra soil. Mr. Farrell responded that it will be needed for fill on the downhill side.

A.Irwin inquired about the intermittent stream location, which Mr. Farrell showed on the plan. A.Irwin explained the Commission's position that the stream is presumed perennial until any representation is shared that it is not a perennial stream, which Mr. Farrell confirmed had not yet been done. A.Irwin explained the procedure to monitor the stream during non-drought periods to see if no flow exists for a period of time so it then could be noted as intermittent. Photographs with dates were suggested. B.Monahan explained that it can be handled with a finding that they did not overcome the presumption of a perennial stream, or they could choose to monitor for the requisite number of days as explained in the regulations. B.Monahan suggested they email him for directions to the regulation wording.

B.Howell asked if there was a garbage disposal at the property and Mr. Tse confirmed there is not. A.Irwin requested plans with more legible data on trees, and also mentioned the Commission will require a planting plan. Mr. Farrell explained that the tree at the 152 contour may have to come down to allow access for the swing of trucks, and he confirmed that the shed will remain on the property. B.Howell asked about the limit of lawn, and Mr. Farrell responded that there is no lawn back there and the disturbed area is noted; the area will be loamed and

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seeded. A.Irwin alerted Mr. Farrell that his silt barrier detail is reversed and should be corrected, adding that hay bales should not be dug in.

A.Irwin asked for permission to continue the hearing, which was granted.

**Motion to continue the hearing to July 19, 2012 at 7:40pm under the Wetlands Protection Act; Seconded 5-0**

**Motion to continue the hearing to July 19, 2012 at 7:40 pm under the Chapter 194 Bylaw; Seconded 5-0**

9. **8:45 pm – Public Hearing, Michael Staiti, Lingley Lane, LLP, 151 Plain Road, Wayland, DEP File No. 322-780:** Abbreviated Notice of Resource Delineation filed pursuant to the Wetlands Protection Act, G.L. ch. 131 s. 40 and a Notice of Resource Area Delineation filed pursuant to Wayland’s Wetlands and Water Resources Bylaw, Chapter 194 filed by Michael Staiti, Lingley Lane, LLP. The applicant is requesting a resource area delineation for 151 Plain Road, Wayland, MA. The property is shown on Wayland’s Assessors Map 025 Parcel 090.

**Michael Staiti of Lingley Lane LLP was present for the discussion along with Art Alan of Ecotec.** Mr. Staiti summarized the project for a 3-Lot Conservation Cluster. They have filed for resource delineation so are currently simply providing an overview. B.Monahan and B.Howell reported having made a recent site visit. Mr. Staiti expressed hoping to schedule a site visit or peer review. Mr. Alan introduced himself and explained that the resource area delineation was done on site and he worked with Thomas Land Surveyors. He reported a “wrinkle” discovered in the process that USGS shows a perennial stream draining to this wetland to the north up to Hayward Brook, but there is no stream draining north – it drains west under White Road and then turns north toward Hayward Brook. Mr. Alan explained that the stream they located and mapped on the site they are willing to consider perennial and they are fine with that, but the mapped perennial stream is in a very different location. Mr. Alan further commented that they reviewed the wetland area on the DEP map, which is the location they feel is correct. A.Irwin asked if the differing location of the stream will affect the proposal. Mr. Staiti confirmed that it impacts the lot on Lundy Lane.

Mr. Staiti discussed coming back to the Commission in early August. B.Howell raised the issue of topography, and A.Irwin asked Mr. Staiti if they had topography, explaining that it is essential as far as isolated land subject to flooding. Mr. Staiti committed to topo the Lundy area in detail but there is no Notice of Intent on the other lots so can avoid topo on those lots. A.Irwin explained that with no decision on isolated land subject to flooding they wouldn’t have their wetlands delineated, and Mr. Alan felt they would be fine with that. Mr. Staiti said they will provide the information by the next meeting. B.Monahan encouraged the submission sooner if possible, and explained that Peter Fletcher will be available in July. A.Irwin noted some low flow channels here. B.Monahan mentioned that they can look at the mean annual high water during their site visit. Mr. Alan commented that the stream channel is very well defined.

**Motion to continue the hearing to August 9, 2012 at 7:35PM; Seconded 5-0**

**Motion to continue the hearing to August 9, 2012 at 7:35PM; Seconded 5-0**

10. **Land Management**

- a. **Farming Agreements (Sedge Meadow for signatures and mowing non-compliance at Cow Common).**

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B.Monahan reported that the wrong field was mowed and at a time earlier than agreed upon. A.Irwin will make a phone call to discuss. B.Monahan confirmed that the south field remains to be done. Discussion ensued of agreement wording. A.Irwin and M.Burke expressed interest in a visit.

**11. Compliance Updates**

A.Irwin reported that the Commission has received Town Center inspection reports from the engineer and the issues of the newly constructed 36" outfall, where there is question of wetland filling, is listed as closed in his report though the Commission does not consider it closed.

**12. Snake Brook Dam**

A.Irwin reviewed the proposed expenditure of \$3900 to a contractor for inspection of Snake Brook Dam. B.Monahan reported that both Haley & Aldrich and GZA gave bids.

**Motion to allow B.Monahan to proceed with expenditure for inspection; Seconded 5-0**  
A.Irwin reminded B.Monahan that this requires Town Counsel review.

- 13. 9:15 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.

**Mark Farrell, Green Hill Engineering, was present for the discussion.** Mr. Farrell reported that a discussion was held with the Board of Health and they have agreed to put in an alternative system. They presented a proposal which the Board of Health is evaluating, after which they will return to Conservation. Discussion ensued about gravel and porous pavement. A.Irwin expressed the Commission's appreciation that they are progressing with alternative systems.

**Motion to continue the hearing to July 19, 2012 at 7:42pm under the Wetlands Protection; Seconded 5-0**

**Motion to continue the hearing to July 29, 2012 at 7:42 pm under the Chapter 194 Bylaw; Seconded 5-0**

**14. Land Management - Dog Rules**

B.Monahan reported that the animal control officer shared the new regulations with two dog walkers. B.Monahan shared draft signage with the Commission. A.Irwin expressed support for different signs at different sites. Discussion ensued of Heard Farm and correspondence from Mr. Patterson. R.Backman inquired about whether the Commission should consider a fee program as Weston has. A.Irwin suggested that if there is a desire to propose that, we could have a hearing. B.Monahan will discuss with dog officer.

**15. Compliance Updates/Complaints**

**B.Monahan reported no new updates.**

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- a. 55 Knollwood Lane  
A.Irwin expressed concern that this issue is sitting idle. B.Monahan will have site visit before July 19 Conservation Commission meeting.
- b. 50 Rich Valley Road  
B.Monahan will correspond with the property owner regarding a 15-foot no-disturb and planting plan.

Further discussion ensued on previous issue of Cow Common mowing.

**16. Other**

- a. Board of Health Coordination Update  
B.Monahan reported no further discussions on 15 Sylvan Way property; he will discuss prior to July 19 meeting.
- b. Meeting Schedule - July 19, 2012 confirmed as the next meeting date.

**17. Issuance of Order of Conditions/Chapter 194 Permit**

- a. **322-782 28 Pequot**

**Motion to issue an Order of Conditions under the Wetlands Protect Act; Seconded 5-0**  
**Motion to issue a Permit under the Chapter 194 Bylaw; Seconded 5-0**

**18. Correspondence/Expenditures**

**19. Adjournment**

**Motion to adjourn at 9:45pm; Seconded 5-0**



**TOWN OF WAYLAND  
MASSACHUSETTS  
CONSERVATION COMMISSION**

**LIST OF PUBLIC DOCUMENTS PROVIDED TO THE CONSERVATION COMMISSION  
June 15, 2012 to June 28, 2012**

**June 15, 2012**

322-748/773 Misc recorded documents for 14 Squirrel Hill Road from GPR, Inc.  
322-624 Wayland Commons Inspection Report from Sullivan, Connors  
Notice of Intent for septic project at 5 White Road from GLM Engineering

**June 18, 2012**

322-713 Sketch of proposed replacement plantings at 61 Lincoln Road from Lori Joyal  
Sketch of two trees proposed for removal with generic tree permit from Patty Starfield

**June 19, 2012**

New address notifications from Building Inspector – 134/140 Old Connecticut Path  
Letter to Basnights from Board of Health concerning application for 123 Dudley Road building approval  
322-778 Letter from M/M Ransom re: 15 Sylvan Way septic project  
Comm of Mass DCR letter re: Order to Conduct a Dam Safety Phase I Inspection at Snake Brook Dam

**June 25, 2012**

322-771 Request for Certificate of Compliance for 15 Barney Hill Road from Sullivan, Connors  
322-665 Request for Extension of OOC and inspection report for 137 Boston Post Road from Hayes Engineering  
D-798 Notice to start work and contact names for 55 Rice Road septic project from MJ DiModica  
322-713 Planting list for replacement plantings at 61 Lincoln Road from PrincetonScapes

**June 26, 2012**

322-744 Town Center Route 27 installed erosion control cert. letter for Town Center from Hancock via EMJ  
322-744 Same as above directly from Hancock Associates  
322-673 Request for Certificate of Compliance for 367 Commonwealth Road from John O'Connor  
D-785 Request for CoC and return of performance guarantee for 10 Millbrook Road from M/M Lee  
322-710 Inspection Report on Fieldstone Estates from H2O Engineering  
Notice of Intent for replacement septic system at 14 Valley View Road from Drake Associates  
322-768 Proposed Planting list for 23 Sylvan Way from Jeff Blom

**June 27, 2012**

RDA for herbicide application at Greenways from Sudbury Valley Trustees  
Board of Health memorandum to Selectmen re: NStar herbicide treatment Oak Hill/Meadowview Roads  
322-744 Town Center Culvert Extension Sequencing Plan from EMJ

**June 28, 2012**

322-740 60-day report on 40 Sedgemoor Road from Melanie Kosich  
RFP for Snake Brook Dam inspection from GZA GeoEnvironmental Inc.  
322-665 Inspection Report on 137 Boston Post Road from Hayes Engineering  
322-757 Inspection Reports on 101 Boston Post Road from GPR, Inc.

**LIST OF EXPENDITURES**

**June 15, 2012 to June 28, 2012**

6/21/12	Cook's Automotive (gasoline)	\$ 122.00
	Country Home Products (new mower)	\$3,459.00