

## WAYLAND CONSERVATION COMMISSION

Minutes Thursday, March 22, 2012 7:32 – 10:05PM

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

**Present:** Commissioners: Roger Backman, Markey Burke, Ted Harding, Barbara Howell, Chairman: Andy Irwin, Larry Kiernan, John Sullivan (8:25PM), Conservation Administrator: Brian Monahan

**Minutes:** Andrea Upham

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

1. **7:32 pm – Citizens Time**

No comments were offered.

2. **7:35 pm –Public Hearing, Devens Hamlen, Applicant, Lot 3 (10 Covered Bridge Lane); DEP File 322-770:** Notice of Intent filed by Devens Hamlen 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 for a single family development with septic system and grading on Lot 3 (10 Covered Bridge Lane), Covered Bridge Conservation Cluster at 223, 229 Rice Road, Wayland. The proposed work is shown on Wayland's Assessors Map 035, Parcel 030 and 030F.

**Steve Garvin of Samiotes and Devens Hamlen, Applicant, were present.** Mr. Garvin reviewed the plan and pointed out Lot 3 and provided a quick recap of activity in 2006/2007 for a conservation cluster, at which time they had shown development of every lot and looked at alternatives analysis, etc. Mr. Garvin explained that they are now proposing to develop the 55,000 square feet existing lot; the infrastructure and drainage was approved but the actual footprint would come back to show how it related to the entire calculation. The previous approval included 4,050 square feet of impervious area, and they are now proposing 4,400 square feet and proposing to add a drywell with gravel (along with 6 test pits on site), which can more than handle any additional flow. Mr. Garvin explained they have submitted to the Board of Health for a septic system to support a 3-bedroom dwelling and had received only minor comments back from them resulting in no change to the proposed layout. The proposed driveway is the proposed construction entrance. S.Garvin pointed out wetland areas on the plan and mentioned that there is no work within the 100-foot buffer, and the limit of work remained the same from the approved overall development.

A.Irwin inquired specifically about the limit of lawn, and S.Garvin said it remained constant from what it was previously. A.Irwin summarized that it appeared by all measures that little was changing but for the impervious surface seeing a small increase with proposed infiltration for mitigation. S.Garvin confirmed a difference of only 10 square feet where they are cutting the corner a little differently. R.Backman asked why there are two overflow outlets, and S.Garvin explained that is always desirable for dry wells just in case they are needed. R.Backman asked if that was due to the slope on the site, and S.Garvin said it was purely based on DEP's infiltration standards, which are very conservative measurements/calculations. S.Garvin called attention to a six-foot drop across the site, and B.Monahan began a discussion of grades as they relate to the existing OOC for no alteration of riverfront. A.Irwin explained that B.Monahan is looking at overall land alteration and trying to stick to the theme of not altering riverfront. S.Garvin confirmed they are not going to alter the riverfront – they are beneath 10%. A.Irwin asked if the

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package includes total disturbance, and S.Garvin confirmed that it was in the plan and text and relates back to previous approval as well. B.Howell commented that the driveway area seemed a bit steep and asked if the dry wells would catch runoff. S.Garvin explained that the dry well is taking roof drainage and driveway drainage will be captured through the grass (noted on the plan on the western side heading south to north). B.Monahan noted that the driveway is pitching to the west and commented that the plan looks like a lot of fill. S.Garvin responded that this site drops off from the road and will continue to, but they are trying to deal with that through grading.

A.Irwin inquired about the proposed limit of lawn in terms of slopes/riverfront area. S.Garvin with slope and grades, (15,000 square feet of disturbance on 55,000 square foot lot) they are creating an area away from trees consistent with previous plan, adding that there are a number of significant trees and they are trying to preserve as many possible. B.Monahan mentioned that it would have been nice to see trees depicted on the plan, noting that there are three types of birch on the property in the buffer zone, and it is unique to see three varieties of birch together like that. B.Monahan questioned grades showing as being lowered/leveled but really being raised. S.Garvin clarified that they are being lowered across front and raised in the back. A.Irwin asked if at the base of slope we are matching to 230. S.Garvin responded that there's a proposed stone wall there which will be the transition (shown on plan as a 6-foot wall but they are trying to reduce to 2 feet). A.Irwin asked if the hay bale line will allow doing that, and S.Garvin confirmed that the hay bale will be right against the wall. A.Irwin told Mr. Garvin that the Commission would like to see trees identified. S.Garvin responded that he appreciates that and will identify them and try to preserve as possible. B.Monahan confirmed that they do not need to identify all trees on the property but those within 5-10 feet of the no-disturb that will be impacted should be illustrated.

B.Howell raised the issue of the standard of no garbage disposal, and A.Irwin explained that not utilizing a disposal is known to extend the life of septic systems. S.Garvin discussed a "reserved area" and changing Title V requirements, adding that the system is being designed to handle a garbage grinder (designed similar to the Field at Mainstone). A.Irwin pointed out that Plan sheet C-1-1 mentions "5,000 square foot disturbance" and the text lists 5,050 square feet. S.Garvin noted that there is a discrepancy between the Plan and the Notice of Intent which will be looked at when they look at the trees. A.Irwin expressed that the numbers suggest it's bigger, and S.Garvin said he needs to check why on the plan it ended up that way. A.Irwin said he would like a comparison from the prior to the current plan in numbers to answer discrepancy of 800 feet. A.Irwin confirmed outstanding issues remain as trees being addressed on the Plan, total riverfront distribution (inner and outer) and comparison of original to current proposal. B.Monahan asked for confirmation of retaining wall size – six feet or two feet? S.Garvin confirmed that it is two feet now.

A.Irwin asked members of the audience for any questions.

C. Kroll, 233 Rice Road, shared concern about grading, expressing that there seemed to be some significant difference and asked if they have calculated how many tons of gravel are to be used and what will be the impact of bringing so much fill in and changing the topography of landscape and groundwater level, along with tree impact in the area. S.Garvin explained that the groundwater is 10-12 feet below ground level, and that the WPA asks you to ensure you'll recharge a certain amount of water back in and that's what the dry wells (infiltration devices)

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do. A.Irwin added that the point is to not increase rate of runoff and to match pre- and post-development fairly closely. S.Garvin added that an additional basin proposed will help improve that as well. S.Garvin explained recharging activity of water going back into the ground (sphere of influence) explaining that the stone and the hole around the septic will provide infiltration. A.Irwin added that all fill will be clean fill and the Commission's provisions will address quality of fill.

W.Kroll, 233 Rice Road, noted that this is the first lot to be changed, asking if there would be more to be changed. A.Irwin responded that there was a limit on total alteration of riverfront, and the Commission is looking at aggregate inventory of what riverfront is altered -- not considering here any increase to riverfront alteration but we're talking about changes within the bounds of what was delivered previously. Changes do not affect standard of riverfront alteration, understanding set previously by an earlier commission (reference DEP File 322-648), so we have a net balance.

Lisa Valone, 205 Rice Road, asked if an independent engineer would be required to review the proposal. A.Irwin responded that the Commission has requested information and are not decided at this point if that will be necessary.

A.Irwin summarized for Mr. Garvin once again that the issues raised at tonight's meeting include trees, the alteration area and details on the retaining wall. S.Garvin asked if that would be necessary if in fact the wall is reduced to 2 feet as a "knee wall." B.Monahan responded that a sketch would be fine. A.Irwin said the wall is right at the no-disturb line so we do want some detail.

**Motion to continue hearing to April 5, 2012 at 8:00pm under the Wetlands Protection Act;  
Seconded 6-0**

**Motion to continue hearing to April 5, 2012 at 8:00pm under the Chapter 194 Bylaw;  
Seconded 6-0**

**3. 8:15 – Informal Discussion 3 Water Row**

No responsible party was in attendance and the item was deferred.

**4. Compliance Updates**

**1. 50 Rich Valley Road**

**Lee Cooper, property owner, was present for the discussion, along with Rob Flaherty from Lynch Tree and Landscape.** A.Irwin addressed Mr. Cooper asking if the Commission's concern for the unpermitted work and the need for corrective action were understood by him, and he confirmed that he understands. Addressing the contractor, A.Irwin asked whether he knew that a permit was needed. Mr. Flaherty responded that he understood the area wasn't a wetland and that it had a permanent drain (sump pump) 24 x 7. A.Irwin stated that the Commission is publicly admonishing the company, noting that there is a pattern that wetland resources are not paid attention to, adding that the town hall is here for inquiries and permits and that is the process to follow, as is done by other tradespeople in the community. A.Irwin told Mr. Cooper that unfortunately, in this case, it affects you, the homeowner.

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L.Kiernan commented that the sump pump does explain conditions being wet and asked the depth of the drain. Mr. Cooper said it is below the basement floor. Mr. Cooper explained that he is new to the area, having bought the property four or five months ago. Mr. Flaherty shared that the pump is off to the right. L.Kiernan asked if it is deemed wetlands. B.Monahan shared that anyone could call the office; GIS showed wetlands within 100 feet and old files show it being a very low-lying area. Mr. Cooper mentioned that there is an easement on the land, adding that the driveway almost forms a dam. Mr. Flaherty confirmed to the Commission that he did go back and pull the whole team together and had a conversation about proper procedures going forward. They took a look at the plan and it wasn't really decisive; it was difficult to say if this is technically wetlands due to these conditions. Mr. Cooper mentioned that B.Monahan visited the site and tried to determine that. A.Irwin stated that we're in the buffer zone for sure. B.Monahan added that it could be land subject to flooding and inundation. A.Irwin added that regardless, all is under Conservation jurisdiction and the work was unpermitted, adding that soils investigation will need to be done at this point. Delineation of resource area will be needed (from soils in this case) as to where wetland line is. A.Irwin mentioned perhaps Peter Fletcher could do that. Mr. Flaherty reported they had already estimated the 50-foot mark per B.Monahan's suggestion and started the leaf mulch, removing the stone from the trench as requested. They are trying to do everything to comply; resolution is key here. B.Monahan expressed that he would like to know how many loads of fill were brought in. A.Irwin pointed out to Mr. Cooper that trees are a great help and that a good-sized tree can pump a lot of water out and additional plantings can help greatly to mitigate.

A.Irwin confirmed that the action before the Commission tonight is ratifying the enforcement order.

**Steven Breit, 54 Rich Valley Road**, expressed thanks to B.Monahan and the Conservation Commission for their work on this. Mr. Breit pointed out that his driveway is an easement over Mr. Cooper's property and on the right side of the driveway there is a conservation easement, adding that the land on the right side has a lot of standing water all the time and the land to the left of the driveway where Mr. Cooper's property is has always had standing water in springtime and after rainstorms. Mr. Breit estimated that 30 trees had been cut down. Mr. Cooper responded that the trees cut were from the front of the property. Mr. Breit commented that the trees in a picture were within 100 feet of the wetlands. A.Irwin asked Mr. Cooper if he would like to respond. Mr. Cooper responded that there were 10 mature trees in front that were taken out just after the New Year. A.Irwin asked Mr. Breit to feel free to submit photographs and information directly to the Commission for consideration. A.Irwin confirmed to Mr. Cooper that the Commission would want to address tree issues with him concerning wetlands and unpermitted cutting. S.Breit commented that the contractor had 10-15 truckloads of fill previously delivered with two more truckloads today. Mr. Flaherty responded that what Mr. Breit was referring to was leaf mulch. Mr. Breit further commented that the drainage ditch is still there and that the contractor came on the Breit's property to deepen the channel. A.Irwin responded that the Commission does not give rights to be on other people's property. Mr. Cooper commented that perhaps surveying property lines would be a consideration.

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Mr. Breit asked what the process is that ensues now that the remedial order has been given with respect to application filing, abutter's notice, etc. A.Irwin confirmed that corrective action has been ordered and steps are being taken to correct the situation; the scope of work is limited only to that corrective work and the Commission is now ratifying the order that the Conservation Administrator issued in the field. Additional info is now being requested so this may not be the only order issued to deal with the situation.

**Razel Sklar, 46 Rich Valley Road**, commented that the land in the area was very wet and asked what will now happen to the groundwater level. A.Irwin responded that it is being restored to what it was – not increasing or decreasing. The Commission likes high groundwater and doesn't want to dewater a wetland.

T.Harding revisited the issue of defining resource areas. A.Irwin suggested it be most effective if Mr. Peter Fletcher were utilized for that purpose. The need exists whether the homeowner hires their own person or not. B.Monahan clarified to the property owner that the work would be funded by the homeowner.

Mrs. Sklar mentioned that when the land was originally purchased, the plan was to put in 7 houses and only 3 could go in because of wetlands.

Mr. Flaherty addressed the Commission inquiring if they are allowed to move forward at this point, sharing that the whole yard is turned upside down right now and Mr. Cooper's children can't even go outside. B.Monahan responded that something should be done to stabilize the material so it doesn't erode up to 50 feet from the house. A.Irwin noted that the modifier to the list is immediate action items. A.Irwin asked if they removed the fill before mulch went in, and Mr. Flaherty said they removed what they were asked to remove. B.Monahan noted the Commission should have a follow-up visit. A.Irwin noted interest in how many truckloads of material were brought in and out. Mr. Cooper commented that there is an annual event coming up in the area so they would like to rectify this as soon as possible. A.Irwin noted modification of order to specify fill removal confirmation. Discussion ensued about the date for written record set as March 29, 2012.

**Motion to ratify Enforcement Order as amended under Wetlands Protection Act;**

**Seconded 7-0**

**Motion to ratify Enforcement Order as amended under Chapter 194 Bylaw;**

**Seconded 7-0**

A.Irwin closed noting the need for information on trees and that B.Monahan should return for a follow-up site inspection and move forward with logical steps.

## **2. 55 Knollwood Lane**

A.Irwin reported that he and B.Monahan had been out to the site and took pictures of the equipment and the site, reporting a fair inventory of soil and rocks at the bottom.

B.Monahan reported that they were doing a lot by hand and it was impressive work non-stop for three days. B.Monahan shared that he had sent Mr. Dreher a link to the Middlesex Conservation District for plantings. A.Irwin noted that understory plantings are mandatory. Discussion ensued of the process that was used on site.

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**3. 50 Lakeshore Drive**

B.Monahan commented very briefly about a new issue with the property owner concerning tree(s).

**5. 9:20 pm – Land Management**

a. Farming at Sedgemoor Update

B.Monahan reported that he is trying to get an agreement completed. Input has been received from Mark Lanza, B.Howell gave input, and they are looking for input from other towns. B.Monahan reminded the Commission that interest was raised by a young man from Maine who would like to do organic gardening and would like a 3-5 year commitment. B.Monahan said this is a good way to keep the fields, and the gardener would pay us a license fee but we need to address the fee issue. B.Monahan added that simply mowing the fields costs \$1300. B.Monahan will send out for comments and needs to get it done in a week or so.

b. Dog Policy/Rule

Discussion ensued of issue concerning loose dogs and cleanup after dogs on conservation land. L.Kiernan commented that the Commission needs something agreed upon and published and added that consideration should be given to include a number to call with complaints. B.Monahan said he will check with Mark Lanza and Police and that the DPW will do signs. It was also suggested that the rules established for posting on signage at the conservation areas be included with dog license renewals sent out annually as well as posted at all parking areas of conservation land. A.Irwin stated signs should have no dog logos but could contain contact for Police non-emergency number and Conservation Department. A.Irwin confirmed that there is no change to the substance of the regulation that was voted by the Commission previously, so we can move ahead once B.Monahan checks with Town Counsel.

c. Community Gardens

Discussion ensued about cost of running the gardens.

d. Other

L.Kiernan reported that they have fully signed the newest conservation land – Hidden Springs. It has been marked and runs from Plain Road to the Rail Trail in a nice path with orange logo on tree. B.Monahan mentioned they could have a metal sign made up, but it could be \$1000 to get a nicer one. A.Irwin expressed that the Commission should work with B.Howell's reports and upgrade each of the conservation areas over the next five years with the available budget. B.Monahan to send B.Howell's reports to M.Burke and L.Kiernan.

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

Clarification of wording -142 Glezen Lane



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B.Monahan summarized the request, confirming that he has no problem with it other than removing “existing owners” and noting two existing orders. A.Irwin suggested to act on the forfeiture of performance guarantee and then act on this, and say “any additional fees or fines.”

**7 Old Vineyard:** B.Monahan summarized that the Commission is being asked to change our approach to Certificates of Compliance and need to respond to the request on this file for a “complete” certificate to change the way we proceed. A.Irwin commented that the Partial Certificates of Compliance have always been the Commission’s practice. L.Kiernan commented that the Town of Sudbury does Partial Certificates as well but it causes extra money to be spent and can be a very confusing thing. T.Harding commented that the word “partial” puts the issues on the radar screen for everyone. A.Irwin confirmed that the letter was addressed to Fred Turkington and that B.Monahan is following the Commission’s direction. The more current (322-755) file was not granted a Certificate of Compliance previously because the site was not stable. The new letter requesting a “complete” Certificate of Compliance states that 75% of the vegetation is present in back by the wetlands. B.Monahan will put this item on the agenda for April 5, 2012. A.Irwin mentioned acknowledging receipt and discussion to respond at next meeting.

**7. Request for Return of Performance Guarantee [Chapter 194]  
14 Quincy Road – DEP File No. 322-729**

This discussion item was tabled.

**8. Discussion – CPC Warrant Article**

**Motion to oppose the passage of Article 6 at Town Meeting; Seconded 6-1 (opposed)**

**9. Other**

**a. Meeting Schedule**

Agreement was reached to keep the April 26, 2012 meeting schedule; we will be missing two Commissioners and will plan to maintain the remaining five.

**b. Brief mention of Earth Day Event – April 29, 2012**

**c. 56 Orchard Lane; File D-733**

Letter was received from homeowner with fence measurements; B.Monahan will respond.

**10. Correspondence/Expenditures**

**11. Minutes – March 8, 2012**

**Motion to approve Minutes of March 8, 2012; Seconded 7-0**

**12. Adjournment**

**Motion to adjourn at 10:05PM; Seconded 7-0**

Meeting Minutes – Thursday March 22, 2012

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The next Conservation Commission Meeting is scheduled for **Thursday, April 5, 2012** in the Wayland Town Building.





**TOWN OF WAYLAND  
MASSACHUSETTS  
CONSERVATION COMMISSION**

**LIST OF PUBLIC DOCUMENTS PROVIDED TO THE CONSERVATION COMMISSION**

**March 9, 2012 to March 22, 2012**

**March 9, 2012**

Notice of Intent for septic replacement project at 15 Barney Hill Road from Goddard Consulting  
322-729 Request for return of Performance Guarantee for 14 Quincy Road from Elias Constantine

**March 12, 2012**

322-624 Inspection Report on Wayland Commons from Sullivan, Connors

**March 13, 2012**

322-701 Baseline Water Level Monitoring Report on Town Center from Northeast Geosciences  
Letter from Brian Nelson re: proposed project at 3 Water Row to be discussed informally at 3/22/12 meeting

**March 14, 2012**

322-699 Request for 2-yr extension to OOC for 373 Commonwealth Road from Matt O'Connor  
322-500/755 Commissioner copies of letter from Jason Boyce to F.Turkington re: 145 Plain Road/7 Old Vineyard Way compliance process

**March 15, 2012**

322-665 Inspection Report on 137 Boston Post Road from Hayes Engineering  
D-796 Notice to start work and schedule updates on 7 Lingley Lane from Steve Jackson

**March 16, 2012**

322-678 Request for extension of NOI/OOC for Heard Pond Water Chestnut Harvesting Project

**March 19, 2012**

Board of Appeals Hearing Notice 3/27/12

**March 20, 2012**

322-710 Inspection Report on Fieldstone Estates from H2O Engineering  
322-699 Letter re: OOC Extension of 371-373 Commonwealth Road to A.Irwin from Beveridge & Diamond, P.C.

**March 21, 2012**

322-755 Request for "complete" Certificate of Compliance on 7 Old Vineyard Way from GPR, Inc.  
Notice of Intent for landscape construction at 50 Aqueduct Road from Goddard Consulting  
D-733 Letter from Janot Suarez confirming fence measurement at 56 Orchard Lane

**March 22, 2012**

322-701/744 Town Center Inspection Reports from RJ O'Connell

**LIST OF EXPENDITURES**

**March 9, 2012 to March 22, 2012**

**March 14, 2012**

- Mayo Industries (fertilizer delivery to community gardens not previously invoiced in FY11): \$400.00
- Schwaab (date stamp ink pads): \$41.00