

WAYLAND CONSERVATION COMMISSION

Minutes Thursday, September 13, 2012 7:30 – 8:56PM

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

Present: Commissioners: Roger Backman, Markey Burke (7:35), Ted Harding (7:50), Barbara Howell,
Chairman: Andy Irwin, Larry Kiernan, **Conservation Administrator:** Brian Monahan

Minutes: Andrea Upham

Not present: 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. Minutes – August 30, 2012

Motion to approve the Minutes as edited; Seconded 5-0

3. Land Management

a. Farming Agreements

B.Monahan reported that an email was sent to Dev Hamlen. Follow-up will occur at the next meeting on September 27.

b. Rice Road Dam

B.Monahan reported that the Commission has the breakdown and itemization of \$400-700K worth of work needed at the dam which is to be integrated into a capital budget. A.Irwin commented that \$100K had already been secured for repairs and there is a need to look at cost and prioritization as we put in a capital plan for improvements. Brief discussion ensued of issues, safety and other, to be addressed. A.Irwin commented that the dam is considered to be in "fair" condition vs. poor condition so fortunately we are not in crisis mode.

- 4. 7:40 pm –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. **Applicant recently visited the office to communicate that this item will not be moving forward and will be sending a letter of confirmation along for the file.**

A.Irwin confirmed that the Conservation Department had received the letter of withdrawal of the application.

Motion to accept withdrawal of the application without prejudice under the Wetlands Protection Act;

Seconded 5-0

Motion to accept withdrawal of the application without prejudice under the Bylaw; Seconded 5-0

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5. **7:41pm – Public Meeting, Raytheon Company, Applicant, 430 Boston Post Road, File D-809.** 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 Raytheon Company. The applicant is proposing to install 4 remediation wells in the 100' buffer zone and interconnect the 4 wells with piping laid in shallow (2'-3') trenching. Work is proposed at 430 (400) Boston Post Road, Wayland MA. The property is shown on Wayland's Assessor's Map 23, Parcels 52 and 52C.

Jason Flattery, Jonathan Hone and Dr. Sami Fam were present for the discussion. Dr. Sami Fam reviewed the plan with the Commission, highlighting the fenced in area and showing areas of remediation. A.Irwin inquired about levels, and Dr. Fam responded that they note 95% improvement where treatment has been done. They are moving from most up gradient to most down gradient and are now proposing to install a sufficient number of wells to deal with the rest of the plume. Dr. Fam reviewed the buffer zone on the plan in relation to the 13 wells – 9 wells outside of the buffer zone and 4 within the buffer zone. The wells will all be interconnected with underground trenching and the fenced in area will be expanded. A.Irwin raised the issue of the Fire Department's concern with methanol in the past. Mr. Hone responded that he had spoken with the Fire Department.

A.Irwin inquired about drilling, and Dr. Fam responded that they will make a stockpile, test it and determine how to proceed based on the results, adding that a staging area will have berm/barrier and be covered at night.

A.Irwin inquired about other matters pending with the existing Notice of Intent asking whether there was a need for extension. Dr. Fam commented that they had tried to close out the file, but the grass was not fully stabilized. He commented that weeds are now quite established and providing that stabilization.

Motion to issue a Negative Determination w/conditions under the Wetlands Protection Act; Seconded 5-1 (1 abstain)

Motion to issue a Permit under the Chapter 194 Bylaw; Seconded 5-1 (1 abstain)

Motion to not require a Performance Guarantee and to hold the balance of the existing Performance Guarantee; Seconded 5-1 (1 abstain)

Brief discussion ensued of conditions that would be covered under the Chapter 194 Permit. A.Irwin noted that one condition will be to allow that any damaged well may be repaired promptly for compliance under the MCP. Dr. Fam noted that drilling will start September 24, 2012.

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

- a. 22 White Road; File D-799;

B.Monahan noted stable site upon inspection; Certificate will note the absence of timely inspection reports.

Motion to issue partial Certificate of Compliance under the Chapter 194 Bylaw; Seconded 6-0

- b. 76 Lakeshore Drive; DEP File 322-745

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Motion to issue partial Certificate of Compliance under the Wetlands Protect Act; Seconded 6-0
Motion to issue partial Certificate of Compliance under the Chapter 194 Bylaw; Seconded 6-0

B.Monahan stated that documentation will note the no-disturb area that is not shown on the plan. The As-built plan was incorrect but the continuing condition will address that.

- c. 15 Sylvan Way; DEP Files 322-576 and 322-659

Decision on issuance of Certificates of Compliance is deferred until receipt of evidence of registry filing of the new OOC.

- d. 95 Lake Road Terrace; DEP File 322-575

Motion to issue partial Certificate of Compliance under the Wetlands Protect Act; Seconded 6-0
Motion to issue partial Certificate of Compliance under the Chapter 194 Bylaw; Seconded 6-0

7. **Request for Return of Performance Guarantee**

- a. 32 Hampshire Road; File D-781

B.Monahan reported that no email response was received yet on this matter.

8. **Other**

A.Irwin noted that he filed a complaint with the Board of Registration for Engineers and Surveyors regarding Mr. Poole for possibly using a professional seal without a valid license.

9. **Compliance Updates/Complaints**

- a. 89 Lakeshore Drive

A.Irwin reported that no information had yet been received from Vineyard Engineering.
B.Monahan will send letter out to Deb Weiner noting that no response was received and reminding her of our concern for mitigation.

- b. Wayland High School; DEP File No. 322-734

A.Irwin noted a lack of action and mentioned that there had been a percentage holdback as retainage on the project. He would like to communicate that there is noncompliance with the order and we had an event of failure of release/sediment. With construction ongoing, we need confirmation that retainage is being held and will not be released unless and until such time as requirements by the Conservation Commission are satisfied concerning corrective action on the issues. B.Monahan will communicate to F.Turkington and J.Moynihan that A.Irwin would like to meet with the committee. Discussion ensued on how to proceed with lack of response. Discussion ensued on retainage.

- c. 55 Knollwood Lane

B.Monahan noted he had nothing new to report.

- d. 50 Rich Valley Road

B.Monahan noted he had nothing new to report. M.Burke will attend future site visit.

- e. 50 Sherman Bridge Road

B.Monahan reported on a new compliance issue with possible unpermitted work within a jurisdictional resource area reported to the Conservation office. B.Monahan reminded the

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Commission of the property which had previously come before the Commission with an application for a septic system repair. Perry Beckett said he was repairing a septic system that actually was determined by the Commission to be an upgrade, so the Commission issued a positive determination which required filing of a Notice of Intent before upgrade work could proceed. Now a neighbor reports a septic system is being installed, and the Board of Health is not aware of any project being approved at the property.

10. Citizen Inquiries

- a. B.Monahan discussed correspondence sent to the Conservation office regarding beavers on Hazel brook.
- b. B.Monahan will be doing an inspection after recent Eagle Scout project.
- c. B.Monahan noted a citizen request for additional mowing on Timber Lane.
- d. R.Backman asked about 225 Old Connecticut Path. B.Monahan reported that the Board of Health is now looking at it. The Commission may or may not have a role moving forward.

11. Other

a. Annual Report

B.Howell completed it and B.Monahan will add some miscellaneous items and send to Commissioners.

b. October Special Town Meeting

B.Monahan explained that the warrant is closed for October. A.Irwin asked how many properties we want to include at the subsequent town meeting in the spring. B.Howell requested that one item be Pinebrook along with Lower Millbrook access. B.Monahan asked that consideration be given to purchasing the entire parcel on Lundy Lane on the side of the cluster. It would provide uplands access and would be appraised as a house lot. B.Monahan and M.Burke will do a site visit.

c. Comments on the Habitat for Humanity Housing

A.Irwin recused himself from this agenda item due to a conflict of interest and departed the meeting at 8:50pm.

B.Monahan shared that the Commission should ask the Board of Appeals for drainage mitigation and sediment erosion control during construction. L.Kiernan asked if this was town land, and B.Monahan responded that it is and that it qualifies for a 40B comprehensive housing permit. B.Monahan showed the plan to Commissioners and commented that the Commission would ask the Board of Appeals to regulate Chapter 193.

Motion to authorize B.Monahan to send a letter to the Board of Appeals to enforce C.193 and request specific attention to matters of sediment erosion control, drainage and BMPs during construction; Seconded 5-0

12. Correspondence/Expenditures

13. Adjournment

Motion to adjourn at 8:56pm; Seconded 5-0

**TOWN OF WAYLAND
MASSACHUSETTS
CONSERVATION COMMISSION**

**LIST OF PUBLIC DOCUMENTS PROVIDED TO THE CONSERVATION COMMISSION
August 31, 2012 to September 13, 2012**

August 31, 2012

DCR letter re: FEMA funding for October 29-31, 2012 snowstorm event
Building Department memo re: new street address (Andrew Avenue)
322-745 Receipts of disposal of materials for 76 Lakeshore Drive (delivered at 8/30/12 ConCom meeting)
322-745 Planting list receipt for 76 Lakeshore Drive from Gayle Archambault

September 4, 2012

322-765 Stamped filing of Permit/OOC for 11 Old Sudbury Road from Eric Knowlton
D-799 Request for Certificate of Compliance for 22 White Road from Ducharme & Dillis
D-799 Plant List for 22 White Road from Eileen Stanford

September 5, 2012

Letter from OARS re: 9/15/12 Annual River Cleanup
322-701/744 Town Center inspection reports from RJ O'Connell
322-775 Permit/OOC filing, BoH approval and O&M agreement for septic at 121 Dudley Road
322-624 Inspection Report on Wayland Commons from Sullivan, Connors

September 7, 2012

322-779 Notice to start work at 103 East Plain Street from Wayland Excavating

September 10, 2012

Notice of Intent for demolition/renovation at 22 Plain Road from Metrowest Engineering
322-763 Inspection Reports for Happy Hollow Wells from Tata & Howard
322-710 Inspection Report for Fieldstone Estates from H₂O Engineering
322-665 Inspection Report on 137 Boston Post Road from Hayes Engineering
Notice of public hearing/application for package store/liquor license at 65 Andrew Avenue
322-782 Notice of minor change to project at 28 Pequot Road from Nilda Jacobus
Correspondence re: Town Center AUL from Linda Segal

September 11, 2012

Amendment to RDA for 55 Rice Road from Matthew Roman
Address change for 24 Old Connecticut Path from Building Commissioner

September 12, 2012

Board of Appeals Decisions – 18 Shawmut Avenue and 20 Edgewood Road
322-575 Request for Certificate of Compliance for 95 Lake Road Terrace from Gordon Fowler
322-767 As-built septic plan for 9 Sylvan Way from Sullivan, Connors
Notification to Abutters for 22 Plain Road project from Metrowest Engineering

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322-782 Work schedule and contact names for 28 Pequot Road from MJ DiModica
D-798 Plans for 55 Rice Road from Matt Roman
322-744 Town Center "Welcome to Wayland" sign sediment forebay and water quality swale as-built from EMJ
322-776 Confirmation of withdrawal of application for 50 Aqueduct Road from Brenda Sharton