

WAYLAND CONSERVATION COMMISSION

Minutes, Thursday, December 5, 2013 7:40 – 10:35PM

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

Present: Commissioners: Bob Goldsmith, Sherre Greenbaum, Barbara Howell, Betty Salzberg, Chairman: Andy Irwin (8:13pm), Conservation Administrator: Brian Monahan

Not present: Roger Backman; John Sullivan

Minutes: Andrea Upham

In the current absence of the Chairman and noting that a quorum was present, S.Greenbaum opened the meeting at 7:40 PM.

1. 7:40 pm – Citizens Time

Linda Segal, Aqueduct Road, reported that the PIP meeting was held last night for the former Raytheon site and if recording was successful, the meeting could be seen. As the citizen liaison to the cleanup, Ms. Segal noted that PIP meetings are now only once a year. Ms. Segal noted to Commissioners that when Raytheon comes to the Commission to put in more monitoring wells, they should be aware that in the southern area there is a rebound of concentrations that has been noted and they're trying to understand what that is about. Ms. Segal reported that the scientist in charge of the northern area, Dr. Sami Fam, noted that is going well. Ms. Segal also shared that the LSP for Wayland Meadows, Nancy Roberts, will be tasked with the Brendon Homes Town Center housing project. Ms. Segal commented that most areas for the new project are outside of the AUL and reported that Ben Gould is the LSP for the Town.

Commenting as a private citizen, Ms. Segal left a copy of the Danforth Green LLC Agreement with the Commission for their information and said she was told that it is not yet signed by the escrow agent. Ms. Segal commented that once it is fully executed, the Conservation Commission should make sure that Town Counsel and the Board of Selectmen keep the Commission in the loop. Ms. Segal noted a provision for the intersection at Old Connecticut Path and West Plain Street along with a lump sum payment of \$60K by the developer, which was reduced from the original agreement..

2. 7:50 pm – Informal Discussion : Intersection Improvements at West Plain Street/Old Connecticut Path

Roy and Todd MacDowell, Baystone Development, were present for the discussion. Mr. R.MacDowell explained they are responsible for installing traffic light improvements at Old Connecticut Path and West Plain Street relating to the Danforth Green development. Mr. MacDowell reported that the development consists of 353 units, which is half of the original proposed size, and everything north of the aqueduct is donated to the Town of Framingham as open space and walking trails with no development, rather than the original 85 units proposed for the area. Mr. MacDowell reviewed the improvement work proposed of traffic lights at the intersection and road improvements, which were shown on the wetland delineation plan. Mr. T.MacDowell noted that Wayland engaged C&C Consulting to design the intersection.

B.Goldsmith noted that the DPW Board has to approve this plan and reported that they had previously sent a letter to the Board of Selectmen requesting to be involved. Discussion ensued as to whether the plan had been approved by the former Road Commission. B.Goldsmith raised the issue of the stormwater collection system and the discharge toward Pod Meadow from a pipe that discharges about 50 feet from the roadway/intersection. B.Goldsmith discussed the need for a deep

sump catch basin and oil grit separator as low-cost BMPs that could be added when the intersection is reconstructed. Mr. R.MacDowell said he will check the plans and be in touch. B.Goldsmith noted that any modification to the existing system may need to come to the Board. Mr. R.MacDowell asked if there had been any rip rap put down at the end of the pipe to help with the discharge and B.Monahan replied that that was not the case. B.Monahan cautioned to be mindful of the EPA Construction General Permit, though the project may not meet the threshold. Mr. R.MacDowell produced a drainage plan of the area and commented that they want to do things right and hope the work does not require a filing and allows them to put the money into the work. B.Monahan commented he will get field data sheets (Russell Adams at C&C Consulting) to confirm that the project is out of Conservation Commission jurisdiction. Mr. R.MacDowell offered to meet Commissioners for a site walk and the Commission noted that he volunteered to make improvements.

3. **8:10 pm – Public Hearing, Nathan Wilson, Applicant, 22 Pequot Road, DEP File No. 322-815:** Notice of Intent filed pursuant to the Wetlands Protection Act, G.L. ch. 131 s. 40 and an application filed pursuant to Wayland's Wetlands and Water Resources Protection Bylaw, Chapter 194, filed by Nathan Wilson. The applicant is proposing to replace the existing septic system, portions of which are within riverfront area and buffer zone to bordering vegetated wetland, at 22 Pequot Road, Wayland, shown on Assessor's Map 43D, Parcel 20.

Dan Wells of Goddard Consulting was present for the discussion. Mr. Wells began a review of the septic replacement project and showed the property on the plan. A culvert coming in off of Pequot Road and discharge were noted near the perennial stream. Mr. Wells reported 2800 square feet of alteration in the outer riparian zone and impact within the 100-foot buffer from one wetland area. Mr. Wells pointed out constraints of the property lines and noted plan to stay within the existing disturbed area (an active paddock) which allows for no disturbance of vegetation and a level area. B.Monahan noted that the application suggests a repair but the project would seem to be an upgrade from a three- to four-bedrooms design. Mr. Wells noted that the design was approved by the Board of Health. B.Howell noted that one notation of "assumed datum" and one noting "NGVD" and wondered which version the Board of Health had received. It was further noted that if a project is in Zone II, the entire Board of Health needs to act on it rather than staff. A.Irwin noted needing verification that the Board of Health recognized Zone II and whether or not the plan is approved. A.Irwin noted the need to know if elevations in the table are NGVD.

Discussion ensued of the culvert with regard to Title V Regulations. B.Goldsmith stated that if the culvert intercepted seasonal high groundwater level, the septic tank had to be 50 feet from the culvert and 100 feet from the leach field. A.Irwin noted this and other comments should be passed along to the Board of Health for their consideration. B.Monahan will send an email to the Board of Health. A.Irwin noted that for an upgrade, the project has to meet regulations. B.Monahan noted that a previous 2005 Conservation filing for the property did not acknowledge riverfront (paddock) and a new resource area appeared. B.Monahan reported that the decision issued for the current project should mention manure and runoff. A.Irwin noted that the Board of Health manages that matter in Zone II locations. B.Monahan noted that older items of note can be mentioned in the new decision. A.Irwin noted that though the Board of Health manure management associated with the paddock needs to be in compliance with their regulations, it is in the Commission's resource area and we are concerned with environmental impact. B.Monahan said he will add a finding about the reserve area, though it is not Conservation jurisdictional. A.Irwin noted to Mr. Wells that the issues of the Professional Engineers issuing plans with errors is a major concern of late for the Commission and to please take the Commission's comments back to the Engineering firm.

**Motion to continue the hearing to December 19, 2013 at 7:35pm under the Wetlands Protection Act;
Seconded 5-0**

**Motion to continue the hearing to December 19, 2013 at 7:35pm under the Chapter 194 Bylaw;
Seconded 5-0**

4. **8:45 pm – Continued Public Hearing, Roland Gray, III, Esq., Applicant, 7 Lincoln Road, DEP File No. 322-813:** Abbreviated Notice of Resource Area Delineation pursuant to the Wetlands Protection Act, G.L. ch. 131 s. 40, and the application filed pursuant to Wayland's Wetlands and Water Resources Protection Bylaw, Chapter 194 by Roland Gray, III, Esq. The applicant is seeking the verification of the delineation of the wetland resource areas including bordering vegetated wetland and mean annual high water line of Hazel Brook for land at 7 Lincoln Road, Wayland shown on Assessor's Map 11, Parcel 083. **Likely to be continued.**

It was noted that the Applicant sent written request for continuance.

**Motion to continue the hearing to January 9, 2014 at 7:35 pm under the Wetlands Protection Act;
Seconded 5-0**

**Motion to continue the hearing to January 9, 2014 at 7:35pm under the Chapter 194 Bylaw;
Seconded 5-0**

5. **Compliance Updates**

- a. 122 Lakeshore Drive; DEP File No. 322-803

Fred Mannix was present for the discussion. B.Monahan reported that Mr. Mannix has gone to the ZBA and they are requiring a full application before them. Mr. Mannix explained it is necessary for him to return to them and use the word "demolition" and that the project be advertised as such. Mr. Mannix noted an engineer's letter that in order to fix the foundation, the walls had to come down. A.Irwin asked if he is utilizing the same footprint and same location, which Mr. Mannix confirmed that while noting that there are reinforcements on the corners of the foundation but otherwise the same. Mr. Mannix reported he will be going before the Board of Health on January 9, 2014 and noted that once he has a permit, he will file his Notice to Start Work with Conservation as the wattles are already in place and Chapter 91 paperwork has been filed. B.Howell took issue with conflicting dates of filings with other Town departments compared with the date of filing to the Conservation Commission. B.Monahan said he will get the ZBA decision and discuss next week. A.Irwin raised the issue of the current/recent permits versus the old filings/permits for the property, and Mr. Mannix noted that the new files, 322-802 and 322-803, supersede the old ones.

6. **Minutes – 10/24/13; 11/7/13; and 11/21/13 if ready to process.**

Motion to approve the Minutes of October 24, 2013 as amended; Seconded 5-0

Motion to approve the Minutes of November 21, 2013 as amended; Seconded 5-0

A.Irwin noted he has not yet reviewed the draft minutes of the November 7, 2013 meeting, which can be handled at the next meeting.

7. **Other**

a. **89 Lakeshore Drive**

Bob Drake of Drake Associates and Dr. Deb Weiner, property owner, were present for the discussion. Mr. Drake reviewed that they came before the Commission in September to plan driveway mitigation but got stalemated with easements on the property and issues from property across the street. Mr. Drake reported the same physical condition on the property and passed photos of existing conditions. Mr. Drake noted the permit had expired and A.Irwin explained the automatic extension allowed by the Permit Extension Act. Mr. Drake said he can resolve the easement issue and a contractor is lined up to pave the driveway but expressed concern with the arrival of the winter sanding season. It was confirmed that no deadline had been imposed by the Commission for the completion of the driveway paving. Mr. Drake confirmed the need to clean up and stabilize the situation and passed out a mailing on the subject to the Commission. Mr. Drake expressed wanting to pave the driveway, patch the catch basin now and then next spring address what's going on in the street, which is mitigation for the driveway rather than solving the problem of the catch basin. A.Irwin noted the need to ascertain the best resources for mitigation. Mr. Drake reported that the 6x6 leaching pit is bone dry and perhaps the water is transecting and bisecting completely. Mr. Drake asked for permission to go forward with the driveway paving. A.Irwin noted that unstable soils need to be part of the plan, and Mr. Drake noted he will utilize jute netting. Mr. Drake reported that over the course of the winter he and B.Monahan will observe how the catch basin works. A.Irwin told Mr. Drake that having remote mitigation is something the Commission has considered in the past.

A.Irwin stated that the Commission considering the prospect of allowing the driveway repair before winter would require that a compliance deadline be established for the repair work in the roadway for the drainage. After brief discussion a deadline of July 31, 2014 was proposed for the existing Chapter 194 Permit for File D-763. A.Irwin summarized that the Commission will allow the applicant to pave the driveway as soon as feasible under condition #15 of the existing Permit, with the understanding that the repair work for drainage in the street will be completed by July 31, 2014.

Motion to allow the Applicant to proceed with driveway paving and stabilization of existing soils and to then complete the repair work of drainage in the street to the Commission's satisfaction by July 31, 2014; Seconded 5-0

D.Weiner expressed concern with cost. A.Irwin noted that the Commission expects resources will need to be expended but the permit did not consider that to be an unbounded amount. D.Weiner confirmed to the Commission that she no longer plans to heat the driveway.

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

a. **88 Dudley Road; DEP File No. 322-788**

B.Monahan noted that site inspections were not timely.

Motion to issue a partial Certificate of Compliance under the Wetlands Protection Act; Seconded 5-0
Motion to issue a partial Certificate of Compliance under the Chapter 194 Bylaw; Seconded 5-0

b. **26 Charena Road; DEP File No. 322-796**

Motion to issue a partial Certificate of Compliance under the Wetlands Protection Act; Seconded 5-0
Motion to issue a partial Certificate of Compliance under the Chapter 194 Bylaw; Seconded 5-0

c. 21 French Avenue; DEP File No. 322-807

B.Monahan noted late inspection reporting.

Motion to issue a partial Certificate of Compliance under the Wetlands Protection Act; Seconded 5-0
Motion to issue a partial Certificate of Compliance under the Chapter 194 Bylaw; Seconded 5-0

d. 8 Lundy Lane, DEP File No. 322-777

B.Monahan noted late inspection reporting.

Motion to issue a partial Certificate of Compliance under the Wetlands Protection Act; Seconded 5-0
Motion to issue a partial Certificate of Compliance under the Chapter 194 Bylaw; Seconded 5-0

9. Other

- a. 28 Rich Valley Road – B.Monahan will send the property owner a letter concerning tree work.
- b. 25 Millbrook – The issue of parking was raised by A.Irwin.
- c. Sage Hill –A.Irwin received a phone call about the land transfer to the Town and noted that Town Counsel had noted an issue with clearance of title.

10. Land Management

- a. Discussion - Proposed CR for Wayland Town Center
S.Greenbaum and B.Howell are working on this matter. B.Monahan asked that they let the Commission know any points they would like addressed, such as public access. Brief discussion ensued on the trail access that was promised. B.Monahan noted the need to clarify the trail area as some information has been contradictory. A.Irwin said to find the trail footprint in the files and pull the appropriate pieces together. The wildlife meadow management area was discussed and whether that land is going to be established as part of the Conservation Restriction. B.Monahan said he will follow up on that matter. B.Goldsmith asked if the word "redivision" was correct. He added that possibly there should be no change in hydrology of the site without the approval of Raytheon. B.Monahan stated no hydrology, and A.Irwin said it should not be tied in.
- b. Update on Farming/Sedge Meadow Conservation Area
B.Monahan confirmed plans to spend \$3K to get the fields mowed.
- c. Farrell Property
B.Monahan reported that the baseline report had substantially expanded and is being compiled in final form for submission. A.Irwin commented it is to establish what resources are being protected and the current condition reported.

11. Citizen Inquiries

12. Other

- a. Proposed Meeting Schedule: 2014 confirmed in packets and on website.
- b. FY 2015 Budget Update – B.Monahan added \$10K for open space and will send.
- c. 22 Plain Road; DEP File No. 322-789

A.Irwin noted the site with steep slopes and the need to be sure there is no escape of erosion from the sediment erosion line. B.Monahan noted that there is a new owner and he recently spoke to the builder about the issues with the erosion problem from the roof drainage at the garage.

- d. B.Monahan will attend the CPC meeting on December 9 to discuss land acquisition on Forty Acres Drive.

13. Correspondence/Expenditures

14. Adjournment

Motion to adjourn at 10:25pm; Seconded 5-0

The next Conservation Commission Meeting is scheduled for Thursday, **December 19, 2013** in the Wayland Town Building.

**CONSERVATION COMMISSION
MEETING ATTENDANCE SHEET**

DATE: December 5, 2013

NAME	ADDRESS OR COMPANY	AGENDA ITEM
Roy MacDowse	21 Center St	
Todd MacDowell	21 Center St.	OP + W Plan
LINDA SEGAL	9 Aqueduct	public comment ←
FRED MANNIX	28 PEQUOT RD	UPDATE
BOB DRAKE		29 LAKE SHORE
John Hines	5756 Union Ave Framingham MA	Land Management

OC P
West Plain
only

**TOWN OF WAYLAND
MASSACHUSETTS
CONSERVATION COMMISSION**

LIST OF PUBLIC DOCUMENTS PROVIDED TO THE CONSERVATION COMMISSION

November 22, 2013 to December 5, 2013

November 22, 2013

ZBA decision for single-family home construction at 1 Wildwood Road
322-673 Groundwater Level Monitoring Report for 367 Commonwealth Road from John M. O'Connor
322-804 Request for inspection at 9 Reservoir Road from Eligius Homes
Plan for Old Connecticut Path and West Plain Street intersection improvements from Roy MacDowell

November 26, 2013

Notice of Environmental Handbook for Mass. Conservation Commissioners from MACC

November 27, 2013

322-792 Request for Certificate of Compliance for 26 Charena Road from Bob Drake
322-788 Request for Certificate of Compliance for 88 Dudley Road from Bob Drake
322-777 Request for Certificate of Compliance for 8 Lundy Lane from Bob Drake
322-807 Request for Certificate of Compliance for 21 French Avenue from Bob Drake
322-673 Groundwater Level Monitoring Report for 367 Commonwealth Road from John M. O'Connor

December 2, 2013

D-829 Notice to start work at Old Conn. Path (Chlorine Analyzer) from DPW
322-775 Notice to start work on septic at 121 Dudley Road from Skip Miller
Notice of upcoming PIP meeting 12/4/13 re: 430 Boston Post Road from ERM
322-759 Inspection Report on Carriage House at Lee's Farm from EBI Consulting
322-710 Inspection Report on Fieldstone Estates from H₂O Engineering
Notice of Intent for septic project at 29 Damon Street from Drake Associates
Notice of Intent for "River Trail Place" at Wayland Town Center from Sullivan, Connors for Brendon Homes
D-832 Notice to start work at 142 Glezen Lane from Lawrence Orloff

December 3, 2013

Remedy Operation Status Report for former Raytheon facility from ERM

December 4, 2013

Letter permitting Brendon Homes NOI filing for Town Center residential project from KGI Properties
322-813 Request for Continuance of 7 Lincoln Road ANRAD from EcoTec, Inc.

December 5, 2013

322-804 Confirmation of demo disposal for 9 Reservoir Road from Eligius Homes Co., Inc.
322-754 Request for return of performance guarantee for 3 Lawrence Road from Thomas Kemper

LIST OF EXPENDITURES November 22 – December 5, 2013

No activity to report