

WAYLAND CONSERVATION COMMISSION

Minutes Thursday, September 12, 2013 7:30 - 10:30PM

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

Present: Commissioners: Roger Backman, Sherre Greenbaum, Barbara Howell, Chairman: Andy Irwin,
Conservation Administrator: Brian Monahan

Minutes: Andrea Upham

Not present: Betty Salzberg, John Sullivan

A.Irwin opened the meeting at 7:30 PM noting that a quorum was present.

1. 7:30 pm – Citizens Time

No comments were offered.

2. Minutes – August 29, 2013

Motion to approve the Minutes of the August 29, 2013 meeting as edited; Seconded 4-0

3. Issuance of Order of Conditions – 21 French Avenue; DEP File 322-807

Motion to require a \$1000 performance guarantee; Seconded 4-0

Motion to issue a Permit under the Chapter 194 Bylaw; Seconded 4-0

Motion to issue an Order of Conditions under the Wetlands Protect Act; Seconded 4-0

- 4. 7:35 pm – Continued Public Hearing, Joseph and Melissa Hicklin, 9 Reservoir Road, DEP File No. 322-804:** Notice of Intent filed pursuant to the Wetlands Protection Act and an application filed pursuant to Wayland's Wetlands and Water Resources Protection Bylaw, Chapter 194, by Joseph and Melissa Hicklin, proposing site work within the wetland buffer zone associated with the construction of a single family house including: replacement of existing driveway, stormwater management facility, grading and landscaping and work within the outer 200' of riverfront area to include sewage disposal system leaching system and associated retaining wall and grading at 9 Reservoir Road, Wayland shown on Assessor's Map 44, Parcel 112.

Joe and Melissa Hicklin were present for the discussion. Mr. Hicklin explained that all of the previous issues had been addressed in the new plan provided to the Commission. B.Monahan inquired if the Hicklins had a conversation with the property owners of 15 Reservoir Road to address any concerns about the driveway during the construction. Mr. Hicklin expressed that he expects he will probably resurface the driveway. Discussion ensued on how to address the driveway paving with respect to the existing project. A.Irwin recommended filing a separate RDA, given that the project involves work on someone else's property. Mr. Hicklin proposed permission for him to pave up to the property line and then file a new application for the additional piece of the driveway. A.Irwin commented it is administratively cleaner to use that approach. R.Backman asked about the planting plan. B.Monahan discussed the required time period to submit the plan to the Commission being either sixty or ninety days. Mr. Hicklin stated preferring the 90-day period, and B.Monahan said there will be a condition in the Permit to address that. B.Monahan explained the performance guarantee requirement, which is designed to address necessary plantings and site inspections. Discussion ensued on extra inspections which will be required and spelled out in the Permit.

Motion to close the hearing under the Wetlands Protection Act; Seconded 4-0

Motion to close the hearing under the Chapter 194 Bylaw; Seconded 4-0

Motion to require a \$2,500 performance guarantee; Seconded 4-0

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A.Irwin reported an additional letter from Tom Sciacca to the Conservation Commission dated September 12, 2013. Mr. Sciacca spoke, quoting the wetland regulations pertaining to the alternatives analysis for riverfront, stating that the alternatives have to be shown to be not viable or not economic, which Mr. Sciacca stated is not the case with this project running over \$1M and River Road being a viable and more economic option. Mr. Sciacca noted that the exception in the regulations is for redevelopment projects but noted he does not believe it works here and believes the project should be denied.

Discussion ensued on the “redevelopment” definition in the regulations, which A.Irwin confirmed would be discussed by the Commission with Mr. Sciacca’s comments considered. B.Monahan noted that the same Commission members will be present at the next Conservation meeting for the continued hearing.

R.Backman inquired about soil testing with respect to the salt shed, and J.Moynihan confirmed that their plans refer to the “old” salt shed located at the transfer station.

A.Irwin asked for a brief review of the plan to highlight which portions are within riverfront, and Mr. Alcott showed a limited portion of the existing road was within the outer 200-foot Riverfront area. The roadway in that area is existing and will not be widened. Other alteration within the Riverfront is for improved stormwater management and possibly a wildlife crossing. A.Irwin asked Mr. Sciacca if his desire was to actually take out the roadway, and Mr. Sciacca confirmed. A.Irwin noted that indications are that removal of the road would likely be considered a “take” by NHES, and Mr. Sciacca agreed that such a project might need state-level involvement. A.Irwin also noted that access to the transfer station would also then have to be off of River Road if the road were removed at a cost. If the Transfer Station were relocated elsewhere, possibly at the former septage facility site, although that would necessitate a new solid waste facility site assignment. R.Backman commented that there are piles of concrete and debris there now that would have to be dealt with. A.Irwin confirmed the Commission will leave the hearing open and J.Moynihan may wish to address Mr. Sciacca’s comments.

Permission was granted by the applicant for continuance of the hearing.

**Motion to continue the hearing to September 26, 2013 at 7:35pm under the Wetlands Protection Act;
Seconded 5-0**

**Motion to continue the hearing to September 26, 2013 at 7:35pm under the Chapter 194 Bylaw;
Seconded 5-0**

6. **8:30 pm –Continued Public Hearing, Christine & Dean Richard, Applicants, 183 Oxbow Road, DEP File No. 322-809:** 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 Christine & Dean Richard. The project is for a septic replacement – replacing the 3-bedroom septic system with a 4-bedroom septic system at 183 Oxbow Road, Wayland, MA shown on Wayland’s Assessors Map 03, Parcel 012.

A.Irwin noted that this hearing had been continued without prior discussion. **Ted Doucette of Samiotes Consultants and Christine Richard, Applicant, were present for the discussion.** Mr. Doucette began by reporting that they now have a “no impact” response on the project from Natural Heritage. Mr. Doucette summarized the project for a septic replacement of a 2-bedroom now going to 3-bedroom. Mr. Doucette noted that the only work in the buffer zone will be outside of 50 feet. The plan was reviewed noting the leach field outside of all resource areas. Discussion ensued on the limit of lawn, and B.Monahan confirmed that there cannot be lawn where there are wetlands as

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discussed at the site visit. A.Irwin explained the Commission looks for a no-disturb area around wetlands that is fifteen feet on average, with a minimum of five feet in any one area. A.Irwin noted that plantings can define the limit of lawn, and B.Monahan noted that the planting line can be marked on the as-built plan. B.Monahan referred to the site visit which raised an issue of apparent dumping in the wetland area by someone, which needs to be removed.

Discussion ensued on the process for correspondence to the Commission for general response on conditions. Mr. Doucette hoped the detail could be provided in response to one set of conditions, rather than duplicated on both. B.Monahan requested detail on the Bylaw responses.

Motion to close the hearing under the Wetlands Protection Act;	Seconded 4-0
Motion to close the hearing under the Chapter 194 Bylaw;	Seconded 4-0
Motion to require a \$1000 performance guarantee;	Seconded 4-0
Motion to issue a Permit under the Chapter 194 Bylaw;	Seconded 4-0
Motion to issue an Order of Conditions under the Wetlands Protect Act;	Seconded 4-0

7. **8:47 pm – Public Hearing, Ruth & David Choi, Applicants, 29 Snake Brook Road, DEP File No. 322-811:** 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 David & Ruth Choi. The project is to construct a replacement septic system in the front yard and retire the existing system in the rear yard at 29 Snake Brook Road, Wayland, shown on Wayland’s Assessors Map 52, Parcel 51.

Bob Drake of Drake Associates was present for the discussion. Mr. Drake reviewed the plan involving a 35K square-foot lot with Snake Brook behind the lot and a five-bedroom house with a pool, tennis court and septic system. McArthur Environmental performed soil testing. Mr. Drake noted that in addition to this application with Conservation, Mrs. Choi will be going to the ZBA to get permission to have a home office. A meeting was held with the Board of Health to review converting the master bedroom to the home office. Mr. Drake noted being outside of the buffer zone with all proposed activity and noted the best place for the septic being in the front yard, with the rear yard area for a possible reserve area if considering a change of use with conversion of the office back to master bedroom.

Mr. Drake noted that the septic system is half inside and half outside of the outer riparian zone. Mr. Drake noted the old cesspool in the rear (outer riparian) will be retired and construction of the septic tank partially in the outer riparian zone will ensue, along with reconstructing the driveway in front. Mr. Drake reported that a portion of the driveway had to be removed, resulting in 400 square feet of driveway being eliminated. A.Irwin noted that the existing shed and tennis court may have been installed prior to the new regulations but the homeowner should understand the Commission’s position on impervious surface moving forward. Mr. Drake noted that the driveway will be a smaller footprint in the same location. B.Howell asked about soil testings and Mr. Drake confirmed that probings were done and the 147 contour line was fitting well. A.Irwin confirmed requiring an inventory of impervious surface on the lot, showing no increase, and Mr. Drake confirmed he will send that to B.Monahan. A.Irwin noted that it should include the wetland buffer zone. A.Irwin asked for confirmation that there will be no new impervious surface in riverfront, and Mr. Drake confirmed a reduction, which A.Irwin requested he include in his summary.

Mike Lowery asked Mr. Drake if he could identify the surface of the tennis court, and Mr. Drake responded that he believed it to be asphalt.

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Motion to close the hearing under the Wetlands Protection Act;	Seconded 4-0
Motion to close the hearing under the Chapter 194 Bylaw;	Seconded 4-0
Motion to require a \$1,000 performance guarantee;	Seconded 4-0
Motion to issue a Permit under the Chapter 194 Bylaw;	Seconded 4-0
Motion to issue an Order of Conditions under the Wetlands Protect Act;	Seconded 4-0

8. **9:00 pm – Review of proposed drainage mitigation: 89 Lakeshore Drive**
Bob Drake, Drake Associates, was present for the discussion. A.Irwin introduced the discussion concerning the existing Permit which includes “repair or replace catch basin” language. Mr. Drake noted that he was not the original engineer involved with this project. Mr. Drake reported on a brief meeting with S.Kadlik concerning the shallow catch basin and manhole. B.Howell inquired about Town funding, and D.Ouellette noted waiting on a letter requesting a waiver of fees. Mr. Drake noted that the drainage structures along the area of Lakeshore Drive are catch basins that feed into a leaching manhole, and someone installed sumps and ran pipes in two directions which he suspects went to a drywell. Mr. Drake noted that the Highway Department has been cleaning these out as a public service.

Mr. Drake concluded no need for a percolation test, noting that these are tired, old structures and due to their shallow depth, he is proposing pre-cast galleys, which are one foot deep with six inches of stone underneath. Mr. Drake summarized the process to cut up a section of asphalt, run 6” pipes and resurface the road for proper feed to the catch basin and reset the rim of the catch basin. Mr. Drake expressed this is a best effort to provide improvement.

Mike Lowery inquired about any easements that would interfere with the process, and Mr. Drake noted half in a septic easement for the Darack’s house at 96 Lakeshore Drive requiring permission and redraft of the agreement regarding the easement. A.Irwin noted significant sediment load, and Mr. Drake noted that on last site visits the trap rock was doing well enough that there was no evidence of sediment load. A.Irwin noted the need for a silt sack on the catch basin during construction. D.Ouellette noted that the catch basins will get cleaned once or twice per year. A.Irwin commented that it would be wise to watch the silt sack to see how much is being caught and in what timeframe. Mr. Drake responded that the silt sacks will remain until the entire area is stabilized and the sides of the driveway will be stabilized with trap rock. A.Irwin noted that the proposal is compliant with the conditions of the existing Order.

Mike Lowery reported that there has been no DEP sign visible on the property and shared that he is happy to see progress being made at the site.

Motion to accept Mr. Drake’s proposal as consistent with existing condition #15 of Chapter 194 Permit D-763; Seconded 4-0

9. **9:25pm - Informal Discussion Proposed Chlorine Analyzer Facility –Happy Hollow Wells**

Amanda Cavaliere, Tata & Howard, and Don Ouellette, DPW Director, were present for the discussion. D.Ouellette explained the area of the two Happy Hollows Wells and reported that one of the wells showed the existence of fecal coliform and has been shut down. D.Ouellette explained that when fecal coliform shows up, it is a more involved matter requiring a Log 4

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analyzer of chlorine 1000 feet away. The proposal is to tap into the 12" water main near the basketball court with a sampling device that will run 24/7. Ms. Cavaliere explained that the analyzer is simply a probe. A.Irwin asked if the project would be exempt under the UIC, and Ms. Cavaliere said she will look into that and is in the process of preparing the UIC. D.Ouellette noted the spring/culvert that goes underneath that he doesn't believe is within 200 feet of riverfront. A.Irwin commented that the stream is enclosed so there is not necessarily a riverfront issue.

A.Irwin reviewed the application process and whether an RDA or NOI, noting that they are a large distance from the resource area with no change in grades and an RDA can allow projects where the work is not going to have significant impact and no alteration. S.Greenbaum requested that the distance from the drainage outlet on the east side be measured and confirmed to the Commission. D.Ouellette agreed to provide that.

Linda Segal inquired about the need for the area to be secured and Ms. Cavaliere noted it will have a locked enclosure. D.Ouellette explained that this will be continually monitored and will be permanent.

A.Irwin confirmed that an RDA will be fine and no wetlands delineation will be needed, adding that the Conservation Commission can assist with delineation and mapping. A.Irwin inquired about any power failure provisions in place for the device, and Ms. Cavaliere responded that she will explore that.

10. Compliance Updates/Complaints

a. 121 Dudley Road; DEP File No. 322-755

B.Monahan noted that a letter was sent this date to the property owner.

b. Reservoir Road Tree Cutting

B.Monahan noted that the property owner followed up and will submit a planting plan.

11. Request for Performance Guarantee

137 Boston Post Road; DEP File NO. 322-665

Motion to release \$9,500 of the performance guarantee; Seconded 4-0

12. Land Management

a. **Farming Agreement for Sedge Meadow Conservation Area**

**Motion to enter into Sedgemoor Farming Agreement with Matthew Linehan;
Seconded 4-0**

b. **Open Space Plan Update**

B.Monahan discussed updating the open space plan noting that a joint effort will be undertaken to create a combination open space/recreation plan. A.Irwin noted that once updated, he would like to start a regular program of mailings to property owners on the open space plan on a rolling basis to keep the line of communications current and be routinely reaching out to property owners, which will in turn allow them to approach the Commission if they are interested in speaking with us, whether their interest is by fee or by conservation restriction. B.Monahan noted getting a price for contracted services.

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13. Citizen Inquiries

Mike Lowery reported on oil drums on Castle Hill Conservation land, asking if the DPW can dispose of them. A.Irwin noted there is no flow, giving permission and direction to the DPW to remove them. B.Monahan will explore if his seasonal staff can bring to the curbside.

Brief discussion ensued of housing partnership representative.

S.Greenbaum raised the issue of “Oh Deer” withdrawing water from Mill Pond and B.Monahan noted they have no permission from Conservation. A.Irwin expressed concerns of backflow and noted the matter requires discussion with the company representative.

14. Other

a. Land Acquisition

B.Monahan reported that Mr. Heller of the CPC is working on a Lincoln Road area parcel. B.Monahan noted that the Conservation Restriction needs public access wording. B.Monahan noted that a Forty Acres Drive resident wishes to speak to the Commission. A.Irwin reported 2.5 acres on 68 Plain Road to consider pursuing.

b. Annual Report – B.Howell reported having sent the report to B.Monahan.

c. Capital and Operating Budgets – B.Monahan reported not yet being asked for input. A.Irwin urged that he be prepared.

d. Generic Tree Permit Update – The tree-cutting replacement chart for both the generic and specific permits was reviewed and approved.

15. Issuance of Order of Conditions/Chapter 194 Permit (Pending closing of public hearings)

a. 4 Fields Lane, DEP File No. 322-806

As an abutter to the property, S.Greenbaum recused herself from the vote.

Motion to require a \$1,200 performance guarantee;	Seconded 3-0
Motion to issue a Permit under the Chapter 194 Bylaw;	Seconded 3-0
Motion to issue an Order of Conditions under the Wetlands Protect Act;	Seconded 3-0

16. Correspondence/Expenditures

17. Adjournment

Motion to adjourn at 10:30pm; Seconded 4-0

**TOWN OF WAYLAND
MASSACHUSETTS
CONSERVATION COMMISSION**

LIST OF PUBLIC DOCUMENTS PROVIDED TO THE CONSERVATION COMMISSION

August 30, 2013 to September 12, 2013

August 30, 2013

322-802/803 Updated plans for 122-124 Lakeshore Drive from Lakeview Engineering
322-801 Erosion control update on 28 Michael Road from Metrowest Engineering
As-Built Plan dated 4/20/00 for former Dow Chemical property from Peter Fletcher

September 3, 2013

322-710 Inspection Report on Fieldstone Estates from H2O Engineering
322-808 Stormwater Review Letter for DPW Access Roadway from Lisa Eggleston

September 5, 2013

322-701/744 Town Center Inspection Reports from Griffin Engineering Group, LLC
D-763 Plans to address driveway/basin issues at 89 Lakeshore Drive from Drake Associates

September 6, 2013

322-801 Building permit apps for retaining walls at Michael Road to J.Abelli from Barberry Homes

September 9, 2013

Notice of 9/10/13 site visit to 146 Concord Road from ZBA
Notice of ZBA continued hearing 9/10/13 for 146 Concord Road
Notice of ZBA continued hearing 10/8/13 for 102 Lakeshore Drive
Notice of 9/24/13 ZBA public hearing – 180 Oxbow Road and 160 Main Street/9 and 11 Hammond Road
322-759 Inspection Report on Carriage House at Lee's Farm from EBI Consulting
322-282 Request for Certificate of Compliance for 27 York Road from The Jillson Company
RDA to conduct soil borings at 430 Boston Post Road from Raytheon Company
RDA to reduce invasive shrubs at Greenway from Laura Mattei, SVT

September 10, 2013

322-804 Revised site plans for 9 Reservoir Road from Schofield Brothers

September 11, 2013

322-806 Septic Plans for 4 Fields Lane from Keystone Development Corp.
322-770 Inspection Report on 10 Covered Bridge Lane from Samiotes Consultants, Inc.

September 12, 2013

322-809 NHESP determination letter (email) on 183 Oxbow Road application
322-808 Letter of response, revised plans and NHESP letter re: DPW Roadway from Weston & Sampson

LIST OF EXPENDITURES August 30, 2013 to September 12, 2013

No items to report.