

# WAYLAND CONSERVATION COMMISSION

Minutes Thursday, August 8, 2013 7:34 – 10:35PM

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

**Present:** Commissioners: Roger Backman, Markey Burke, Sherre Greenbaum, Barbara Howell, Betty Salzberg, Chairman: Andy Irwin, Conservation Administrator: Brian Monahan

**Minutes:** Andrea Upham

**Not present:** John Sullivan

A.Irwin opened the meeting at 7:34 PM noting that a quorum was present.

**1. 7:34 pm – Citizens Time**

Mike Lowery commented that two issues noted in the 2004 Executive Summary of the Metropolitan Area Planning Council were Town Beach runoff and Route 30 North/Snake Brook as areas of concern, and Mr. Lowery reported that one has been taken care of and one is in process.

**2. Minutes – July 18, 2013**

**Motion to approve the July 18, 2013 Minutes as edited; Seconded 5-1 (1 abstain)**

- 3. 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.

**Fred King of Schofield Brothers Engineering and Melissa and Joe Hicklin, Applicants, were present for the discussion.** A.Irwin reported that discussions were taking place with the Board of Health concerning flexibility for the project with respect to alternative septic systems. Mr. Hicklin and Mr. King reviewed the possibilities, two of which were preferred – the Presby system (requiring variance) was one option and the other is four pipes which would be built half size with no wall to have the same impact as shrinking the system, with no variance is needed. A.Irwin commented that if it is a reduction in footprint and approved by the Board of Health, then it is fine. Discussion ensued on the four-pipe system option, which is designed so reserve trenches are put where desired and space allowed but not yet built. Mr. King reviewed the different septic system options on the Plan. Mr. King explained that the standard Presby came down to 2887 square feet, but the Board of health required it to be 50% larger. A.Irwin questioned the direction of the expansion toward riverfront and Mr. Hicklin explained it was pushed as far as it can be due to ledge. Option 2 was shown on the plan with 4,200 square feet of riverfront alteration, the removal of the wall and the slope can be vegetated with trees. The Presby system also eliminated the wall and resulted in virtually the same square footage of riverfront alteration with the additional 50% required by the Board of Health. Mr. King explained that this can be approved at the staff level rather than Board level. Mr. Hicklin explained this was not yet approved but the feedback seems positive and he will present Option 2 to them.

Discussion ensued on possible approach to plantings. S.Greenbaum commented on the large number of trees to be removed, and Mr. Hicklin responded that there is none not within eight feet of the house or on the septic system, with the exception of two that are leaning.

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**Motion to continue the hearing to August 29, 2013 at 7:35 pm under the Wetlands Protection Act;  
Seconded 6-0**

**Motion to continue the hearing to August 29, 2013 at 7:35pm under the Chapter 194 Bylaw;  
Seconded 6-0**

4. **7:55 pm – Continued Public Hearing, Walter Basnight, Applicant, 123 Dudley Road, DEP File No. 322-805:** Notice of Intent filed pursuant to the Wetlands Protection Act, MGL Chap 131, Sec 40 and an application filed pursuant to Wayland's Wetlands and Water Resources Protection Bylaw, Chapter 193, by Walter Basnight to rebuild a single family home on the same footprint of a pre-existing foundation including the replacement of a septic tank at 123 Dudley Road, Wayland, MA shown on Assessor's Map 47A, Parcel 72.

**Scott Goddard of Goddard Consulting, Jack Maloney of Sullivan, Connors & Associates, and Walter Basnight, Applicant, were present for the discussion.** Mr. Goddard reported that since the last hearing, they have addressed several outstanding matters raised by the Commission. Mr. Goddard presented a new picture/plan showing the entire lot with flag numbers added through flag 16. Mr. Goddard reported having changed the erosion control barrier with the new barrier extending around the foundation to discourage any stockpiling in the direction of the pond, adding that any stockpiling in the flat area designated will be temporary. Mr. Goddard reported that the datum is now NAVD with the conversion shown on the Plan, and faded contour lines were taken off and clarified on the new plan. The septic tank replacement details were shown and Mr. Goddard reported that dewatering for the hole (which is planned to be done in the fall during lower groundwater) is expected to be minor.

Mr. Goddard showed the three utilities on the site and pointed out the addition of the excavator access route. R.Backman asked about disturbance expected in the access route, and Mr. Goddard commented that they can wrap trees as needed. S.Greenbaum suggested marking trees for commissioners to see. B.Howell commented on the notation on the plan "contractor is to verify elevations ..." Mr. Maloney responded that the note is so that in the event that the contractor has a different elevation of the pipe at the foundation or anywhere else, he is to notify Sullivan Connors.

B.Howell commented that the leaching field looks closer than 50 feet to the pond. A.Irwin noted that it is an existing system and it is less than 50 feet from the pond. Mr. Maloney explained that the same question came up with the Board of Health, but it is a conditional pass based on the existing system, though if something were to happen to the system, the applicant would be returning with an application to put the system elsewhere. A.Irwin commented noting the DEP wetlands regulation indicating that a portion of the system being less than 50 feet from the pond would be accepted only if there is no alternative location, and asked if an alternative location were feasible. Mr. Maloney responded that it would have to be uphill of the existing elevation and it would not work to get sewage uphill unless they had a pump chamber outside the residence. A.Irwin noted that option should be considered.

R.Backman commented that the silt fence was backwards on the plan. B.Howell expressed concern that the stockpile area was too close to the resource area. Mr. Maloney said there may not be much of a need for it, though they preferred using the flat area.

B.Monahan commented that concerning the matter raised by the DEP, the applicant/agent should respond to the DEP and copy the Conservation Commission on the communication. A.Irwin commented that the DEP has at least identified concern about the tank and documentation concerning the 50 feet unless a local Bylaw exists with a more stringent limit; the Wayland Bylaw has

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a more stringent 75-foot limit. Mr. Maloney took issue with this project being considered new construction. A.Irwin responded that the Commission will need to research w/DEP. B.Monahan commented that A.Irwin had spoken with the Board of Health generally about the approach to utilize IA systems on the pond. A.Irwin replied that the effort is to create consistency in approach. Mr. Basnight commented that his neighbor's system is within 50 feet of the pond and took issue with all the time and money he has spent to move in the direction of the Commission's concerns at the last hearing and now the concern is the DEP. Mr. Basnight reported that he had spoken to Pam Merrill at the DEP previously.

Mr. Lowery commented on septage in basement pumped uphill, and Mr. Maloney commented that 25% is the limit for pumping of septage from within the building to treatment. A.Irwin noted that restriction would not apply to a pump chamber outside the residence.

Ms. Upton commented with concern that no effort is being made to maintain or improve the pond and added that the property hasn't been occupied so the functionality of the leach field has not been tested recently.

A.Irwin expressed that it is important for the Commission to know what is needed to meet the DEP regulations. Mr. Goddard expressed he will try to get an opinion letter. A.Irwin reminded of the need to clarify "alternative availability" and added that the Commission would also be connecting with the DEP on the matter. Mr. Basnight asked if there is no such thing as a grandfathered system, and A.Irwin replied that the DEP concern needs to be addressed. B.Monahan shared that he is questioning the wetland delineation in the area around Flag 8. Mr. Goddard asked if he wanted the excavation route staked out and Mr. Monahan confirmed. Mr. Goddard summarized issues as Data Sheets Flag 8; no trenching; access path and site walk; and clarify DEP concerns of repair vs. new construction and request letter from DEP. A.Irwin added verification of square footage of the floor area of the new structure, and B.Monahan requested a copy of the plot plan stamped by a surveyor.

Mr. Lowery commented that the pond will fluctuate a foot to a foot and a half in height over years and the actual high groundwater is as high as it will get tonight.

**Motion to continue the hearing to August 29 @7:45 pm under the Wetlands Protection Act;  
Seconded 6-0**

**Motion to continue the hearing to August 29 @7:45 pm under the Chapter 194 Bylaw;  
Seconded 6-0**

5. **8:45 pm – Continued Public Hearing, Fred Mannix, Applicant, 122 Lakeshore Drive, DEP File No. 322-803:** 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 Fred Mannix, proposing the construction of a second story addition to the existing house and repair of existing wooden decks and retaining walls along with site grading and landscaping, at 122 Lakeshore Drive, Wayland MA, Assessor's Map 46B, Parcel 32.
6. **8:45 pm – Continued Public Hearing, Fred Mannix, Applicant, 124 Lakeshore Drive, DEP File No. 322-802:** 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 Fred Mannix, proposing the construction of a replacement septic system for the existing house and abutting house as a shared septic system, including site grading, landscaping and retaining walls and repair of wooden decks and retaining walls on the site, at 124 Lakeshore Drive, Wayland MA, Assessor's Map 46B, Parcel 31.

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**Fred Mannix, Applicant and Steve Poole, Engineer were present for the discussion, and A.Irwin asked Lisa Eggleston, who had conducted peer review, to join the discussion.** Ms. Eggleston summarized that she took a look at the project and the property in June and submitted a comment letter. Ms. Eggleston noted concerns with the pervious pavement area and parking area, noting that the portion of roadway in front is in tough shape, with the drywell/catch basin silted in, adding that any pervious pavers which are next to that won't remain pervious if sediment gets onto that portion. Ms. Eggleston mentioned that they've added in a trench drain and drywell that will have to collect and trap sediment. Ms. Eggleston commented that the retaining wall is the bank of the lake and discussed sediment controls. Mr. Mannix responded that a double silt boom system is proposed.

A.Irwin asked if rather than having a concrete block wall on the frontage of the pond, there wasn't a more naturalized bank that wouldn't be stone. Ms. Eggleston responded that the tradeoff is protection of the bank. B.Howell asked if any portion would be natural at all, and Ms. Eggleston said there was a little and explained that the use of the Jersey Barriers actually does increase the lake a bit. A.Irwin urged coordination w/DEP for the wall. B.Monahan asked if they are still conversing with the Board of Health. Mr. Poole responded that once blessed by the Board of Health, they will update the Commission. Ms. Eggleston commented that the removal of the wall will be considered dredge so will be subject to a 401 Water Quality Certification and dismantling the bank will mobilize sediment, which will require proper permitting. B.Howell asked if there is enough access to maintain cultec galleys, and Ms. Eggleston responded that they are under pervious pavement up close to the road and very accessible.

Ms. Eggleston summarized that this is a dense sight and there will be loss of over-story but the septic is a vast improvement over the existing cesspool and added a need to address the existing runoff onto the site. Ms. Eggleston suggested a base course and few inches of choker course that you then remove. A.Irwin raised the issue of vegetation and re-vegetation and commented that the Sycamore is a huge water pump to be lost, and pointed out a notch at the edge of the pond that could use some base elevation wetland trees; a point noted on the plan near the wall and below the septic was suggested for red maple planting for over-story. B.Monahan noted that the final landscaping will be addressed through the Permit but the number of trees should be amplified.

Ms. Eggleston noted the only other concern is that construction will be a challenge in terms of protecting the lake, given the steep slope, and the Commission may want an erosion control monitor on site or at least require periodic inspections to keep tight control on the span of time that things are exposed. B.Howell asked that datum be noted on plan where it can be seen.

Mr. Lowery commented that if the Conservation Commission is too hard on people, it can affect improvements being pursued, and he looks forward to working together to improve the street.

B.Monahan asked Ms. Eggleston to please recap in writing what she said at this hearing within the next week.

**Motion to close the hearing under the Wetlands Protection Act;**

**Seconded 6-0**

**Motion to close the hearing under the Chapter 194 Bylaw;**

**Seconded 6-0**

7. **9:20 pm – Public Meeting, James Ogletree and Ann Drouilhet, Applicants, 113 Dudley Road, File No. D-825:** Request for Determination of Applicability 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 James Ogletree and Ann Drouilhet. The project is for a major renovation (95% interior work) at 113 Dudley Road, Wayland shown on Wayland's Assessors Map 47A, Parcel 076.

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**James Ogletree and Ann Drouilhet, Applicants, were present for the discussion.** Mr. Ogletree reported that he bought the house, which is in great disrepair, last September and is completely renovating the inside. Mr. Ogletree noted two items within the project which he recognizes are of interest to the Conservation Commission – a 42" x 42" covered area and some footings on the far side from the pond for a laundry room foundation that used to be the front door. B.Howell asked about any work to be done repairing the roof and Mr. Ogletree noted a chimney which will no longer be used. R.Backman asked about gutters and Mr. Ogletree said none were planned; the current runoff is onto gravel and has presented no issues. A.Irwin inquired about a stockpile area and Ms. Drouilhet noted that they will be using the soil to fill the empty garden area on the site. A.Irwin inquired about the use of a backhoe, and Mr. Ogletree reported access from the side away from the septic. B.Monahan mentioned requirement for a drip line with stone and the need for a sediment barrier such as filtermitt or other silt product to protect the front area. The applicants confirmed there is no lawn on the site and none is intended; the area is left natural with the back of the house perhaps 35 feet from the pond.

**Motion to issue a Negative Determination under the Wetlands Protection Act; Seconded 6-0**  
**Motion to issue a Permit with conditions under the Chapter 194 Bylaw; Seconded 6-0**  
**Motion to require a Performance Guarantee of \$1,000; Seconded 6-0**

A.Irwin reported to the applicants that at the point when soils are disturbed, they will need a P.E. to provide a report to the Conservation Commission. B.Monahan mentioned a list of names as available in the office. The applicants confirmed to B.Monahan that no trees are proposed for cutting. Discussion ensued of future tree work on the site which may be looked at by the applicant in the future.

8. **9:38 pm – Public Meeting, Jacob Tharpe, Applicant, 42 Mathews Drive, File No. D-826:** Request for Determination of Applicability 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 Jacob Tharpe, 42 Mathews Drive, proposing to remove an existing deck and replace it with a 8' x 15' deck including 3 concrete footings and gravel under the deck to prevent water runoff on land shown on Wayland's Assessors Map 47C, Parcel 008.

**Jacob Tharpe, Applicant, was present for the discussion.** Mr. Tharp summarized the project for an existing deck to be expanded toward the pond and mentioned a stream to the left as well as wetlands. Mr. Tharpe bought the house three years ago. With inquiry from A.Irwin, Mr. Tharpe noted no change in grade as a result of the work. A.Irwin confirmed that crushed stone will be needed and confirmed no concrete washouts in Conservation jurisdiction. Mr. Tharpe confirmed that the decking material is composite and the framing material is pressure treated. Discussion ensued of Trex product vs. PVC, and A.Irwin confirmed that Trex can be hot underfoot. Mr. Tharpe informed the Commission that stairs coming off the deck were intended as part of the project but were left off the plan. A picture was passed around for the Commission's consideration. The Commission approved the addition of the stairs to the project which will extend three feet closer to the resource area, noting the need for a small pad or footing at the bottom of the stairs, such as a heavy piece of bluestone, which Mr. Tharpe noted.

**Motion to issue a Negative Determination under the Wetlands Protection Act; Seconded 6-0**  
**Motion to issue a Permit with conditions under the Chapter 194 Bylaw; Seconded 6-0**  
**Motion to require a Performance Guarantee of \$500; Seconded 6-0**

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

- a. 137 Boston Post Road; DEP File No. 322-665

B.Monahan confirmed the item is deferred to the next meeting to allow for a site visit by the Commission.

- b. 84 Riverview Circle; DEP File No. 322-611

Mr. and Mrs. Barnacle were present for the discussion. B.Monahan summarized that the certificate will note that no inspection reports were submitted during the work and the plan was stamped by a Registered Sanitarian.

**Motion to issue a partial Certificate of Compliance under the Wetlands Protection Act; Seconded 6-0**

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

- c. Alice Drive Subdivision; DEP File No. 322-552

**Motion to deny Certificate of Compliance based on clarification needed for retaining wall and Conservation Restriction as communicated by letter; Seconded 6-0**

**10. Compliance Updates/Complaints**

- a. **Dylan's Way; DEP File Nos. 322-708; 322-709; and 322-710**

A.Irwin reported out on erosion issues on Concord Road and subsequent violations issued by the Commission and the response. A.Irwin reviewed the inspection reports from Mr. Chiang and discrepancies noted, resulting in a draft letter proposed by A.Irwin as Conservation Commission Chairman to the Licensing Board concerning the false claims presented in the reports on two recent occasions. A.Irwin reported that inspection at the site this date, August 8, 2013, found catch basins are all clear with fresh silt sacks and erosion barriers around the site, the roadway was cleaned of sediment and an NOI for coverage under the construction general permit had been filed with the EPA. A.Irwin noted that the engineer is not responsible for the sediment issue but he is responsible for accurate reporting. The Commission noted no objection to the letter being sent to the Licensing Board.

**Motion to refer the matter to the Licensing Board; Seconded 6-0**

- b. **121 Dudley Road; DEP File No. 322-755**

B.Monahan reported that it seemed that the applicant had created a bigger basement and the roofline has created an erosion problem. B.Monahan recommended an after-the-fact filing to review the changes from the approved plan in an effort to clarify the foundation and roofline.

- c. **119 Dudley Road – Retaining Wall**

B.Monahan reported to the Commission that he is trying to help the property owner and contractor with the necessary application.

- d. **Reservoir Road Tree Cutting**

B.Monahan sent a letter to the homeowner and has not yet received a response.

**11. Request for Performance Guarantee**

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- a. 14 Country Corners Road; DEP File 322-769

**Motion to release \$1,000 of the Performance Guarantee; Seconded 6-0**

**12. Land Management**

- a. Farming Agreement for Sedge Meadow Conservation Area
  - B.Monahan noted the need to add butterfly wording and amend the start time to an earlier date along with modifying the signature page to add printed names.

**13. Citizen Inquiries**

- A.Irwin reported on an inquiry from Samiotes asking about a potential RDA noting that B.Monahan had responded with recommendation that an NOI was more appropriate.

**14. Other**

- a. Proposed Meeting Schedule: September – December, 2013
  - B.Monahan reported that proposed dates will be published.
- b. Chapter 193 Issues: Forty Acres Drive
  - B.Howell commented that an old trail got flooded out and B.Monahan reported sediment washing down.
- c. Redevelopment around Dudley Pond
  - A.Irwin reported a ZBA meeting next Tuesday and mentioned the desire to be on a future ZBA agenda to discuss Dudley Pond.
- d. Other
  - A.Irwin reported that the Town may be acquiring a Conservation Restriction for the Farrell land on Lincoln Road.
  - A. Irwin also reported that he was invited to a Selectmen’s meeting the next Monday concerning the DPW road to the transfer station

**15. Correspondence/Expenditures**

**16. Adjournment**

**Motion to adjourn at 10:35pm; Seconded 6-0**

The next Conservation Commission Meeting is scheduled for **Thursday, August 29, 2013** in the Wayland Town Building.





**TOWN OF WAYLAND  
MASSACHUSETTS  
CONSERVATION COMMISSION**

**LIST OF PUBLIC DOCUMENTS PROVIDED TO THE CONSERVATION COMMISSION  
July 19, 2013 to August 8, 2013**

**July 22, 2013**

322-759 Inspection Report on Carriage House at Lee's Farm from EBI Consulting  
Approval of Conservation Cluster at Michael Road and addresses from Building Department  
D-820 Notice to Start Work and photo for 16 Sedgemoor Road from Bob Anderson  
RDA for deck project at 42 Matthews Drive from Jacob Tharpe

**July 23, 2013**

Notice of preparation of 2013 Annual Town Report from MaryAnn DiNapoli

**July 24, 2013**

322-796 Inspection Report and as-built plan for 26 Charena Road from Bob Drake  
322-710 Inspection Report for Fieldstone Estates from H2O Engineering  
ZBA Decision re: 79 Rice Road, 11 Morse Road, 397 Boston Post Road, 93 Lakeshore Drive  
322-665 Request for Certificate of Compliance for 137 Boston Post Road from Hayes Engineering

**July 25, 2013**

322-611 As-built plan for 84 Riverview Circle from M/M Barnacle  
322-701/744 Town Center Inspection Report from Griffin Engineering

**July 26, 2013**

Notice of Intent single-family home (septic and some grading in buffer) at 4 Fields Lane from Mike Staiti  
Memo from J.Moynihan re: background of Municipal Procurement

**July 29, 2013**

D-801 Request for Performance Guarantee for 12 Plain Road from Sally Linden  
322-710 Inspection Report for Fieldstone Estates from H2O Engineering  
ZBA Decision for porch/deck construction at 14 Quincy Road  
Signed Farming Agreement for Sedge Meadow from Matt Linehan

**July 30, 2013**

322-611 Request for Certificate of Compliance for 84 Riverview Circle from Roy Barnacle

**July 31, 2013**

322-624 Inspection Report on Wayland Commons from Sullivan, Connors  
322-801 Pre-work condition requirements for Michael Road from Barberry Homes LLC

**August 5, 2013**

322-744 Request for CoC for 138 Glezen Lane from Everett M. Brooks Company  
RAM status report on 430 Boston Post Road to Town Administrator from Vertex Environmental

**August 7, 2013**

322-710 Inspection Report for Fieldstones Estates from H2O Engineering

**TOWN OF WAYLAND  
MASSACHUSETTS  
CONSERVATION COMMISSION**

**August 8, 2013**

322-701/744 Town Center Inspection Reports from Griffin Engineering

322-708/709/710 Letter re: erosion control from EcoTec and SWPP/EPA docs from Brite Excavating

**LIST OF EXPENDITURES    July 19, 2013 to August 8, 2013**

7/25/13	Cavicchio Greenhouses, Inc.	\$327.76	<i>(Community Garden Plantings)</i>
7/30/13	MACC	\$670.00	<i>(ConCom annual membership dues)</i>
	Richey & Clapper	376.03	<i>(Chain saw / misc.)</i>
	Sudbury Lumber	256.69	<i>(Wood for land management)</i>
8/7/13	Richey & Clapper	\$ 99.74	<i>(Chain saw repairs)</i>
	Sudbury Lumber	25.59	<i>(Box of stainless steel screws)</i>