

# WAYLAND CONSERVATION COMMISSION

Minutes, Thursday, November 21, 2013 7:35 – 9:50PM

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

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

**Not present:** Bob Goldsmith

**Minutes:** Andrea Upham

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 – October 24, 2013 and November 7, 2013**  
This item will be discussed at the next meeting.
- 3. 7:35 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. **Conservation Commission voted on November 7, 2013 to continue this public hearing to December 5, 2013.**
- 4. 7:40 pm – Public Meeting, Lawrence Orloff, Applicant, 142 Glezen Lane, File D-832:** 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 Lawrence Orloff. The applicant is seeking approval to construct a 20' x 15' permeable paver apron to provide turn-around capability on the driveway at 142 Glezen Lane, Wayland, shown on Assessor's Map 11, Parcel 64.

**Larry Orloff, Applicant, and Larry Nicolai, Senior Vice President of Ideal Pavers, were present for the discussion.** Mr. Orloff explained the need for the project to provide a turnaround in the driveway at 142 Glezen Lane. Mr. Nicolai summarized the process beginning with soil excavation (12-20" depth range) with excavation of unsuitable soils and lightly compacted soils to remain to allow water to flow. The base is open-graded crushed stone which collects and stores water and there is a setting bed for pavers. The pavers are high-strength concrete pavers with a special mold which creates a four-corner notch so that when assembled, there are spacer tabs and a series of openings for water to enter to the area below. Mr. Nicolai further explained that because the pavers are set on stone without concrete, they must be restrained on all four sides with a form of curbing, which in residential projects is a PVC type product along the edge, a surround detail to secure the paving so it won't open up.

A.Irwin asked about a drain. Mr. Nicolai explained that if A or B soil, a drain is not needed and if C or D level soil, an underdrain may be installed. A.Irwin asked what runoff co-efficient is used and Mr. Nicolai explained that a zero runoff is achievable with this pavement – typically 0 to 0.3. Mr. Nicolai noted that the driveway contractor will wrap Geo-Tech fabric to keep the open-graded stone separate from dense-graded stone. S.Greenbaum noted a downward slope toward the wetland on a recent site visit. Mr. Nicolai expressed that the maximum would be a 5% slope. Discussion ensued on the

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UNH Hood House report. A.Irwin inquired about treatment of excavated soils. Mr. Orloff expressed perhaps using some topsoil for a garden area. A.Irwin expressed the need to keep out of the buffer zone, and it was understood that most of the excavated soils would be trucked away.

**Motion to issue a Negative Determination w/conditions under the Wetlands Protection Act; Seconded 6-0**

**Motion to issue a Permit w/conditions under the Chapter 194 Bylaw; Seconded 6-0**

**Motion to require a performance guarantee of \$500; Seconded 6-0**

5. **8:00 pm – Public Meeting , Sarkis Sarkisian, Applicant, 8 Hill Street, File D-833:** 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 Sarkis Sarkisian. The applicant is seeking confirmation that no wetland exists on or within 100 feet of the site at 8 Hill Street, Wayland, shown on Assessor’s Map 51B, Parcel 029.

**Scott Goddard, Goddard Consulting, was present for the discussion, representing Sarkis Sarkisian.** Mr. Goddard summarized the property at 8 Hill Street, a 100’ x 100’ forested parcel with no dwelling. Mr. Goddard noted an aerial photo provided in the application packet and noted that Mr. Sarkisian is seeking to purchase the property. Mr. Goddard noted a variety of vegetation on the site, with some invasive plants and soils noted as almost exclusively non-hydric with the nearest wetland in excess of 100’ to the south. Mr. Goddard explained that they would like to explore single-family home construction on the lot and are seeking a Negative Determination of Applicability noting that the property is not subject to Conservation Commission jurisdiction.

B.Howell asked when the wetland evaluation was done and commented that no date was noted in the paperwork and the Commission likes delineations between May and October. Mr. Goddard noted that he was at the site in October and could produce data plots if needed.

A.Irwin informed Mr. Goddard that a letter was received by the Commission today from Mr. and Mrs. Samiotes, abutters to 8 Hill Street, which A.Irwin reviewed. A.Irwin asked Mr. Goddard if the technical information noted was available. Mr. Goddard noted having provided technical information in the filing and offered to put it in the form requested. B.Monahan noted that it is almost impossible to determine isolated land subject to flooding and inundation without topography. S.Greenbaum commented that a neighbor noted the presence of wetness on the property. A.Irwin commented that once an RDA is filed with the Commission, they must either respond with a negative or positive determination. B.Monahan commented that a Request for Determination of Applicability really is not an effective way to address this project. Mr. Goddard explained that he felt there was no Conservation jurisdiction on the property and therefore did not file an ANRAD. B.Monahan commented that isolated land subject to flooding and inundation is a broad area and the neighbor who is reporting has been there a long time. B.Monahan added that standing water for two weeks equals hydric soil and hydrology around the buffer is challenging.

A.Irwin explained to Mr. Goddard that the Commission is obligated by the regulations to make a decision on a Request for Determination in 21 days, and if the Commission issues a positive Determination of Applicability, work cannot proceed until such time as it is a negative Determination of Applicability or a Notice of Intent is filed. Mr. Goddard commented that there has to be bordering vegetated wetlands for an ANRAD filing. B.Monahan told Mr. Goddard he can withdraw the RDA and file an abbreviated NOI, adding that the Commission requires better documentation. A.Irwin read from the By-Law regulations explaining that wetlands determinations shall not be finalized from November to April of a given year. B.Monahan added that detailed contours are needed and isolated

land subject to flooding and inundation cannot be determined without a site plan. Mr. Goddard confirmed withdrawal of both applications.

**Motion to accept withdrawal of Request for Determination under the Wetland Protection Act; Seconded 6-0**

**Motion to accept withdrawal of Application under the Chapter 194 Bylaw; Seconded 6-0**

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

a. Field at Mainstone, DEP File 322-583

A.Irwin recused himself from the discussion.

**Steve Garvin, Samiotes Consultants, and Devens Hamlen, Applicant, were present for the discussion.**

B.Monahan commented that the matter of the trail was not a condition but a finding and noted that all that is needed is to install markers.

**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. 3 Lawrence Road; DEP File 322-754

**Mr. Kemper was present for the discussion.** B.Monahan noted small outfall energy dissipation and explained to Mr. Kemper that he couldn't see it on a recent site visit and to be aware of that.

**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. Re-issue corrected Certificate of Compliance for 27 York Road; DEP File 322-191

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

**7. Issuance of Order of Conditions [310 CMR 10.05 (6)]/Chapter 194 Permits (Pending closing of hearings)**

a. DPW: 266 Old Connecticut Path, DEP File 322-812

Discussion ensued of phasing of the work to remove the old buildings, restore floodplain, restore riverfront, inner riparian zone, etc. Standard conditions for tree cutting and construction dewatering discussed. Include condition for notice of when disinfection occurring for assurance of dechlorination treatment of any discharge. Standard conditions for names of contractor(s) furnished and Permit maintained on site and contractor responsibility for compliance. No stockpiling in floodplain.

**Motion to issue a Permit under the Chapter 194 Bylaw; Seconded 6-0**

**Motion to issue an Order of Conditions under the Wetlands Protect Act; Seconded 6-0**

**Motion to require a 5% retainage; Seconded 6-0**

**8. Compliance Updates**

A.Irwin reported receiving a call from Keystone Development regarding Sage Hill to resolve the matter of the Conservation Restriction to the Town and was told that language is not acceptable

and no alternative language was offered by Town Counsel. B.Monahan commented that M.Lanza responded to them that there are encumbrances that need to be cleaned up.

**9. Land Management**

- a. Proposed CR for Wayland Town Center – S.Greenbaum is working on this item.

**10. Other**

- a. **FY 2015 Operating Budget**

A.Irwin reported that the budget is due 11/25/13. B.Monahan reported plans to add \$10K to be matched for Open Space/Recreation update.

- b. **Proposed Meeting Schedule: 2014**

The Commission will proceed with the dates shared in agenda notes and website will be updated.

- c. **Town Center – Residential Component**

A.Irwin commented that this topic was covered in a prior meeting regarding whether or not an Amendment is needed to address the transition to a new owner doing the construction of the residential phase of the project; some Commissioners have wondered how it would work to close out the rest of the project if the residential section is now feeding into permanent BMPs. B.Monahan noted that Mr. Dougherty wants a Certificate of Compliance for his portion of the work. B.Monahan asked whether it is cleaner to have residential people file separately for free-standing order just on their work. Discussion ensued of the roadway to the residential portion, which goes to basins on someone else's property (A.Irwin noted basins 2 and 3). B.Monahan asked how the Commission closes Town Center if 5K more impervious surface is actually going to drain to basins, and if the roadway is not there, how do you close basins? A.Irwin commented that the project cannot go with more impervious than designed for; an overlay of the whole development with stipulations and net reduction of impervious surface was discussed. A.Irwin suggested a separate Notice of Intent so nothing gets muddled and expressed a need for consistency of design limits for the residential portion to work in the context of the master plan for drainage on the site. R.Backman commented that the Town Wastewater Commission should get involved.

- d. B.Howell noted a letter from DCR calling for comments by 11/26/13. B.Monahan asked B.Howell to please draft a response.

**Motion to allow B.Howell to provide response on behalf of the Commission; Seconded 6-0**

- e. Discussion on Route 27 culvert work by the Town ensued. B.Monahan noted a number of violations doing work and suggested that he could send a notice to J.Moynihan and copy D.Ouellette. A.Irwin said he will raise the issue to our liaison to the Board of Selectmen. B.Monahan will furnish necessary information to A.Irwin. Discussion ensued of the culvert located at 10 Old Sudbury Road and it was consensus of the Commission that if soils erode, B.Monahan will take action by enforcement order.

**Motion to allow B.Monahan to take action via Enforcement Order; seconded 6-0**

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- f. J.Sullivan discussed the positive vote that occurred on the Lincoln Road property and encouraged the Commission to think about requesting that another \$2M be set aside for future acquisitions.

**Motion to request CPC to set aside \$2M of current available funds to open space;  
Seconded 5-1 (opposed)**

J.Sullivan departed at 9:40pm.

- g. Brief discussion on the access roadway and possibility of drafting a letter to Town Crier. Linda Segal noted a 2004 study which showed that Weston & Sampson reviewed many sites and map/parcel 22-003 fell off the radar screen and nobody foresaw it would no longer include the service provided.

**11. Correspondence/Expenditures**

**12. Adjournment**

**Motion to adjourn at 9:50PM; Seconded 5-0**

The next Conservation Commission Meeting is scheduled for Thursday, **December 5, 2013** in the Wayland Town Building.

NOTE: Per changes to the Open Meeting Law, notice of any meeting of a public body shall include “A listing of topics that the chair reasonably anticipates will be discussed at the meeting”. AG’s Office guidelines state that the list of topics shall have sufficient specificity to reasonably advise the public of the issue to be discussed.



**TOWN OF WAYLAND  
MASSACHUSETTS  
CONSERVATION COMMISSION**

**LIST OF PUBLIC DOCUMENTS PROVIDED TO THE CONSERVATION COMMISSION  
November 8, 2013 to November 21, 2013**

**November 8, 2013**

322-804 Notice to Start Work at 9 Reservoir Road from Eligius Homes Company, Inc.  
322-813 Request for Continuance of 7 Lincoln Road ANRAD from EcoTec, Inc.

**November 13, 2013**

322-814 Updated plans for 74 Lakeshore Drive from Sullivan, Connors  
322-788 Inspection Report for 88 Dudley Road from Bob Drake  
322-807 Inspection Report for 21 French Avenue from Bob Drake  
322-777 Inspection Report for 8 Lundy Lane from Bob Drake  
D-825 Inspection Letter for 113 Dudley Road from Bob Drake  
322-796 Inspection Report for 26 Charena Road from Bob Drake  
322-804 Notice of Demolition at 9 Reservoir Road from Eligius Homes Company Inc.

**November 14, 2013**

322-710 Inspection Report on Fieldstone Estates from H2O Engineering  
Notice of annual dues increase from MACC

**November 18, 2013**

Notice of Intent for septic repair at 22 Pequot Road from Goddard Consulting  
322-701/744 Inspection Report on Town Center from Griffin Engineering Group, LLC  
322-701 Letter re: requested amendment to C194 Permit for Town Center from KGI and Brendon Homes

**November 19, 2013**

Mass Central Rail Trail EENF from Department of Conservation and Recreation

**November 20, 2013**

322-804 Copy of SWPPP for 9 Reservoir Road from Eligius Homes Company, Inc.  
322-805 Request for documents from 1/1/11 to present for 123 Dudley Road from Seth Hochbaum, Esquire

**November 21, 2013**

D-833 Letter expressing concern with the 8 Hill Street RDA from Chuck and Despina Samiotes

**LIST OF EXPENDITURES    November 8—21, 2013**

11/20/13        *Gatehouse Media*        \$14.10 (*Wayland Town Crier Legal Notice*)