

# WAYLAND CONSERVATION COMMISSION

Minutes, Thursday, October 24, 2013 7:35 – 10:20PM

**Location:** Selectmen's Meeting Room, Town Building, 41 Cochituate Road, Wayland, MA

**Present:** Commissioners: Roger Backman, Sherre Greenbaum, Barbara Howell, Betty Salzberg, John Sullivan (7:55pm), **Chairman:** Andy Irwin, **Conservation Administrator:** Brian Monahan

**Minutes:** Assembled from notes taken at the meeting.

A.Irwin opened the meeting at 7:35PM noting that a quorum was present.

**1. 7:35 pm – Citizens Time**

**Tom Sciacca, Rolling Lane**, noted that he is working on an appeal to the DPW Access Road Order of Conditions and gathering signatures to file in the coming week. Mr. Sciacca also noted that funding for the road is not included in the Town Meeting Article related to the DPW Building.

**2. Minutes – September 26, 2013 and October 9, 2013**

**Motion to approve the September 26, 2013 Minutes as edited; Seconded 5-0**

**Motion to approve the October 9, 2013 Minutes as edited; Seconded 5-0**

- 3. 7:39 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, Goddard Consulting, Jack Maloney, Sullivan & Connors, and Walter Basnight, Applicant, were present for the discussion.** A.Irwin noted that a new plan dated 10/22/13 was just submitted to the office and now another plan was being distributed at the meeting giving the Commission no time for review. He noted that the newly proposed leach field location is further from the pond and beyond the 75' boundary. The newly proposed leach field is located at the top of the steep slope adjacent to Dudley Pond. Grading is associated with this to provide for off-road parking at the top of the slope over the leach field. There are stairs proposed down the steep slope to the house. The newly proposed house location would be 15' from Dudley Pond, which is 8' further away than the existing foundation. B.Howell noted the new plan shows a larger roof area and mentioned that during the last meeting a new application was suggested if a new building were to be proposed. S. Goddard said that the house was larger but it should be considered an amendment to the current application. Mr. Basnight noted he had a right to increase square footage by 20% under other regulations. A. Irwin noted that it could be considered new construction if the existing foundation weren't reused and the footprint were bigger. S.Greenbaum noted that a new application should be required if it's new construction since different criteria are considered. B.Salzberg raised concern with the amount of impervious surface with the wooden decks. A.Irwin raised the issue of appropriate notice to abutters if the project is larger and substantially different than originally submitted. A five-minute recess was granted to the Applicant for discussion.

- 4. 7:50 p.m. Discussion with CPC Representatives Jerry Heller and Gretchen Schuler of Warrant Article to purchase Conservation Restriction on Lincoln Road**

Jerry Heller, Chair of the Community Preservation Committee noted that terms of a draft Conservation Restriction (CR), the subject of which is a warrant article at the November 2013

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Special Town Meeting, are being finalized and that public access wording has improved. A question/concern was raised about possible lead contamination issues related to the allowance for skeet shooting on the property and that it should not be allowed. J.Heller said the CPC would look into this.

**Motion to co-sponsor the Lincoln Road Conservation Restriction purchase warrant article, Seconded 6-0**

**5. 7:55 p.m. Continued Public Hearing, Walter Basnight, Applicant, 123 Dudley Road, DEP File No. 322-805:**

Hearing resumed. Mr. Basnight confirmed his decision to go ahead with the original plan because of time constraints for insurance reimbursement. Further discussion of the revised plan to move the house away from the pond followed. A.Irwin asked if the existing foundation block will remain, and Mr. Basnight confirmed that. A.Irwin noted the net change to the foundation structure was by proportion smaller than 25% or so and asked about additional total square footage of impervious surface, which was noted as 200 square feet. Mr. Basnight indicated that he could defer on increasing the total square footage of impervious.

Molly Upton, Bayfield Road, commented that the original application was going to be a “like-for-like” switch, not a 20% increase.

Mike Lowery, Lakeshore Drive, said to consider the circumstances and the leach field being moved for allowing some flexibility.

A. Irwin remarked that with no increase in impervious and with just limited change to the existing foundation the project could be considered under an amendment but the change warranted notice to abutters. S.Goddard noted the decision to eliminate the decks and promised deliver new plans and other required information to the Commission tomorrow morning in order to advertise the hearing for November 7, 2013 as an amended Notice of Intent. Discussion confirmed the need to re-notice the project and the need for a new section indicating the proposal to slide the house back eight feet from the pond using no larger footprint of impervious.

**Motion to continue the hearing to November 7, 2013 under the Wetlands Protection Act; Seconded 6-0**

**Motion to continue the hearing to November 7, 2013 under The Chapter 194 Bylaw; Seconded 6-0**

**6. 8:25 pm – Continued Public Hearing, Town of Wayland/D. Ouellette, DPW Director, Applicant, 266 Old Connecticut Path, DEP File No. 322-812.** in the Wayland Town Building, 41 Cochituate Road, Wayland, Massachusetts the Wayland Conservation Commission will hold a public hearing to consider a Notice of Intent 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 Protection Bylaw, Chapter 194 by the Town of Wayland DPW, D. Ouellette, Superintendent. The applicant is proposing furnishing and installing a precast concrete building including chemical bulk and day storage tanks, pumps, and instrumentation and control. Site work shall include installation of approx. 500 linear feet of 8-inch ductile iron water main, well pumps and associated appurtenances. The work is proposed at 266 Old Connecticut Path shown on Wayland’s Assessor’s Map 37, Parcels 32 and 33. Portions of the work are in or within 100 feet of resource areas.

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**Amanda Cavaliere of Tata & Howard and D.Ouellette, DPW Director, were present for the discussion.** Ms. Cavaliere outlined the plan to decommission and demolish the old wells. A. Irwin commented that removal of the obsolete structures was important mitigation work for the project and would be a condition on the work. D. Ouellette noted that the demolition work was not within the current scope of work that would be bid to outside contractors but would be done later.

Linda Segal, Aqueduct Road, asked when the work will be done and how it will be synchronized. D.Ouellette responded that they hope to have bids by April and construction by June. The access road from Stonebridge will be surveyed once the new wells are in. L. Segal noted that the Happy Hollow wells provide most of the Town's water and it was a sensitive site. She also noted some discussion about adding solar panels there.

Molly Upton, Bayfield Road, asked if archaeological research has been done and D.Ouellette confirmed it has been done. Ms. Upton asked if there was any other access. D.Ouellette explained there is a need for another access off of Old Connecticut Path that is high and dry for trucks. Ms. Cavaliere spoke to the comments that MassDEP provided to the Notice of Intent and provided a handout. Continuance to the next Commission meeting was granted.

**Motion to continue the hearing to November 7, 2013 at 7:45 pm under the Wetlands Protection Act with the agreement of the applicant; Seconded 6-0**

**Motion to continue the hearing to November 7, 2013 at 7:45 pm under The Chapter 194 Bylaw; Seconded 6-0**

7. **8:40 pm – Public Hearing, Donald and Kathryn Hart, Applicants, 74 Lakeshore Drive, DEP File No. 322-814:** 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 Donald and Kathryn Hart. The project is to construct a replacement septic system on the property at 74 Lakeshore Drive, Wayland, shown on Wayland's Assessors Map 42D, Parcel 58.

**Scott Goddard of Goddard Consulting and Jack Maloney of Sullivan, Connors were present for the discussion.** Mr. Goddard summarized that the existing cesspool has failed. The existing system is a two-bedroom design and will remain a two-bedroom system. The test pit indicated 7' to groundwater and the soil absorption system is beyond 75'. It was pointed out that plan used assumed datum and there were errors on the plan. Statements made in Notes on the stamped plan, Item 10 and Item 12 were pointed out by the Commission as being incorrect. There is a need for a deed restriction filing for two bedrooms and S Goddard indicated that restriction was to be in place. Item 10 was discussed as requiring Board of Health, rather than staff, to review Zone II septic systems. A. Irwin noted that the P.E. stamping the plan should review the plan to confirm its accuracy and submit a corrected plan before the next hearing.

**Motion to continue the hearing to November 7, 2013 at 7:50 pm under the Wetlands Protection Act based upon the applicant's representatives agreement; Seconded 6-0**

**Motion to continue the hearing to November 7, 2013 at 7:50 pm under The Chapter 194 Bylaw; Seconded 6-0**

8. **9:00 pm – Public Hearing, Fred Mannix, Applicant, 122 Lakeshore; DEP File No. 322-803:** Application seeking to amend the Chapter 194 Permit issued pursuant to Wayland's Wetlands and Water Resources Protection Bylaw, Chapter 194, (DEP File 322-803) filed by Fred Mannix. The amendment

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requests a wording change to condition #17 in the Permit issued for work at 122 Lakeshore Drive, Wayland, shown on Wayland's Assessors Map 46B, Parcel 032.

Mr. Mannix attended the meeting. The requested amendment, as discussed, is intended to allow work to be done under the Permit before there is a determination or issuance of a Chapter 91 Permit for work on the wall along Dudley Pond. There was a discussion of which wall and that no work on that wall, which is generally the bank of Dudley Pond, until Condition 17, as may be amended, had been met.

**Motion to approve the Amendment requested to the wording on Condition #17 under the Chapter 194 Bylaw which would provide relief for the requirement to securing all permits at the site before work started; Seconded 6-0**

9. **9:04 p.m. – Public Hearing, Fred Mannix, Applicant, 124 Lakeshore, DEP File No. 322-802:**  
Application filed to request an amendment to the Chapter 194 Permit issued pursuant to Wayland's Wetlands and Water Resources Protection Bylaw, Chapter 194, (DEP File 322-802) filed by Fred Mannix to allow work other than the retaining wall on the pond edge to proceed before the Chapter 91 permit is issued for the retaining wall. The amendment requests a wording change to condition #18 in the Permit issued for work at 124 Lakeshore Drive, Wayland, shown on Wayland's Assessors Map 46B, Parcel 031.

**Motion to approve the Amendment requested to the wording on Condition #18 under the Chapter 194 Bylaw; Seconded 6-0**

10. **9:06 PM – Public Meeting, Town of Wayland/A. Kelly, Applicant, Lee Road Trail Head, File D-830:**  
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 on behalf of the Eagle Scout Candidate A. Kelly by the Conservation Commission. The project is to construct a raised walkway from the end of Lee Road to an existing trail on land at the end of Michael Road now in the care and custody of the Conservation Commission, Wayland, shown on Wayland's Assessors Map 24, Parcel 151 ( a portion thereof).

Michael Road abutters, Jonathan Stahl (#25 Michael) and Cara and Gary Dennis (#26 Michael) expressed concern with encouraging access near their house from Lee Road with an improved trail. There was discussion about creating a trail from the west if the residents wanted. Generally the two abutters did not seek a trail. It was explained that there is conservation land along the existing Michael Road and an effort was being made to give it more attention. B. Monahan noted conservation trail markers could be placed to direct walkers to the rail trail instead on the existing pathway on the land that was obtained by the Commission when a Conservation cluster was approved. Trail markers should be placed to lead walkers away from Lee Road toward the rail trail. The proposed raised walkway would mainly be used by neighbors and go over protected land eliminating the existing trail over private property.

**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**

11. **Request for Certificate of Compliance [310 CMR 10.05 (9)]**  
a. 27 York Road: Follow-up on DEP Files 322-191 and 322-198 (?) or 322-200

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Discussion ensued of the need to re-issue an additional Partial Certificate of Compliance for a second file related to the 27 York Road project, 322-191. There was a review of the file and there appeared to have been a Commission vote many years ago to issue a Certificate of Compliance upon removal of sediment barriers.

**Motion to re-issue a Certificate of Compliance under the Wetlands Protection Act for DEP File 322-191; Seconded 6-0**

- b. 22 Plain Road; DEP File 322-784 (If application is complete)

Discussion deferred to the next meeting

- c. 29 Old Weston Road; DEP File 322-399

B.Monahan noted that there are ongoing conditions and there will also be a notation of a matter of non-compliance.

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

## 12. Other

- a. **Proposed Change to Courtyard Surface at 134 Boston Post Road; DEP File 322-759**

B.Monahan updated the Commission on the requested change to utilize pavers on the project. The Commission noted the change would be accepted as an amendment if mitigation is provided at the perimeter.

- b. **Proposed FY 2015 Capital Budget**

Discussion ensued of proposed capital budget with suggested changes to the Plain Road assessment and moving the Rice Road Dam out by one year. L. Segal requested improvement of signage at Loker Conservation area. Discussion to add \$5,000 Loker request to existing Heard Road infrastructure improvements

**Motion to approve the FY2015 Capital Budget as amended; Seconded 6-0**

- c. **Wastewater Management District Commission Discharge Proposal**

S.Greenbaum spoke about the October 23, 2013 meeting. B.Monahan will communicate with S.Potter regarding the need for an ANRAD.

- d. **10 Steeple Tree Lane: Cut 4 trees**

**Motion to allow proposed tree cutting if trees are in private open space and will include replanting; Seconded 6-0**

- e. **Other**

A.Irwin reported on the Board of Selectmen meeting which discussed the DPW access road.

## 13. Request for Performance Guarantee or Other 53G Funds

- a. 14 Springhill Road; DEP File No. 322-674

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**Motion to release the remaining \$200 provided an inspection report from a P.E. is on file and to release \$50 if no report is on file; Seconded 6-0**

**b. 21 White Road; DEP File No. 322-800**

The Commission reviewed the project and noted that the plantings have not yet sustained a growing season.

**Motion to deny the request to return the performance guarantee; Seconded 6-0**

**14. Compliance Updates**

- a. 121 Dudley Road; DEP File No. 322-775 – Update on change to scope of work  
B.Monahan will communicate that timely inspection reports are expected.

**15. Land Management**

a. C.R. Monitoring and 163 Old Connecticut Path CR

Discussion of need for someone to walk the trails and report to Commission along with the need to create a table of conservation restriction properties and set up a program to monitor each one every two years. It was noted that the Commission may be asked for an estoppel certificate and the best way to respond to such requests is to have a Conservation Restriction monitoring program. It was noted that SVT has an annual inspection program. B. Salzberg has done such inspections. B. Monahan said that an abutter to the 163 Old Connecticut Path CR had concerns and that an inspection of that CR should be set up with the current owner.

Conservation trail inspections were also discussed and the need to get this work done yearly. The possible use of volunteers was discussed and John Hines volunteered to assist with the effort.

**16. Citizen Inquiries**

a. **Wayland Commons/River Rock Way Drainage; DEP File No. 322-624**

Brief discussion ensued regarding resident of 9 River Rock Way and her son who have communicated a concern with the drainage bmp next to her unit. It was noted that BMPs needed to be cleaned in general.

**17. Correspondence/Expenditures**

**18. Adjournment**

**Motion to adjourn at 10:20pm; Seconded 6-0**



**TOWN OF WAYLAND  
MASSACHUSETTS  
CONSERVATION COMMISSION**

**LIST OF PUBLIC DOCUMENTS PROVIDED TO THE CONSERVATION COMMISSION  
October 10, 2013 to October 24, 2013**

**October 10, 2013**

D-826 Prior to commencing work reporting for 42 Mathews Drive from J.Tharpe  
322-804 Construction schedule for 9 Reservoir Road from Eligius Homes Company, Inc.  
322-789 Request for CoC for 22 Plain Road from Metrowest Engineering

**October 11, 2013**

322-809 Letter re: preconstruction conference at 183 Oxbow Road from Samiotes

**October 15, 2013**

322-804 Pre-construction notices for 9 Reservoir Road from M/M Hicklin and Eligius Homes Co.

**October 16, 2013**

322-809 Notice to Start Work for 183 Oxbow from Christine Richard  
Letter to Building re: 122 Lakeshore Drive demolition from Davey Engineering & Construction Corp.

**October 17, 2013**

Notice and photo of dumping on Pelham Island Road pathway from A.Wambolt  
322-759 Inspection Report on Carriage House at Lee's Farm from EBI Consulting  
322-710 Inspection Report on Fieldstone Estates from H2O Engineering  
Draft Annual Groundwater Monitoring Report of NE Sand and Gravel from URS Corporation  
Project Notification – Hop Brook and Lake Cochituate – from Vanasse Hangen Brustlin, Inc.  
322-399 Request for Certificate of Compliance for 29 Old Weston Road from Metrowest Engineering  
322-812 Supplemental information for chemical feed facility/water main from Tata & Howard  
322-804 Notice of Demolition of 9 Reservoir Road from Eligius Homes  
322-691 Letter re: CoC requirements for 325 Boston Post Road from Vanasse Hangen Brustlin, Inc.

**October 18, 2013**

ZBA continued hearing notice 11/12/13 – 102 Lakeshore Drive  
Letter re: Americorps members from Sudbury Valley Trustees

**October 21, 2013**

D-659/671 Request for CoC follow-up for 11 Hearthstone Circle from Uday Kashalikar  
322-624 Inspection Report on Wayland Commons from Sullivan, Connors & Associates  
322-701/744 Town Center Inspection Reports from Griffin Engineering

**October 22, 2013**

Outfall #3 (Wayland High School) Video Inspection Results from Nitsch Engineering  
Thank you to the ConCom for allowing the memorial bench at Heard Farm from Mr. & Mrs. Chase

**October 24, 2013**

Draft Conservation Restriction, Wayland Town Center, from Frank Dougherty, Twenty Wayland LLC

**LIST OF EXPENDITURES    October 10, 2013 to October 24, 2013**

10/22/13	Country Home Products	\$ 22.98 ( <i>traction drive cable</i> )
	Town of Wayland/Water	\$155.34 ( <i>Community Garden water bill</i> )