

WAYLAND CONSERVATION COMMISSION

Minutes Thursday, April 11, 2013 7:34 – 9:34 PM

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

Present: Commissioners: Roger Backman, Markey Burke, Ted Harding, Larry Kiernan (7:55pm), John Sullivan (7:45pm) **Chairman:** Andy Irwin, **Conservation Administrator:** Brian Monahan

Minutes: Andrea Upham

Not present: Barbara Howell

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

1. **7:34 pm – Citizens Time**
No comments were offered.
2. **Minutes – March 21, 2013**
Motion to approve the Minutes of March 21, 2013 as edited; Seconded 4-0
3. **7:35 pm – Public Hearing, Andrew Wineman, Applicant, 211 Commonwealth Road, DEP File No. 322-798:** 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 Andrew Wineman proposing a replacement of cesspool with a Title V compliant system at 211 Commonwealth Road, Wayland MA, Assessor's Map 51-D, Parcel 006.

Mark Farrell, Greenhill Engineering, was present for the discussion and noted that the Winemans were also in attendance. Mr. Farrell noted a new plan, which had been updated slightly for the silt fence. A.Irwin asked about the wetland line, and Mr. Farrell said it was at 79 feet. Mr. Farrell summarized the project for the existing home on a corner lot of .13 acres. The existing cesspool behind the house didn't pass Title V. Soil testing was done and the Board of Health agreed that the new location would be the best area for the new septic. The area will be dug out and filled with Title V sand and a leach field constructed. Mr. Farrell proposed a Poly liner with silt fence and straw wattles across the street to include a notice about daily street sweeping. There was a brief discussion of the wetlands delineation, when it was done, and that it was not being accepted by the Commission as being accurate. Variances were reviewed and discussed.

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 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
Motion to require a performance guarantee of \$750;	Seconded 4-0

4. **Discussion – Test Results at CVS – 325 Boston Post Road; DEP File No. 322-691**

Shannon Rutherford and Rick Matthews of Vanasse Hangen Brustlin, Inc. were present for the discussion. Ms. Rutherford explained that VHB staff had reviewed the letter from the Conservation Commission listing their concerns and then went back through existing data and history to address concerns. Ms. Rutherford presented a letter handout to the Commission detailing their response to the Commission's letter dated March 27, 2013.

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Ms. Rutherford first addressed item No. 2 concerning inadequate separation of the infiltration basin floor, stating that Mr. Matthews and a soil scientist went out to the site and pulled the data logger and found it had dropped in elevation so wasn't calibrating properly, resulting in a two-foot change in data. Ms. Rutherford and Mr. Matthews explained that the coiling around the data logger had actually loosened so when it was laid out on the ground, there was a difference of an additional two feet. J.Sullivan asked if the process of removing the data logger could have caused the uncoiling. Mr. Matthews presented evidence from data dating back to March 2012 which showed a jump and highlighted the data on the last page of their handout. Mr. Matthews summarized that they put the level sensor back together properly which should put things back in normal range, which should result in the next testing period showing levels as expected. A. Irwin suggested that future measurements of static water level be made to calibrate the logger information to the reference elevation datum.

Ms. Rutherford addressed Item No. 2 regarding seasonal high groundwater. Ms. Rutherford reported that Mr. Matthews and the soil scientist checked the infiltration system within the parking lot infiltrating the roof runoff and all appeared to be working fine; they feel it is operating as expected. There are spikes with storms, which are expected, and the spikes are seen and then taper off (Figure 1.0 in handout). Ms. Rutherford explained that after the significant rainfall of Hurricane Sandy there was an expected spike, also noting that the wetland serves as a watershed for the area. B.Monahan commented the Commission will look for verification of that with the March numbers.

A.Irwin inquired if the peaking of groundwater elevation is due to the infiltrator. Mr. Matthews commented that the monitoring well is down gradient from that. A.Irwin commented that as a monitoring point, if the system is affected by mounding, it perhaps wasn't the best place for location, and Mr. Matthews agreed.

A.Irwin asked if there is another monitoring point in back, and Ms. Rutherford confirmed that. A.Irwin asked if it is showing mounding, and Mr. Matthews responded that it does have a rainfall runoff response (confirmed as Figure 2 in handout). A.Irwin noted that Figure 2 shows the same peaking pattern, and Ms. Rutherford responded that it is associated consistently with storm events and both are in proximity to runoff. T.Harding noted that Figure 2 spikes the same but comes down much quicker, and A.Irwin commented that the scale is a little different also.

A.Irwin asked to keep an eye on it, recalling a discussion during the design phase of the project where the Commission wasn't convinced that the detention basin had the necessary separation. Mr. Matthews commented that he reviewed many documents and found there was never a two-foot stipulation noted in Volume 1 or Volume 2 – the drywell BMP doesn't show it.

Ms. Rutherford addressed Item No. 3 concerning bacteria counts. Ms. Rutherford explained that her thought is that the testing in November 2012 was not from an outflow from the storm event so they took a sample within the pipe of outflow from standing water, and that was what precipitated the high level. A.Irwin asked if other testing was done after that, and Ms. Rutherford responded that November 2011 and May 2012 had lower levels and the hope is that with the rain expected tonight into tomorrow, they will do their Spring 2013 testing and receive data consistent with the other lower bacteria counts at the outlet. A.Irwin suggested that the samples be additionally

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tested for some surrogate compound, such as caffeine, which would likely only be found in the sample if there was an issue with the septic system as it would be more effective to have another line of evidence to allow us to differentiate. Ms. Rutherford said they can look into that.

Unrelated to the current discussion, A.Irwin noted that MtBE and chlorinated solvents was a matter previously reported to DEP prior to the CVS project.

A.Irwin noted BMP issues on the site and drew attention to rills on the short slope from the pavement area into the stormwater basin that he noticed which should be repaired. He also raised the matter of the dumpsters which were to be kept clean with no impact around them and showed pictures that were less than favorable. He stressed that if the dumpster can't be properly maintained, it should be relocated. Ms. Rutherford indicating having communicated with CVS after the recent Conservation Commission letter, and the Commission should see a positive change on the site already. B.Monahan raised another matter evident this past winter, where there was indication that they were plowing snow right to the wetlands, and a pile of snow was right near the sediment barrier. A.Irwin noted hay bales near the flood storage area that were not removed. Ms. Rutherford recalled a condition that called for the hay bales remaining until a Certificate of Compliance is addressed. B.Monahan felt the site is stabilized and they are removed or the reports continue. B.Monahan will check the Superseding Order of Conditions for a link to the Certificate of Compliance. A.Irwin also raised the issue of the cut-through to the berm wasn't made to match the opening to under the building, a design point he wished to note while addressing housekeeping items. A.Irwin closed by noting that the Board of Health is very interested in the results of resampling and thanked Ms. Rutherford and Mr. Matthews for attending the meeting.

5. Discussion – Proposed Modification to plan 22 Plain Road; DEP File No. 322-789

The matter of an additional one foot to be added to the garage plan was approved by the Commission to be addressed and processed as an Amendment.

6. Review of Stormwater O&M Plan – 137 Boston Post Road; DEP File No. 322-665

A.Irwin discussed the condition that he recently adopted for the Commission's use which calls for annual O&M reporting by December 31 of every year. There was a discussion of the maintenance requirements for a stormceptor unit, one of the bmp's at the site as well as the need to clean catch basins when 50% of the sump has been filled with sediment. A.Irwin also suggested that the Commission visit and review the SWPPP prevention log on site.

7. Compliance Updates/Complaints

B.Monahan reported unauthorized tree cutting in the wetlands at 15 Sylvan Way. A single tree was cut and a letter and citation will be issued.

8. Request for Return of Performance Guarantee – 14 Springhill Road; DEP File No. 322-674

B.Monahan recommended the Commission vote to return \$800 of the \$1000 performance guarantee, holding \$200 for the plants to sustain the required two growing seasons. The applicant can request the remaining \$200 in October 2013.

Motion to return \$800 of the existing Performance Guarantee; Seconded 6-0

9. Other

- a. Proposed Changes to WPA Regulations and Waterways Regulations

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A.Irwin reported that the DEP is doing some massive changes to their regulations. B.Monahan attended an information session during the week, and the Commission should assemble comments for response to the State. B.Monahan noted that responses are due to the State by May 10. A.Irwin noted one concern in particular is the presumption of 50% expansion of buildings in riverfront, raising the question of what is to stop another 50% down the road – there is no limit on that incremental growth. Commissioners should prepare input to B.Monahan and he will prepare a draft response.

b. NSTAR R.O.W. Yearly Operational Plan (YOP) Notice

A.Irwin commented that the Commission wants to identify with NSTAR where our wetland resources are and address the fact that there is still slash and cut material from their last cutting that was laid down in our jurisdictional areas and discuss what will be done with that material. B.Monahan commented that the work they did may have triggered erosion. A.Irwin suggested they can pick up what was left behind during their last visit on their way in during this next project and repair any areas demonstrating erosion from their work.

c. Planting Plan – 55 Knollwood Lane

B.Monahan will communicate with the homeowner regarding approval of the slope plantings.

d. Generic Tree Permit

B.Monahan commented that a resident raised the issue of the generic permit only addressing trees up to 18" in size. The Commission discussed whether the intent was that larger trees require formal application. It was agreed that trees in excess of 24" in size will need to file.

e. Legal Notices/Fees

B.Monahan explained to the Commission that whenever the timing will allow, legal notices will be limited to posting in the Wayland Town Crier, rather than additionally in the Metrowest Daily News, which will result in a substantial cost savings. There will be times based on the calendar, holidays, etc. when both newspapers will be required. Legal notices will continue to be paid by the applicant.

10. Land Management

a. Community Gardens

B.Monahan had no news to report at this time.

b. Michael Road Land – signatures

Motion to accept a gift of land 9.3 acres at the end of Michael Road; Seconded 5-0

c. Beaver Updates

B.Monahan informed the Commission that an emergency permit was sought and was issued by the Board of Health to address continuing beaver issues at the end of Lee Road.

d. Farming Updates

B.Monahan raised the issue of pesticides proposed for use at Cow Commons, noting that the MSDS raised concern. A.Irwin suggested checking the Aquifer Protection Bylaw and the Water Department's requirements, if any.

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B.Monahan explained that the farming agreement for Sedgemoor was not in compliance, and he planned to return the check recently received and explain why the Commission will terminate the agreement.

e. Lord Property Management

A.Irwin suggested that the Conservation Commission plan to walk the land with the Historical Commission.

f. Greenways

B.Monahan expressed a need for the Commission to review the description of field management recently sent by Sudbury Valley Trustees. The plan included expenditures that would be borne by the Town of Wayland that need to be evaluated.

John Hines commented that the original idea was to remove most of the trees along the two edges – west and south – to create overall acreage, adding that most of the undergrowth is invasives.

g. Others

A.Irwin reported that article concerning C193A, tree clearing, was withdrawn from the Warrant and the Commission will work on the intent being refined and arrive at a practical way to implement. T.Harding has volunteered to assist with the project.

11. Correspondence/Expenditures

12. Adjournment

Motion to adjourn at 9:34pm; Seconded 5-0

The next Conservation Commission Meeting is scheduled for **Thursday, April 25, 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
March 22, 2013 to April 11, 2013**

March 22, 2013

322-665 Inspection Report on 137 Boston Post Road from Hayes Engineering

March 25, 2013

322-791 Notice to Start Work at 9 Old Farm Circle from Keystone Development
Notice of Intent for septic project at 211 Commonwealth Road from Greenhill Engineering

March 26, 2013

322-789 Inspection Report and plan modification request for 22 Plain Road from Metrowest Engineering
CVS Main Street Site Plan and Stormwater Management Report from S.Sarkisian

March 27, 2013

Board of Appeals Decision for project at 61 Glezen Lane

March 28, 2013

ZBA hearing notice April 16, 2013; 3 Chestnut Road rebuild and 241 Boston Post Road signage
ZBA continued hearing April 16, 2013; Habitat for Humanity, 89 Stonebridge Road

March 29, 2013

Memo from Board of Health confirming support of Landfill Access Road Article 9
322-792 Notice to start work at 22 Lundy Lane from Keystone Development

April 1, 2013

322-665 Inspection Report on 137 Boston Post Road from Hayes Engineering
Request to Conduct Soil Borings at Boston Post Road from Tata & Howard

April 3, 2013

Inspection Report on Fieldstone Estates from H2O Engineering
Framingham ZBA Notice of Decision re: Danforth Green application
Letter and plan re: soil testing at 7 Lincoln Road from O'Driscoll Land Surveying Co.

April 4, 2013

322-701/744 Town Center Inspection Reports from Griffin Engineering
322-759 Inspection Report on Carriage House at Lee's Farm from EBI Consulting
322-795 Notice to start work and contact info for 11 Barney Hill Road from John Bartick

April 5, 2013

Letter inquiring about fence installation at 468 Old Connecticut Path from Jonathan Fiske
Notice regarding ROW maintenance activities from NSTAR
Notice of Intent for septic system repair at 20 Forty Acre Drive from A.S. Elliott & Associates

**TOWN OF WAYLAND
MASSACHUSETTS
CONSERVATION COMMISSION**

April 8, 2013

Notice (correction) from Framingham ZBA re: Danforth
Notice of spring mosquito control aerial application from East Middlesex Mosquito Control
322-624 Inspection Report on Wayland Commons from Sullivan Connors
322-665 Inspection Report on 137 Boston Post Road from Hayes Engineering
322-783 Request for Certificate of Compliance for 14 Valley View Road from Drake Associates

April 9, 2013

ZBA April 23, 2013 Hearing Notice – 16 Snake Brook Road, 10 Maguire Road, 213 Old Conn. Path
ZBA Decision – 200 Old Connecticut Path
ZBA Decision – 111 Glezen Lane

LIST OF EXPENDITURES March 22, 2013 to April 11, 2013

There are no items to report.