

WAYLAND CONSERVATION COMMISSION

Minutes Thursday, February 7, 2013 7:32 – 10:05PM

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

Present: Commissioners: Roger Backman, Ted Harding (7:50pm), Barbara Howell, Larry Kiernan,
Chairman: Andy Irwin, **Conservation Administrator:** Brian Monahan

Minutes: Andrea Upham

Not present: Markey Burke, John Sullivan

A.Irwin opened the meeting at 7:32PM noting that a quorum was present.

1. 7:32 pm – Citizens Time

No comments were offered. A.Irwin reported on the subject of the open meeting public comment period being a petitioner's article discussion item at the upcoming Town Meeting.

2. Informal Discussion – Finishing Freight Shed at 7 Old Vineyard Way

Item was deferred for applicant attendance.

3. Minutes – January 24, 2013

Motion to approve the Minutes as edited; Seconded 4-0

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

a. 57 Concord Road; DEP File No. 322-374

Paul Finger was present for the discussion representing the third owner of the property. Mr. Finger explained the history of the project, which was a series of requests to the Commission of eleven separate items for the project and a few smaller maintenance items. Mr. Finger reported that the re-siding and re-roofing was completed; the grading to level off the area was completed; the stone wall is in place near the leaching field; there was some deck repair, though the deck was never enclosed; rotted wood and railing were replaced; and, the bittersweet was partially done. There was no new landscaping proposed or done, and the addition was not built so there are no drywells. Mr. Finger explained that the proposed stabilization plan was mostly completed, and the post and rail fence was extended along one side of the driveway, adding that the post and rail in the buffer zone was actually exempt back then under the Wetlands Protection Act. Mr. Finger confirmed the addition of a play set on the property installed by the homeowners.

A.Irwin questioned a concrete rectangle on the north side of the property shown on the As-Built Plan that doesn't show up on the NOI plan. Mr. Finger responded that the area in question had been paved and used for skating prior to work beginning. A.Irwin commented that at the time of application the driveway was a gravel driveway, which raises the issue of unauthorized impervious cover in the buffer zone. Mr. Finger explained that he does not know when the asphalt installation occurred. B.Monahan suggested the Commission could close the current file and deal with the play set and pad as enforcement items. Mr. Finger said the play set is approximately fifteen feet from the swale and 35 feet from the wetland

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boundary. A.Irwin asked if there was any infiltration associated with the asphalt. Mr. Finger responded that he assumes some form because it is not always full with water. A.Irwin suggested the Commission might consider an Enforcement Action for directing the homeowners to either relocate or remove the swing set and questioned whether to work on the infiltration of the impervious surface or remove it. Discussion ensued on expense of reflagging the wetland area. B.Monahan expressed interest in no-disturb around wetlands. Mr. Finger summarized that a distance of thirty feet from wetlands might be acceptable to allow for the 15-foot no-disturb or, in lieu of that, a Certificate of Compliance could be issued pending the removal of the asphalt and swing set. Mr. Finger inquired if the 15-foot buffer is required on the entire side and A.Irwin responded that fifteen feet on average is required for the distance, with a minimum of five feet in any one spot. Mr. Finger will follow up on the matter with the Commission.

5. **Continued Public Hearing – Town of Wayland, Applicant Proposed DPW Facility, 68 River Road; DEP File 322-794:** 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 the Town of Wayland for DPW facility construction at 68 River Road, Wayland. A detailed description is available upon request. Portions of the work are within the buffer zone and floodplain. The area where work is proposed is shown on Wayland’s Assessor’s Map 21, Parcel Parcels 010A and 012, Map 17, Parcels 018 and 018C, and Map 22, Parcels 004, 005, 006, and 007. **There was no substantive discussion other than to acknowledge that a request to continue had been requested.**

**Motion to continue the hearing to February 28, 2013 at 7:45pm under the Wetlands Protection Act;
Seconded 5-0**

**Motion to continue the hearing to February 28, 2013 at 7:45pm under the Chapter 194 Bylaw;
Seconded 5-0**

6. **Continued Public Hearing, Boston Gas Company (dba National Grid), Concord Road/Lincoln Road, DEP File No. 322-793:** 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 Boston Gas Company (dba National Grid) proposing to remove an above-ground gas regulation station, the installation of a new gas regulator and 40-feet of 4-inch gas line. All work will be within disturbed land associated with the right-of-way of Concord Road. Work is within the right-of-way of Concord Road at junction of Lincoln Road, Wayland. **There was no substantive discussion other than to acknowledge that a request to continue had been requested.**

**Motion to continue the hearing to February 28, 2013 at 7:45pm under the Wetlands Protection Act;
Seconded 5-0**

**Motion to continue the hearing to February 28, 2013 at 7:45pm under the Chapter 194 Bylaw;
Seconded 5-0**

7. **Proposed Driveway Specs – 10 Covered Bridge DEP File No. 322-770**
Steve Garvin of Samiotes Consultants was present for the discussion. Mr. Garvin explained the product proposed for the driveway on the site, explaining that the base itself will drain through. B.Monahan explained that it is described as a porous paver. A.Irwin commented it should be at least as permeable as the soils underneath. B.Monahan commented that the base proposed is a

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serious base and the Commission would want certification. B.Howell asked how much space is between in between the pavers, and Mr. Garvin said about ¼" of space. B.Monahan commented that there is 1145 square feet of driveway. A.Irwin responded that if the product is as pervious as described, the numbers will work. A.Irwin asked what metrics exist for the product to measure equivalency with other products. Mr. Garvin offered to look at porosity and see what he can come up with. A.Irwin explained that the Commission is inclined to move ahead but will need data for comparability. T.Harding asked what exists around the edge of the driveway area where water would run off, and Mr. Garvin explained there is edging and a drywell. B.Monahan reported that he had emailed the paver product manufacturer regarding maintenance requirements but had not yet received a response. A.Irwin asked Mr. Garvin to get the Commission the technical information and they can communicate back, adding that sub-base detail is a positive thing.

Regarding the site project in general, A.Irwin asked Mr. Garvin where they stand with the EPA Construction General Permit. Mr. Garvin reported that the site is stable and they're not doing work on that project; there is no grading other than necessary grading for that infrastructure. Thus, they did not renew for continued permit coverage. Mr. Garvin added that each lot is within jurisdictional area. A.Irwin explained that in a recent inquiry he did not find a very large list of stormwater permits so is looking at sites with footprints greater than one acre.

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

a. Covered Bridge Conservation Cluster; DEP File No. 322-648

B.Monahan reported that he was not able to finish researching the drainage access into the other lot. Mr. Garvin said there is an easement through Lot 1 and behind Lot 3 for access around the culvert area. B.Monahan commented on what he felt was odd wording for land permanently protected and easement plan and also told Mr. Garvin that the vernal pool signs were extremely small. Mr. Garvin said he can ask for better signs. B.Monahan commented that the wording on the deed restriction is that it "will be done." Mr. Garvin said they are going back and forth with Sudbury Valley Trustee lawyers but it is already protected under the Planning Board's cluster requirements as open space. A.Irwin commented that the SVT document covers Lot E. B.Monahan commented on the 30-foot no disturb. A.Irwin asked if an extension will be needed and Mr. Garvin said they are still within the State's extension act.

A.Irwin urged that moving forward the Commission should not key land restrictions to the termination of the decision but, rather, they should be timed from the commencement so that land protection is secured up front. B.Howell noted the conditions addressing fill as #38 and #39. A.Irwin summarized that the Commission is getting closer to issuing a Certificate of Compliance, and Mr. Garvin will chase down a few things. A.Irwin added that one thing the Commission does need included in the Certificate of Compliance narrative is a schedule for anything not done. Mr. Garvin said he will follow up with the easement plan and language for the Conservation Restriction and 30-foot no-disturb buffer.

9. Informal Discussion Processing Playground Installation at 6 Loker Street

Doug Sacra was present for the discussion and reviewed the proposal for the addition of playground equipment with bark mulch on the ground. Mr. Sacra was hoping it could be addressed as an insignificant add-on to their recent project. A.Irwin explained that unfortunately

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though normally it could be processed as an amendment to an Order of Conditions, Requests for Determination of Applicability cannot be amended so a new application will be required. B.Monahan commented on the depth of 12” of bark mulch noted and explained that if adding 12” of bark mulch, they should remove 12” of gravel. B.Monahan suggested giving consideration to reducing to a 4” depth of bark mulch. T.Harding asked what will be encasing the bark mulch. Mr. Sacra explained that there is curbing and grass. A.Irwin cautioned Mr. Sacra that there is only so much that can be added if you’re going with “no change in grade.” A.Irwin explained a Requested for Determination will be needed both under the Wetlands Protection Act and the Chapter 194 Bylaw. Mr. Sacra asked if the paperwork can be submitted without a new survey, and A.Irwin said that it can if there is no more than a 4” grade change.

Ted Harding stepped out of the meeting from 9:00 – 9:05pm

10. Compliance – 89 Lakeshore Drive

Dr. Weiner, homeowner, was present for the discussion. A.Irwin explained that the Commission cannot let the situation sit and need both an update and a schedule of action. A.Irwin added that the Commission had also received a resident complaint of the catch basin not working. Dr. Weiner expressed having difficulty with the engineer and difficulty engaging another engineer. She reported paying \$8K to her engineer and he won’t release the inspection report. She has spoken to three other engineers. Dr. Weiner commented that she has lived at the property since 1994 and this runoff issue was a problem long before now. A.Irwin explained that the Commission needs to be concerned with compliance with the content of their Order of Conditions on the property, which means addressing runoff from the driveway along with a separate structure to get it into the ground. B.Monahan suggested that the driveway needs either a trench or a different driveway material. Dr. Weiner said that in late December she tried to get the driveway paved; hay bales were in place. A.Irwin explained that the Commission wants an inspection report from the responsible party detailing the conditions observed back on that date the inspection was done. B.Monahan commented that he needs to check the decision as he recalled grades not matching initially. B.Monahan explained to Dr. Weiner that the reason why you use a Professional Engineer is so that you have recourse. Additional engineers were briefly discussed. A.Irwin closed by commenting that whenever silt sacks need to be maintained frequently, the indication is that the area up slope is not stable.

11. Request for Return of Performance Guarantee

410 Hayfield Lane; File D-795

Motion to approve the release of the \$500 Performance Guarantee; Seconded 5-0

12. Issuance of Order of Conditions/Chapter 194 Permits

237 Rice Road – File D-812

Motion to issue a Permit under the Chapter 194 Bylaw; Seconded 5-0

Motion to require a performance guarantee of \$2000; Seconded 5-0

B.Monahan informed the Commission that the utilities were not addressed on the plan. Wording will be added to the decision that all utility trenching be within the existing limit of lawn with no change in grade and that the surfaces shall be restored in accordance with their landscaping plan. There will also be confirmation that there shall be no lavatory/sanitary facilities in the poolhouse.

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

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

Motion to issue partial Certificate of Compliance under the Wetlands Protection Act; Seconded 5-0
Motion to issue partial Certificate of Compliance under the Chapter 194 Bylaw; Seconded 5-0

- b. 14 Squirrel Hill Road; DEP File No. 322-748

Motion to issue partial Certificate of Compliance under the Wetlands Protection Act; Seconded 5-0
Motion to issue partial Certificate of Compliance under the Chapter 194 Bylaw; Seconded 5-0

B.Howell raised the issue of the planting list containing one or more non-native plant species.
B.Monahan will note in the compliance paperwork that if any non-native plants are in the buffer zone, they should be removed.

14. Other

a. Tree Committee/Proposed Chapter 193A Updates

Recent activity was discussed and A.Irwin noted that the Commission will need to take a vote prior to Town Meeting.

b. Town Meeting Articles

A.Irwin asked Commissioners to look at all articles, such as the open meeting public comment period discussed earlier, to determine voting. This will be a discussion item for the next Conservation Commission meeting.

c. Landfill Permanent Access Roadway

A.Irwin raised the issue of the landfill access roadway becoming permanent, commenting that flood storage volume would need to be restored as would the vegetated wetland and transfer of other land to Conservation as offsets to the taking (as one package). On a separate but related note, A.Irwin added that the landfill venting system is not working properly and DPW reported to MassDEP that explosive gas vapors were detected near the area of the proposed DPW roadway. He noted that he had communicated to Mike Lowery and BOH the concern that such information is critical for inclusion in the construction bid package.

d. Danforth

A.Irwin summarized that the Commission made a request that the land management plan for our Conservation Area abutting that land be included and we should re-communicate that.

Motion that the Conservation Commission does not support the development unless we receive the management plan included in the prior development agreement; Seconded 5-0

15. Compliance Updates/Complaints

55 Knollwood Lane

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B.Monahan reported that a letter was sent to the homeowner requesting a vegetation plan.

16. Land Management

a. Moonlight Walk – Greenways

Discussion ensued of request made. B.Monahan will communicate that the Commission permits the walk on February 25, 2013.

b. Community Gardens – Fees

Discussion ensued on the upcoming gardening season, the costs associated with running the garden and the previous fees in place.

Motion to raise to the community garden plot fees to \$16 for regular plots and \$12 for seniors; Seconded 5-0

B.Monahan commented that interest from Wayland Commons residents is expected.

17. Correspondence/Expenditures

18. Adjournment

Motion to adjourn at 10:05pm; Seconded 5-0

The next Conservation Commission Meeting is scheduled for **Thursday, February 28, 2013** in the Wayland Town Building.

**TOWN OF WAYLAND
MASSACHUSETTS
CONSERVATION COMMISSION**

LIST OF PUBLIC DOCUMENTS PROVIDED TO THE CONSERVATION COMMISSION

January 25, 2013 to February 7, 2013

January 25, 2013

AUL Notice for 430 Boston Post Road (resent w/full attachments) from ERM
322-759 Inspection Report on the Carriage House at Lee's Farm from EBI Consulting
322-793 Request for continuance of Proposed Gas Regulator Station hearing from Mason & Associates

January 28, 2013

Board of Appeals Hearing Notice for 2/12/13 (264/268 Old Connecticut Path and 29 Snake Brook Rd)
Notice of Public Hearing on 2/12/13 @7:15pm by Framingham ZBA re: Danforth Green
Letter introducing peer review consulting services from Linden Engineering Partners
322-790 Notice of soil testing for 11 Barney Hill Road project from Schofield Brothers
322-665 Inspection Report on 137 Boston Post Road from Hayes Engineering
Request for feedback re: proposed barn construction at 7 Old Vineyard Way from M/M Livingston
D-795 Request for return of Performance Guarantee for 410 Hayfield Lane from Joe Gerstein
Letter from UMass Amherst Dept. of Environmental Conservation re: Keystone Training Program

January 30, 2013

Original recorded copy of Conservation Restriction #50, Wayland Forest, from Latham Law Offices

January 31, 2013

322-778 Request for Certificate of Compliance for 15 Sylvan Way from Sullivan, Connors

February 4, 2013

Letter from Mike Lowery to Boards of Selectmen and Public Works re: Danforth
Letter to F.Turkington from Vertex Environmental re: RAM for 430 Boston Post Road
Letter re: playground structures and fence installation proposed at 6 Loker Street from Doug Sacra

February 5, 2013

322-779 Request for Return of Performance Guarantee for 103 E.Plain Street from George Bernard

February 6, 2013

322-710 Inspection Report on Fieldstone Estates from H2O Engineering

February 7, 2013

322-701/744 Town Center Inspection Reports from Griffin Engineering Group
322-624 Inspection Report on Wayland Commons from Sullivan, Connors
322-624 Soils Report on Wayland Commons from Sullivan, Connors

LIST OF EXPENDITURES January 25, 2013 to February 7, 2013

2/7/13 Cook's Automotive \$104.00 (Gasoline)