

WAYLAND CONSERVATION COMMISSION

Minutes Thursday, March 21, 2013 7:30 – 10:15PM

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

Present: Commissioners: Roger Backman, Markey Burke, Ted Harding, Larry Kiernan (7:35pm),
Chairman: Andy Irwin, Conservation Administrator: Brian Monahan

Minutes: Andrea Upham

Not present: Barbara Howell, John Sullivan

A.Irwin opened the meeting at 7:30 PM noting that a quorum was present.

1. 7:30 pm – Citizens Time

No comments were offered.

2. Minutes – February 28, 2013

Motion to accept the Minutes of February 28, 2013 as edited; Seconded 4-0

3. Request for Return of Performance Guarantee

28 Pequot Road; DEP File 322-782

Motion to approve the release of the Performance Guarantee; Seconded 4-0

4. Certificate of Compliance - 10 Millbrook Road; File D-785

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

5. Other - Withdrawal of Warrant Article

Motion to withdraw warrant article for the purchase of 74 Plain Road; Seconded 5-0

6. Chapter 193A Updates

A.Irwin reported that not all of the Commission's comments got into the warrant on this item, which had been acknowledged.

7. 7:40 pm – Public Hearing, John Bartick, Applicant, 11 Barney Hill Road, DEP File No. 322-795:

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 John Bartick proposing site work within the wetland buffer zone associated with the construction of a single family house including a stormwater management facility, grading and landscaping at 11 Barney Hill Road, Wayland, MA Assessor's Map 44, Parcel 046A.

Fred King, Schofield Brothers Engineering, and John Bartick, Applicant, were present for the discussion. Mr. King reviewed the plan with the Commission, which consists of a 1.4 acre site which slopes toward wetlands in the back. Mr. King described it as a deep lot with a stream flowing north to south through the rear central portion. Details on trees were added to the plan.

Mr. King reviewed the single family house on the lot, a four-bedroom house with a garage, adding that the goal on the project is to try to keep everything in the lower front part of the lot, which is why they have made the house narrow and long lengthwise rather than deep, with the septic in front and stormwater management in the rear. Mr. King explained that the house style includes a walkout basement which minimized grading, and reported that they were able to avoid the

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riverfront altogether. The stormwater management facility is in the buffer zone with an underground Cultec recharge, and there is 16K square feet of total alteration within the limit of work with 2680 square feet of work in the buffer zone.

Mr. King explained that the rear slope will be replanted with native vegetation – a New England roadside matrix mix with shrubs, dogwood, black cherry and witch hazel to create a boundary for the back slope area along with a wildflower mix to provide cover until the shrubs fill in. A.Irwin noted an 18" Elm tree on the eastern side in the corner near the property line, which A.Irwin encouraged protecting. Mr. King said he will check the health of the tree and if it is viable they will install a well around the tree to hold the slope back.

Mr. King reviewed Cultec infiltrator area and reported that the stormwater management system is designed for no discharge until above the 10-year storm, which Mr. King reviewed on his chart. Mr. King further reviewed the details of his plan, which included an erosion control sequencing plan reviewed through each of the construction phases. A.Irwin asked about access for the fill getting to the back without issue, and Mr. King showed the access area for excavation equipment.

Mr. King highlighted the final planting plan and highlighted a post-and-rail fence which will serve as a border on the property. R.Backman asked if the trees on the site will be protected from vehicles, and Mr. King showed on the plan and reviewed the narrative highlights to confirm that tree protection is planned.

The entire Commission thanked Mr. King for an extremely thorough application and presentation.

Motion to close the hearing under the Wetlands Protection Act;	Seconded	5-0
Motion to close the hearing under the Chapter 194 Bylaw;	Seconded	5-0

Motion to require a performance guarantee of \$1000;	Seconded	5-0
Motion to issue a Permit under the Chapter 194 Bylaw;	Seconded	5-0
Motion to issue an Order of Conditions under the Wetlands Protect Act;	Seconded	5-0

T.Harding departed the meeting at 8:05pm.

8. **8:05 p.m. - Public Hearing, Rachel and Michael Bratt, Applicants, 26 Charena Road, DEP File No. 322-796:** 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 Rachel and Michael Bratt, proposing to construct a replacement septic system, two-car garage, and driveway improvements, portions of which are within the buffer zone at 26 Charena Road, Wayland, MA Assessor's Map 38, Parcel 152.

Bob Drake of Drake Associates was present for the discussion. Mr. Drake summarized that the lot is 40,000 square feet and the owners, who have been there over thirty years, are proposing to replace the septic and add a garage to the left side of the house. Mr. Drake explained where the road extends and abuts the fish and wildlife area, noting a small cul-de-sac area. Mr. Drake summarized the project which is mostly outside of riverfront area with just a small triangular portion within the riverfront against the floodplain elevation 124. Mr. Drake explained that the location of the existing septic is what will be the proposed work area, showing the leaching area with discharge in the southwest corner and new septic. Mr. Drake reported that the sediment

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barrier will be inside floodplain but no change in grade. Mr. Drake commented that wetland delineation was done, a small swale was tracked, and work is within 30 feet of bordering vegetated wetlands. Mr. Drake explained that the entire back yard is very wet and is therefore only mowed a couple of times per year.

R.Backman asked about the shed on the property, which Mr. Drake confirmed is in a wet area. A.Irwin asked about the planting bed circle on the plan, and Mr. Drake explained there is currently a trellis and area of shrubs on the property.

Mr. Drake reported that due to the new garage, they will be collecting roof runoff and infiltrating through a concrete structure in the front yard, and the expansion of the driveway for the garage will be gravel. A.Irwin noted that the limit of lawn cuts across the BVW line and encouraged that there be a separation. Mr. Drake responded that he had discussed the no-disturb line with the owners, and A.Irwin responded that it should be noted as the maximum limit of lawn. Mr. Drake offered that he could come up with a plan for plants and shrubs along that line.

R.Backman asked if the fill needed is for the septic only or for additional grading, and Mr. Drake responded that it is septic fill only. Mr. Drake reviewed elevations and confirmed about a foot and a half of fill in the area. Brief discussion ensued on Board of Health requirements for fill used, which require that all fill used meets the appropriate content requirements. A.Irwin closed the discussion noting that a planting plan should address the limit of lawn issue and replacement of trees.

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 require a performance guarantee of \$750;	Seconded	4-0
Motion to issue Permit under the Chapter 194 Bylaw;	Seconded	4-0
Motion to issue an Order of Conditions under the Wetlands Protect Act;	Seconded	4-0

9. **8:22 p.m. – Public Hearing, Nancy Romanow, Applicant, 18 Audubon Road, DEP File No. 322-797:** Notice of Intent pursuant to the Wetlands Protection Act and an application filed pursuant to Wayland’s Wetlands and Water Resources Protection Bylaw, Chapter 194, by Nancy Romanow proposing to repair a subsurface sewage disposal system replacing the soil absorption system at 18 Audubon Road, Wayland, MA Assessor’s Map 20, Parcel 19. All work will be within the buffer zone of wetlands or riverfront area.

Nancy Romanow, Applicant, was present for the discussion. Ms. Romanow summarized the property, which was surveyed in 1967 with a house built in 1970, which burned down three years later and was rebuilt on the same foundation and purchased by Ms. Romanow in 1992. Ms. Romanow explained that the Title V was done in August and the leaching bed didn’t pass. Mr. DiModica drew up a proposal to move the new leaching area further away from the perennial stream, re-using the same septic tank and relocating the distribution box. Ms. Romanow acknowledged large oak trees on the property which will not be touched. A.Irwin asked if there would be any change in grade, and Ms. Romanow confirmed no change in grade and no alteration of paved surface. A.Irwin asked if the house contained a garbage disposal, and Ms. Romanow said it does not. A.Irwin summarized the desire for a buffer area and to establish a limit of lawn

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further away from the stream. Ms. Romanow acknowledged the Commission's desire for more natural vegetation closer to the water and less lawn and indicated she could achieve that.

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 require a performance guarantee of \$1200;	Seconded	4-0
Motion to issue Permit under the Chapter 194 Bylaw;	Seconded	4-0
Motion to issue an Order of Conditions under the Wetlands Protect Act;	Seconded	4-0

10. **8:35 p.m.- Public Meeting, Sudbury Valley Trustees (SVT), Applicant, Greenways Conservation Area; File D-816:** Request for Determination of Applicability pursuant to the Wetlands Protection Act and an application filed pursuant to Wayland's Wetlands and Water Resources Protection Bylaw, Chapter 194, by Sudbury Valley Trustees proposing to install water diversion features and steps to prevent erosion and stabilize a steep popular trail at the Greenways Conservation Area, Wayland, MA Assessor's Map 33, Parcel 001B. All work will be within the riverfront area and buffer zone of wetlands.

Beth Gula of Americorp and Laura Mattei of Sudbury Valley Trustees were present for the discussion. B.Monahan reported to Ms. Mattei that she will need to file her application with Natural Heritage, which she acknowledged. Ms. Mattei explained to the Commission that both people and dogs have destroyed the plantings on the slope at Greenways which is the subject of her proposal. Ms. Mattei explained that they have tried to keep people off the slope in order to revegetate the area, along with using signage and transplanting Greenbrier, which someone actually cut, and the area is still eroding. A.Irwin reported that the application was shared with the Historic Commission and they are encouraging the installation of erosion control and will coordinate with Sudbury Valley Trustees. Ms. Gula confirmed discussion with Tonya Largy and said that Ms. Largy plans to be present the day of the work. A.Irwin confirmed that the work will be permitted conditioned upon approval of Natural Heritage.

Ms. Gula explained the approach to the slope improvement plan, with one approach to install a bar with a drainage dip to take water off the trail, which would be only one foot to minimize digging, and soil will be replaced to the trail tread. The first option is to divert water and the second is to add a crib step, which is less impactful, using an existing fence post and adding a small post, filling in with large rocks on top of what's already there to create a long, flat step – five steps mentioned in all. Ms. Gula explained that the project is planned for April 27 as part of an Earth Day stewardship event during National Volunteer Week.

A.Irwin inquired as to whether they are clear on where flood elevation is, adding that it may not be wise to raise grades at the base. B.Monahan commented that previous work at the canoe landing required compensatory flood storage. A.Irwin expressed that one thought might be a gully which then brings that uphill behind cribs so you are filling what has already happened. L.Kiernan explained that the desire is to not add things that will make the water level rise but, rather, to take the material that has been pushed down and bring it up to create storage space and what is filled in will hopefully equal off. Ms. Mattei acknowledged the challenge is trying to protect an archaeological resource. A.Irwin explained the need to find incremental compensatory flood volume at the same elevations. Ms. Mattei confirmed she will follow up with B.Monahan on requirements. A.Irwin noted the approval would require no decrease in flood storage volume.

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Brief discussion ensued of the dog regulation signs posted by the Conservation Commission at certain Conservation areas, which the Sudbury Valley Trustees would like to include at Greenways. B.Monahan will pursue that.

Motion to issue a Negative Determination w/conditions under the Wetlands Protection Act; Seconded 4-0

Motion to issue a Permit under the Chapter 194 Bylaw; Seconded 4-0

11. **8:55 pm** – Informal Discussion: River’s Edge

Sam Potter and Becky Stanizzi of the Wayland Economic Development Commission and Art Allen of Ecotec were present for the discussion. A.Irwin summarized that Mr. Allen has gone out to define the riverfront and previous discussions involved elevations for ORAD on the east side. A.Irwin noted that now the river has been up and we can see where it floods. Discussion ensued of the nature of the Sudbury River, which does not have easily defined channels and meanders. A.Irwin noted that Mr. Allen’s flags are now submerged and based on the stream gauge station in Saxonville on the Sudbury River, we’re about 115.6 or so NGVD, which is at least one foot higher in elevation than Mr. Allen’s flags. B.Monahan inquired as to whether Mr. Allen had used NAVD or NGVD, and Mr. Allen checked and confirmed NAVD. A.Irwin explained that NGVD is the common reference used to analyze elevations.

A.Irwin shared USGS water gage data for 2008 to 2013 from the Saxonville monitoring station on the Sudbury River. He pointed out that the current elevation of the Sudbury River (8.75 ft at the gage when 115.6 ft NGVD at Route 20) is commonly reached with over a dozen periods within the five years. Mr. Potter expressed that he didn’t feel that would be an issue based on their ‘worst case scenario’ numbers. Based on consideration of a higher elevation for MAHW Mr. Potter requested input from the Commission about Riverfront being present or absent on the north side of the project. A.Irwin commented that DEP has been inconsistent on whether to consider the backwater like part of the river or not. The Commission will seek input from MassDEP on interpretation of Riverfront jurisdiction on the northern border of the project. Mr. Allen said he looked at the area at the end of February after rain and snow melt. B.Monahan said he walked the riverfront line on Monday, March 18, and it is even higher.

R.Backman asked about any open space plan. Discussion ensued on the rear section of the land. A. Irwin confirmed that none of the dirty fill currently stockpiled at the site can be used as fill within jurisdictional areas, which is a standard condition.

Mr. Potter returned to discussion on the DPW road access. A.Irwin explained that if converted to permanent use as a roadway, then the Commission would require they replicate wetland area 1.5:1 and give back floodplain and Natural Heritage corridor. A.Irwin explained that the understanding in 1978 was that once the landfill was done that temporary road would come out. A.Irwin explained that there is a different set of criteria for riverfront alternatives analysis if permitting as a municipality. A.Irwin inquired about subdivision plans, and Mr. Potter said they plan to do an ANR subdivision. . A.Irwin added that mitigation for the roadway project will likely be on Conservation land.

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A.Irwin raised the issue of roof runoff, and Mr. Potter said it will be reused. A.Irwin explained that this project will need to support any technical peer review arranged by the Conservation Commission. A.Irwin closed the discussion by confirming that the Commission is taking no position in support or in opposition of the Town Meeting Article at this time.

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

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

B.Monahan reported having little information on file for the landscaping plan; the plan was provided with the As-Built but was not previously in the Conservation file. B.Monahan raised question on whether the final paving of road is completed, explaining that issuance of the Certificate will mean no further work is allowed and any new work would require a new filing. A.Irwin said B.Monahan should address with the applicant to be sure there is a desire to proceed with the Certificate of Compliance and, if so, it can be issued.

Motion to issue partial Certificate of Compliance under the Wetlands Protection Act; Seconded 4-0
Motion to issue partial Certificate of Compliance under the Chapter 194 Bylaw; Seconded 4-0

B.Monahan initiated a general discussion on future projects for the Commission to permanently protect the no-disturb area on every lot and specifying a date by which the Commission would receive a report. A.Irwin referenced a new standard condition he had located from the City of Beverly requiring O&M plan maintenance and inspection reports to be submitted by December 31 of each year, which will now appear in our decisions when appropriate.

13. Issuance of Order of Conditions/Chapter 194 Permits

DPW Facility – Route 20; DEP File No. 322-794

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

14. Land Management - Keeping of animals setback

B.Monahan questioned the Commission as to whether they have any objection to having animals within ten feet of conservation land. Of the four Commissioners, three expressed no objections and one abstained.

15. Other - Proposed Changes to WPA Regulations and Waterways Regulations

A.Irwin encouraged the Commission to take a look at the proposal.

16. Correspondence/Expenditures

17. Adjournment

Motion to adjourn at 10:15pm; Seconded 4-0

The next Conservation Commission Meeting is scheduled for **Thursday, April 11, 2013** in the Wayland Town Building.

**TOWN OF WAYLAND
MASSACHUSETTS
CONSERVATION COMMISSION**

LIST OF PUBLIC DOCUMENTS PROVIDED TO THE CONSERVATION COMMISSION

March 1, 2013 to March 21, 2013

March 1, 2013

Notice of New Street Address (Andrew Avenue) from Building Commissioner

March 4, 2013

322-710 Inspection Report on Fieldstone Estates from H2O Engineering

Notice of Public Hearing re: several street acceptances from DPW

Letter re: Historical Comm. concerns re: DPW facility to PBC from Wayland Historical Commission

March 5, 2013

322-789 Inspection Report on 22 Plain Road from MetroWest Engineering

322-785 Request for CoC (to be resubmitted w/complete info) for 5 White Road from GLM Engineering

March 6, 2013

Memo from J.Moynihan attaching Landfill Methane Status Update from Tighe & Bond

March 7, 2013

322-624 Inspection Report on Wayland Commons from Sullivan, Connors

March 8, 2013

322-759 Inspection Report on Carriage House at Lee's Farm from EBI Consulting

Board of Appeals Hearing Notice March 26, 2013 re: 200 Old Connecticut Path and 111 Glezen Lane

March 11, 2013

Public Hearing Notice on 3/20/13 from Selectmen re: alcoholic beverage license, "The Local" Restaurant

DEP Form for dock application at 55 Knollwood Lane from Tim Dreher

322-782 Certificate of Compliance forms for 28 Pequot Road from Nilda Jacobus

322-774 Inspection Report on 138 Glezen Lane from Platt Builders

Notification of new street address (Elissa Avenue) from Building Commissioner

March 13, 2013

Letter from Town Clerk confirming no mosquito control pesticide exclusion requests from Wayland

Board of Appeals Decision for home construction at 10 Bald Rock Road

Board of Appeals Decision for home dermatology business at 180 Oxbow Road

March 14, 2013

Letter to neighbors from Larry & Linda Kiernan re: animal keeping at 17 Concord Road

322-770 Inspection Report on 10 Covered Bridge Lane from Samiotes

March 15, 2013

Year-End Report – North Pond; Lake Cochituate to Mass DCR from Lycott Environmental

**TOWN OF WAYLAND
MASSACHUSETTS
CONSERVATION COMMISSION**

March 18, 2013

322-691 CVS Monitoring reports from Vanasse Hangen Brustlin, Inc.
Eagle Scout Recognition Event information re: Karpacz and Turner from NESAs

March 19, 2013

D-815 Notice to Start Work at 6 Loker Street from Maple Hill Architects
322-674 Request for Performance Guarantee for 14 Springhill Road from Alan Catrina
ZBA Notice of Continued Hearing Habitat for Humanity @89 Stonebridge Road and 63 Edgewood Road

March 20, 2013

D-785 CoC Narrative for 10 Millbrook Road from PureGround
322-710 Inspection Report on Fieldstone Estates from H2O Engineering
322-624 Inspection Report on Wayland Commons from Sullivan, Connors

March 21, 2013

322-701/744 Town Center Inspection Reports from Griffin Engineering Group, LLC
Notification of Environmental Sample Collection at the former Raytheon facility from ERM
322-759 Inspection Report on the Carriage House at Lee's Farm from EBI Consulting

LIST OF EXPENDITURES March 1, 2013 to March 21, 2013

There are no expenses to report.