

# WAYLAND CONSERVATION COMMISSION

Minutes Thursday, February 28, 2013 7:32 - 10:45 PM

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

**Present:** Commissioners: Roger Backman, Ted Harding (8:05pm), 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 7:32 PM noting that a quorum was present.

**1. 7:32 pm – Citizens Time**

Mr. Tom Sciacca expressed concern that the access road to the now old landfill and current transfer station is an enormous issue. He felt he was present to “represent ancestors” as one of the last two surviving members of the 1978 Conservation Commission who arrived at this “temporary road” strictly as a temporary road. Mr. Sciacca stated that it has been “an egregious wetland violation” which resulted in an enormous amount of fill through the middle of the river marsh, and people weren’t entirely happy that the Town Meeting article gave Selectmen power over what ultimately transpired. Mr. Sciacca shared that the Order of Conditions on the project were agonized over and were written for the Conservation Commission to retain power and authority, though it should be clear they already have authority to get that road dealt with right now because there has been a substantial change to the use in the project. Mr. Sciacca highlighted one specific issue as habitat fragmentation where a wall of fill may entirely eliminate habitat for some animals, which is more than an engineering issue but is an issue of biology. Mr. Sciacca closed by encouraging a habitat comparison back to the habitat that existed in 1977.

**2. 7:40 pm - Presentation of the Ken Moon Award**

On behalf of the Conservation Commission, Chairman A.Irwin presented the 2012 Ken Moon Award to John and Mary Antes for their previous and ongoing work in support of Wayland’s Conservation lands and resources.

**3. Minutes – February 7, 2013**

**Motion to approve the February 7, 2013 Minutes as amended; Seconded 4-0**

**4. 7:45 pm – 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.

A.Irwin explained that the hearing continuance was due to a couple of outstanding items. He reported that concerning the issue of the Supervisory Control and Data Acquisition (SCADA) box location on the property, the Commission received confirmation that it has been moved to a different pole. Regarding dewatering concerns, the applicant has submitted a dewatering plan summarizing that they will dewater into a container and then truck material off site so there will be no discharge. R.Backman inquired about the SCADA box, and A.Irwin explained that it is part of



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B.Howell raised the issue of the Board of Health's concern about septic design with regard to methane. A.Irwin concurred that this is an important issue and asked if methane monitoring was sent to the contractor. J.Moynihan confirmed that it was and that they installed four additional monitoring wells which tested on Monday and all had zero hits; the others were tested and the one that was previously hot was hot again. J.Moynihan indicated on the site plan where the four wells are located and explained that provisions were added to the venting system test points on manifolds so that the individual legs can be tested. J.Moynihan confirmed that there is an alarm system tied directly to the Fire Department and for the employees of the DPW. Methane information is to be included in the bid documents.

Cynthia Hill, Orchard Lane, commented that the well did test at 39% Methane (greater than 100% LEL) on Monday and explained that the concern was not post-construction but during excavation.

David Hill, Orchard Lane, asked why the line for phasing was drawn where shown on the site plan separating the access roadway work from the construction of the building and surrounding yard. A.Irwin responded that until there is a plan for wetland mitigation vis a vis the road, there will be no road access from Route 20, adding that other issues are being studied on Sand Hill. Mr. Hill asked if those issues will be addressed before construction on the building project. J.Moynihan responded that the Permanent Building Committee doesn't have enough funding to address mitigation for access from Route 20 or the archaeological study of Sand Hill; the intent is going forward to Town Meeting to include a request for funding. J.Moynihan explained that if approved at Town Meeting, an archaeological study will get underway and possibly mitigation design as well, with a good deal of site work at the building site going on concurrently. Mr. Hill inquired if the site work will start before the road, and J.Moynihan confirmed that it would. Cynthia Hill inquired about the contents of the little pond, and A.Irwin responded that issues of proximity to resource area and water quality had been addressed, along with Natural Heritage. A.Irwin summarized the mitigation issues for Route 20 access to the site (1) compensatory flood storage volume (2) vegetated wetland replication ratio of 1.5 to 1 (3) land offset to Conservation Commission; and, (4) passage underneath roadway – 12 acres to the left which is flood storage volume needing ample connectivity and other part of fragmentation for passage of wildlife. Discussions with Natural Heritage will determine best approach regarding habitat issues.

Paul Doerr, River Road, inquired about the retention basin. Mr. Alcott responded that it will hold water no longer than 72 hours.

Molly Upton asked if the Conservation Commission had given any thought to asking the Town to switch locations for the project to the septage system area. A.Irwin responded that if the building project had been in riverfront it would have required an alternatives analysis but was not within Riverfront.

B.Monahan and A.Irwin confirmed that a set of draft provisions for the future Order of Conditions had been provided to J.Moynihan to provide to contractors for bidding purposes. Brief discussion ensued on retainage on project.

Mr. Hill asked if the Conservation Commission could stipulate that there be no site work until the issue of access to the site is resolved. A.Irwin responded that the Commission can require sequencing and that the Conservation Commission expressed strongly that the road is temporary and mitigation was

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required to allow access. B.Monahan stated that the access road isn't part of this project, and A.Irwin added that from a wetlands standpoint we addressed our concerns of matters currently in our jurisdiction for this piece of the project. A.Irwin commented that in terms of permitting this work, the Commission has addressed the wetland concerns and cannot hold issuance of the permit for matters related to a separate project. A.Irwin closed by stating that the technical requirements of the Commission were addressed and it is not our decision to address the appropriateness of the project location by withholding the permit.

**Motion to close the hearing under the Wetlands Protection Act; Seconded 3-2 (2 opposed)**

**Motion to close the hearing under the Chapter 194 Bylaw; Seconded 3-2 (2 opposed)**

6. **8:45 pm – Public Meeting, Veritas Christian Academy, Applicant, 6 Loker Street; File D-815:** 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 Veritas Christian Academy proposing to replace a 60' x 80' portion of gravel parking lot with a playground at 6 Loker Street, Wayland, MA. All work will be within the buffer zone of wetlands. The property is shown on Wayland's Assessor's Map 52, Parcel 210.

**Doug Sacra of Maple Hill Architects, Cindy Swellman of Veritas Christian Academy, and Wendy Mitchell, school parent, were present for the discussion.** Mr. Sacra began his presentation by showing the soccer field project area previously approved by the Commission and explained they are now making plans for a playground area. Mr. Sacra showed where they are planning to extend to an area uphill, starting with a 4" depth of bark mulch to increase to 8-12" of bark mulch under the bigger equipment. Discussion ensued about the fence, and B.Monahan will research riverfront fence requirements. A.Irwin asked for confirmation that the fence is not near the riverfront and Mr. Sacra confirmed. Discussion ensued of wood vs. PVC and wood content was discussed. B.Howell asked about the drain location and Mr. Sacra confirmed that there is a catch basin underneath. A.Irwin encouraged the installation of a silt sack in the beginning stages of having mulch there in order to determine drainage. Mr. Sacra inquired about their ability to enlarge the scope of the project, and T.Harding explained that the Commission has no option to extend beyond the scope advertised.

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

**Seconded 5-0**

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

Mr. Sacra asked if previous \$500 performance guarantee from the earlier project could be retained as a guarantee for this project, which was acceptable to the Commission.

**Motion to continue to hold the previously-submitted \$500 Performance Guarantee from File D-784 and transfer to File D-815; Seconded 5-0**

7. **9:05 pm - Informal Discussion – Finishing Freight Shed at 7 Old Vineyard Way**

**Ehrlich Livingston, homeowner, was present for the informal discussion.** Mr. Livingston explained that there is an existing shed on the side of his property, and he would like to close the open side, construct a basketball court inside with a wood floor and close the structure for year-round use. A.Irwin explained that the Commission will need to think of the original development allowed and

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to what degree and B.Monahan recalled a previous discussion that there would be no plumbing. A.Irwin inquired about what type of heating might be pursued, stressing that the Commission wouldn't want an oil tank, and advised Mr. Livingston that any system would have to be included in the internal footprint. A.Irwin also advised Mr. Livingston that given the current gravel floor he may want a concrete layer under the wood, in which case concrete washout would be addressed in any permit. A.Irwin explained that the Commission will be concerned with slope stability during construction activity with respect to construction vehicles accessing the site. A.Irwin also raised the issue of whether it was a historical building. Mr. Livingston explained that they plan to try to use the existing exterior and will explore if that approach is feasible. Mr. Livingston asked about next steps, and B.Monahan explained he should speak with the Building Commissioner and later file an application with Conservation. B.Monahan will send Building Commissioner contact info to Mr. Livingston.

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

- a. 15 Sylvan Way; DEP File 322-778

**Scott Goddard of Goddard Consulting and Al Zagame, applicant, were present for the discussion.** B.Monahan commented that he had conducted a site visit with B.Howell and had questions concerning the requirement for new plantings vs. moving old plants around on the property. Mr. Goddard responded that plants near the septic were moved and confirmed that six plants were moved from the front and an additional five rhododendron plants were added. A.Irwin suggested a vote be taken to issue the Partial Certificate of Compliance pending a follow-up verification of plantings, and no-disturb verification prior to Performance Guarantee release. Mr. Goddard asked about a potential partial release, and B.Monahan responded that a portion can be released after one full growing season and suggested an October timeframe. B.Monahan suggested meeting sooner to see if additional plants are needed.

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

B.Monahan reported that new documentation was just received and this item will be continued to the March 21, 2013 meeting.

**9. Compliance Updates/Complaints**

- a. 89 Lakeshore Drive

B.Monahan reported that the homeowner has engaged Bob Drake, and Mr. Drake visited Conservation and went through the file and we can expect something within four weeks. Mike Lowery reported the presence of hay bales and inquired about the homeowner's intention to put in a heated driveway and expressed concern over future driveway runoff and related safety concerns. A.Irwin explained that the scope of the issued decision cannot be changed.

**10. Land Management**

**Field Management at Greenways Conservation Area**

**Laura Mattei, Sudbury Valley Trustees, was present for the discussion.** Ms. Mattei addressed the field management at the Greenways Conservation area and the desire for a coordinated plan. Due

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to additional funding obtained, SVT would like to do something cooperatively to expand the field management project. Ms. Mattei suggested that the center field might be good to target restoration of hay fields but not mow in early June. Ms. Mattei suggests removing the hedge row that separates the Juniper field to attract field nesting birds, adding that the large trees make it less attractive and the existing understory is invasive and removal would improve quality for nesting birds. A.Irwin confirmed that the Commission would support invasives control. Discussion ensued about juniper removal with confirmation that the Conservation Commission prefers that they remain. Discussion ensued concerning the south field and B.Monahan discussed farmers who may have interest in using some interior land to convert to agriculture. B.Monahan commented that the north field was said to have the best soils. Discussion ensued about SVT confirming any plans the Recreation Commission may have before moving ahead with the utilization of funding. Discussion ensued about the possibility of removing the hedge row and nearby trees for field nesting birds, and inquiry will be made with an ornithologist. Ms. Mattei confirmed that between the central and south field they will be treating the edges, and the Commission approved. B.Monahan will discuss the area with potential farmers.

**11. Request for Return of Performance Guarantee**  
103 East Plain Street; DEP File No. 322-779

**Motion to return the \$1200 Performance Guarantee; Seconded 5-0**

**12. Other**

**Warrant Article Recommendations**

- a. **Motion to support acceptance of gifts of land for 151 Plain and land off of Michael Road; Seconded 5-0**
- b. **Public Comment:** A.Irwin reported that he communicated the Commission's concerns with his article with Mr. Harris, who then amended the wording of the article so that the Chair would have discretion to defer public comment to the specific time at which the item will be addressed.
- c. **Landfill Access Road:** A.Irwin confirmed 3.8 acres as offset to giving up two acres to the roadway. A.Irwin expressed concern with Article 9 is that when the Commission gives this up, all mitigation discussion and our ability to remove the road as an alternative goes away and there is nothing about the conditional aspect of wetland mitigation for the filling of wetlands or floodplain along with fragmentation of habitat. B.Monahan commented that it will take the care and custody away from the Conservation Commission. B.Monahan suggested a condition about subsequent action. T.Harding suggested the Commission's support if wording could be amended in a certain way with our language provided. A.Irwin commented that the temporary aspect will be eliminated. Mr. Lowery stated that the DPW is ready to support whatever needs to be done and he will be happy to take language to the Board on Monday. A.Irwin commented that mitigation for the filling of the floodplain and wetlands at a minimum of 1.5 to 1. A.Irwin suggested wording in the Article for wetland replication 1.5 to 1 and we could vote to accept it. Mr. Lowery asked for the wording needed by Monday night.

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**Motion that conditioned on the addition of that specific language provided, the article of the transfer of road and land can be noted with Conservation Commission support; Seconded 5-0**

- d. **74 Plain Road:** Article confirmed.
- e. **Chapter 193A:** B.Monahan suggested the Commission not take a position until Mark Lanza has looked at the next set of edits.
- f. B.Monahan stated that the Commission may want to look at road acceptances regarding drainage issues. M.Lowery said there is a road acceptance meeting on March 18 if the Commission would like to give feedback. A.Irwin mentioned the Loker Conservation Area.

**12. Other**

Planting Plan – 55 Knollwood Lane

B.Monahan reviewed and Commissioners expressed the need to supplement with deep-rooted trees.

**13. Land Management**

B.Monahan informed the Commission that the discharge pipe camera procedure would be conducted the following morning at the Rice Road gatehouse.

**14. Issuance of Order of Conditions/Chapter 194 Permits**

**a. Boston Gas Company (dba National Grid); DEP File 322-793**

<b>Motion to issue Permit under the Chapter 194 Bylaw;</b>	<b>Seconded 5-0</b>
<b>Motion to issue an Order of Conditions under the Wetlands Protect Act;</b>	<b>Seconded 5-0</b>
<b>Motion to require a performance guarantee of \$750.00;</b>	<b>Seconded 5-0</b>

**15. Correspondence/Expenditures**

**16. Adjournment**

**Motion to adjourn at 10:45pm; Seconded 5-0**

The next Conservation Commission Meeting is scheduled for **Thursday, March 21, 2013** in the Wayland Town Building.





**TOWN OF WAYLAND  
MASSACHUSETTS  
CONSERVATION COMMISSION**

**LIST OF PUBLIC DOCUMENTS PROVIDED TO THE CONSERVATION COMMISSION  
February 8, 2013 to February 28, 2013**

**February 11, 2013**

BioMap2 update from Division of Fisheries & Wildlife  
322-759 Inspection Report on Carriage House at Lee's Farm from EBI Consulting  
Notice of continued ZBA Hearings (180 Oxbow and 63 Edgewood)  
ZBA Decision – 120 Old Connecticut Path  
RDA for Playground Project at 6 Loker Street/Veritas Christian Academy from Maple Hill Architects  
Memo to S.Sarkisian from Ray Nava re: Rte. 20 River's Edge development

**February 12, 2013**

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

**February 19, 2013**

Letter and Maintenance Agreement Proposal from Beaver Solutions

**February 20, 2013**

Letter proposing re-vegetation plan on slope at 55 Knollwood Lane from Tim Dreher  
Letter from Tata & Howard to DPW re: Conceptual Zone II for the Baldwin Pond Wells

**February 21, 2013**

322-793 Gas Regulator Station – additional plan documents  
322-710 Inspection Report on Fieldstone Estates from H2O Engineering  
Environmental Notification re: MathWorks Lakeside Campus Parking from Vanasse Hangen Brustlin, Inc.

**February 22, 2013**

Yearly Operation Plan/Map, Herbicide Application Notice and YOP Public Notice from NStar  
322-624 Inspection Report on Wayland Commons from Sullivan Connors  
322-665 Inspection Report on 137 Boston Post Road from Hayes Engineering  
ZBA Public Hearing Notice 3/12/13 – 61 Glezen Lane  
ZBA Public Hearing Notice 3/26/13 – 1 Wildwood Road  
ZBA Public Hearing Notice 4/16/13 – 29 Snakebrook Road  
Town Clerk memorandums re: Articles 2, 5 and 6  
Notice of Intent for home construction project at 11 Barney Hill Road from John Bartick

**February 25, 2013**

322-782 Request for Return of Performance Guarantee for 28 Pequot Road from Nilda Jacobus  
322-759 Inspection Report on Carriage House at Lee's Farm from EBI Consulting  
322-753 Inspection Report on 30 Standish Road from Drake Associates  
322-784 Inspection Report on 104 East Plain Street from Drake Associates  
322-788 Inspection Report on 88 Dudley Road from Drake Associates  
322-783 Inspection Report on 14 Valley View Road from Drake Associates  
322-777 Inspection Report on 8 Lundy Lane from Drake Associates

**TOWN OF WAYLAND  
MASSACHUSETTS  
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**February 26, 2013**

322-794 New plans and supporting documentation for DPW facility project from Weston & Sampson  
D-785 Request for Certificate of Compliance for 10 Millbrook Road from Debbie Lee

**February 27, 2013**

Board of Appeals Decision for WayCam additional signage  
322-648 Certificate of Compliance Request supporting documentation for Covered Bridge from Samiotes  
D-785 As-built plans and inspection report summaries for 10 Millbrook Road from Bill Murphy  
322-794 Comments from Lisa Eggleston re: DPW Facility project

**February 28, 2013**

Notice of Intent for septic project at 26 Charena Drive from Drake Associates

**LIST OF EXPENDITURES    February 8, 2013 to February 28, 2013**

*There are no expenses to report.*