

# WAYLAND CONSERVATION COMMISSION

Minutes Thursday, May 16, 2013 7:30 - 9:55PM

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

**Present:** Commissioners: Roger Backman, Markey Burke, Ted Harding (8:05pm), Larry Kiernan, John Sullivan (7:50pm), **Chairman:** Andy Irwin, **Conservation Administrator:** Brian Monahan

**Minutes:** Andrea Upham

**Not present:** Barbara Howell

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 – April 25, 2013**

**Motion to approve the April 25, 2013 Minutes as edited; Seconded 4-0**

3. **Citizen Inquiries**

B.Monahan reported on a citizen who witnessed several violations of dog regulations at Heard Farm. Brief discussion ensued of dog regulation signage and discussions between B.Monahan and M.Lanza concerning upgrading the regulations with necessary citation numbering for reference.

4. **7:35 pm – Public Meeting, Tim Dreher, Applicant, 55 Knollwood Lane, File D-818:**

Request for Determination of Applicability filed pursuant to the Wetlands Protection Act and an application filed pursuant to Wayland's Wetlands and Water Resources Protection Bylaw, Chapter 194, by Tim Dreher proposing a 15' x 6' dock and two additional 8" x 31" steps of stair case at 55 Knollwood Lane, Wayland MA, Assessor's Map 47C, Parcel 029A.

**Tim Dreher was present for the discussion.** Mr. Dreher summarized that the original aluminum dock was originally permitted in 1997 and was in place until a year ago. A.Irwin inquired about prior Chapter 91 approval, and Mr. Dreher explained a copy dated April 1997 was included in his application packet. A.Irwin inquired about the proposal of wood for the new dock and related maintenance requirements. Mr. Dreher explained that he has spoken to neighbors who have used the same contractor to build their wooden docks, and the plan is to use pressure treated wood which requires no maintenance and will be permanent. A.Irwin asked if there are 6x6 posts, and Mr. Dreher confirmed. R.Backman asked how many posts are planned, and Mr. Dreher confirmed four piles which will be eight feet apart. A.Irwin confirmed that no application of preservatives to the wood over the water will be allowed and will be a condition in the Permit. A.Irwin inquired about the proposed steps. Mr. Dreher explained that the DEP wants the dock no more than a foot and a half out of the water and that in order to maintain that, the steps will be needed. A.Irwin asked for confirmation that no proposed clearing is planned, and Mr. Dreher confirmed that there will be none. A.Irwin added that there should be no equipment down the hillside and Mr. Dreher should ensure that all installation is manual so there is no slope disturbance.

A.Irwin asked Mr. Dreher about the status of his Chapter 91 application, and Mr. Dreher confirmed it was sent at the same time as the Conservation application and he will check for receipt by the DEP. A.Irwin explained that the Conservation Permit will note approval to include

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any additional Chapter 91 conditions which might be added, with deference to the DEP for any areas which might be more restrictive.

B.Monahan questioned how to handle the outstanding plantings which Mr. Dreher has in process to satisfy the recent Conservation enforcement on the property. Mr. Dreher reported that plantings have begun, with the most recent round of plantings occurring last weekend. Mr. Dreher reported the search for particular varieties in 1-2 gallon sizes has been difficult, but noted that a lot of new growth is occurring from existing plants, which will be helpful. He is currently looking for plants like winterberry and others in the 4-6 foot height category. A.Irwin explained that the Commission would like to see plantings distributed throughout the slope rather than focused on the top portion, and Mr. Dreher commented that the bottom half is naturally growing back quite well from existing plantings. B.Monahan communicated that a minimum of 25 plants are still needed. A.Irwin closed the discussion by requesting that Mr. Dreher stake out locations for the remaining plantings for B.Monahan to inspect, and the Permit will note conditions that half of the plantings must be in place prior to the work on the dock beginning and all of the planting must be completed by June 30, 2013.

**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**

**Motion to require a \$750 Performance Guarantee; Seconded 5-0**

**5. 8:00 pm – Public Meeting, Larry & Linda Kiernan, Applicant, 17 Concord Road, File D-819:**

Request for Determination of Applicability filed pursuant to the Wetlands Protection Act and an application filed pursuant to Wayland's Wetlands and Water Resources Protection Bylaw, Chapter 194, by Larry & Linda Kiernan proposing construction of a 18' x 18' single-story wooden stable and enclosed fenced paddock attached to the stable at 17 Concord Road, Wayland MA, Assessor's Map 23, Parcel 91.

**Larry and Linda Kiernan were present for the discussion.** Mr. Kiernan explained that they are interested in keeping either a cow or a goat at their property and are planning a stable no bigger than 18' x 18'. Mr. Kiernan explained that the application package includes the largest case scenario with regard to structure size and distance from the wetlands. Large trees were noted with dots on the plan. No trees will be cut. A.Irwin inquired about fencing. Mr. Kiernan confirmed there will be 8-foot posts buried four feet deep for strength. R.Backman asked about runoff mitigation. Mr. Kiernan explained that the stable will have a normally sloped roofline with gravel beds for drainage, and the interior stable cement area water will run out to the gravel, avoiding the septic as the water will come out from house. A.Irwin inquired about any excavation. Mrs. Kiernan explained that the floating piece which will be a little elevated is only a small portion of the barn floor (4' x 6' area). A.Irwin asked about any Board of Health concerns concerning manure management. Mrs. Kiernan said the biggest concern expressed by the Board of Health was the odor, and she has spoken with Mainstone Farm about that and learned that the application of lime greatly helps.

**Motion to issue a Negative Determination w/conditions under the Wetlands Protection Act; Seconded 4-1 (1 abstain)**

**Motion to issue a Permit under the Chapter 194 Bylaw; Seconded 4-1 (1 abstain)**

**Motion to require a \$400 Performance Guarantee; Seconded 4-1 (1 abstain)**

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6. **8:10 pm – Public Hearing, Maureen Carroll, Applicant, 21 White Road, DEP File 322-800:**  
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 Maureen Carroll proposing the repair of a septic system at 21 White Road, Wayland MA, Assessor’s Map 25, Parcel 056.

**Mark Farrell, Green Hill Engineering, was present for the discussion.** Mr. Farrell reviewed the plan, which indicated the vegetated wetland area behind the house. Mr. Farrell explained that the existing septic system located on the side of the house didn’t pass Title V so they are planning a new system to be installed in the same place as the old one, which meets the Board of Health requirement of 75 feet of distance (location is 77.5 feet). Mr. Farrell pointed out the plan for sediment control and noted a few trees to be removed at 75-100 foot offset from the wetlands. A.Irwin asked for clarification on which trees are to be removed, which Mr. Farrell explained were noted on the plan. A.Irwin requested the consideration of a construction fence around the 24” tree for protection.

A.Irwin commented on a part of the plan which notes the edge of lawn going down the slope, and Mr. Farrell explained that the darker line is the new/proposed and the piece that extends out to the lawn was intended to be trimmed. R.Backman inquired about plans for excavation and stockpiling. Mr. Farrell explained that some of the fill will be reused. A.Irwin expressed concern about the existing lawn to the stone wall and the limit of lawn upslope from the stone wall. B.Monahan explained that he visited the site and there is no lawn back there; there is a swing set and the area is left natural. A.Irwin noted that the area ten feet in from the stone wall will be noted as the limit of lawn so that any subsequent owner will be cognizant of the 15’ natural buffer.

A.Irwin noted that trees to be removed are one 24”, one 18” and one 16” with a request by the Commission that an additional 24” tree as discussed earlier be protected with fencing. A.Irwin noted that the tree is out of Conservation jurisdiction so this is a request rather than a requirement. Mr. Farrell was reminded of the replacement planting requirements which will be part of the Permit.

A.Irwin noted that no garbage disposal on the property was highlighted. Mr. Farrell confirmed he is not expecting dewatering, and A.Irwin noted that the standard provision will be included in the Permit. Mr. Farrell noted a finished grade level of 161.6 and noted that a poly barrier will be used.

<b>Motion to close the hearing under the Wetlands Protection Act;</b>	<b>Seconded 6-0</b>
<b>Motion to close the hearing under the Chapter 194 Bylaw;</b>	<b>Seconded 6-0</b>

<b>Motion to issue a Permit under the Chapter 194 Bylaw;</b>	<b>Seconded 6-0</b>
<b>Motion to issue an Order of Conditions under the Wetlands Protect Act;</b>	<b>Seconded 6-0</b>
<b>Motion to require a Performance Guarantee of \$1000;</b>	<b>Seconded 6-0</b>

7. **8:30 pm – Public Hearing, Jim Williamson, Barberry Homes, Applicant, DEP File 322-801:**  
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 Jim Williamson,

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proposing the construction of a single-family home, bituminous concrete driveway, roof infiltration system, septic system, and association grading and utilities for Lots 4, 5, 6, & 7 of the Michael Road Conservation Cluster subdivision at 28 Michael Road, Assessor's Map 24, Parcel 151. Portions of the work are within areas regulated by the Commission.

**Joey Fonseca of Metrowest Engineering and Jim Williamson of Barberry Homes were present for the discussion.** Mr. Fonseca summarized that this project stems from a seven-lot cluster which was approved in March 2010. The current project involves four lots which were shown on the plan, and Mr. Fonseca pointed out that 9.3 acres of the property were recently deeded to the Town as open space. Mr. Fonseca explained that utilities are currently being brought in to the site. A.Irwin asked if a Notice of Intent was filed under the Construction General Permit, and Mr. Fonseca said he will check for confirmation. A.Irwin mentioned he did not see it noted on the EPA website. Mr. Fonseca pointed out the four "house boxes" noted on the plan for the four lots with septic fields noted and he confirmed that the approved limit of work will be the same as the 2010 approvals. Mr. Fonseca reported that the only change to the project from the Planning Board approval set is that some of the house boxes got a little larger with slightly tweaked grading to accommodate the changes. Mr. Fonseca explained that the septic systems drove the grading, and inconsistent soil conditions exist on the site, with an excess amount of topsoil of two to three feet in some areas.

Mr. Fonseca began a review of project details. Each house will have a roof gutter system piped to a subsurface infiltration/drainage system able to handle a 100-year storm. Driveways are designed to pitch back toward the extension. At the entrance to each driveway will be porous pavement to capture any runoff. The entire extension area will drain into a rain garden in the center (an area outside of Conservation jurisdiction). Each home has a walkout basement, reducing the required fill. Wetlands were shown on the plan in beige (from May 2006 ORAD). Mr. Fonseca noted the 100-foot wetland and 200-foot riverfront offset per local Bylaw and the stream tributary to Hayward Brook. Mr. Fonseca noted 4850 square feet of disturbance within the 200-foot Riverfront area. He also reported that since filing the plan the Water Department requested that the water line be extended to include a hydrant with a stub within the easement so if needed it can be connected in the future. Brief discussion ensued about the amount of fill on the site with some, Mr. Fonseca explained, resulting from the amount of topsoil removed as well as the amount of material required to achieve groundwater table offset for the septic fields. A.Irwin asked about the source of the fill, and Mr. Williamson said it is from a Crosby Corners project in Concord and is virgin fill measured by an Engineer. A.Irwin noted that verification of origin of fill is a condition which will be included in the decision. A.Irwin commented on the requirement in the Bylaw for an alternatives analysis, noting 21,320 square feet of total riverfront for all lots and a total disturbance of 4,850 square feet, which well surpasses the 10% alteration maximum of the Wetlands Protection Act and 4% maximum of the By-Law for new subdivisions. Mr. Fonseca explained that the initial development of the site wasn't a conservation cluster, but the total parcel included a wetland crossing and there is also the nine acres which was deeded. A.Irwin explained the need to hold all projects to the same Bylaw standard others have been held to in previous projects. B.Monahan explained that the amount of Riverfront area on the property prior to the subdivision was actually a larger number including other acres gifted to the Town so a calculation should be made to include a credit of the whole footprint to the calculation of the percentage and that the Commission will need to consider what that turns out to be. A.Irwin commented on the need for inventory and allocation of impervious surface on each lot consistent

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with drainage plans, adding that the Commission can plan to work with individual property owners in terms of restrictions. Mr. Fonseca noted that some are noted in the plans but he can total and tabulate it. A.Irwin asked that the information be included on the plans so the Commission will have that to work with.

A.Irwin inquired about trees in the buffer zone 6" or greater, and Mr. Fonseca responded that they do show those within the buffer zone on Sheet 1 and an inventory list on the side, and trees proposed for removal are marked with an "X" on Sheet 3. T.Harding inquired if there will be replacement plantings on all lots. A.Irwin noted that the Commission should consider requiring a planting plan to enable a review for native vs. invasive species. Mr. Fonseca noted room on the downhill slope side to disperse plantings, and A.Irwin commented that tree planting on the slope side would be good for stabilization. A.Irwin asked if the septic on the site were designed for disposals, and Mr. Williamson confirmed that they were. A.Irwin noted that though not prohibited, Wayland discourages disposals. A.Irwin asked if the setback is 75' on all fields, and Mr. Fonseca responded that Lot 6 is the closest but still outside of 100 feet.

Coleen Sheehan, 16 Springhill Road, commented that she would like to see the Planning Board and the Conservation Commission work together on conservation clusters to reduce the clearing of land, adding that more could be preserved. Ms. Sheehan asked about the house size and grading and whether there are any implications of water going down to the stream and affecting basements. B.Monahan asked if there are watershed plans, and Mr. Fonseca confirmed. A.Irwin added that the lots will be conditioned to not increase the rate of runoff. Mr. Fonseca commented that the systems were sized appropriately. A.Irwin reminded the group that the Commission does not allow sprinkler systems in their jurisdictional areas and encouraged other townspeople to go to the Bylaws as the DPW put a moratorium in place years ago for sprinkler permits. L.Kiernan asked if there was a chance of water drifting at all and asked about the infiltration system. Mr. Fonseca reported that it was designed and tested and never hit water in any hole. A.Irwin shared that the Commission would like to have their peer reviewer review the drainage and confirmed to Mr. Williamson that the Commission will be looking for funding, which he acknowledged.

Jon Stahl, 25 Michael Road, raised the issue of permitted alteration, recalling that he had requested fill and a retaining wall in his back yard but had been advised that the fill wasn't permitted. B.Monahan explained that the property is riverfront, and A.Irwin confirmed that the proposed tree clearing and alteration, rather than the fill, is the issue. A.Irwin confirmed the percentage of alteration allowable on lots to be no more than 10% for existing properties and no more than 4% for new development.

Ms. Sheehan inquired as to the construction cycle. Mr. Williamson explained their plan is to build one or two and test the market and if strong, it should be a year. Ms. Sheehan commented that there are still two very large holes at the trail that haven't been filled and are a safety hazard. Mr. Williamson said they can surely fill them, and A.Irwin said that wording can be included in the Permit. Ms. Sheehan also inquired about when the \$5K for a bridge from Lee Road can be conveyed. B.Monahan responded that it requires permitting and will proceed when realistic. Ms. Sheehan asked what starts the process, and Mr. Williamson said it is in the Planning Board decision. Brief discussion ensued on the possibility of the bridge being an Eagle Scout project with the Conservation Commission as the applicant.

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Gary Dennis, 26 Michael Road, inquired about the verification of fill and whether there is any required testing. A.Irwin responded that there is a standard condition that for clean fill with no debris, and if there were any question about the quality of fill there would be testing required, along with an engineer's inspection and stamp confirming compliance with the conditions.

Joy Viola, 14 Glover Road, discussed the nine acres that is now Conservation land and commented that the Conservation Land usage restriction now applies to the land and a notice should be posted. Ms. Viola commented that there are already dog walker issues, horses and motorbikes at night. B.Monahan said he will post a dog regulation sign could be posted. Ms. Viola suggested that clarification is needed on what is permitted on what land areas between the Conservation land and the railroad area.

A.Irwin confirmed that a hearing continuation will be needed and asked the applicant for permission, which was granted.

**Motion to continue the hearing to May 30, 2013 at 8:30pm under the Wetlands Protection Act; Seconded 6-0**

**Motion to continue the hearing to May 30, 2013 at 8:30pm under the Chapter 194 Bylaw; Seconded 6-0**

**8. 9:30 pm - Discussion of Bench at Heard Farm**

Don Chase was present for the discussion. Mr. Chase summarized the family's desire to donate a bench in memory of his son, Eric. M.Burke commented that it is a wonderful idea. Mr. Chase explained their plan to donate a wooden bench with a platform and small plaque at the end of Heard Road near the pond. Mr. Chase mentioned he will coordinate the effort with Nick Patterson. The Commission noted their appreciation and approval of the project.

**Motion to allow a bench to be erected at Heard Farm Conservation land; Seconded 6-0**

J.Sullivan departed at 9:35pm.

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

a. 11 Old Sudbury Road; DEP File No. 322-765

B.Monahan noted he will provide a reminder about the 100' wetlands setback in the correspondence.

**Motion to issue a partial Certificate of Compliance under the Wetlands Protection Act; Seconded 5-0**

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

b. 197 Glezen Lane; DEP File No. 322-613

**Motion to issue a partial Certificate of Compliance under the Wetlands Protection Act; Seconded 5-0**

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

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- c. 300 Stonebridge Road; File D-807

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

**10. Request for Performance Guarantee**

- a. 10 Millbrook Road; File D-785

**Motion to approve the release of the \$250 Performance Guarantee; Seconded 4-1 (1 opposed)**

- b. 22 White Road; File D-799

**Motion to approve the release of \$600 of the \$1200 Performance Guarantee; Seconded 5-0**

**11. Land Management**

- a. Community Gardens

Brief discussion ensued of gardening rules.

- b. A.Irwin informed the Commission that Parcel C (Lord Property) was voted by the Board of Public Works as surplus land with a caveat conditioned with approval for the roadway to be a permanent road.

- c. L.Kiernan commented that NSTAR is fixing foundations from Waltham to Sudbury.  
B.Monahan reminded Commissioners that he will be walking the NSTAR Right-of-Way with a representative of NSTAR and the vegetation management company should anyone want to join him.

**12. Correspondence/Expenditures**

**13. Adjournment**

**Motion to adjourn at 9:55pm; Seconded 5-0**

The next Conservation Commission Meeting is scheduled for **Thursday, May 30, 2013** in the Wayland Town Building.





**TOWN OF WAYLAND  
MASSACHUSETTS  
CONSERVATION COMMISSION**

**LIST OF PUBLIC DOCUMENTS PROVIDED TO THE CONSERVATION COMMISSION**

**April 26, 2013 to May 16, 2013**

**April 26, 2013**

Notice of Intent for septic system repair at 21 White Road from Green Hill Engineering  
Notice of Intent for four-lot construction project at Michael Road from Metrowest Engineering  
RDA for animal keeping at 17 Concord Road from Linda Kiernan  
322-759 Inspection Report on Carriage House at Lee's Farm from EBI Consulting  
Letter to Wayland MZL LLC from BoH re: Wayland Village letter from MassDEP re: hazardous material  
ZBA 5/14/13 hearing notice re: 397 Boston Post Road and 93 Lakeshore Drive

**April 29, 2013**

D-807 Request for CoC for 300 Stonebridge Road from Hung-Ming Lin

**April 30, 2013**

322-613 Request for CoC for 197 Glezen Lane from Bob Baker

**May 2, 2013**

322-765 Request for CoC for 11 Old Sudbury Road from Sullivan, Connors & Associates  
322-701/744 Town Center Inspection Reports from Griffin Engineering Group, LLC  
ZBA Findings and Decision re: Habitat for Humanity, Stonebridge Road  
322-710 Inspection Report on Fieldstone Estates from H2O Engineering

**May 3, 2013**

D-814 Notice to Start Work and construction schedule for 231 Concord Road from Beacon St. Builders  
322-624 Inspection Report for Wayland Commons from Sullivan, Connors  
322-665 Inspection Report on 137 Boston Post Road from Hayes Engineering

**May 6, 2013**

Public Hearing notice 5/20/13 re: alcoholic beverage license application by Takara at 15 Elissa Way  
D-816 Notice of completion and request for site visit for Greenways slope stabilization project from SVT

**May 7, 2013**

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

**May 8, 2013**

Notice of work to be done at Wayland Depot parking lot on 5/13/13 from John Moynihan  
D-785 Recorded filing of CoC and Request for Performance Guarantee  
NSTAR Herbicide notice letter follow-up re: sensitive areas request  
ZBA Decisions re: 16 Snakebrook Road, 10 Maguire Road, 213 Old Connecticut Path

**May 10, 2013**

ZBA hearing notice, 5/28/13, re: 17 Edgewood Road and 163 School Street  
322-798 Notice to Start Work at 211 Commonwealth Road from Andrew Wineman

**TOWN OF WAYLAND  
MASSACHUSETTS  
CONSERVATION COMMISSION**

**May 13, 2013**

Notice of Intent for septic system project at 124 Lakeshore Drive from Lakeview Engineering  
Notice of Intent for home addition at 122 Lakeshore Drive from Lakeview Engineering  
RDA for shed at 16 Sedgemoor Road from Bob Anderson  
RDA for deck project at 61 Highland Circle from John Evangelista  
D-799 Request for Return of Performance Guarantee for 22 White Road from Eileen Stanford

**May 14, 2013**

322-798 Notice to Start Work/construction schedule for 211 Commonwealth Rd from Curtis Septic  
322-797 Notice to Start Work for 18 Audubon Road from Nancy Romanow

**May 16, 2013**

322-701/744 Town Center Inspection Reports from Griffin Engineering  
322-792 Revised plant list for 22 Lundy Lane from Keystone Development  
322-710 Inspection Report for Fieldstone Estates from H2O Engineering

**LIST OF EXPENDITURES    April 25, 2013 to May 16, 2013**

5/9/13	Country Home Products	\$869.19 <i>(42-inch lawn mower attachment)</i>
		\$ 72.76 <i>(battery)</i>
	Richey & Clapper	\$ 4.80 <i>(fuel line)</i>
		\$ 2.76 <i>(clamp)</i>
	Towne Auto Parts	\$ 93.72 <i>(oxygen sensor)</i>