

WAYLAND CONSERVATION COMMISSION

Minutes, Thursday, January 9, 2014 7:32 – 10:35PM

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

Present: Commissioners: Roger Backman, Bob Goldsmith, Sherre Greenbaum, Barbara Howell, Betty Salzberg, John Sullivan (present 8:00 - 9:50pm), Chairman: Andy Irwin, Conservation Administrator: Brian Monahan

Minutes: Andrea Upham

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

1. **7:32 pm – Citizens Time**
No comments were offered.

2. **Minutes – 11/07/13 and 12/19/13**

Motion to approve the November 7, 2013 Minutes as edited; Seconded 6-0

Motion to approve the December 19, 2013 Minutes as edited; Seconded 6-0

3. **Compliance Updates**

122 Lakeshore Drive; DEP File 322-803

B.Monahan reported that the ZBA Hearing is scheduled for January 14, 2014.

4. **7:35 pm – Continued Public Hearing, Roland Gray, III, Esq., Applicant, 7 Lincoln Road, DEP File No. 322-813:** Abbreviated Notice of Resource Area Delineation pursuant to the Wetlands Protection Act, G.L. ch. 131 s. 40, and the application filed pursuant to Wayland's Wetlands and Water Resources Protection Bylaw, Chapter 194 by Roland Gray, III, Esq. The applicant is seeking the verification of the delineation of the wetland resource areas including bordering vegetated wetland and mean annual high water line of Hazel Brook for land at 7 Lincoln Road, Wayland shown on Assessor's Map 11, Parcel 083. The applicant has sent a request to continue this hearing to February 13, 2014. There is an outstanding request for information that is still being addressed.

Motion to continue the hearing to February 13, 2014 at 7:35pm under the Wetlands Protection Act; Seconded 6-0

Motion to continue the hearing to February 13, 2014 at 7:35pm under the Chapter 194 Bylaw; Seconded 6-0

5. **Compliance Updates**

25 Millbrook Road

B.Monahan reported no response to the letter that was sent out concerning the parking area created. A.Irwin reminded Commissioners that erosion control barriers were required by the Commission within a certain timeframe though current frozen conditions are keeping the area stable. Brian thinks they may be away and will check for activity before the next meeting.

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

18 Audubon Road; DEP File No. 322-747 – Discussion of "As-built Plan"

A.Irwin indicated a question concerning the new stone wall on the plan with further review required. The stone wall next to the patio is not consistent with the existing stone wall. Information is needed from the engineer concerning the deviations. This item will be reviewed and addressed at the next meeting.

7. Compliance Updates

Oh Deer - Illicit withdrawal of water from Mill Pond
No current activity was reported.

8. Land Management - Other

Tick Task Force

B.Salzberg reported attending a meeting of the Tick Task Force arranged by the Board of Health in Dover. Discussion concerned reduction of the deer population by allowing hunters to use bow and arrow from a platform; it was envisioned that this would reduce the deer population by 25% in eight years' time. The task force plans to educate the public about ticks with regard to wearing proper clothing and also address deer population control and restrictions.

9. 7:45 pm – Continued Public Hearing, Nathan Wilson, Applicant, 22 Pequot Road, DEP File No. 322-815:

Notice of Intent filed pursuant to the Wetlands Protection Act, G.L. ch. 131 s. 40 and an application filed pursuant to Wayland's Wetlands and Water Resources Protection Bylaw, Chapter 194, filed by Nathan Wilson. The applicant is proposing to replace the existing septic system, portions of which are within riverfront area and buffer zone to bordering vegetated wetland, at 22 Pequot Road, Wayland, shown on Assessor's Map 43D, Parcel 20.

Mike Sullivan of Sullivan, Connors was present for the discussion. Mr. Sullivan reviewed the concerns and questions that were raised at the last hearing concerning the subsurface drain and reported that rather than awaiting springtime to determine the groundwater situation, they simply configured the system to maintain a 50-foot offset from the drain. B.Monahan noted that that Mr. Sullivan had also added inverts on the pipe which significantly improved the plan. Mr. Sullivan reported the Board of Health had given their approval. B.Monahan noted the paddock on the property and that points concerning manure management will be included in the Permit issued to ensure there is no leaching into the ground. B.Goldsmith noted there should be mention of the property being within a Zone II in the findings.

Motion to close the hearing under the Wetlands Protection Act;	Seconded 6-0
Motion to close the hearing under the Chapter 194 Bylaw;	Seconded 6-0
Motion to issue a Permit under the Chapter 194 Bylaw;	Seconded 6-0
Motion to issue an Order of Conditions under the Wetlands Protect Act;	Seconded 6-0
Motion to require a performance guarantee of \$1000;	Seconded 6-0

10. Other

Brief discussion ensued on wording changes to be discussed among the Commission. A.Irwin would like to address new wording for site inspections for all compliance matters in the Chapter 194 Permits. B.Monahan noted a change to the Request for Certificate of Compliance requirements, removing the need for point-by-point responses in the narrative for the Order of Conditions. The Chapter 194 Permit narrative requirements will remain the same, and the Order of Conditions responses will simply be a requirement to call out any area(s) of non-compliance which might exist along with noting that response such as "in substantial compliance" is not acceptable.

11. 7:55 pm – Continued Public Hearing, Brendon Homes, Inc., 400 Boston Post Road, DEP File No. 322-816: Notice of Intent filed pursuant to the Wetlands Protection Act, G.L. ch. 131 s. 40 and an

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application filed pursuant to Wayland's Wetlands and Water Resources Protection Bylaw, Chapter 194, filed by Brendon Homes, Inc. The applicant is proposing to construct a 42-unit multi-family residential development at 400 Boston Post Road, Wayland, on a portion of land shown on Assessor's Map 23, Parcel 52. Some of the work will be within the buffer zone of bordering vegetated wetland.

Mike Sullivan of Sullivan, Connors was present for the discussion along with Brendon Giblin and Brian Card of Brendon Homes and Nancy Roberts, LSP of Roberts Consulting. Mr. Sullivan reviewed the plan and highlighted revisions made since the last hearing. The #2 detention basin has a 3-4 foot wall and guardrail to prevent snow pushing into the basin and is graded gradually from the road down to the forebay. Mr. Sullivan pointed out better access to the rear of #31 has been graded. Mr. Sullivan showed the snow storage areas on the plan and noted that snow from extreme storms may need to be trucked off. The drain discussed in the back of the buildings was extended. Mr. Sullivan confirmed there is no trail system interruption. Concerning maintenance of detention basins, Mr. Sullivan reported that the two basins on the property will be the responsibility of the homeowners' association within River Trail Place even though admittedly much of the watershed for Basin 2 is not on their property.

A.Irwin reported that at the last meeting the question arose as to whether a RAM plan going to be required. A.Irwin reported that he had corresponded via email with Nancy Roberts concerning the footprint of the Raytheon disposal site relative to the Brendon Homes property. A.Irwin referred to a filing by Raytheon to MassDEP for merging of RTNs where outlines were drawn, including a loop from the northern area RTN extending south, below the finger wetland that runs from east to west on the Brendon Homes property, but it wasn't labeled specifically "Disposal Site Boundary". A letter was submitted at the meeting with an oral summary from Nancy Roberts asserting that RTN disposal site boundaries do not cross onto the property with the exception of one for arsenic on the western side in the approximate area of Basin 2. Ms. Roberts commented on that being the area where the outfall was, and that it was not a release of arsenic but natural arsenic background in soils. A.Irwin asked about the wetlands cleanup, and Ms. Roberts confirmed that although there may have been transportation of contaminated soils across the property to a staging area north of the River Trail property Raytheon removed the surface soils as a protective measure and sampled it after the remediation work was done.

R.Backman asked if any of the monitoring wells needed to be relocated, and Ms. Roberts responded that wells on the Brendon Homes property were decommissioned. B.Monahan raised the issue of the groundwater monitoring wells associated with monitoring of the finger wetland hydrology and the question about who will have responsibility for completing that monitoring, which he noted may have come along with the purchase.

B.Goldsmith noted the superseding Order of Conditions for Town Center (5/28/10 reissued permit) and the need for clarity on responsibility between Brendon Homes and 20 Wayland regarding O&M Plans for structural and non-structural storm water BMPs.

A.Irwin noted to Mr. Sullivan that the Commission is looking to regulate and will want to pick up conditions that roll over and transfer forward. BMPs and drainage were mentioned. A.Irwin expressed concern for the basin possibly not working and noted that Twenty Wayland was required by the Superseding Order from DEP that if the basin fails, they need to call DEP.

B.Monahan noted that fixing a failed basin does make it into Chapter 194. B.Goldsmith noted

that an independent consultant for the Conservation Commission opined that the basin would not work under conditions of high groundwater. B.Goldsmith handed out new FEMA/Floodplain lines which become final on January 16 and will be in effect July 14, 2014. B.Monahan noted that basins were installed prior to the most recent FEMA maps.. Mr. Sullivan noted they will identify in their O&M Plan.

B.Howell noted that a guardrail on the plan that appears to cross the basin access and asked Mr. Sullivan if there is a gate. Mr. Sullivan showed the guardrail on the plan. B.Howell suggested a gate with a sign on it to indicate that no snow should be deposited in the area. Mr. Sullivan reiterated that large storm events could involve trucking snow off site. A.Irwin noted that snow management should be part of the O&M Plan.

B.Goldsmith commented that the symbols and legends on the plan were not all properly labeled and requested that they be complete. B.Goldsmith asked about sewage pumping, and Mr. Sullivan noted the use of gravity sewers within their property, which are tied into the existing Wayland Waste Water District system. A.Irwin asked if there were plans for irrigation systems, and Mr. Card confirmed there are no such plans. A.Irwin reminded Mr. Card that they are not allowed in the buffer zone.

Discussion ensued of an easement between Buildings 6 and 7 which B.Howell noted crosses the 30-foot no-disturb line. Mr. Sullivan reported on a requirement from 20 Wayland that a 30-foot easement be placed there though they were unsure of the reason. A.Irwin suggested it may be a Raytheon access issue to the bird meadow habitat area or remediation work area. Mr. Giblin noted it was likely for meadow management. B.Goldsmith asked if there is underground irrigation and reported that they will need Board of Public Works approval under Chapter 191. Mr. Card indicated they are discussing matters with Raytheon as well. A.Irwin indicated the Commission would like the O&M Plan to be submitted to be clear on responsibilities regarding storm water, snow management and maintenance inspections. B.Monahan suggested a meeting with Mr. Colonna and himself before the next meeting to move things along.

**Motion to continue the hearing to January 30, 2014 at 7:35pm under the Wetlands Protection Act;
Seconded 7-0**

**Motion to continue the hearing to January 30, 2014 at 7:35pm under the Chapter 194 Bylaw;
Seconded 7-0**

- 12. 8:33 p.m.- Public Meeting, Michael B. Patterson, Applicant, 12 Claypit Hill Road, File D-834:**
Request for Determination of Applicability filed pursuant to the Wetlands Protection Act, G.L. ch. 131 s. 40 and an application filed pursuant to Wayland's Wetlands and Water Resources Protection Bylaw, Chapter 194, filed by Michael B. Patterson. The applicant is proposing to install a flow device and/or breach a beaver dam across Upper Mill Brook approximately 150 yards upstream from Claypit Hill Road at 12 Claypit Hill Road, Wayland, shown on Assessor's Map 19, Parcel 39D.

Michael Patterson was present for the discussion. Mr. Patterson explained the situation at Upper Mill Brook, 150 yards upstream near the SVT property. There are five dams upstream and the one he is concerned about has increased the water level by two feet and has flooded trails in the Upper Mill Brook area. Mr. Patterson shared a picture with the Commission to show how the current situation prevents a lot of trail use and traffic in the area along with flooding the tree roots. A.Irwin asked Mr. Patterson about the proposed timeframe for his proposed activity, which Mr. Patterson indicated would be in April after the thaw. Mr. Patterson indicated he would like to either install a pass-

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through pipe or breach the dam. B.Howell indicated that a comment was made during the Christmas Bird Count that the water was lower at the time. A.Irwin inquired about the elevation of the flow pipe, which Mr. Patterson indicated would be two feet below what had been the general stream level. B.Monahan noted he will check to see if Mr. Patterson would require any other permits.

A.Irwin noted the timeframe approved as April 1, 2014 to not later than November 15, 2014 with breach in a controlled manner and deceiver pipe at elevation of two feet below current stream level. A.Irwin asked about the handling of the material to be removed, and B.Monahan said he will reference previous projects.

Motion to approve the installation of a flow device and/or breach as discussed; Seconded 7-0

Motion to issue a Negative Determination w/conditions under the Wetlands Protection Act; Seconded 7-0

Motion to issue a Permit w/conditions under the Chapter 194 Bylaw; Seconded 7-0

13. 8:45 p.m. – Public Hearing, David Hanlon, Applicant, 30 Lakeshore Drive, DEP File No. 322-818:

Notice of Intent filed pursuant to the Wetlands Protection Act, G.L. ch. 131 s. 40 and an application filed pursuant to Wayland's Wetlands and Water Resources Protection Bylaw, Chapter 194, filed by David Hanlon. The applicant is proposing a replacement septic system and garage and kitchen addition within 100 feet of Dudley Pond at 30 Lakeshore Drive, Wayland, shown on Assessor's Map 43C, Parcels 50A & 49.

Bob Drake of Drake Associates and David Hanlon, Applicant, were present for the discussion. Mr. Drake summarized the property which is under 12K square feet and a pre-existing non-confirming lot. S.Greenbaum asked how the lot size of 11,760 square feet was arrived at and Mr. Drake indicated a 9900 square foot parcel plus the strip of 1860 square feet the applicant purchased from the Town. Discussion ensued on the discrepancy between the deed and assessor's records which show 9,660 square feet and the area shown on the current plan. Mr. Drake indicated that the 9900 square feet was on the Building Department plan and is the measured area plus 1860 square feet reflected in the deed conveyed to the Hanlons and the building is on the upland side of the 1914 water line. Mr. Drake indicated that as a non-confirming lot, the project will require a ZBA special permit so the filing of the Notice of Intent was designed for the Commission to review the plan and keep the hearing open to satisfy the Commission's concerns in anticipation of the ZBA permit.

Mr. Drake summarized that the Hanlons moved back to Wayland in 2011; they have two failed cesspools and propose a septic replacement for the same number of bedrooms (four). A.Irwin confirmed the proposed 75-foot setback for the leach field as compliant. Mr. Drake summarized the proposal to add a garage and do a 16 x 20 kitchen addition and noted a proposed covered porch on the front of the house which means application for variances to the ZBA. Mr. Drake addressed the two proposed new roof areas to include a roof infiltration system with runoff pits along with the removal of the existing shed and concrete patio/walkway in the back of house to the edge of the pond. The current concrete retaining wall and block and masonry wall exists at the bank of the pond so Mr. Drake proposes to leave them in place but add a planting plan to naturalize the area of the no-disturb zone, which was shown on the plan. Mr. Drake indicated that the patio at the lower end will be replaced with a stepping stone path to the existing wooden dock and the 15-foot no disturb will be met.

Mr. Drake noted the previous after-the-fact Chapter 194 Permit which referenced a 30-foot no-disturb and noted this proposed project which eliminates the patio, walkway and shed along with a reduction in the driveway area with the offset of the front porch, garage and kitchen, results in a

reduction of impervious surface along with mitigation for the stormwater performance in the area by infiltrating roof drains from the garage and kitchen addition. Discussion ensued concerning roof runoff from the front porch. Mr. Drake indicated there is a gable end. A.Irwin asked about gutters on the new section and indicated that taking the existing runoff will offset the front porch. B.Goldsmith indicated that a design that infiltrates all of the roof runoff (a drip line) would improve pond quality. A.Irwin cautioned to ensure those aren't overloaded. A.Irwin inquired about drainage from the driveway itself and Mr. Drake showed the discharge area on the plan.

A.Irwin raised the issue of foundation construction and soils management. Mr. Drake reported that the designer/builder met with the Building Commissioner to discuss portions of the foundation which need to be replaced and walls remaining which will have to be reconstructed and preserved. Mr. Drake indicated that the first and second floor heights will match up with existing conditions. A.Irwin asked if the entire existing foundation is being replaced and Mr. Drake responded that the structural engineer indicated 50-60% replacement. Mr. Hanlon commented that the back part closest to the water is the newer section and they will try to tie into that. Mr. Drake reported that the driveway area will be used for staging. Mr. Hanlon confirmed natural gas service on the property. R.Backman asked about waivers, and Mr. Drake confirmed there are none. The sizing of the infiltrator and pre- and post- rate and quantity of runoff details were requested by A.Irwin. B.Howell asked if a survey was needed and A.Irwin indicated that is Building Department authority. It was noted that Zone II will be noted in the Permit findings. S.Greenbaum indicated she would like to see recording and assessing information updated for the property so that they correspond with the survey. Mr. Drake indicated that the Building Department will require a survey plan, which will be step two after the Board of Health and the ZBA is coming up for a special permit for the proposal. A.Irwin noted a high percentage of impervious surface in the buffer zone and Mr. Drake noted an overall net improvement on the property. B.Goldsmith indicated that the Surface Water Quality Committee sees the design as a definite improvement on the property and are very happy. Mr. Drake indicated that the Board of Health had reviewed the project details and the walkout basement was included. A.Irwin asked about the infiltrator depth which Mr. Drake indicated was 154.5 and the basement floor is 152.

Molly Upton, Bayfield Road, raised concern about the life of the septic system with respect to the sump at 152.5 and galleys at 154.7, expressing that stormwater infiltration is not creating groundwater flow with the pond elevation at 149. A.Irwin indicated that percolation and infiltration 25 feet away will dissipate and won't saturate the zone. Mr. Drake confirmed no hydric soils were encountered. Plan datum of NGVD 29 was noted by Mr. Drake.

Todd Magura, abutter at 21 Lakeshore Drive, expressed confidence that the Hanlons are stewards of the pond and confirmed his endorsement of the project.

S.Greenbaum asked the abutters present if they use town land next to the Hanlon property to get to the pond. Mr. Magura indicated use of a right-of-way near 18 Lakeshore Drive or use of a neighbor's lot.

A.Irwin asked about silt fence and Mr. Drake indicated that several intermediate areas are likely. A.Irwin reiterated his request for revisions of calculations and rate and quantity of runoff.

B.Goldsmith indicated to B.Monahan that issues with the existing permit should be looked at.

Mr. Hanlon indicated that initially the entire cove was walled and work was done to establish the area which was done before he moved in around 2011; flooding in the basement caused a trench to be dug along with crushed stone for the parking area. B.Monahan visited the site back then and explained that an application was required. Mr. Hanlon indicated that installation of the current block wall was done at the time without a permit.

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Molly Upton inquired about drainage to the street and A.Irwin asked Mr. Drake if he expected an issue with the driveway. Mr. Drake indicated that a berm at the edge of the driveway will prevent issues.

**Motion to continue the hearing to January 30, 2014 at 8:00pm under the Wetlands Protection Act;
Seconded 7-0**

**Motion to continue the hearing to January 30, 2014 at 8:00pm under the Chapter 194 Bylaw;
Seconded 7-0**

14. Request for Performance Guarantee or Other 53G Funds

- a. 126 Rice Road; The Field at Mainstone; DEP File 322-583

Motion to release the performance guarantee; Seconded 6-0

15. Land Management

- a. Discussion - Proposed CR for Wayland Town Center

B.Monahan reported that edits will be shared at the next meeting and he will send copies of the Permit along to Commissioners. A.Irwin noted Brendon Homes is providing an O&M plan to address what they've taken on and the Commission should require Twenty Wayland to have a complementary O&M plan so we can look for anything that falls in the middle.

- b. Conservation Walks - The Commission approved two upcoming moonlight walks on conservation land.

16. Citizen Inquiries

17. Other

- a. Warrant Articles for April ATM – Possible Land Acquisition – Forty Acre Drive, transfer station access road mitigation, and others relevant to Conservation Commission

Motion to approve an article placeholder for Town Meeting for the acquisition of three lots on Forty Acres Drive with a negotiated price to be determined; Seconded 6-0

Motion to co-sponsor the DPW Article for the transfer station roadway mitigation funding request; Seconded 6-0

A.Irwin commented that if roadway mitigation is not provided, the permanent use of that roadway for access will not be allowed as voted at Town Meeting. S.Greenbaum said the Commission should add comments. Linda Segal noted that the Finance Committee makes the comments though the Commission can submit them for consideration.

Brief discussion ensued on Rocky Point.

Motion to express a desire to accept Rocky Point as Conservation land; Seconded 6-0

- b. Happy Hollow Wells/Solar Panels

S.Greenbaum commented that the area is a sensitive area and Zone I with possible resource impacts, and needs to be looked at as a totality before anything is done. A.Irwin asked if the Natural Heritage issue was addressed. Mr. Lowery indicated that the Energy Advisory Committee and D.Ouellette had a conversation with DEP about putting this on Zone I and the Board was giving the EAC a letter of intent. A.Irwin expressed concerns with the placement of solar panels in Zone I and suggested a communication to EAC that the Conservation

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Commission has concerns about environmental impacts with the placement in Zone I in the Happy Hollow well area and request that an ANRAD be filed before work is done so resource areas can be delineated and Natural Heritage resources can be defined. The letter should copy the Board of Public Works and Selectmen. Ms. Segal added that the Planning Board should also be copied.

18. Correspondence/Expenditures

19. Adjournment

Motion to adjourn at 10:35pm; Seconded 6-0

The next Conservation Commission Meeting is scheduled for Thursday, **January 30, 2014** in the Wayland Town Building.

**TOWN OF WAYLAND
MASSACHUSETTS
CONSERVATION COMMISSION**

**LIST OF PUBLIC DOCUMENTS PROVIDED TO THE CONSERVATION COMMISSION
December 20, 2013 to January 9, 2014**

December 20, 2013

Notice of Intent for septic and home addition at 30 Lakeshore Drive from Drake Associates
322-797 Inspection Reports for 18 Audubon Road from Grady Consulting
Letter proposing leasing of land for organic vegetable business from Johanna Flies

December 23, 2013

322-805 Certified mail fee for document production for 123 Dudley Road from Atty. Hochbaum

December 27, 2013

322-759 Inspection Report for Carriage House at Lee's Farm from EBI Consulting
322-710 Inspection Report on Fieldstone Estates from H2O Engineering

December 31, 2013

322-805 Stormwater Report and Grading Plans (2) for 123 Dudley Road from Sullivan, Connors

January 2, 2014

322-816 Revised Site Plans for River Trail Place at Town Center from Sullivan, Connors
322-801 Site Inspection for Michael Road from Metrowest Engineering
RE Tax bill (\$207.27) for 50 Michael Road from Tax Collector

January 6, 2014

322-813 Request for continuance of hearing for 7 Lincoln Road from EcoTec, Inc.
322-759 Inspection Report for Carriage House at Lee's Farm from EBI Consulting
Proposal for Appraisal Services for Forty Acres Drive from Avery Associates

January 7, 2014

322-770 Inspection Suspension Letter for 10 Covered Bridge Lane from Samiotes
322-798 Request for Certificate of Compliance for 211 Commonwealth Road from Green Hill Engineering
322-800 Request for Certificate of Compliance for 21 White Road from Green Hill Engineering

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322-805 Copy of letter to BoH re: 123 Dudley Road septic system from Sullivan Connors
322-815 Revised plans for 22 Pequot Road from Sullivan, Connors

LIST OF EXPENDITURES December 20, 2013 to January 9, 2014

No items to report