

# WAYLAND CONSERVATION COMMISSION

Minutes, Thursday, February 27, 2014 7:35 – 11:08PM

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

**Present: Commissioners:** Roger Backman, Bob Goldsmith, Sherre Greenbaum, Barbara Howell, Betty Salzberg, John Sullivan (7:35 – 10:00pm), **Chairman:** Andy Irwin, **Conservation Administrator:** Brian Monahan

**Minutes:** Andrea Upham

A.Irwin opened the meeting at 7:35 PM noting that a quorum was present.

1. **7:35 pm – Citizens Time**

No comments were offered.

A request was made by Duane Galbi to take the discussion regarding the gun discharge petition out of order at this time, which was granted by the Commission.

2. **Other**

Warrant Articles for April ATM – Firearms petition

Duane Galbi addressed the Commission noting a document that was sent to B.Monahan earlier today which B.Monahan had circulated; additional copies were provided for discussion purposes. R.Backman asked Mr. Galbi to state the basic intent and objective. Mr. Galbi explained he wishes to limit gun discharge in Wayland. A.Irwin inquired why the Conservation Commission was approached as opposed to others. Mr. Galbi responded that he felt the Commission may have interest in large land areas and raised the issue of the culling of animals. B.Howell commented that Sudbury and Weston allow hunting in certain areas with bow and arrow only on conservation land. A.Irwin questioned why Mr. Galbi didn't approach the Police Department as a town department with a direct interest in the petition. Mr. Galbi explained the goal is for citizens of the Town, not paid employees, to make the decision. A.Irwin addressed the Commission asking if they will or will not support the petition. J.Sullivan suggested that at Town Meeting an amendment could be offered to place responsibility for enforcement with the Police Department. R.Backman commented that he doesn't see the Conservation Commission as the enforcing body.

**Motion to not support the firearms article as written; Seconded 5-0-2 (abstain)**

3. **Minutes – January 30, 2014**

**Motion to approve the January 30, 2014 Minutes as edited; Seconded 7-0**

4. **7:50 pm – Continued Public Hearing, Piers Jalandoni, Applicant, 8 East Road, DEP File No. 322-821:**

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 Piers & Karon Jalandoni. The applicants are proposing a vertical addition within the footprint of an existing single family house with one small change for a window. The property is at 8 East Road, Wayland, MA, shown on Assessor's Map 18, Parcel 61.

R.Backman recused himself from the discussion.

**Piers Jalandoni, Applicant, was present for the discussion.**

**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**

<b>Motion to issue a Permit under the Chapter 194 Bylaw;</b>	<b>Seconded 6-0</b>
<b>Motion to issue a Notification of Non-significance under the Wetlands Protection Act;</b>	<b>Seconded 6-0</b>
<b>Motion to require a performance guarantee of \$350;</b>	<b>Seconded 6-0</b>

A.Irwin noted to Commissioners that there is an expansion of the listing of insignificant activity status underway in an attempt to give conditional insignificance on certain projects.

5. **7:55 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.

**Scott Morrison of EcoTec was present for the discussion.** Mr. Morrison reported to the Commission that Peter Fletcher had reviewed the wetland boundaries and soil testing was done after the October hearing. The plan was reviewed and resource areas shown. Mr. Morrison noted that the Commission had expressed concern about the brook and the mean annual high water was revised to reflect the ponded area. Detailed topography was completed and a letter provided to the Commission seeking confirmation of the wetland boundary and ORAD. B.Howell noted that the scale was 1:40 previously and is now 1:30 but no waiver was noted. B.Howell noted a preference for 1:10 or 1:20 but the submission is fine provided a waiver is noted. A.Irwin noted that the objective of this request is simply for the purpose of identifying the resource areas. B.Goldsmith asked B.Monahan if the details reviewed conform to the information contained in the May 2003 information on Millbrook and B.Monahan confirmed that they do conform. B.Goldsmith asked if the plan accurately reflects riverfront, which B.Monahan confirmed. A.Irwin confirmed areas as land under water, bank, riverfront, bordering vegetated wetlands, bordering land subject to flooding, and noted no presence of isolated land subject to flooding and inundation.

A brief discussion ensued on beaver ponds and changing water levels. David Moran, resident at 13 Lincoln Road and next-door neighbor to the property, reported to the Commission that the area is completely dynamic and noted that in 2004 the brook was thin with no beaver presence and by 2010 there were new beavers and the water had touched his leaching field; the State and SVT were involved and nine beavers were dealt with, three of which were 60 lbs. in size. Mr. Moran noted that now the footbridge is underneath six feet of ‘crud.’

Mr. Morrison respectfully requested a waiver for the 1:30 scale.

<b>Motion to accept the waiver for Scale of 1:30;</b>	<b>Seconded 7-0</b>
<b>Motion to close the hearing under the Wetlands Protection Act;</b>	<b>Seconded 7-0</b>
<b>Motion to close the hearing under the Chapter 194 Bylaw;</b>	<b>Seconded 7-0</b>

<b>Motion to issue an Order of Resource Area Delineation under the Wetlands Protection Act;</b>	<b>Seconded 7-0</b>
<b>Motion to issue a Resource Area Determination under the Chapter 194 Bylaw;</b>	<b>Seconded 7-0</b>

6. **8:20 pm – Public Meeting, MA Department of Conservation and Recreation, Applicant, 93 Commonwealth Road, File D-836:** Request for Determination of Applicability filed pursuant to the Wetlands Protection Act, G.L. ch. 131 s. 40, filed by the MA Department of Conservation and Recreation. The applicant is proposing to repave the existing parking lot and install stormwater BMPs to improve water quality within Lake Cochituate at 93 Commonwealth Avenue, Wayland – parking lot used for overflow parking at the Cochituate State Park situated just east of the boat ramp, land shown on Wayland’s Assessor’s Map 55, Parcel 34 (portion thereof).

**Matt Lundsted, Consultant for DCR, and Rick Nikitas, Applicant, were present for the discussion.**

Mr. Lundsted reviewed the plan and noted no expansion to impervious surface with a slight reduction to the existing. They are proposing to maintain existing drainage structures and retrofit with outlet hoods for water quality improvement; the only work involved is retrofitting with the hood. Mr. Lundsted reported that the basins are acting as leaching catch basins currently, and they proposed to add an unpaved garden-like area around the catch basins; the pavement around two of the catch basins won’t be resurfaced. A.Irwin inquired about stormwater management during construction. Mr. Lundsted reported that DCR is using a contractor for the project. Discussion ensued on erosion control and A.Irwin confirmed that silt socks are preferred, noting special inserts that exist specifically for catch basins for easy extraction. Mr. Lundsted explained the reclamation process of grinding the existing surface which will become the new base which is followed by repaving. R.Backman asked about snow handling, and B.Monahan noted there will be a condition in the Permit for storage of snow from plowing outside the buffer zone.. A.Irwin asked if a vector is to be used for cleaning catch basins and Mr. Nikitas said that is typically what they use. A.Irwin noted the proposal for an embedded hay bale at the outlet and noted preference instead for silt socks at the catch basins and to eliminate the sediment barrier installation so as to avoid disturbance at the outfall. Mr. Lundsted indicated that upon observation there is no evidence of scour at the outfall.

Tonya Largy, Historical Commission, asked how much impact there will be on the far east end noting that there is a registered historic site in the area. A.Irwin noted that the Commission will condition that there be a limit of work fence no more than two feet from the existing paved area. Mr. Nikitas mentioned that this is only a week-long project. A.Irwin informed Mr. Lundsted that the 4-inch embedded hay bale noted on their plan would not be accepted by the Commission now or in the future. B.Howell asked about the datum used, and A.Irwin noted the need for a condition to submit plans with the necessary revisions, including required datum, before they go out to bid.

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

7. **8:40 pm – Continued Public Hearing, Michael and Tamara Griffin, Applicant, 102 Lakeshore, DEP File No. 322-819:** 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 Michael and Tamara Griffin. The applicant is proposing to demolish existing single family residence and construct replacement house on same footprint at 102 Lakeshore Drive, Wayland, shown on Assessor’s Map 46B, Parcel 36.

**Michael and Tamara Griffin, Applicants, Bob Drake of Drake Associates, and Mike Staiti of Keystone Development, were present for the discussion.** Mr. Drake handed out a memo to summarize discussion points and reminded the Commission that the project is being heard by the ZBA on March 11, 2014. A.Irwin asked for clarification that they had received the January 30, 2014 communication from abutter Alice Boelter, and Mr. Drake confirmed. B.Goldsmith added that Ms. Boelter had also sent an email dated February 11, 2014 to B.Monahan questioning the integrity of the retaining wall and noting her concern of structural stability. A.Irwin noted the Commission’s concern that there is a

structurally sound wall. Mr. Drake confirmed that the wall is 3.5 feet high and A.Irwin asked that he provide assertion of stability. Mr. Drake confirmed that the goal is for the Commission to generate a memo to the ZBA with their comments on the project. Mr. Drake confirmed that the Board of Health was satisfied that the attic is unheated and unfinished and noted the two-bedroom deed restriction. The Board of Health requires annual inspection of the septic system and a report filed with them thereafter. Mr. Drake noted that there is no plan for a plug-in for a generator at this point. A.Irwin commented that it would be a wise idea to have that connector pre-wired in to allow for pumping to the leach field should power be lost.

Mr. Staiti requested any other concerns from the Commission that need to be addressed. B.Goldsmith noted that it would be fair to respond to Alice Boelter's concerns, which Mr. Staiti confirmed will be done. B.Howell commented that the septic and chamber will be below grade, and Mr. Drake noted that the Commission can address that in the OOC. A.Irwin asked Mr. Drake if there is any new watershed being added to the swale and Mr. Drake confirmed there is not.

Molly Upton, Bayfield Road, asked if there will be runoff from the driveway given that it is pitched to street. Mr. Staiti noted that the retaining wall is slightly higher and the driveway is raised on the side. Mr. Staiti confirmed he will work on a letter with Mr. Drake to respond to Ms. Boelter's concerns.

B.Goldsmith asked if there is a high-level alarm in the tank and Mr. Drake said there is not but stated there is one in the pump tank. A.Irwin noted structural BMPs regarding maintenance of the catch basin in the street and the need for clarity of what is necessary for proper ongoing maintenance. Mr. Staiti asked if the Commission will have their letter to the ZBA by March 11, and B.Monahan and A.Irwin responded that it would most likely be finalized and sent on March 11.

A.Irwin noted to the Commission that the ZBA needs to know the Commission's position regarding the 30-foot buffer zone and whether the Commission chooses to recognize we have enough of a buffer in existence on the property. A.Irwin noted that this project has new construction that doesn't have thirty feet on average as required. A.Irwin asked Mr. Drake for a calculation as to where the buffer stands on average. A.Irwin noted that they are taking a disturbed area and restoring it with a vegetated buffer so there is at least a gain from the greater encroachment that exists today to what is being proposed but urged Mr. Drake that having an actual on-average number would help.

Molly Upton inquired about the total impervious surface with the old garage, noting that the original plan was a longer house and commenting that another two feet between the proposed house and Ms. Boelter's property might help. A.Irwin noted that he doesn't see an increase of watershed to that drainage path and the Commission addressed runoff and not contributing new flow into that swale and toward the Boelter property. Mr. Staiti commented that with regard to the concern for precedence with regard to the buffer zone, it is important to note that this project is moving forward as a hardship case. S. Greenbaum questioned whether the 15' on average requirement were enough given the 30' requirement for new construction. J. Sullivan commented that allowing 15' would set a bad precedent. A.Irwin reported that the Commission will not allow a buffer under 15' on average, which is standard for an existing house. Mr. Staiti reported 21.4% impervious on site excluding the deck and 30.3% including the deck.

A.Irwin noted the extenuating circumstances of this site. Mr. Drake offered his calculations of the buffer on the property summarizing a 77-foot run of a 5' buffer; a 13-foot run of a 40' buffer; a 12-foot run of garage of a 5'buffer; 40-foot run of a 30' buffer, all resulting in an on-average 16' buffer (noting the deck pulled back 13' from the property).

**Motion to require 15' feet on average minimum buffer zone on the property; Seconded 5-1-1  
Motion for communication to ZBA of Alice Boelter letter and Applicant's response thereto;**

**Seconded 7-0**

Molly Upton commented on maintenance of the catch basin, which A.Irwin said will be in the letter. Permission to continue the hearing was granted by the Applicant.

**Motion to continue the hearing to April 10, 2014 @7:35pm; Seconded 7-0**

**8. 9:45 pm Discussion with Wayland Walks**

Katy Allen and Janot Mendler de Suarez were present for the discussion. Discussion ensued on a one-week class for children to be conducted during summer months offered through Park & Recreation as part of Wayland 375 with hopes of continuing after as well. The Commission was asked if they had any particular issues or concerns with the plan. A.Irwin raised the issue of insurance and the need for the Conservation Commission to be noted as an additional insured. A.Irwin also noted that the Commission prefers that any participants should walk above the bank of the stream rather than on the edge. B.Goldsmith raised the need to be aware of bird nesting in certain areas during certain times of year and to also be cautious of deer ticks. B.Monahan commented that he has informational handouts about ticks from the Board of Health that can be shared. A.Irwin expressed appreciation for coordination with the Commission.

**Motion to permit Wayland Walks to conduct Conservation-area walks with conditions as discussed; Seconded 7-0**

**9. 10:00 - Request for Certificate of Compliance [310 CMR 10.05 (9)]**

**a. 183 Oxbow Road; DEP File No. 322-809**

Ted Doucette, Samiotes Consultants, was present for the discussion. Mr. Doucette updated the Commission that the house is now under agreement and he wished to discuss the no-disturb demarcation. He proposed boulders for such demarcation. Discussion ensued on the need for some plantings in addition to boulders and Highbush Blueberry was suggested for consideration. All agreed to table the discussion to allow for a specific proposal for plantings and the Partial Certificate of Compliance can then be issued to include the ongoing conditions in place along with the required plantings.

**Motion to table further discussion at this time; Seconded 6-0**

**b. 55 Knollwood Lane; File D-818**

**Motion to table discussion at this time; Seconded 6-0**

**c. 9 Old Farm Circle; DEP File 322-791**

**Motion to issue a partial Certificate of Compliance under the Wetlands Protection Act; Seconded 6-0**

**Motion to issue a partial Certificate of Compliance under the Chapter 194 Bylaw; Seconded 6-0**

**d. Wayland Commons; DEP File 322-624**

**Motion to table discussion at this time; Seconded 6-0**

**e. Town Center – DEP File No. 322-701 and 322-744**

A request to continue this agenda item was received from the Applicant. Frank Dougherty will have the engineer do a review and this discussion will be tabled until details from the project are received. B.Monahan suggested a working session be scheduled to allow for discussion at the March 20, 2014 meeting and he noted that the Conservation Restriction is part of the onsite project. A.Irwin noted that the Certificate of Compliance and Request for Performance Guarantee discussions are entirely separate issues.

10. Other

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

**Forty Acre Drive:** B.Monahan reported that the appraisal was received and executive session is needed; he called the owner to see if pursuing the matter of still of interest. A.Irwin confirmed that discussion in executive session should be planned.

**Transfer Station Access Road Mitigation:** B.Goldsmith commented that the mitigation needed is known by Don Ouellette. S.Greenbaum asked if the Commission, as a co-sponsor of the article, will see the language being used in the Article before it's printed. B.Monahan said he will ask D.Ouellette tomorrow.

A.Irwin briefly mentioned four other articles, one for Rocky Point and a few others.

- b. **Correspondence to BOA for 102 Lakeshore and 30 Lakeshore**

B.Monahan reported that Commissioners should send him input for final versions on 3/11/14.

- c. **Report on Municipal Building Needs**

A.Irwin reported attending a Selectmen's meeting last week discussing River Trail Place, Town buildings and energy improvements, and they are looking for the Commission's input to Planning.

11. **Issuance of Order of Conditions [310 CMR 10.05 (6)]/Chapter 194 Permits (Pending closing of hearings)**

- a. 400 Boston Post Road; DEP File No. 322-816 – River Trail Place

<b>Motion to issue a Permit under the Chapter 194 Bylaw;</b>	<b>Seconded</b>	<b>6-0</b>
<b>Motion to issue an Order of Conditions under the Wetlands Protection Act;</b>	<b>Seconded</b>	<b>6-0</b>
<b>Motion to require a performance guarantee of \$15,000</b>	<b>Seconded</b>	<b>6-0</b>

A.Irwin noted items to consider as: the submission of the written agreement between Brendon Homes and Twenty Wayland, successor to ownership of stormwater, the 20' trail easement, the Commission wants proposed plan for irrigation well regarding dewatering of the wetland.

- b. Pinebrook Road Water Main; DEP File No. 322-820

R.Backman recused himself from the vote. A.Irwin added that the DEP has proposed rules that would consider utility work within the confines of paved roadways to be an Insignificant Activity and possibly exempt from permitting such as the proposed directional drilling work.

<b>Motion to issue a Permit under the Chapter 194 Bylaw;</b>	<b>Seconded</b>	<b>5-0</b>
<b>Motion to issue an Order of Conditions under the Wetlands Protection Act;</b>	<b>Seconded</b>	<b>5-0</b>

12. **Request for Performance Guarantee or Other 53G Funds**

- a. 211 Commonwealth Road; DEP File 322-798

**Motion to return \$600 of the performance guarantee with \$150 forfeiture; Seconded 6-0**

- b. 14 Valley View Road; DEP File 322-783  
**Motion to table discussion until the next meeting; Seconded 6-0**
  
- c. 400-440 Boston Post Road; DEP Files 322-701/744  
Continued at the request of the Applicant.
  
- d. 26 Charena Road; DEP File 322-796  
**Motion to return \$375 of the Performance Guarantee at this time; Seconded 6-0**

**13. Land Management**

- a. Old Cow Common Farming  
**Motion to enter into farming agreement with Johanna Flies for one-half acre of land at Cow Common; Seconded 6-0**

**14. Correspondence/Expenditures**

**15. Adjournment**

**Motion to adjourn at 11:08pm; Seconded 6-0**

The next Conservation Commission Meeting is scheduled for Thursday, **March 20, 2014** in the Wayland Town Building.

**NOTE:** Per changes to the Open Meeting Law, notice of any meeting of a public body shall include “A listing of topics that the chair reasonably anticipates will be discussed at the meeting”. AG’s Office guidelines state that the list of topics shall have sufficient specificity to reasonably advise the public of the issue to be discussed.





**TOWN OF WAYLAND  
MASSACHUSETTS  
CONSERVATION COMMISSION**

**February 19, 2014**

322-624 Request for Certificate of Compliance for Wayland Commons from Sullivan, Connors

**February 21, 2014**

322-701/744 Request for Performance Guarantee Reduction for Town Center from Griffin Engineering  
ZBA Hearing Notice – 8 East Road and 30 Lakeshore Drive

**February 25, 2014**

322-795 Inspection Report on 11 Barney Hill Road from Schofield Brothers

**February 26, 2014**

ZBA Decision 13 Ridgfield Road

**February 27, 2014**

NSTAR Notice re: Herbicide application

322-807 Request for return of performance guarantee for 21 French Avenue from K.Naylor

**LIST OF EXPENDITURES    January 31, 2014 to February 27, 2014**

2/26/14            *M.Callahan/Beaver Solutions    \$260.00 (Flow Device Maintenance Renewal)*