

WAYLAND CONSERVATION COMMISSION

Minutes, Thursday, May 29, 2014 7:35 – 10:07PM

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

Present: Commissioners: Sherre Greenbaum, Barbara Howell, Betty Salzberg, John Sullivan (arrived 7:43) Chairman: Andy Irwin, Conservation Administrator: Brian Monahan

Not present: Bob Goldsmith, Roger Backman

Minutes: Andrea Upham

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

1. **7:30 pm – Citizens Time: This is a time for input to the Commission regarding items that are *not* on the agenda.**

Duane Galbi, Stonebridge Road, inquired about whether the Town had available money to plant trees along scenic roads and wondered if such a project would be under the Commission's jurisdiction. A.Irwin responded that the Commission doesn't have funding for that purpose but would certainly support it. Mr. Galbi was directed to discuss the matter with the Board of Public Works.

Mike Lowery reported to the Commission that the Board of Public Works has signed off on Rocky Point and the property is now officially owned by the Conservation Commission.

Mike Lowery and Fred Mannix, Lakeshore Drive, followed up with the Commission on their proposed investigation to discover the reasons for failure of the catch basin in front of Mr. Mannix's house on Lakeshore Drive. Mr. Lowery handed out a proposed plan of action along with copies of photographs. A.Irwin noted that limited exploratory work in the buffer zone beyond 50 feet from the wetland line is allowed in anticipation of a subsequent permit application provided there is advance notice to the Commission. Mr. Lowery said he will notify B.Monahan of the date. Discussion ensued concerning the need for the property owner to sign any notice. Mr. Lowery noted that he will provide notice to Mr. Nugent along with B.Monahan. A.Irwin explained that a formal application will be required once it is determined what work needs to be done to correct the problem and the kind of application would depend on the level of work required. A.Irwin asked about the evaluation of soils and the basin's ability to take flow and asked how they are determining that. Mr. Lowery noted the plan to use a vac truck and water from a hydrant uphill to fill the basin and allow time for it to establish the current state. A.Irwin suggested to follow a typical perc test procedure when measuring soil absorption rates.

2. **Minutes: May 8, 2014**
Motion to address at the June 12, 2014 meeting; Seconded 5-0
3. **7:45 pm – Public Meeting, Sovereign Bank (Santander Bank), Applicant, 326 Boston Post Road, File D-841:** 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 Sovereign Bank (Santander Bank). The applicant is proposing to remove two existing bank drive-up islands and replace them with one small drive up island and canopy. All work will take place within existing impervious concrete areas at 326 Boston Post Road, Wayland, shown on Assessor's Map 23, Parcel 23. Work is proposed within buffer zone of wetlands.

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John Cavanaro of Cavanaro Consulting was present for the discussion. Mr. Cavanaro reviewed the plan to remove two islands and put in a smaller ATM island with a cantilevered canopy on one foundation with all work within the existing paved surface. A.Irwin asked if there were any other resource areas. Mr. Cavanaro said the floodplain wraps around based on the 2010 FEMA mapping. B.Monahan noted the FEMA mapping has been updated and noted most of the lot is 100-year floodplain but in July 2014 the new FEMA mapping will actually be less encroaching. Brief discussion ensued on the nearby stream. A.Irwin commented that the project is redevelopment and should be evaluated on the basis of whether the work would be considered an improvement to the riverfront.

A.Irwin noted sprinklers on the property and shared that the Commission's practice is to not allow underground sprinklers within buffer zone and riverfront/resource areas. A.Irwin inquired about the installation date and asked Commissioners if there was concurrence that there should be a condition to disconnect sprinklers in resource areas. B.Howell noted her approval to disconnect. Mr. Cavanaro asked if perhaps the sprinkler installation pre-dated the local Bylaw and A. Irwin noted that the Commission would then consider whether the system had the required plumbing permits for backflow prevention. B.Howell noted the existing dumpster on the property ten feet from the wetlands and referenced a letter from the Board of Health which expressed concern with standing water on the property. B.Howell also noted that assumed datum is not acceptable to the Commission. A.Irwin noted that the plan should come back with the appropriate datum. A.Irwin commented that there is no added impervious surface so there is no issue with a drainage variance. A.Irwin asked if there is any resurfacing and Mr. Cavanaro pointed out just the area noted. Discussion ensued on dewatering which Mr. Cavanaro noted is not anticipated as necessary. Mr. Cavanaro indicated no landscape disruption. B.Monahan noted a condition can be included noting that the dumpster must be kept closed and covered similar to that used on other commercial projects in the area. A.Irwin told Mr. Cavanaro he should research whether the sprinkler predates the Town's sprinkler Bylaw and was installed and properly permitted, including the backflow device because the decision would condition that the system be allowed to operate only if that were the case. Mr. Cavanaro asked if perhaps only a portion of the sprinkler would be a concern to the Commission, and A.Irwin noted that the entire system is in Riverfront and subject to jurisdiction.

Motion to issue a Negative Determination w/conditions under the Wetlands Protection Act; Seconded 5-0

Motion to issue a Permit w/conditions under the Chapter 194 Bylaw; Seconded 5-0

Motion to require a performance guarantee of \$750; Seconded 5-0

4. **8:10 p.m. – Public Hearing, Richard and Carmela Wise, Applicants, 11 Three Ponds Road, File D-840:** Application filed pursuant to Wayland's Wetlands and Water Resources Protection Bylaw, Chapter 194, filed by Richard and Carmela Wise. The applicants are proposing the construction of a garage, extension of the existing driveway with associated grading, an infiltration trench, and drip edges within the 100' buffer zone at 11 Three Ponds Road shown on Assessor's Map 19, Parcel 055.

William Hall and Anita Rogers of Stamski and McNary were present for the discussion to represent the applicants. Mr. Hall highlighted the plan and noted the isolated wetland and pointing out infiltration for the driveway and roof area. A waiver for soil testing was noted and Mr. Hall described it as loamy sand. A proposed stockpile area was pointed out and refueling outside the buffer zone was noted. A.Irwin asked about the new slope grade and Mr. Hall said it will be 2:1 – one vertical for two horizontal – which will match the existing slope. B.Howell noted the assumed datum on the plan and noted that NGVD is needed. S.Greenbaum asked about trees and Mr. Hall pointed out two trees – one 12" and one 18" – and noted their location on the plan. A.Irwin noted concern for function of

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the silt barrier at the base of slope and the necessity for frequent inspections until the slope is stabilized and that additional measures might be required if the slope exhibited instability.. B.Monahan noted that a silt fence should be included in addition to the Filtermitt.

Discussion ensued of the edge of woods and plan for the steep slope to ensure it doesn't wash over. Mr. Wise said they could address it with vegetation. A.Irwin said the Commission would expect more regular inspections to see how the slope is reacting, rather than dictating what they should use. Ms. Rogers noted that plantings will be included and A.Irwin said there is a native species list available in the Conservation office and website. Mr. Hall confirmed there will be no driveway resurfacing. B.Howell noted an increase in impervious numbers along with lawn. Mr. Hall noted that the slope was treated as lawn when factored into the calculations, to be conservative and protective, but the slope will be vegetated and Ms. Rogers added that the garage area is currently lawn so results in a decrease.

A.Irwin noted the items that will be included as conditions are the submission of the plan with revised datum, a planting plan and slope stabilization plan, and inspections through storm events to see if there is any slope erosion. A.Irwin asked about the note regarding shed relocation, which Mr. Hall noted would be moved behind the patio on a level area outside of jurisdiction with ornamental native vegetation planned in the existing shed area that would also be included in the planting plan.

Motion to close the hearing under the Chapter 194 Bylaw;	Seconded 5-0
Motion to issue a Permit under the Chapter 194 Bylaw;	Seconded 5-0
Motion to require a performance guarantee of \$750	Seconded 5-0

5. **8:25 p.m.- Public Hearing, Wayland Commons Development, Inc., Old Sudbury Road; DEP File No. 322-624:** Request to amend an Order of Conditions issued pursuant to the Wetlands Protection Act, DEP File No. 322-624, issued to Wayland Commons Development, Inc. The applicant is seeking to amend the Order of Conditions to reflect the existing conditions at the site and changes made during construction. Portions of the development are within the buffer zone to bordering vegetated wetlands. The property is located east of Old Sudbury Road generally shown on Assessor's Map 23, Parcel 052D.

Vito Colonna, Sullivan, Connors, was present for the discussion. Mr. Colonna noted the request for an amended Order of Conditions to address items that arose during construction which had been recently discussed with the Commission in a letter noting deviations. Mr. Colonna noted that the peak rate of runoff and infiltration basin on River Rock Way were items left open. Mr. Colonna discussed the peak rate of runoff and the design to control the 2- and 10-year storms, and noted going over on the 10-year storm so modifications were proposed. Mr. Colonna reported that the existing basin spillway is low and proposed raising the spillway using a concrete berm set up four inches higher than existing to control the 10-year storm. It was further noted by Mr. Colonna that sand will be added and tilled into the other basin for improving percolation and then it will be seeded. Part of the spillway riprap filter underneath is leaching through to stones so Mr. Colonna said they will install a better filter fabric and then put the stones back in. A.Irwin noted the discussion so far covered two of nine deviations of the 2/17/14 letter from Sullivan, Connors and that the other 7 deviations were being included in the Amendment and would be discussed further if there were questions from the public at the hearing because they were relatively minor and had been discussed informally by the Commission when reviewing the request for a Certificate of Compliance at a prior open meeting.

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Steve Dannin of Dannin Property Management requested a clearer explanation of the concrete berm. Mr. Colonna showed it on the plan and described it as a standard pre-cast 18" curb meant to create a more even weir going across, which would take one day to complete. Mr. Dannin noted that concrete will deteriorate over time but granite will not and asked if granite could be considered as it would also match up aesthetically. Mr. Colonna said that using granite instead will be fine. Discussion ensued on performance of the basins and Mr. Colonna planned to review details with Mr. Dannin after the meeting so he is clear on everything. A.Irwin asked Mr. Colonna to determine the maximum allowed accumulation of sediment and communicate those details to Mr. Dannin. A.Irwin asked that the detail including those concerning the granite be provided to the Commission. It was noted that this amendment request must be submitted to DEP.

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

**Motion to issue a First Amendment to the Order of Conditions under the Wetlands Protection Act w/ changes noted in Sullivan, Connors letter dated February 17, 2014 and as discussed
Seconded 5-0**

6. 8:35 pm - Request for Certificate of Compliance [310 CMR 10.05 (9)]

a. Town Center, 400 Boston Post Road; DEP File No. 322-701

Frank Dougherty and Bob Griffin were present for the discussion. Mr. Dougherty initiated discussion on the CoC requests and noted escrow reduction requests for both the Town Center onsite and offsite projects. A.Irwin commented that it is difficult to discuss the Certificates of Compliance when there are items that aren't complete and raised the issue of the questions with regard to stormwater BMPs noting that most recent events indicate a system failure whether the result of vandalism or perhaps a problem with basin hydraulics. Discussion ensued on the pipes and whether high water level would allow flow to get in to the other side and if it could create uplift on the corrugated plastic pipe on Basin 2; evidence of sediment was noted on Basin 3. Mr. Griffin noted no evidence of displacement after storms which seemed to suggest vandalism. A.Irwin asked if there is a way to secure the pipes from vandalism and Mr. Dougherty indicated that he would provide a detail for how the pipes would be secured.

Mr. Dougherty requested discussion on the Conservation Restriction. B.Monahan said Mr. Dougherty had completed the draft CR application and he can send to Ms. DelBono when it is ready noting that it still does not include the NHES area. Discussion ensued on the parcel of 10.5 acres with 'trail tail' with mention of the other two acres for "meadow management" that are dedicated to bird habitat noting that Raytheon will need to have remaining access rights to conduct their MCP remediation activities in that area until a permanent solution is achieved. Discussion ensued on the total area and B.Monahan suggested one Conservation Restriction to encompass the 12.5 acres, noting that Raytheon still has wells in the two-acre meadow management area and will need ongoing access. A.Irwin inquired as to how Natural Heritage reacts to that and Mr. Dougherty responded that they've known all along. S. Greenbaum requested and Mr. Dougherty agreed to submit written confirmation from Natural Heritage of its knowledge of this. B.Monahan noted the allowed continued activity. Mr. Dougherty asked if the CR can be sent along to the State with the wording incorporated. B.Monahan said that wording will note that the current meadow management activity related to the cleanup is allowed. A.Irwin added that Raytheon is allowed to continue the monitoring and then closure/termination of activity in that area. Mr. Dougherty asked what can move the Conservation Restriction along. B.Monahan said a sketch including the 'tail' to Cow Commons is needed, and A.Irwin said it should

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be part of the CR. Discussion ensued as to whether the 'tail' should be part of the CR land or an easement and incorporation of the trail into the CR was preferred. A.Irwin requested language be included to describe the tail on the sketch. B.Salzberg expressed the need for trail access from the south end also. B.Monahan noted that he is not concerned because the CR runs south all the way to the municipal parcel. Mr. Dougherty reported he will mark up the latest version and send it to B.Monahan. After Commission review and revision, B. Monahan will send the CR to Ms. DelBono. B.Monahan mentioned that the meadow management area is not meant for public access. Mr. Dougherty noted the need for CR and meadow management distinctions for clarity and added that the 'tail' will be described as ten feet from the center line for Cow Commons.

Mr. Dougherty reported he will look at the basin and proposed the installation of concrete blocks underneath and tying the pipes down for security. A.Irwin noted the list of issues that had been compiled and shared by Commissioner Bob Goldsmith. A.Irwin noted a drain line by the municipal pad where the drain/catch basin was not shown on the as-built plans. Mr. Dougherty noted that was not installed and will not be installed because the Planning Board said he did not have to install it. A.Irwin indicated the Commission needs evidence that the Planning Board said not to install, and notwithstanding that decision by Planning there needs to be evidence presented to Conservation that the change represents an equal or lesser impact compared to the original design. Mr. Griffin noted that water is not being sent in that direction. B.Salzberg asked if Basin 2 is designed to handle additional water from the municipal pad property and Mr. Dougherty said yes, a design allowance had been made in sizing for Basin 2. Mr. Griffin acknowledged they will provide indication of direction from the Planning Board.

B.Monahan noted that the catch basin shown on the plan to Basin 2 shifted to River Trail Place and said there is a need to review the O&M change with B.Goldsmith. Mr. Dougherty confirmed he will phone B.Monahan on Monday to arrange a meeting. Mr. Dougherty informed the Commission that the obligation to file paper noting the point of contact year to year is due March 1 of every year.

Mr. Dougherty noted the request to reduce the onsite escrow from \$100K to \$25K. A.Irwin asked if Phase II is done or ongoing and Mr. Dougherty said it is not complete and that the escrow reduction request was made on May 6. A.Irwin noted the item can be addressed at the June 12, 2014 meeting.

b. 430 Boston Post Road; DEP File 322-752 and File D-809

A.Irwin raised the issue of closing the files and how the closure of the wells can then be handled. B.Monahan noted research is needed and this item will be addressed at the next meeting.

c. Town Center Off-site Work; DEP File No. 322-744

Mr. Dougherty noted there were three outstanding issues that were addressed: the weirs were fixed and the grit separator that was pitched the wrong way was fixed. B.Monahan noted .5 acres of riverfront in C194 permit for offsite. Condition #27 was raised and reviewed. A.Irwin noted the CR in progress and the area is providing protection so no reason to hold up the offsite. A.Irwin noted changes made to the structures and to send updated as-built and information to the DPW. Mr. Griffin will update the as-builts with the three modifications. Mr. Dougherty noted a sidewalk repair they made to repair a crack not caused by them. S. Greenbaum pointed out that the requests for the CoC for Off-Site Work as well as for release of the Performance Guarantee were denied by the Commission at its meeting on March 20, 2014. Mr. Dougherty agreed to

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submit new requests as required. B.Monahan noted that the CoC for the off-site file will be addressed at the next meeting.

A.Irwin asked for detail on the reinforcing of the onsite overflow pipe. Mr. Griffin noted the pipe is to provide backup to crushed stone.

a. MWRA Weston Aqueduct Permitting

B.Monahan noted that the MWRA gives the town public access and there is paperwork with the Board of Selectmen. MWRA wants open for official public access. Duane Galbi, Stonebridge Road, asked if the town maintains the aqueduct now. B.Monahan said the MWRA continued mowing. Mr. Galbi expressed concern about issues with dogs off leash and noted that Framingham requires dogs to be leashed. A.Irwin asked about signage and B.Salzberg offered to assist B.Monahan with paperwork to the Board of Selectmen to propose that dogs be on leash. John Hines noted that one can only walk on top of the aqueduct itself.

7. **Request for Performance Guarantees or Other 53G Funds**

a. 137 Boston Post Road; DEP File No. 322-665

**Motion to release of the remaining \$500 Performance Guarantee; Seconded 5-0
Erosion problem will be mentioned.**

b. 236 Commonwealth Road; DEP File No. 322-761

Motion to release \$500 of the Performance Guarantee; Seconded 5-0

c. 14 Country Corners Road; DEP File No. 322-769

Item will be addressed at the June 12, 2014 meeting.

8. **Land Management**

b. Old Cow Common Farming Agreement

A.Irwin gave B.Monahan direction to get Commissioners to sign the agreement that was already voted by the Commission.

c. Rice Road Dam and Dam Repairs Update

B.Monahan noted that the dam inspection was done. A.Irwin reported that GZA will put together spec packages for base and spillway repair projects and forwarded to J.Moynihan sketches for internal mezzanine system in pump house building; the valve stem is a repair. A.Irwin discussed the need to televise the outlet discharge pipe and noted that a turbine perhaps collapsed; there is an accumulation of water inside the pump house so need to understand capacity by televising it. Linda Segal recalled that the water main along Rice Road is now 100 years old. A.Irwin responded that this area in discussion is actually just off Rice Road.

9. **Other**

a. Boston Post Road; File D-824 – Relocation of work

A.Irwin noted that the Shell gas line is very close to the proposed work and the north side area is better. A.Irwin communicated to B.Monahan that a new filing should be done.

b. 33 Bayfield Road; File D-838: Proposed Steps

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A.Irwin reported that the applicant is now proposing modified steps as wood frames with stones in the center. A.Irwin noted there should be no creosote or chromium acetate and no CCA is allowed but ACQ is acceptable.

- c. Need to update Chapter 194 Regulations - Compliance with FEMA and other items
B.Monahan noted the need for a public hearing to reference new FEMA maps which will be addressed at the June 12, 2014 meeting.

- d. Update of status of 119 Dudley Road
B.Monahan reported he and Alf Berry had met with Mark Lanza. Response from counsel is that Mr. Pompeo can pursue changing the registered land plan and acquiring the land in Land Court but the current land court plan showing the town's ownership dictates. Until then, the Commission's permit is unenforceable because it was based on erroneous information. Work can proceed once the ownership issue is rectified. Mike Lowery noted that the prior wall had a DEQE approval stamp in 1979 and was a pre-existing wall when Mr. Pompeo purchased the land. Mr. Lowery noted that the situation with the current collapsed wall is unstable, the basement egress is closed off and the Town's wall is a risk to Mr. and Mrs. Pompeo. B.Monahan noted that the Building Department cannot issue a permit to Mr. Pompeo on land he doesn't own. J.Sullivan suggested that the Town could file as the owner to have the wall constructed. A.Irwin offered that perhaps the Board of Selectmen can issue consent to the Building Department and the Conservation Commission. B.Monahan will address that issue with M.Lanza.

10. Compliance Updates

- a. 10 Covered Bridge; DEP File No. 322-770
B.Monahan noted there is a septic and bigger house to be addressed at the next meeting.

11. Correspondence/Expenditures

12. Adjournment

Motion to adjourn at 10:07pm; Seconded 5-0

The next Conservation Commission Meeting is scheduled for Thursday, June 12, 2014 in the Wayland Town Building.

**TOWN OF WAYLAND
MASSACHUSETTS
CONSERVATION COMMISSION**

**LIST OF PUBLIC DOCUMENTS PROVIDED TO THE CONSERVATION COMMISSION
May 9, 2014 to May 29, 2014**

May 12, 2014

322-708/709 Notice to start work on Lot #3/#4 Dylan's Circle from Brite Excavating
322-701 Performance Bond reduction request for Town Center from Griffin Engineering
322-701 Responses to CMG Environmental 3/31/14 comments, Town Center. from Griffin Engineering

May 14, 2014

ZBA Decisions – 42 Shaw Drive and 17 Concord Road
322-806 As-built septic plan for 4 Fields Lane from Keystone Development

May 15, 2014

D-839 Buffer zone confirmation of 78 Loker Street from Sullivan, Connors
322-816 Inspection Report from Sullivan, Connors
322-710 Inspection Report for Fieldstone Estates from H2O Engineering
D-809/322-752 Narrative supporting CoC Requests for 430 Boston Post Road from Dr. Sami Fam

May 16, 2014

322-665 Final Inspection/Request for perf. guarantee for 137 Boston Post Road from Hayes Engineering

May 19, 2014

322-822 Notice to start work, perf. guarantee, work schedule for 18/20 Covered Bridge from Trask, Inc.

May 20, 2014

D-841 Plan review comments on 326 Boston Post Road from B.Murphy/Health Department

May 22, 2014

D-824 Revised contract drawings for Boston Post Road water main from Tata & Howard
322-825 Planting proposal for 29 Jeffrey Road from N.Seward
Notice of Intent for septic project at 7 Lincoln Road from EcoTec, Inc.

May 23, 2014

ZBA hearing notices – 24 Glezen Lane and 326 Boston Post Road

May 27, 2014

Groundwater Analytical Data for 430 Boston Post Road from ERM
322-701 Town Center lot ownership listing from F.Dougherty
322-816 Final Architectural Plans for River Trail Place from Sullivan Connors

May 28, 2014

ZBA decisions – 37 Rich Valley Road and 15 Bald Rock Road
Remedy Operation Status Report for 430 Boston Post Road from ERM
322-816 Minor change to River Trail Place limit of lawn from Sullivan, Connors
D-838 Product specs for proposed stairway modification from W.Morss

LIST OF EXPENDITURES May 9, 2014 to May 29, 2014

No items to report