

WAYLAND CONSERVATION COMMISSION

Minutes, Thursday, April 24, 2014 7:35 - 10:40PM

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

Present: Commissioners: Roger Backman, Bob Goldsmith, Sherre Greenbaum, Barbara Howell, Betty Salzberg, Chairman: Andy Irwin, Conservation Administrator: Brian Monahan

Not present: John Sullivan

Minutes: Andrea Upham

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

1. **7:35 pm – Citizens Time: This is a time for input to the Commission regarding items that are *not* on the agenda.**
B.Salzberg noted that trail signage is needed at the Sedgemoor Conservation area.
2. **7:35 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.

Bob Drake of Drake Associates and Mr. and Mrs. Griffin, Applicants, were present for the hearing. Mr. Drake noted Mr. Staiti could not be in attendance. A.Irwin asked for any updates the Commission should be made aware of since the last hearing. Mrs. Griffin reported that they had received their approval from the ZBA and that one of the items noted was the need for the planting of evergreens between 106 and 102 Lakeshore Drive in an effort to block the view of cars at 102 Lakeshore Drive. A.Irwin raised the matter of the 15-foot on-average no-disturb line on the property. B.Monahan noted that the no-disturb includes a swale and noted that swales are maintained differently than lawn. Vegetation in the swale area was discussed, and Mr. Drake noted a similar spot at the TDBank in Nobscot that includes both low and high shrubs. After further discussion about the swale area, B.Monahan noted that the area is probably more appropriately referred to as a bio-retention area than an actual bio-swale. All agreed on naming the area a bio-retention area to include different sized plantings. Mr. Drake noted that he will present the Commission with a formal O&M for the no-disturb zone. B.Howell noted that the ZBA decision referenced a plan dated 2/7/14 and the Conservation Commission is using a plan dated 2/24/14. A.Irwin indicated the Commission can check on that with the Building Department.

B.Goldsmith asked for a discussion of recent comments and concerns on the project received by the Commission from Alice Boelter at 106 Lakeshore Drive. S.Greenbaum asked about the existing planter noted on the property and whether it will remain. Mr. Drake confirmed it will remain and is already fully planted with perennials. S.Greenbaum asked about whether there were native species, and A.Irwin noted that if already vegetated, his approach would be to leave it as is. Mr. Drake noted that the planter also helps to hold up the retaining wall. A.Irwin asked how other Commissioners felt about it. B.Goldsmith asked if the planter were ignored in the calculations, what would the on-average no-disturb number be, and Mr. Drake said perhaps below 15 feet. B.Goldsmith and R.Backman noted being inclined to leave the planter as is. B. Howell suggested reducing the size of the deck to make up for the planter. A.Irwin noted that no use of pesticides would be addressed in the standard conditions.

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Ms. Boelter provided a handout of her email to the Commission noting her remaining issues and concerns. A.Irwin noted that the Commission is only concerned with Wetland Protection Act matters. Ms. Boelter noted confusion with plan sets and different submission dates. Ms. Boelter noted preference for the driveway to be further away from her property line and also urged the Commission to have a peer review to review the calculations presented by Mr. Drake. B.Goldsmith noted that the Commission has stamped plans and design criteria met by a P.E. which they accept as being accurate. A.Irwin noted that the vegetated area has been addressed. Mr. Drake noted that the grass area across is the feeder to the bio-retention which is why the driveway isn't there, and the current driveway location allows for two cars to be off the road. A.Irwin commented that there has been a lot of balancing of interests. Ms. Boelter indicated she would like a plan for the foundation for the retaining wall. Mr. Drake noted it is an interlocking block wall approved by the ZBA. B.Monahan indicated that one can ask for submission of detail, and Mr. Drake noted that Mr. Staiti will be sharing that with the Building Department.

Molly Upton, Bayfield Road, asked for the dimension between the south edge of the driveway and lot line and specs for berm by the street to the block going down. Mr. Drake responded that it is four feet and proposed bituminous berm.

Ms. Boelter inquired about protecting catch basins during fueling, and A.Irwin responded that it is a standard condition. Mike Lowery, Lakeshore Drive, asked about requiring a spill kit, and B.Monahan noted it is a standard condition. Ms. Boelter asked about plans to avoid construction during significant storm events, and A.Irwin explained that the Commission looks to have the site contained at the periphery and seeks management of runoff but cannot tell contractors when they can work. Ms. Boelter noted her concern for protection of the pond. A.Irwin commented that a construction sequencing plan would be a condition. S.Greenbaum asked if any trees were being removed and Ms. Griffin said there are no plans for tree removal.

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

3. **8:20 p.m. – Public Hearing, Harvey Yazjian, Applicant, 68 Lakeshore Drive; DEP File No. 322-823:** 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 Harvey Yazjian. The applicant is proposing the construction of a three-bedroom replacement septic system within 100' of bordering vegetated wetlands, an inland bank and a pond, at 68 Lakeshore Drive, Wayland, shown on Assessor's Map 42D, Parcel 56.

Harvey Yazjian, Applicant, and Kevin O'Leary of Jillson Engineering were present for the discussion. Mr. O'Leary reviewed the project, noting that the property is divided by an old roadway called Mona Path down to Dudley Pond. Discussion ensued noting the existence of an asphalt driveway and a protruding deck on Mona Path. The 11,400 square-foot lot was shown on plan with the three-bedroom septic design shown on the north side. There are no trees to be removed and lawn will be replaced with lawn with 5K square feet of disturbance. On the west side of the house is the old cesspool which will come off line after re-piping, and the new system is an innovative alternative Elgin sand filter enhanced sewage treatment system 77 feet away from the pond. B.Goldsmith asked why the Elgen system was chosen, and Mr. O'Leary indicated that given area containment issue with setbacks and lot lines it had the highest compatibility. B.Salzberg noted an error in the notes under #21, which Mr. O'Leary noted. A.Irwin mentioned that the edge of lawn depicted on the plan doesn't have significant setback from wetlands flags. B.Monahan noted the 15-foot on average no

disturb needed on the lot excluding Mona Path. A.Irwin explained the naturally-vegetated strip. Mr. O’Leary indicated that can be provided.

B.Howell asked where the drainage pipe drains to, and Mr. O’Leary said it goes to the catch basin and manhole, which was full of sediment and indicated that the drain pipe was perhaps not functioning properly. Mr. Lowery commented that the DPW will be paying attention and as Chairman he is leery of installing a septic system within close distance to the drainage pipe. Mr. O’Leary indicated a 10-foot setback as required by state regulation under 310 CMR 15.000. B.Monahan commented to highlight potential conflict during construction and have engineer there when excavating. A.Irwin said there is a notation already on the plan. Mr. Lowery said the pipe is perhaps a foot outside of the easement and the distance from the pipe to the orange area on the plan is less than ten feet. Mr. O’Leary stated that Mr. Lowery’s calculation was incorrect. A.Irwin noted that locating the pipe prior to construction will be reiterated with an exploratory test pit to locate the pipe.

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 Protection Act; Seconded 6-0

Motion to require a performance guarantee of \$1000; Seconded 6-0

- 4. **8:45 p.m. – Public Meeting, Warren Morss, Applicant, 33 Bayfield Road, File D-838:** 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 Warren Morss. The applicant is proposing to construct a set of stairs down to the dock at 33 Bayfield Road, Assessor’s Map 47A, Parcel 92.

Warren Morss was present for the discussion. Mr. Morss provided a handout to answer questions raised by the recent site visit to his property. Mr. Morss summarized that the proposed steps are four-feet wide with a stone base and 7” deep of excavation for gravel and showed a photo of the proposed steps. Mr. Morss noted an existing cinder block canoe launch and said the proposed steps are to provide a safer means to get down to the dock. A.Irwin asked what was being replaced and Mr. Morss said the existing area is made of cinder block and is two-feet wide. A.Irwin asked about the plan for excavation of soils, and Mr. Morss noted he plans to cart it away. B.Howell noted that providing a stairway railing may be useful. A.Irwin explained the need to provide a 6” gravel edge with a slight pitch on each side of the steps for infiltration purposes so water from the steps runs into the stone on the ground instead of elsewhere. B.Monahan noted preference for a 3’ wide step. B.Monahan said there will be a sediment barrier requirement. A.Irwin noted there would be no issue to add the railing detail if desired and reminded Mr. Morss that the stone that is laid should pitch back so that water does not cascade down the steps but flows into the gravel infiltration border.

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

Seconded 6-0

Motion to issue a Permit w/conditions under the Chapter 194 Bylaw; Seconded 6-0

Motion to require a Performance Guarantee of \$500; Seconded 6-0

- 5. **8:55 p.m.- Public Hearing, Erik Thoen, Applicant, 37 Rich Valley Road, DEP File No. 322-824:** Abbreviated 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 Erik Thoen. The applicant is proposing interior home renovations along with exterior

work to include two front dormers, addition over the existing garage, replacement of garage foundation and two-foot garage extension, with a portion of the work within buffer zone to wetlands at 37 Rich Valley Road, Wayland, shown on Assessor's Map 25, Parcel 22.

Tom Timko, Architect, and Eric Thoen, Applicant, were present for the discussion. Mr. Timko said the existing house is fully within the 100-foot buffer zone and summarized the project, including a second-floor addition over the existing footprint, along with a cantilever added which will bring the structure closer to the wetlands, but the footprint below and number of bedrooms will remain the same. Mr. Timko noted that the garage foundation is substandard so must be replaced to meet the building code and they propose to add two feet to the garage representing the only foundation change. B.Howell noted the absence of waiver requests and noted the Plan is 1" = 30' and questioned riverfront. B.Monahan commented that if there is riverfront, it is way in back. Mr. Timko reported that the house is 300 feet from a possible stream and added that there will be no change in grade with excavated soils stored outside the 100-foot line and then removed. B.Howell asked about the plan for roof drainage. Mr. Timko indicated a plan to renew the perimeter drain around the garage and update the drywells. B.Monahan said the perimeter drain was not shown on the plan and noted that a spot elevation may be required so no change in grade can be demonstrated when the project is finished. Mr. Timko noted having Board of Health approval. A.Irwin noted that a submission checklist should be provided. A.Irwin asked about the limit of lawn and noted that a 15-foot on average no-disturb is required. Items to address were noted as spot elevations, existing/proposed impervious surface and drainage mitigation.

Motion to continue the hearing to May 8, 2014 at 7:35pm; Seconded 6-0

6. **9:10 pm – Public Hearing, Ben Stevens, Trask Development, Applicant, 18/20 Covered Bridge Lane, DEP File No. 322-822:** 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 B. Stevens, Trask Development. The applicant is proposing to construct two single-family homes with a portion of the work within buffer zone to wetlands at 18 Covered Bridge, Wayland, shown on Assessor's Map 35, Parcel 030N.

Ben Stevens, Trask Development, and Steve Garvin, P.E., Samiotes Consultants, were present for the discussion. Mr. Garvin summarized the history of the project with the original plan shown in 2009 noting that Lot 4 is being discussed tonight. Mr. Garvin reminded the Commission that in May 2012 the project came back to the Planning Board and multi-family units were approved; pervious pavement turnaround areas were swapped out in 2012 with lots within jurisdiction becoming individual Notice of Intent filings thereafter. Mr. Garvin explained that they are now filing for two separate units. Resource areas were identified as two vernal pools, riverfront inner and outer riparian zones, 100-foot wetland buffer and 30-foot no disturb. There is a shared septic outside the jurisdictional area which is a state regulation. There is a three-drywell system for roof drains allowing overflow to the lowest one if needed. Mr. Garvin noted very pervious soils on the site. Retaining walls were discussed on the east side of # 20 to help height elevation.

A.Irwin noted that land clearing was accounted for during cluster development. S.Greenbaum raised the issue of a planting plan around the perimeter and in some cleared areas. A.Irwin encouraged vegetation in the back lawn area near the woods along the top of the wall. B.Monahan called for an inventory of tree count in the buffer zone to ensure that replacement planting addresses quantity, noting that replacements can be shrubs. Mr. Garvin asked if there was any leeway as to where replacement plantings are located, noting that they brought this in the purview of what was already permitted without going beyond the original order. A.Irwin commented that all planting will count regardless of where on the property planting is done. Mr. Stevens noted that it is an open space

development so calculations are shared. B.Howell raised the matter of the Conservation Restriction. B.Monahan asked about the status of both the Conservation Restriction and the deed restriction. Mr. Garvin said Mr. Hamlen is working with SVT.

B.Monahan asked about the need for a NPDES permit. Mr. Garvin noted SWPP for the entire development. B.Monahan noted that it looks like a construction general permit may be in order, and Mr. Garvin confirmed he will double check tomorrow but believes there may be one still active. B.Howell noted that on Sheet C4, detail 6, the sediment erosion controls are backwards and no trenching is allowed. B.Goldsmith asked about the details on permeable pavers and O&M requirement for them. A.Irwin commented on the annual O&M condition. B.Monahan asked if there is a fifty-foot no-disturb area from the vernal pool and Mr. Garvin said he believes it is sixty feet. A.Irwin noted there will be a condition that they verify construction general permit coverage and that termination is provided to the Commission.

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

7. 9:45 pm - Request for Certificate of Compliance [310 CMR 10.05 (9)]

- a. 55 Knollwood Lane; File D-818

B.Monahan indicated he wishes to table the discussion to address a question as to the change in color of the dock since its installation, noting that no preservatives were to be used over water. A.Irwin noted that the item has been on the agenda for some time and to send the property owner a letter ASAP.

- b. 183 Oxbow Road; DEP File No. 322-809

Mr. and Mrs. Richard were present for the discussion. B.Monahan reported that required plantings were done and the grass was planted and is coming but not yet fully established and the home is being sold. Ms. Richard reported that planted shrubs have a 2-year warranty. A.Irwin noted the Commission can address the Certificate of Compliance and the performance guarantee can be released once grass is established providing soils are stable.

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

- c. 248 Lakeshore Drive; D-782; DEP File No. 322-682 and DEP File No. 322-653

It was noted that the agenda said Lakeshore "Road" rather than "Drive" and B.Monahan indicated the item will be addressed at the next meeting.

8. Compliance Updates

- a. 122–124 Lakeshore Drive; DEP File 322-802/803 Submission Review

Fred Mannix was present for the discussion and indicated that a Board of Health Certificate was issued and a required planting plan is to be submitted. A.Irwin asked about Chapter 91 and Mr. Mannix indicated it will take a couple of months.

9. Request for Performance Guarantee or Other 53G Funds

15 Barney Hill Road – Replacement Plantings: DEP 322-771

Ross Trimby was present for the discussion. Mr. Trimby summarized that in Spring 2012 he replaced a failed septic, completed the project with a Certificate of Compliance and sold the property. In November 2012 he received \$600 of his performance guarantee. In November 2013 it was discovered that 3 of the 31 plants had not survived and he has had many discussions since with B.Monahan. The Commission approved releasing \$300 at this time and then the remaining \$300 will be returned once the replacement plantings are done.

Motion to return \$300 of the performance guarantee; Seconded 6-0

10. Other

B.Monahan reported that the MS4 Annual Report is due next Wednesday; input was received from J.Doucette and M.Lowery indicated sending input today.

11. Land Management

a. Discussion - Proposed CR for Wayland Town Center

It was noted that Frank Dougherty communicated wanting to move forward; proposed changes will be given to Frank. S.Greenbaum asked if the Commission had endorsed the CR draft and A.Irwin noted that the absence of comments by the Commission indicates endorsement by the Commission, and the CR/Plan will now be in Mr. Dougherty's court. A.Irwin noted an email sent to Mr. Dougherty earlier in the day outlining status. It was noted that a series of amendments are needed and performance guarantee will be addressed later. B.Monahan noted accounting of impervious and permitting amount.

b. Sentinel Wells at Cow Common

S.Greenbaum noted that the Wellhead Protection Plan requires the DPW with the Wellhead Protection Committee to monitor sentinel wells as it is no longer Raytheon's responsibility; there is a need locate them and clear them off. A.Irwin commented that the sentinel wells were installed for free by Raytheon for good purpose for wellhead protection and sampling for VOCs is minor. Mr. Lowery noted he will read the plan and confirm obligations. B.Monahan suggested that Mr. Lowery coordinate with him. A.Irwin noted there is an ongoing obligation because the developed area includes fuel tanks and discharges along the business district and are early warnings from that area. A.Irwin noted that 8260V should be fine with 524 for VOCs - \$110/each. Mr. Lowery asked about frequency and A.Irwin said to see what the plan required, though it may be annual. M.Lowery noted attending a meeting with Tata & Howard regarding wells. Pumps were discussed and GPS locations requested.

c. Other – Lakeshore Drive manhole structure discussion. A.Irwin instructed M.Lowery and Mr. Mannix to dig up the exterior to inspect the condition of the structure and then put it all back and come back with a plan. A.Irwin noted that it is within 100 feet of the pond and that exploratory work doesn't require filing but notice to the Commission is required. B.Monahan suggested a letter combined with a sketch. The area of Castle Hill was briefly discussed concerning barrels on site. Town Counsel's opinion on the proposed trail easement at River Trail Place has not been received.

12. Citizen Inquiries

13. Correspondence/Expenditures

14. Adjournment

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Motion to adjourn at 10:40pm; Seconded 6-0

The next Conservation Commission Meeting is scheduled for Thursday, **May 8, 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**

LIST OF PUBLIC DOCUMENTS PROVIDED TO THE CONSERVATION COMMISSION

April 18, 2014 to April 24, 2014

April 18, 2014

Plan with NGVD notation for 74 Lakeshore Drive from Sullivan Connors
322-816 Plans revised 4/14/14 for River Trail Place from Sullivan Connors

April 22, 2014

Notice of Intent for home addition at 29 Jeffrey Road from Nancy Seward
322-794 Notice to start work and notice of work in sensitive areas for DPW facility from G&R Construction

April 24, 2014

322-810 Plot plan for 119 Dudley Road from MAD Construction
RDA for Septic repair/replace at 78 Loker Street from Sullivan, Connors

LIST OF EXPENDITURES April 18, 2014 to April 24, 2014

No items to report