

WAYLAND CONSERVATION COMMISSION

Minutes, Thursday, June 12, 2014 7:30 – 9:44PM

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

Present: Commissioners: Roger Backman, Barbara Howell, Betty Salzberg, Acting Chairman Bob Goldsmith, Conservation Administrator: Brian Monahan

Not present: Chairman Andy Irwin, Sherre Greenbaum, John Sullivan

Minutes: Andrea Upham

B.Goldsmith opened the meeting at 7:30PM noting that a quorum was present and briefly reviewed the agenda.

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

No comments were offered.

2. **Minutes:** May 8, 2014 and May 29, 2014

Motion to approve the Minutes of May 8, 2014; Seconded 4-0

Motion to approve the Minutes of May 29, 2014; Seconded 4-0

3. **7:33 pm – Other**

Motion to designate John Sullivan to continue as the Conservation Commission representative to the Community Preservation Committee; Seconded 4-0

4. **7:35 pm – Public Hearing - Roland Gray, III, Esq., Trustee, Applicant, 7 Lincoln Road, DEP File No. 322-826:** Notice of Intent filed pursuant to the MA Wetlands Protection Act and an application filed pursuant to Wayland's Wetlands and Water Resources Protection Bylaw, Chapter 194, filed by Roland Gray, III Esq., Trustee. The applicant is proposing the installation of a repair septic system, grading, and associated site work at 7 Lincoln Road, Wayland, shown on Assessor's Map 11, Parcel 083. Work is within riverfront area and buffer zone.

Scott Morrison of EcoTec was present for the discussion. B.Goldsmith noted that the hearing was advertised as a septic repair/replacement but that the project involves the septic system changing from a 3- to 5-bedroom home system and, therefore, re-advertising the hearing may be in order. B.Goldsmith allowed Mr. Morrison to proceed to summarize the project for the Commission. Mr. Morrison noted that for purposes of clarity moving forward, it is a good idea to re-advertise for the next hearing and he can move ahead to present the project to the Commission at this time for their feedback.

Mr. Morrison summarized the project: Several months ago an ANRAD was filed with the Commission on this property and Peter Fletcher reviewed the wetland boundaries. Resource areas were noted as Hazel Brook, adjacent bordering vegetated wetlands of Hazel Brook and riverfront. Only a small piece of the property is out of Conservation jurisdiction. There is a failing septic system that doesn't meet Title V standards. There was an effort to locate the system outside of Conservation Commission jurisdiction but there would be too much disturbance around wetlands. Test pits and preliminary design were done and they were able to match grades in the proposed area. The house is stripped down to studs and the owner plans to sell the property with septic approval and the future owner can decide how to proceed with the house. The septic tank and pump chamber were reviewed on the

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plan and two trees proposed for removal were noted in the front yard. All grades will be restored with erosion controls to protect down-gradient wetland areas.

R.Backman asked about the size of trees for removal, which Mr. Morrison noted in the 26-28" size. B.Howell commented that garbage disposals are not allowed by the Commission and asked if an alternative system was considered. Mr. Morrison noted concern with systems such as Presby and noted the need for very pervious material underneath. B.Salzberg asked about plans for replacement trees and plants, and Mr. Morrison noted most of the site is forested. Discussion ensued on the replacement planting requirements which allow shrubs as well as trees. B.Goldsmith noted that the DEP website gives a listing of alternative systems that reduce the -areal size of the soil absorption system. R.Backman asked why the move is being made to a five-bedroom system and Mr. Morrison responded that a potential owner want to add a second story to the home. B.Goldsmith noted a drip irrigation system on Dudley Pond. Mr. Morrison noted that DEP only allows drip system if conventional doesn't work.

B.Goldsmith noted the reserve area is within the 100-foot buffer to wetlands. B.Monahan noted that under the Wetlands Protection Act there is exemption for onsite sewage and read excerpts from 310CMR15 and concluded that the commission is faced with approving a five-bedroom system along with what that means with respect to a five-bedroom house in the future. B.Monahan noted that in most riverfront area projects no further riverfront development is allowed. B.Goldsmith noted this can be further discussed at the June 26 hearing and noted the hearing will be re-advertised to note the construction of a five-bedroom septic system. Mr. Morrison discussed the possibility of future protection of riverfront on the property. B.Monahan expressed concern about the potential for two lots under subdivision and added that if closer than 75 feet to the wetlands an alternative system would be on the table.

Motion to continue the hearing to June 26, 2014 at approximately 8:00 pm under the Wetlands Protection Act; Seconded 4-0

Motion to continue the hearing to June 26, 2014 at approximately 8:00 pm under the Chapter 194 Bylaw; Seconded 4-0

5. **8:10 p.m. – Public Hearing - Proposal to amend the Wetlands and Water Resources Protection Bylaw Regulations to reference to most recent FEMA Maps:** Public hearing to consider an amendment to the regulations issued pursuant to the Wetlands and Water Resources Protection Bylaw (Chapter 194). The amendment is intended to update the reference in the regulations under "Federal Flood Protection District" to the July, 2014 FEMA Floodplain Maps.

B.Goldsmith reported that FEMA requires that the Town formally accept the new FEMA floodplain map by early July in order for Wayland to be eligible for FEMA relief and so that homeowners in flood zone are eligible for flood insurance. Linda Segal asked about the Commission's review. B.Monahan explained that the original notice went to the Chief Administrative Officer and the Commission only became aware after the comment period had passed as was the case with other towns. B.Monahan shared that Brendan Decker has the 2014 data layer for comparison. B.Goldsmith read from a FEMA letter to Joe Nolan concerning the need to accept the new floodplain map by July 7. B.Monahan reported that we will now be changing the regulations in 2014 to refer to the current FEMA map.

Motion to amend the C194 regulations to change the wording to accept the 2014 FEMA Floodplain Map; Seconded; 4-0

6. **Request for Certificate of Compliance [310 CMR 10.05 (9)]**
 - a. 430 Boston Post Road; DEP File 322-752 and File D-809

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B.Monahan reported he touched base with Sami Fam who confirmed the closing of the files can occur and that they will file with the Commission again to decommission the wells. L.Segal noted that PIP meetings are once a year now. B.Goldsmith noted wondering what TCE was doing on the southern portion of 400 Boston Post Road and L.Segal said it was in the south in the early 2000s as well.

430 Boston Post Road, DEP File 322-752

Motion to issue a partial Certificate of Compliance with continuing conditions under the Wetlands Protection Act; Seconded 4-0

Motion to issue a partial Certificate of Compliance with continuing conditions under the Chapter 194 Bylaw; Seconded 4-0

430 Boston Post Road, File D-809

Motion to issue a Certificate of Compliance under the Wetlands Protection Act; Seconded 4-0

Motion to issue a partial Certificate of Compliance under the Chapter 194 Bylaw; Seconded 4-0

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

B.Goldsmith reported that Mr. Dougherty asked to defer this item until 9:00pm

7. Other

Brief discussion ensued of A.Irwin electing to not seek reappointment as Commissioner.

8. Land Management - MWRA Weston Aqueduct Permitting Update

B.Monahan reported: B.Salzberg is working on with him on this topic and he will talk to S.Kadlik about crosswalks. The Town of Weston offered their paperwork and conceptually the matter should be sent to the Selectmen for discussion. The Commission had discussed that dogs must be on leash. The Commission will have their own signs with their own rules. B.Monahan will send the agreement Framingham had to the Commission and keep everyone in the loop, and he indicated that bikes should not be prohibited. Duane Galbi followed up with him since the last Commission meeting.

9. Request for Certificate of Compliance for Town Center DEP 322-701

Frank Dougherty requested discussion on the Certificate of Compliance, recognizing that the Conservation Restriction is outstanding, and the escrow on the project, which A.Irwin indicated he hadn't had time to review before the last meeting. Mr. Dougherty recognized that the Conservation Restriction is an outstanding item for the Certificate of Compliance. B.Goldsmith noted there had been a working session several weeks ago and still some items remain open, such as another as-built drainage drawing, discrepancies with regard to approved drawings, drainage to the municipal parcel with a catch basin and manhole, as well as the O&M manual hasn't been fully voted by the Commission.

B.Goldsmith suggested to set up another working session rather than addressing these tonight. Mr. Dougherty asked when he can expect the CR and B.Monahan asked if he wished to use the existing sketch noting communication with Natural Heritage and questioned restrictive covenants. B.Goldsmith noted the area as 12.3 acres of land which encompasses a two-acre meadow management area as well as ten acres for the Town and suggested it should be wrapped up in one CR. Mr. Dougherty asked if there were any other edits before it goes to the State; if not, the local review is done. B.Monahan noted that the allowed continued cleanup should be added as a use

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to the grantor. Mr. Dougherty asked if that should be done before sending to the State and said he will speak to his attorney as to how to proceed.

B.Goldsmith raised the memorandum sent showing parcels and identifying owners. Mr. Dougherty stated that language will be added to describe the “tail” area as ten feet from the center line for Cow Commons. B.Monahan noted advocating two acres as well. B.Goldsmith asked if he will combine the two into one CR as Mass Wildlife suggested, which Mr. Dougherty confirmed. B.Goldsmith confirmed a working session for Monday, June 16 at 9am to discuss how to resolve everything.

10. Request for Performance Guarantees or Other 53G Funds – Town Center

Mr. Dougherty asked the Commission for their opinion on his request for a reduction in escrow on the project. B.Goldsmith noted the big issue is the stormwater treatment system; BMPs have been fully operational properly since Spring 2013 but not operating properly with forebays, pipes, etc. B.Goldsmith noted a reasonable compromise to release to him the escrow amount provided by Brendon Homes. Mr. Dougherty disagreed noting that the Order clearly says \$8K is withheld to be sure BMPs are working okay and have to operate for six months from last Friday when the pipes were fixed. B.Monahan noted that any heavy rains will give a feel for how things are working. Mr. Dougherty requested the release of \$75,520 based on holdback for pipes and not monitoring River Trail Place. B.Goldsmith commented that the area calculations done by Bob Griffin don't agree with his and said the denominator is 23.6 acres, noting that R.J. O'Connell sent a stamped letter of another 1.4 acres for the municipal pad. Mr. Dougherty responded that the Commission can't hold money for something he can't build on and they don't have the right to build on that parcel. B.Goldsmith noted calculating the amount of impervious area approved by the Permit and Superseding OOC. B.Monahan noted that the milestone to meet is from March to May installed and “operational for minimum of six months.” B.Monahan suggested release of the money allocated for Brendon Homes and time to allow for a comfort level with rainfall. Mr. Dougherty discussed the interim milestone interpretation. B.Goldsmith presented that if Basins 2 and 3 are fixed there could be 6-month monitoring starting March 1. B.Monahan noted that Basin 1 came from offsite onto onsite.

Discussion ensued of how allocation should occur. B.Goldsmith raised the timeframe of March 1 of next year tied to impervious surface. Mr. Dougherty noted that is in conflict with the Order, adding that the amount of impervious built and stabilized is one conversation but to tie in 6-month BMPs is in conflict with the condition. B.Monahan noted that basins don't carry equal weight. Discussion ensued on intent of the condition regarding the interim milestone. R.Backman asked how much impervious surface exists on Basins 2 and 3 and B.Monahan said a fair amount. B.Goldsmith raised the matter of the drainage line to the municipal pad and a letter from F.Turkington requesting a parking lot be built by Twenty Wayland on the Municipal Pad. Mr. Dougherty said that is inappropriate and not related to the Commission. B.Goldsmith noted the Monday morning meeting and B.Monahan noted the topics of pipe, basin, manhole. B.Goldsmith noted that A.Irwin will be present for the review at the June 26 Commission meeting. Mr. Dougherty told the Commission he will send his attorney's feedback by tomorrow night. B.Salzberg mentioned the Bay Circuit Trail.

B.Goldsmith asked Mr. Dougherty about the area north of the ten acres, if there were plans and whether the total project is on the market; he responded it was not. B.Goldsmith questioned the

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O&M Manual and Mr. Dougherty said the base document was already approved and a new two-page addendum provided had called out changes. Mr. Dougherty inquired about his offsite request, which B.Monahan said he should resubmit.

11. Request for Performance Guarantees or Other 53G Funds

- a. 14 Country Corners Road; DEP File 322-769
Motion to release remaining \$1,000 performance guarantee; Seconded 4-0
- b. 236 Commonwealth Road; DEP File No. 322-761
B.Monahan noted a penalty for untimely inspection reports.
Motion to release \$850 of the performance guarantee; Seconded 4-0

12. Land Management

- a. Update - Proposed CR for Wayland Town Center was noted as discussed.
- b. Update - Trail Easement for River Trail Place
B.Monahan sent to M.Lanza and hasn't heard back yet.
- c. Rocky Point – Possible Management Issues
B.Monahan noted the transfer to the Conservation Commission and informed the Commission that a resident reported the presence of abandoned boats. B.Goldsmith noted there should be money added in next year's budget for Rocky Point and the Commission may want to modify rules. Boat launching and milfoil should be discussed.

B.Goldsmith briefly mentioned the Surface Water Quality Committee and a few issues of note, including algae on Dudley pond, improving Mansion Beach of stormwater erosion issues, and the completion of the SWQC annual report draft.

13. Other

- a. Boston Post Road; File D-824 – Relocation of work update
B.Monahan reported that the water line is in-ground and only plans are affected so the decisions can be left as is with new plans.
- b. Community Garden Update - Tabled
- c. Other
R.Backman asked where the grass seed was used and B.Monahan said Heard Farm. Ongoing work at Heard Farm will be discussed at the next meeting.

B.Howell commented on the need for a ply board bridge of some kind for handicap access. B.Monahan and B.Howell will work on a list of Conservation areas needing improved access.

B.Goldsmith reported on Surface Water Quality Committee issues: Heard Pond water chestnuts are low this year. Diquat is being used upstream of North Pond on Lake Cochituate. There is a low population of milfoil this year.

B.Goldsmith noted a report of a Golden Eagle at Sudbury River. John Hines comment that he heard of one in Maynard from Laura Mattei of SVT but explained that a young bald eagle closely resembles a golden eagle as it takes four years for the bald eagle to get its white head

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and tail. B.Goldsmith reported on a red-tailed nest webcast by Cornell. R.Backman noted a Sudbury Valley Trustees walk on Cow Common. B.Goldsmith reported on the Lincoln Road article in the Town Crier for the new CR.

14. Correspondence/Expenditures

15. Adjournment

Motion to adjourn at 9:44pm; Seconded 4-0

The next Conservation Commission Meeting is scheduled for Thursday, **June 26, 2014** in the Wayland Town Building.

**TOWN OF WAYLAND
MASSACHUSETTS
CONSERVATION COMMISSION**

**LIST OF PUBLIC DOCUMENTS PROVIDED TO THE CONSERVATION COMMISSION
May 30, 2014 to June 12, 2014**

May 30, 2014

322-808 Appeal to Superseding OOC for DPW Access Road from Tom Sciacca
322-710 Inspection Report on Fieldstone Estates from H2O Engineering
MACC membership notice and renewal invoice

June 3, 2014

D-825 Photos and supply materials for walkway at 113 Dudley Road from J.Ogletree

June 4, 2014

Aquatic Plant management update/North Pond from Lycott Environmental
D-824 Revised copies of plans for Boston Post Road water main project from Tata & Howard
322-814 Notice to Start Work at 74 Lakeshore Drive from Al Heywood

June 5, 2014

ZBA hearing notice for 10 Deer Run permit renewal
Notice of new street address (Covered Bridge Lane) condo units from Building Department
322-808 Notice of Appearance for Wayland Landfill Access Appeal from M.Lanza

June 6, 2014

322-818 Notice to start work etc. at 30 Lakeshore Drive from D.Hanlon
Resubmission of street addresses for Covered Bridge Lane from Building Department

June 9, 2014

322-804 Inspection Report on 9 Reservoir Road from Schofield Brothers
RDA for Town of Wayland Rail Trail right-of-way project
322-818 Replacement planting plan for 30 Lakeshore Drive from D.Hanlon

June 10, 2014

D-839 Notice to start work at 78 Loker Street from P.Giudice

June 11, 2014

322-710 Inspection Report on Fieldstone Estates from H2O Engineering
322-804 Inspection Report on 9 Reservoir Road from Schofield Brothers

June 12, 2014

322-794 Inspection Reports on DPW Facility from Weston & Sampson
D-825 Request for Certificate of Compliance for 113 Dudley Road from J.Ogletree

LIST OF EXPENDITURES May 30, 2014 to June 12, 2014

6/5/14	<i>Cavicchio Greenhouses(Wildflower/Meadow mix)</i>	\$ 549.59
	<i>Sage Gardens (Viburnum reimbursement)</i>	32.00
	<i>Sudbury Lumber (24 pressure-treated 2x10x12)</i>	410.40
6/10/14	<i>Henderson Striker (Community Garden Plowing)</i>	790.00
6/12/14	<i>Kimball Farm (145 straw bales for community garden)</i>	1332.50