

WAYLAND CONSERVATION COMMISSION

Minutes, Thursday, October 9, 2014 7:17 – 11:00PM

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

Present: Commissioners: Roger Backman, Joanne Barnett, Bob Goldsmith, Barbara Howell, Betty Salzberg, Chairperson: Sherre Greenbaum, Conservation Administrator: Brian Monahan

Not present: John Sullivan

Minutes: Andrea Upham

S.Greenbaum opened the meeting at 7:17pm noting that a quorum was present.

1. **7:17 p.m. – Citizens Time: This is a time for input to the Commission regarding items that are *not* on the agenda.**

Lauren Reynolds, 166 Pelham Island Road, commented that she and her husband are one of five neighbors on Heard Road who wish to request time on the October 22, 2014 Conservation Commission agenda to discuss matters at Heard Farm regarding: cutting/clearing of vegetation; expansion of parking lot; need for environmental impact study regarding the approach to eradicate invasive species; improved signage in the lot; transparency and sensitivity to abutters/neighbors; enforcement of land rules; and, request for all members of Commission to please visit Heard Farm.

2. **Minutes to review and approve:** September 4, 2104, September 10, 2014 and September 18, 2014

Motion to approve the Minutes of September 4, 2014 as amended; Seconded 6-0

Motion to approve the Minutes of September 10, 2014 as amended; Seconded 6-0

The September 18, 2014 Minutes will be addressed at the next meeting.

3. **Land Management Discussion – Community Gardens**

B.Monahan discussed the garden closing letter which will invite gardeners to attend the next Commission meeting. S.Greenbaum researched garden fees in neighboring towns with websites and gathered information randomly for a sense of comparison with Wayland's fees. B.Monahan reported that seasonal laborers spend one day a week working at the gardens. In addition, straw, compost and water are provided each season, and this year a portable toilet was rented. The issue of fees for residents vs. non-residents was raised. B.Monahan discussed estimating costs and expenses. B.Goldsmith suggested a proposal from B.Monahan for a revised fee structure. B.Monahan suggested commissioners share thoughts with him by Friday, October 17. S.Greenbaum said she will draft a proposal for the next meeting. Rules were discussed and B.Howell noted the kiosk needs work.

4. **7:32 p.m. – Continued Public Hearing, Donald Grose, D.L. Grose & Associates, Applicant, 113 Concord Road; DEP File No. 322-828:** Notice of Intent filed pursuant to the MA Wetlands Protection Act and a Chapter 194 application filed pursuant to Wayland's Wetlands and Water Resources Protection Bylaw, Chapter 194, filed by Donald Grose, D.L. Grose & Associates, for the demolition of an existing single family house and driveway followed by the construction of a new single family house, driveway and subsurface sewage disposal system. A small portion of work will occur within the 100-foot buffer zone at 113 Concord Road, Wayland, MA. The property is shown on Assessor's Map 15, Parcel 025.

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driveway maintenance with respect to the pavers and there must be compliance with the manufacturer's product spec.

Motion to issue the First Amendment to the Permit under the Chapter 194 Bylaw; Seconded 6-0

6. **8:05 pm - Public Meeting, David Lioce, Applicant, 234 Stonebridge Road, File D 848:** Chapter 194 application filed pursuant to Wayland's Wetlands and Water Resources Protection Bylaw, Chapter 194, filed by David Lioce, to install a new septic system at 234 Stonebridge Road. The proposed system is within the 100-foot buffer zone of the 100-year floodplain. The property is shown on Assessor's Map 41, Parcel 003.

David Lioce was present for the discussion. B.Monahan explained that this project is buffer zone to floodplain only under the Bylaw; the 100-year floodplain was shown on the plan. B.Monahan discussed estimated high groundwater and the proposed plan shows the leaching bed four feet above. B.Monahan noted that the system was approved by the Board of Health.

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

Motion to require a \$350 performance guarantee; Seconded 6-0

7. **8:15 p.m. – Public Meeting, Todd Mabe, Applicant, 15 Pemberton Road, File D-849:** Request for Determination of Applicability filed pursuant to the MA Wetlands Protection Act and a Chapter 194 application filed pursuant to Wayland's Wetlands and Water Resources Protection Bylaw, Chapter 194, filed by Todd Mabe, for a deck/spa addition to the rear of the house at 15 Pemberton Road. The work is in the buffer zone to wetlands. The property is shown on Assessor's Map 55, Parcel 010.

Todd Mabe was present for the discussion. Mr. Mabe summarized he proposes an 11 x 16 deck with a spa (hot tub) insert and noted the need to move a drain pit further away for the four piers to sit in the ground. B.Goldsmith inquired about drainage/runoff and Mr. Mabe there is a small space in between decking for drainage. B.Monahan noted the plan for six inches of stone underneath the deck. B.Goldsmith asked about an extension around the perimeter for additional drainage. Mr. Mabe said that is not a problem. B.Monahan suggested six inches; B.Goldsmith requested twelve inches. A condition for the discharge of water from the tub was discussed; B.Goldsmith requested a condition re: hypochlorite neutralization. B.Monahan noted there will be a condition for possible additional sedimentation barriers and that there be a requirement to have a professional engineer for inspection of the drywell.

Motion to issue a Negative Determination w/conditions under the Wetlands Protection Act; Seconded 6-0

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

Motion to require a \$500 performance guarantee; Seconded 6-0

8. **8:25 pm –Public Meeting, Raytheon Company, Applicant, 430 Boston Post Road, File D-850:** Chapter 194 application filed pursuant to Wayland's Wetlands and Water Resources Protection Bylaw, Chapter 194, filed by Raytheon Company, to conduct up to 20 soil borings at the former Raytheon facility at 430 Boston Post Road in the buffer zone to land subject to flooding and inundation. The property is shown on Assessor's Map 23, Parcel 52.

Jonathan Hone of Raytheon Company and John Drobinski and Lyndsey Colburn of ERM were present for the discussion. Ms. Colburn summarized: they propose soil borings to help close out activities at the former Raytheon facility. The process will be similar to last year – temporary borings collecting real-time samplings with no less than a few inches around of impact. Photos were shown of

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the work area including a gravel right-of-way, abandoned railroad track and narrow wetland swale. Work will be in buffer zone, not in the wetland resource area itself, and borings will be 20-30 feet maximum. Discussion ensued of past MBTE contamination areas. Mr. Drobinski will make sure extent of contamination is outlined and noted the plume is stable right now. Discussion ensued of MBTE plume; it was noted that the TCE plume is what they are monitoring. Raytheon is not addressing the MBTE plume as it belongs to others. Mr. Drobinski noted these are temporary probes for assessment purposes. R.Backman asked about the removal of rails, which Mr. Drobinski noted will be done before snow. B.Monahan raised the issue of the property owner and that whoever owns the land should have been on notice as a party. Mr. Drobinski said DCR issued a license and gave a permit. B.Monahan said the other entity should have been added to Twenty Wayland on the application. Mr. Drobinski said they have had discussions with DCR and DCR is permitting; the Chapter 194 Permit can be issued with a condition that MBTA signoff is required. Ms. Colburn noted that MBTA handed off to DCR and she had coordinated with Pat Barrett at MBTA and they will provide documentation that they are aware of the work; licenses and permits will come from both. B.Monahan noted that he will need to provide the decision to them by certified mail and the parties will have the right to appeal after receiving the decision.

Motion to issue a Permit with conditions under the Chapter 194 Bylaw; Seconded 6-0
Motion to retain \$500 of existing performance guarantee for this project; Seconded 6-0

Linda Segal reported that there is a PIP meeting Wednesday, December 3, which is the annual public information meeting from Raytheon/ERM to give information on cleanup. Discussion ensued on sentinel wells.

9. **8:50 p.m. – Public Hearing, Wayland Department of Public Works, Applicant, Route 27 and Route 30 Intersection Improvements; DEP File No. 322-829:** Notice of Intent filed pursuant to the MA Wetlands Protection Act and a Chapter 194 application filed pursuant to Wayland’s Wetlands and Water Resources Protection Bylaw, Chapter 194, filed by S.Kadlik, Wayland Department of Public Works, for an intersection improvement project at Route 27 (Main Street) and Route 30 (Commonwealth Road) in Wayland.

B.Goldsmith recused himself from the discussion. **Mike Myers of TEC and Stephen Kadlik, DPW Director, were present for the discussion.** Mr. Myers summarized: The planned improvement project is 100% paid for by MassDOT (\$2M in improvements). The standard intersection improvement project involves reconfiguring four approaches and improves auto and bicycle lanes. The pavement area will be slightly increased by less than .2 acres which equates to less than .5 CSF. There are upgrades to the drainage system represented by green lines on the plan. Stormwater treatment is limited due to the Town only controlling land where the road is; other land is owned by residents or commercial owners. The area near Corman’s lane owned by DCR/MassDOT was explored to install the basin but the elevation meant it would be submerged by four feet so they were not able to get treatment there. They looked at leaching catch basins but they were not applicable for roadway design; they cannot have outlet pipe and need overflow which means issues with curbing, leaving deep sump catch basins as the best option. The area around Snake Brook was shown on the plan; there will be no impact to wetland resource areas and all erosion controls will be in the contract document. They will remove direct discharge to Snake Brook and create improvements to drainage. The project will meet DEP’s standards.

R.Backman asked if there were any problems with the Sunoco Station. Mr. Myers reported they had productive meetings with them with no issues; they will avoid the impacted area. R.Backman asked

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where replantings for trees removed would take place and Mr. Myers said trees will be replaced in the new grass strip in the roadway. B.Howell inquired about the need for LSP and B.Monahan said they had one for the water line and should have one for this project as well. Mr. Myers said it is already in the contract. B.Howell asked about the 33% of suspended solids which Mr. Myers confirmed, noting that they are all four-foot deep sumps so there is one foot of improvement. B.Howell noted the need for more frequent cleanouts by vacuum and said the current practice is not sufficient and should be at least four times per year. Discussion ensued with S.Kadlik regarding the vac truck vs. clam truck. Mr. Myers reported that all discharge is off line so would meet the 25%. B.Monahan asked for sharing of information if anything else arises. It was noted that the drainage goes out to the headwall by Lake Cochituate; B.Monahan will discuss the project with DEP. Permission to continue was granted by the applicant.

Linda Segal asked about project timing, which was noted as late summer/early fall of 2015.

**Motion to continue the hearing to October 22, 2014 at 8:00pm under the Wetlands Protection Act;
Seconded 5-0**

**Motion to continue the hearing to October 22, 2014 at 8:00pm under the Chapter 194 Bylaw;
Seconded 5-0**

10. **9:18 p.m. – Public Meeting, Carlos Melero-Montes and Elizabeth A. Konig, Applicants, 74 Sears Road, File D-851:** Request for Determination of Applicability filed pursuant to the MA Wetlands Protection Act and a Chapter 194 application filed pursuant to Wayland's Wetlands and Water Resources Protection Bylaw, Chapter 194, filed by Carlos Melero-Montes & Elizabeth A. Konig, to install a new septic system at 74 Sears Road, Wayland. Portions of the work are within the buffer zone to a wetlands. The property is shown on Assessor's Map 15, Parcel 062.

S.Greenbaum noted the applicant requested a continuance.

**Motion to continue the public meeting to October 22, 2014 at 8:20pm under the Chapter 194 Bylaw;
Seconded 6-0**

B.Monahan will ask for re-filing under the Wetlands Protection Act; jurisdiction needs to be clarified and application signatures requested.

Motion to deny request for continuance and request new application under the Wetlands Protection Act; Seconded 6-0

11. **9:29 pm - Continued 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 5-bedroom 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. **Hearing is open under Wayland's Wetlands and Water Resources Protection Bylaw (Chapter 194) only. Wetlands Protection Act hearing was closed on August 28, 2014. Commission has received a letter seeking to withdraw this application.**

B.Monahan noted that the Commission could allow the application to be withdrawn with prejudice and then they could not submit an application for a five-bedroom system with no house again.

**Motion to allow withdrawal of the application under the Chapter 194 Bylaw with prejudice;
Seconded 6-0**

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12. Other

- a. 2 Cameron Road – Change in Plan; File D-847

Mr. and Mrs. Greiff were present for the discussion. Mr. Greiff summarized two proposed changes: the vestibule required two steps and the new/proposed vestibule now goes directly into the house. Change impacts elevation of driveway – 14” of difference originally between vestibule floor and house floor so they would propose an extra step to the garage of 7” and propose to increase the pitch of garage and add 5” to height of the driveway. The new vestibule is 10’ x 13’ with an increase in area of 28 square feet. They are increasing the elevation of the driveway into the garage by 5” and maintaining the slope to divert water and the gravel for drainage will be maintained. Shape of foyer will be 10 x 13 instead of roof draining onto the garage, and it will drain onto the yard rather than the driveway. Some fill will be required (14” will be feathered). B.Goldsmith suggested that with added infiltration this should be treated as an amendment.

Motion to proceed with Amendment Request; Seconded 6-0

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

- a. 10 Old Sudbury Road; DEP File 322-726

S.Greenbaum noted numerous items not in compliance. B.Monahan noted the Commission needs to determine how to proceed with a process – some issues can be corrected and others are difficult to correct, such as grading. Once issued, the Certificate of Compliance could include that “grading didn’t conform to the plan” as a matter not in compliance. It was noted that the deck is shown in two sizes. Mr. Rice noted that there is 18” of crushed stone underneath. B.Monahan said the deck can also be listed as not in compliance. Mr. Rice reported that the grade slopes to 133 elevation; when the house was sold, the floodplain was disclosed and was changed in July so is no longer in floodplain and grading is stable. B.Monahan noted that the violation is that the changes noted were not approved by the Commission. Mr. Rice explained that they didn’t know the grade wasn’t steep enough. B.Monahan suggested a solution for the no-disturb area. Mr. Rice said that pictures show an area not mowed which was off from the existing no-disturb area so he is no longer mowing it after it has been clearly marked as wet meadow. B.Monahan requested permanent demarcation of no-disturb areas in the way of plantings. Mr. Rice noted an area behind the barn not being mowed and explained that they took down fewer trees than originally planned; only two were removed and four trees were planted in front. B.Monahan suggested plantings in the no-disturb area, and fencing was also discussed. B.Monahan explained that plantings should mark 30-foot on average no-disturb area with not less than 10 feet in any one area. B.Monahan and Mr. Rice will review species and distance between plantings.

14. Land Management

- a. **N. Patterson Thoughts on Restoring Heard Farm Fields and Heard Farm Updates**

Mr. Reynolds, 166 Pelham Island Road, noted clear cutting of areas that he thought can make invasive species worsen and asked about Commission oversight on what is going on. B.Monahan noted that the work at Heard Farm is volunteer driven and that mowing for hay has allowed the fields to creep in over time and they are really just pushing edges back to what was originally there and trying to allow the fields to exist along with a perimeter trail. B.Howell noted the Commission is trying to restore grasslands. Mr. Reynolds expressed the need for improved signage and said the link on the website is broken. Mr. Reynolds wishes that changes made had been discussed with abutters.

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b. Budget

B.Goldsmith commented on the process for additional budget items other than funding at level service, i.e. Heard Farm renovation. Trail maintenance was mentioned. B.Monahan noted budgeting for land management and that he would like to extend seasonal labor hours; other towns actually have full-time land management personnel.

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

a. 20 Forty Acres Drive; DEP File 322-799

B.Monahan noted there were issues of non-compliance with the Permit including inspection reporting requirements which will be noted and the Performance Guarantee will be affected.

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

16. Request for Performance Guarantees or Other 53G Funds

a. 21 White Road, DEP File 322-800

B.Monahan reported that a site visit was conducted and plantings were difficult to ascertain. S.Greenbaum will propose a site visit with the previous homeowner to review plantings.

b. 33 Bayfield Road; File D-838

Motion to return the \$500 performance guarantee; Seconded 6-0

c. Brite Excavating – 8 Hill Street Peer Review funds; File D-843

Motion to return the \$1560 fee for consulting services; Seconded 6-0

17. Correspondence/Expenditures

18. Adjournment

Motion to adjourn at 11:00pm; Seconded 6-0

The next Conservation Commission Meeting is scheduled for **Wednesday, October 22, 2014** in the Wayland Town Building.

**TOWN OF WAYLAND
MASSACHUSETTS
CONSERVATION COMMISSION**

LIST OF PUBLIC DOCUMENTS PROVIDED TO THE CONSERVATION COMMISSION

September 19, 2014 to October 9, 2014

September 22, 2014

Maintenance Notification/proposed structure maintenance within electric ROW from NSTAR
322-810 Condition response / inspection reporting for 119 Dudley Road from
D-843 Notice re: hearing notes/minutes for 8 Hill Street hearing from T.Grassia, Esquire
Introduction of full-service environmental research consulting firm from Applied Geospatial Analytics
D-847 Abutter support letter for construction project at 2 Cameron Road from M/M Askin
Booklet "Massachusetts Archaeology Month" from T.Largy
RDA for groundwater investigation at 430 Boston Post Road for Raytheon Co. from ERM
Notice of Intent for Route 27/Route 30 roadway improvements from The Engineering Corp.
RDA for deck/spa addition at 15 Pemberton Road from Todd Mabe
D-840 Amendment filing for 11 Three Ponds Road from Stamski & McNary
RDA for septic project at 234 Stonebridge Road from David Lioce

September 23, 2014

D-825 Letter re: CoC filing outcome at Registry of Deeds for 113 Dudley Road from J.Ogletree
ZBA Notices for Site Visit (10/7/14) and continued hearing (10/14/14) for 124 Lakeshore Drive
ZBA Notice for continued hearing 10/14/14 for 11 Morse Road

September 25, 2014

322-744 Recording data for Town Center Off-site Certificate of Compliance from Sarah Orlov, Esq.
D-838 Request for return of performance guarantee for 33 Bayfield Road from W.Morss

September 29, 2014

322-499/729 Request for CoC for 10 Old Sudbury Road from Drake Associates
322-824 Inspection Report on 37 Rich Valley Road from The Jillson Company
ZBA Hearing Notice for 10/14/14 re: 15 Mitchell Street
ZBA continued hearing notice for 10/14/14; 180 Oxbow Road

September 30, 2014

DEP Motion for Summary Decision WET 2014-012 from M.Lanza
322-823 Letter re: condition 12 of Permit for 68 Lakeshore Drive from The Jillson Company, Inc.

October 1, 2014

ZBA Decision – 35 Sycamore Road
322-804 Planting plan for 9 Reservoir Road from Joe and Melissa Hicklin
322-816 Inspection Reports for River Trail Place from Sullivan, Connors

October 2, 2014

322-710 Inspection Report on Fieldstone Estates from H2O Engineering
322-828 Updated Plan set and Stormwater O&M Plan for 113 Concord Rd from Metrowest Engineering

October 3, 2014

Letter dated May 2014 from URS to Linda Segal re: New England Sand and Gravel Site
322-770 Performance guarantee and planting plan for 10 Covered Bridge Lane from B.Stevens

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October 6, 2014

322-826 Letter of NOI withdrawal for 7 Lincoln Road from Rubin and Rudman LLP

322-808 Inspection Reports for DPW Facility from Weston & Sampson, Inc.

October 7, 2014

D-847 Letter outlining proposed changes to 2 Cameron Road project from P.Greiff

D-849 Plans for proposed deck/spa at 15 Pemberton Road from Drake Associates

October 9, 2014

D-849 Plans for proposed deck/spa at 15 Pemberton Road from T.Mabe (duplicates; rec'd 10/7)

D-851 Request for continuance of 74 Sears Road RDA from Grady Consulting

LIST OF EXPENDITURES September 19, 2014 to October 9, 2014

No items to report