

# WAYLAND CONSERVATION COMMISSION

Minutes, Thursday, June 26, 2014 7:40 – 11:02PM

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

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

**Not present:** Bob Goldsmith

**Minutes:** Andrea Upham

A.Irwin opened the meeting at 7:40PM noting that a quorum was present.

1. **7:40pm – Citizens Time:** This is a time for input to the Commission regarding items that are *not* on the agenda.

No comments were offered.

2. **Heard Farm Discussion – Meeting with volunteers**

Mats Borgestedt and John Hines were present for the discussion. B.Monahan introduced Mr. Borgestedt noting that he has taken the work at Heard Farm to a new level. Mr. Borgestedt responded that many people have worked hard. B.Monahan noted that Mr. Borgestedt has done a great job around the new orchard and opened it up more than it has been in 20-30 years. Discussion ensued on work done and equipment used by Mr. Borgestedt.

B.Monahan shared that Bill Green and Nicky Patterson were not present for the meeting and commended them for the volume of work they have accomplished on the orchard, trails and other areas at Heard Farm.

B.Monahan noted that John Hines is the Conservation Commission's go-to birder who keeps the Commission up to date on bobolinks and the presence of many other bird species on Conservation lands. Mr. Hines noted that Heard Farm is in the top five sites in Massachusetts for bobolinks with the presence of 25-30 males and 40 females, with Greenways and Cow Commons also having the presence of bobolinks.

Mr. Hines provided some insight on the balance of fresh hay and nesting birds, noting a conflict with the farmer wanting to mow fresh hay when it contains more nutritional value, but the nesting birds will be wiped out if mowing occurs in early June. He noted a ten-day incubation period, after which the bobolinks remain in the grass for two weeks or so before flight. Mr. Hines noted that the species of grass used can affect when mowing is done and the birds prefer larger fields away from edges. B.Monahan commented that the different species of grass is an intriguing subject to research. Discussion ensued on possible approaches. B.Monahan suggested a possible capital plan that would allow the Commission to plow and reseed every five years. Mr. Hines noted the future economic viability of a conservation restriction on Mainstone Farm and the conflict of grass and nesting birds. A.Irwin suggested the Commission designate places where we allow activity and where we don't. R.Backman asked about signage, which B.Monahan noted already exist. R.Backman noted needing signage at Cow Common.

**Approved: August 28, 2014**

Page 2

**3. Ken Moon Award Announcements for 2013 and 2014**

A.Irwin read aloud the history and significance of the Conservation Commission's Ken Moon Award and explained that the Commission wishes to announce the new award recipients. A.Irwin announced that the 2013 Ken Moon Award recipients are Mats Borgstedt and Nicky Patterson and the 2014 Ken Moon Award recipients are John Hines and Bill Green. All award recipients were applauded and thanked for their contributions.

S.Greenbaum asked Mr. Hines if there would be interest in an early-morning bird walk on Lincoln Field. B.Monahan asked about timeframe and suggested nighthawks be considered. Coordination was suggested through B.Monahan via email.

- 4. 8:20 pm - Public Meeting, Town of Wayland/Wayland Representative MCRT, Applicant, MBTA Right of Way ("ROW"), D-842:** Request for Determination 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 the Town of Wayland/Wayland Representative MCRT. The applicant is proposing the removal of the iron rails and wooden ties, flattening of existing ballast, and installation of a 4-inch crusher run and 2 inches of stone dust (plus or minus) surface that will cap the 12-foot right-of-way and serve as the Rail Trail's wearing surface on the MBTA Right of Way from Route 126 to the Weston Town Line shown on Assessor's Map 99, Parcel 001. Portions of the work are within riverfront area and buffer zone.

**B.Monahan announced the withdrawal of the MBTA Right-of-Way Rail Trail application.**

- 5. 8:30 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 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.

A.Irwin noted that due to the scope of the project to expand the septic system from 3 bedrooms, there was a need to re-advertise the hearing. S.Morrison of EcoTec was present for the discussion along with Amy Kwesell, Esq of Rubin & Rudman, Jay Lavoie of Jillson Company and Laurie Dolan, Realtor.

Mr. Morrison addressed the plan and pointed out resource areas. A.Irwin noted that the delineations were already set and the Commission will now address the activity. Mr. Morrison reviewed the project: Only a small portion of land is outside Conservation jurisdiction - a small wedge which he noted on the plan. Placing the system outside Conservation jurisdiction was looked at as an alternative but trenching would impact Hazel Brook and other resource areas which would be too impactful. The proposal is for the installation of a 5-bedroom septic system. The house is a 3-bedroom home stripped to the studs and approval of the septic is being sought to sell the property. Ms. Dolan noted exploring the possibilities of 3, 4, or 5 bedrooms.

Approved: August 28, 2014

Page 3

A.Irwin expressed concern that the scope of the project will restrict the structure to the direction of the size of the system. A.Irwin noted alternative analysis under the state regulation and issue under the local Bylaw and said that the scale of the project for overall development isn't being given consideration in the analysis. A.Irwin reported that the Commission's concern is the size of the system and expansion away from the resource areas will be tricky. Ms. Dolan noted that it was reasonable for expansion of any structure to go straight up. A.Irwin noted long-term concerns for ultimate development as well as meeting criteria for feasibility noting that the Commission's objective is protecting riverfront and though the septic is out of the inner riparian, the existing structure is not.

Ms. Kwesell informed the Commission that they do not plan to install the system but are just permitting right now based on a fiduciary duty to the trust to try to make the most of the property and noted that the plan had Board of Health approval. A.Irwin commented that the project gives no permission for alteration of the structure and the ability to install would be contingent on the approval of expansion/modification of the structure by the Commission. Ms. Kwesell noted that a Notice of Intent would have to be filed for any construction. A.Irwin commented that segregation of the septic from the building leaves the Commission with putting a constraint on the feasibility on an alternate form of modification to the property, which hampers the Commission's objective. A.Irwin addressed holding off on installation until the time of home construction; Ms. Kwesell responded that she doesn't know how that's possible. B.Monahan noted that the house is deteriorating and they had the right under the Wetlands Protection Act to do a 3-bedroom system repair. B.Monahan added that the house is in the inner riparian zone. Ms. Kwesell reported that 3% of riverfront is all that's being disturbed with the proposed septic system.

Mr. Morrison suggested possible conditions that any future work requiring alternatives analysis address existing condition prior to this application. A.Irwin suggested consideration of land put into permanent protection with established Conservation restriction area and buildable area. Mr. Morrison noted that they would have no idea what a future buyer would want. B.Monahan noted concern with the potential of the lot being cut/divided. A.Irwin noted that there is a percentage of alteration issue and if the lot should get divided the Commission wants to protect its interest of overall development on the lot by getting that protection now and added that the issue of future protection is covered in the Wetlands Protection Act. A.Irwin asked about consideration given to alternative systems and commented that the Commission could deny the application based on the project not satisfying Bylaw requirements and unduly constraining the required alternatives analysis for any expansion of the building. B.Monahan noted the Commission could put findings to that effect in the decision. A.Irwin commented that the necessity to expand the system is the weak point and the alternative of a 3-bedroom system was not considered. Ms. Dolan noted that the project is feasible to do now because of a flood that had occurred previously in the house. A.Irwin responded that a 5-bedroom system is not needed as part of the feasibility.

A.Irwin summarized that Title V explains repair/replacement and riverfront carve out is not for expansion. Ms. Kwesell commented that up to 10% of riverfront disturbance is allowed in regulations and they are only asking for 3%. A.Irwin responded that it's not a right to develop 2% or 10%; it is a Commission responsibility to review and decide. Mr. Morrison asked if A.Irwin is asking for 0% impact and A.Irwin asked why there is a need to encroach on the riverfront. Mr. Morrison noted no requirement to prove necessity in alternatives analysis. B.Monahan commented that the Commission can permit but wording would suggest issue with feasibility of a 5-bedroom house. A.Irwin asked what the project is offering for mitigation for protection of riverfront. Mr. Morrison noted that plantings were discussed at the last meeting and they are happy to amend based on Commission

**Approved: August 28, 2014**

Page 4

requirements for replanting. Mr. Morrison noted between four and six trees to come down in the 26-28" size range. Discussion ensued on tree planting schedule and limit of lawn. A.Irwin noted that the Commission looks for mitigation, such as lawn becoming a naturally vegetated area. Ms. Kwesell noted that they have worked hard to try to fit this project within regulations. A.Irwin asked if they are out of the inner riparian and Ms. Kwesell responded that they are.

A.Irwin noted to the applicant that this will be his last Conservation Commission meeting and then encouraged the commissioners to decide what protections are necessary moving forward. B.Howell noted no further alteration of the riverfront. A.Irwin read a May 2008 passage in the regulations, (paragraph 10.58D) concerning no significant adverse impact and the 200-foot riverfront area concerning the need for a 100-foot wide area of vegetation to be provided. Ms. Kwesell noted that her letter to the Commission addressed the 100-foot corridor. A.Irwin noted the Commission's ability to interpret the Bylaw noting where the regulation says we "may" rather than "must" allow. Mr. Lavoie commented on alternative systems such as Cultec/Elgin/Presby, which are stoneless systems that tend to fail earlier than conventional systems. He noted that the Elgin mimics stone as much as possible but is taller than the leaching bed so breakout is greater. He further noted that size could be reduced by removing capacity for the garbage grinder and pulling system in and perhaps saving a tree. A.Irwin noted that that the alternatives analysis wasn't in the application for lesser impact and mitigation. Mr. Morrison noted that the Commission seems to be asking them to look at this further. B.Monahan noted that the decisions stipulate no garbage grinders. A.Irwin suggested getting a waiver and downsizing the field. The applicant confirmed permission to continue the hearing.

**Motion to continue the hearing to July 17, 2014 at 7:35pm under the Wetlands Protection Act;**  
**Seconded 6-0**

**Motion to continue the hearing to July 17, 2014 at 7:35pm under the Chapter 194 Bylaw;**  
**Seconded 6-0**

6. **9:30 pm - Discussion – Proposed Change in Landscaping River Trail Place; DEP File No. 322-818**  
A.Irwin noted the Commission needs to decide whether or not the proposed change is minor. Brendon Giblin and Brian Card of Brendon Homes were present for the discussion. Mr. Card noted they are trying to get back to what was established as the limit of work. Photos of existing conditions were shared. B.Monahan noted the approved plan was shown as meadow mix. Mr. Giblin reported they are not sure how the engineers moved the line in and they are not looking to get past the initial line. Mr. Giblin explained that the pavement came to where the tree line is, which was shown on the plan, though somehow the line became more restrictive and they just want to get back to the initial line. A.Irwin asked Mr. Dougherty if regrind material was taken out prior to placement of the mulch and Mr. Dougherty confirmed that it was. B.Monahan asked what differentiates lawn to meadow. Mr. Giblin responded that plantings would be a good transition. B.Monahan noted that this would be an amendment worthy item as equal or lesser impact.
7. **Break**  
Cake was served to celebrate Chairman Andy Irwin's 18 years of dedicated service to the Conservation Commission and the Town of Wayland.
8. **Other**

**Approved: August 28, 2014**

Page 5

a. Town Center O&M Plan DEP File No. 322-701

Frank Dougherty was present for the discussion. A.Irwin noted it can be approved with changes discussed. A.Irwin noted the notification provision in item #33 that if the basin doesn't work the Conservation Department needs to be notified and Mr. Dougherty said he will add that. B.Monahan asked about snow pile areas and Mr. Dougherty said they will be in color and easier to see. B.Howell said the Conservation Commission should be notified of change of ownership. B.Monahan noted that snow removal shall conform to the DEP stormwater handbook. Items noted were 33, 41, 42, 48, 37; Mr. Dougherty will work with B.Monahan to finalize. R.Backman asked where the O&M Plan will be and Mr. Dougherty said in the hands of the property manager.

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

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

Mr. Dougherty reported that the Basin 3 pipe was fixed but is still not working properly; weeds were pulled but they need to scarify sand; will get it working. B.Monahan noted that two are sand basins and two are detention basins so different maintenance requirements exist.

A.Irwin discussed Mr. Griffin's "conforms w/plans" responses lack specificity. Mr. Dougherty noted he had already discussed this with Mr. Griffin. Mr. Dougherty noted the need to take steps to monitor the sand filter and come back to the Commission. S.Greenbaum asked if a peer review might be needed. A.Irwin noted that David Faist could be available. A.Irwin asked if berm was supposed to be permeable and Mr. Dougherty said yes, and it works, but there is a weak point. Mr. Dougherty said they can't pull the pipe until maintaining sand filter correctly. A.Irwin noted it is common for filters to accumulate silt which reduces permeability and frequency of maintenance needs to be determined. Mr. Dougherty noted they can put some rocks for energy dissipation on Basin 2 (going into forebay). B.Monahan indicated rocks might help and big stone won't be vacuumed out. B.Monahan commented that sand filter maintenance is to inspect once every six months and should be written into O&M.

A.Irwin inquired about the Basin 3 sediment in the inlet pipe; Mr. Dougherty confirmed cleaning all that out and will keep B.Monahan advised. R.Backman asked about the Town Green area, which Mr. Dougherty said he believes is grass and is hoping to note in Certificate that changed. A.Irwin asked if absence of the drain line to the municipal pad was going to negatively affect drainage and Mr. Dougherty said it would not. A.Irwin noted that the basin was designed to take the flow so permission to hook up is given to the Town. Mr. Dougherty noted that they only have to build everything on the plan if there is an adverse environmental impact not to build. A.Irwin suggested it created an obstruction that the Town would have to eliminate. Mr. Dougherty reported that the Town asked him to not install improvements there. Mr. Dougherty asked if it would be a note on the Certificate of Compliance rather than an amendment. A.Irwin said to make the argument that no environmental impact exists to not have the line there and why. If all agree that it is not critical, a notation can go on the Certificate of Compliance that it wasn't done.

Conservation Restriction discussion ensued. B.Monahan has comments and will send redline to F.Dougherty and then send off to State. Mr. Dougherty will send trail easement to the

**Approved: August 28, 2014**

Page 6

Commission and noted that next March will be the earliest for Basin 2 and 3. Mr. Dougherty requested a Partial Certificate of Compliance with further work required. S.Greenbaum noted there are substantial items outstanding and wouldn't consider that. A.Irwin acknowledged things that are done but confirmed that substantial items remain to be done.

**Motion to deny the issuance of a Certificate of Compliance under the Chapter 194 Bylaw without prejudice based on work remaining and to process when work is completed; Seconded 5-0**

The Basin and Conservation Restriction were noted as remaining to be done.

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

**Motion to issue Partial Certificate of Compliance with ongoing conditions under the Wetlands Protection Act; Seconded 5-0**

**Motion to issue a Partial Certificate of Compliance with ongoing conditions under the Chapter 194 Bylaw; Seconded 5-0**

Brief discussion ensued on the ongoing conditions and Mr. Dougherty noted to be careful they do not rest with a third party. A.Irwin said the property is owned by multiple parties. B.Monahan said the O&M Plan identifies responsibilities.

- c. 113 Dudley Road; File D-825

B.Monahan reported a minor erosion issue being addressed by the homeowner and this item will be addressed at a future meeting.

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

- a. Wayland Town Center; DEP File No. 322-701

**Motion to return \$15K of the performance guarantee; Seconded 5-0**

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

**Motion to return the performance guarantee; Seconded 5-0**

**11. Land Management**

- a. Question Regarding Mowing of North Field

Commission determined there is no need to deviate from the agreement reached with earliest mowing date of July 15.

**12. Minutes: April 17, 2014 (if ready) and June 12, 2014**

**Motion to approve the June 12, 2014 Minutes; Seconded 6-0**

**13. Compliance Updates**

- a. 10 Covered Bridge; DEP File No. 322-770

B.Monahan reported that a letter was sent outlining discrepancies.

**Approved: August 28, 2014**

Page 7

b. 25 Millbrook Road

B.Monahan noted that an email was received by him from the property owner.

a. Tree Replacement Schedule (for trees 24" or greater)

**14. Other - Tree Replacement Schedule (for trees 24" or greater)**

S.Greenbaum recalled earlier discussion that replacement of trees 24" or larger are to be determined by the Commission on a case-by-case basis during hearings. Although within the discretion of the Commission, the replacement schedule should not be less than that for trees 18-24".

**Motion that the policy for the cutting of trees over 24" dbh are to be determined by the Commission on a case-by-case basis during hearings and to be conditioned within the decision issued to the applicant but the Commission may require plantings in proportion to the cross section area at dbh; Seconded 5-0**

**15. Correspondence/Expenditures**

**16. Adjournment**

The Commission again expressed their deep appreciation for Chairman Andy Irwin's 18 years of dedicated service to the Conservation Commission and the Town of Wayland.

**Motion to adjourn at 11:02pm; Seconded 5-0**

The next Conservation Commission Meeting is scheduled for Thursday, July 17, 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  
June 13, 2014 to June 26, 2014**

**June 16, 2014**

322-770 Inspection Report for 10 Covered Bridge Lane from Samiotes  
322-816 Inspection Report for River Trail Place from Sullivan, Connors  
FY'15 Lot Subdivisions and Combinations from Town Assessor  
ZBA hearing notice for June 24, 2014 (24 Glezen Lane)

**June 17, 2014**

322-826 NOI Addendum narrative for 7 Lincoln Road from Rubin & Rudman LLP  
Letter from Selectmen to R.Backman confirming reappointment to ConCom  
Letter from Selectmen to J.Sullivan confirming reappointment to ConCom  
Notice to Start Work at 102 Lakeshore Drive from Keystone Development

**June 18, 2014**

322-794 Inspection Report on DPW Facility from Weston & Sampson  
322-701 Letter detailing Town Center Detention Pond Repairs from Griffin Engineering

**June 20, 2014**

322-701 CoC Request addendum/deletions for Town Center On-site from F.Dougherty

**June 24, 2014**

322-744 CoC Request for Town Center Off-Site from Griffin Engineering  
D-838 Notice to Start work/performance guarantee for 33 Bayfield Road from W.Morss  
Letter from M.Lanza to Land Court re: John Moss et al vs. Gary Lingley

**June 26, 2014**

ZBA Hearing Notice 7/8/14 (2 Eden Road, 12 Priscilla Path, 533 Boston Post Road)  
322-816 Inspection Report on River Trail Place from Sullivan, Connors  
322-710 Inspection Report on Fieldstone Estates from H2O Engineering

**LIST OF EXPENDITURES     June 13, 2014 to June 26, 2014**

6/26/14	<i>Richey &amp; Clapper (chain loop)</i>	\$ 24.99
	<i>Richey &amp; Clapper (trimmer)</i>	255.16
	<i>Gatehouse Media (Wayland Town Crier subscription)</i>	62.40
	<i>Forestry Suppliers (misc. land management tools/supplies)</i>	427.25
	<i>Northeast Sanitation (portable toilet rental for Community Garden)</i>	108.44
	<i>Country Home Products (belt, fuel line, filter for lawn tractors)</i>	159.93
	<i>Sudbury Lumber (lumber, bit and screws)</i>	317.44
	<i>GZA Environmental, Inc. (Snake Brook Dam inspection)</i>	1850.00
	<i>Paul L. Brackett Associates, Inc. (removal of two dead Maples)</i>	1200.00
	<i>TI Sales (plumbing and flag markers)</i>	145.70