

WAYLAND CONSERVATION COMMISSION

Minutes, Wednesday, August 5, 2015 7:15 – 10:03PM

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

Present: Commissioners: Roger Backman, Joanne Barnett, Sean Fair, Barbara Howell, Betty Salzberg (7:20pm), Chairperson: Sherre Greenbaum, Conservation Administrator: Brian Monahan

Not present: John Sullivan

Minutes: Andrea Upham

S.Greenbaum opened the meeting at 7:15pm noting that a quorum was present and welcomed Sean Fair as a new member of the Conservation Commission.

1. **7:15 p.m. – Citizens Time: This is a time for input to the Commission regarding items that are not on the agenda.**

No comments were offered.

2. **Land Management Item: Discussion of Commission planning process for management of Rocky Point Conservation Area.**

S.Greenbaum initiated discussion on Rocky Point, the second newest conservation area. Some high school students and teachers were at the site during Community Service day and the Commission has since discussed potential plans for the area with suggestions of adding a picnic table and/or bench. Canoe storage at the site is not allowed though S.Greenbaum noted that one sailfish remains. Signage for the area is currently being designed. The Dudley Area Advisory Committee's recommendations previously made to the Selectmen were reviewed and discussed, which among other things recommended passive uses and excluded motorized vehicles.

S.Greenbaum suggested further discussion on the next agenda with notice to be provided to Lisa Jacobs to share with the members of the Dudley Pond Association who may have interest in attending. B.Monahan will send GIS information to the Commission in preparation for discussion of recommendations for the conservation area.

3. **7:30 pm – Public Hearing, Peter Normandin, JEKN LLC, Applicant, 7 Lincoln Road, DEP File No. 322-844:** Notice of Intent filed pursuant to the Wetlands Protection Act and a Chapter 194 application filed pursuant to Wayland's Wetlands and Water Resources Protection Bylaw, Chapter 194, filed by Peter Normandin, JEKN, LLC for the replacement of a three-bedroom septic system with associated site work within the riverfront area of Hazel Brook at 7 Lincoln Road, Wayland, MA shown on Assessor's Map 11, Parcel 083.

Kevin O'Leary of The Jillson Company was present for the discussion along with Peter Normandin, Applicant. Mr. O'Leary summarized: The site of 4.6 acres is at the corner of Lincoln/Concord Roads with Hazel Brook crossing the property. The property was processed under an ANRAD a couple of years ago and subsequent to the ORAD issuance a 5-bedroom septic filing was made which the Commission rejected. This Notice of Intent is for septic construction of a 3-bedroom design from the purchasers of the property less than a year ago. The title is held by JEKN LLC. Six trees are planned for removal with replacement trees provided. The Applicant confirmed that no work outside has been started with current work only on the interior of the home.

S.Greenbaum reviewed waivers. Mr. O'Leary explained that the tree waiver request is due to the plan only showing the trees impacted rather than all trees on the property being included, and the limit of lawn waiver was due to the difficulty in discerning the line due to overgrowth. B.Monahan noted the need to keep a 15' on-average no-disturb. B.Monahan noted that conditions on lawn and limitation of further alteration of riverfront will be included in the Commission's decision. Mr. O'Leary noted the 16C (checklist) partial waiver for lawn area. B.Monahan suggested that waivers can be granted and the lawn can be addressed in the Commission's decision with language to include that if creating lawn in the southeast corner, the protected area of the first 100 feet of riverfront should be extended to offset any lawn expansion. Mr. O'Leary reported that he believed that the Board of Health had not formally approved the application and believed it was a staff decision rather than the Board. B.Monahan noted they had previously approved the 5-bedroom application which the Commission rejected. B.Monahan commented that in general the profile of the new proposed septic project is not necessary because it will be at grade.

Waivers 2, 6 and 16 – partial

Motion to grant waivers; Seconded 6-0

Waiver 7 – waiving requirement to show on the plan though lawn area regulations remain

Motion to grant waiver; Seconded 6-0

Waiver 10 – since not a raised system

Motion to grant waiver; Seconded 6-0

Mr. O'Leary further summarized: All resource areas on the plan are the same as approved on the Commission's ORAD. There is 166K square feet of combined riverfront area in total and with the 10% being 16K but this proposal comes in well under at 11K disturbance (4K permanent and 7K temporary). Erosion control barriers were shown on the plan along with planting areas. Alternative analysis was done and the location of the system was reviewed extensively and the proposal is the best location given contouring, soils, location of mature trees, etc. S.Greenbaum asked where alternatives were and Mr. O'Leary showed areas on the plan where additional soil testing took place and noted that other systems looked at were described in the alternatives analysis narrative. B.Monahan noted that the application indicated no intent to alter on the south side of the brook. S.Greenbaum confirmed that wording noting that the opposite side of Hazel Brook would remain unaltered will be in the Commission's decision. B.Howell noted there should be no garbage disposal. Discussion ensued on the timing of closing the hearing given Board of Health approval not yet confirmed. B.Monahan cautioned that if there are any changes that result which fall under the Commission's jurisdiction, they would need to return to the Commission for discussion. B.Salzberg noted the Commission's concern about any future subdivision and their desire to protect the south side of Hazel Brook. Mr. O'Leary noted that the homeowner should still be able to alter the property on the north side with future filings to the Commission. B.Monahan noted that while there is wording about future alteration, there are examples of work which could be pursued in the future; for example, a shed might be pursued in the future and could be a filing considered by the Commission. Discussion ensued on whether to close the hearing which the Applicant desired. B.Monahan reviewed general requirements which are noted in decisions and noted that the Commission will vote issuance of the decisions at their next meeting.

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

4. **8:10 pm – Public Meeting, Alan Lau, Applicant, 15 Langdon Road, File D-863:** Request for Determination of Applicability filed pursuant to the Wetlands Protection Act and a Chapter 194 application filed pursuant to Wayland’s Wetlands and Water Resources Protection Bylaw, Chapter 194, filed by Alan Lau to replace and enlarge an existing deck from 14’x16’ to 14’x24’ at 15 Langdon Road, Wayland MA shown on Assessor’s Map 52, Parcel 007.

Mr. and Mrs. Lau were present for the discussion. B.Monahan noted that the Commission had conducted a site visit at the property; the deck is located within a large area of lawn. When asked about footings, Mr. Lau responded that two more footings would be needed. B.Monahan noted that six inches of stone will be required underneath the deck for drainage. R.Backman noted that footings should be dug by hand. B.Monahan noted that a truck on site would be difficult and noted no heavy equipment should travel over the septic system. It was noted that no trees are being cut.

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

5. **8:15 pm – Public Meeting, Kenneth Snyder, Applicant, 4 Acorn Lane, File D-864:** Request for Determination of Applicability filed pursuant to the Wetlands Protection Act and a Chapter 194 application filed pursuant to Wayland’s Wetlands and Water Resources Protection Bylaw, Chapter 194, filed by Kenneth Snyder to replace and enlarge an existing deck 16’x23’ feet on one side and 12’x23’ on the other and add 5 new footings at 4 Acorn Lane, Wayland MA shown on Assessor’s Map 11, Parcel 031.

Mr. and Mrs. Snyder were present for the discussion. B.Monahan noted the Commission had conducted a site visit and explained that six inches of stone underneath the deck to promote drainage will be required and for footings (five or fewer) the soil should be taken away from the site. B.Monahan indicated he will visit the site to inspect during the project.

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

6. **8:25 pm - Continued Public Hearing, David Todd, Applicant, 90 Dudley Road, DEP File No. 322-8??:** Notice of Intent filed pursuant to the Wetlands Protection Act and a Chapter 194 application filed pursuant to Wayland’s Wetlands and Water Resources Protection Bylaw, Chapter 194, filed by David Todd, 90 Dudley Road, Wayland, MA, for the repair/replacement of the existing failed septic system and for construction of a 12’ x 12.5’ addition to the existing home at 90 Dudley Road, Wayland, MA shown on Assessor’s Map 47A, Parcel 62.

The Applicant requested a hearing continuation to August 26, 2015.

**Motion to continue the hearing to August 26, 2015 at 8:00 pm under the Wetlands Protection Act;
Seconded 6-0**

**Motion to continue the hearing to August 26, 2015 at 8:00 pm under the Chapter 194 Bylaw;
Seconded 6-0**

7. **8:25 pm – Continued Public Hearing, Ben Stevens, Trask Development, 32/34 Covered Bridge, DEP File No. 322-843:** Notice of Intent filed pursuant to the Wetlands Protection Act and a Chapter 194 application filed pursuant to Wayland's Wetlands and Water Resources Protection Bylaw, Chapter 194, filed by Ben Stevens, Trask Development for the construction of two single-family homes, each with an attached two-car garage located at 32/34 Covered Bridge Lane and the first 100 feet of driveways for proposed houses located at 35 and 31 Covered Bridge Lane, Wayland, MA shown on Assessor's Map 35, Parcel 030P.

Alicja Zukowski of Samiotes Consultants and Ben Stevens, Trask Development, were present for the discussion. S.Greenbaum thanked Ms. Zukowski for providing the comparison table depicting lots and addresses which was very helpful. Ms. Zukowski pointed out that trees to be removed were noted on the plan. B.Monahan explained that required replacement plantings do not need to be in the exact area of tree removal. B.Howell asked about trees with respect to change in grade, which Ms. Zukowski explained. B.Monahan discussed trees, grading and the stone wall along the 30' no-disturb. Sediment erosion control was discussed as either a mulch sock or the combination of straw wattles/filter fence. B.Howell noted the catch basin location at the end of the driveway and expressed concern with snow. Ms. Zukowski said the catch basin is connected to a dry well. B.Monahan discussed the Cape Cod berms and noted snow plowing would have an effect on that style berm. Ms. Zukowski discussed replacing the berm with grading. Mr. Stevens noted they intend to build a section so heavy equipment isn't coming into other driveways in the area in the future.

S.Greenbaum noted that the area backs up to the open space parcel and asked about the condo docs and whether they show the restrictions on open space. S.Greenbaum also asked if there is a Conservation Restriction. Mr. Stevens said a second amendment is getting added to HOA to every lot which references this plan and the old and new ORAD numbers. Mr. Stevens said they are currently doing a deed restriction and read an excerpt of the language. S.Greenbaum commented that she thought the open space parcel was to be owned by the Homeowners' Association (HOA) with a conservation restriction held by the Commission and read the provision from the 2006 Planning Board decision to that effect. Mr. Stevens responded that there were multiple options for open space and it was Mr. Hamlen's preference to deed the open space parcel to SVT although it hasn't been done yet. S.Greenbaum noted the Commission would like to see the open space parcel protected either as provided in the Planning Board decision or a transfer to SVT. B.Monahan commented that the 30' no disturb for each parcel is a different matter. S.Greenbaum noted that something needs to happen rather than it being left open. Mr. Stevens noted his intent to close the matter as quickly as possible. R.Backman commented that it was supposed to have been in place before any work was started. Discussion ensued about dealing with the lack of protection of the open space parcel in a decision or Certificate of Compliance. B.Howell said there should be a finding about the change in wetlands.

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

B.Monahan noted that the vote to issue a decision will be handled at the next meeting.

8. **8:50 pm – Continued Public Hearing, Michael Staiti, Applicant, 5 Erwin Road, DEP File 322-846:** Notice of Intent filed pursuant to the Wetlands Protection Act and a Chapter 194 application filed pursuant to Wayland’s Wetlands and Water Resources Protection Bylaw, Chapter 194, filed by Michael Staiti for and addition to an existing house in the buffer zone at 5 Erwin Road, Wayland MA shown on Assessor’s Map 32, Parcel 12.

Mr. Staiti noted that he had provided an abutter with information on the project. B.Howell noted the presence of a sprinkler in the septic area. B.Monahan responded that the DPW is slowly catching up with Irrigation Bylaw.

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

B.Monahan noted that the vote to issue a decision will be handled at the next meeting

9. **Return of Deposit for Consulting Services**

- a. 26, 32, 35 Covered Bridge Lane, DEP File No. 322-830

Motion to return the remaining \$240 balance of the deposit for consulting services to the Applicant; Seconded 6-0

10. **Other**

- a. Minutes –April 30, 2015, June 4, 2015, June 25, 2015 and July 15, 2015

Motion to approve the April 30, 2015 Minutes as amended; Seconded 6-0

Motion to approve the June 4, 2015 Minutes as amended; Seconded 6-0

Motion to approve the June 25, 2015 Minutes as amended; Seconded 6-0

Motion to approve the July 15, 2015 Minutes as amended; Seconded 6-0

11. **Land Management**

- a. Mainstone Farm Site Visit – S.Greenbaum reminded the Commission that the site visit is scheduled for next Tuesday at 9AM. B.Monahan is unable to attend. Commissioners should meet at the Town Building back lot at 8:50AM to carpool.

12. **9:00 pm – Public Hearing, Jeffrey Capello, Applicant, 14 Oxbow Road; DEP File No. 322-847:**

Notice of Intent filed pursuant to the Wetlands Protection Act and a Chapter 194 application filed pursuant to Wayland’s Wetlands and Water Resources Protection Bylaw, Chapter 194, filed by Jeffrey Capello, for a proposed 338 square-foot addition with an increase in bedrooms from 4 to 6 at 14 Oxbow Road, Wayland, MA shown on Assessor’s Map 4, Parcel 052.

Jeffrey Capello, Applicant, and Paul Carey from Samiotes Consultants were present for the discussion. Mr. Carey summarized the proposed project to renovate and expand living space up one level with much of the work above the existing house. To accommodate the extra flow from four to six bedrooms, they have designed a new septic, renovating the 1000-gallon pump chamber to be the secondary tank. Resource areas were reviewed, including a stream which Mr. Carey noted is considered perennial under c.194. Erosion controls were shown on the plan. B.Monahan confirmed the Commission had conducted a site visit today. B.Howell noted that no waiver requests were made but there is no datum noted on the plan. Mr. Carey explained that

there is a need to go out and do a plot plan and he will then add the datum. B.Monahan asked if the contours used assumed datum. Mr. Carey said he will do a field survey and transfer information into the plan. B.Monahan noted it is important for real elevation data. B.Salzberg noted language from the application stating "therefore an alternatives analysis is not required..." B.Monahan noted that it is a requirement and that he can send an excerpt from the regulations to Mr. Carey as to how to address alternatives analysis under the Bylaw. B.Howell noted an existing shed in the 30' no-disturb and a garden and pipe that goes into the stream. Mr. Capello noted that it was there when he purchased the property. B.Monahan suggested they come up with a way to get the pipe out of the stream. B.Monahan mentioned moving the shed as mitigation. Mr. Capello noted the proposal involves no trees being cut and includes limited expansion as far from the river as possible. B.Monahan asked when the plot plan would be available and Mr. Carey said within the next week or two. B.Monahan suggested Mr. Carey add datum and deliver it to him for the Commission along with the alternatives analysis within two weeks so the Commission has time to review it before the next hearing. B.Monahan said to think of drainage mitigation for impervious surfaces. B.Monahan suggested they may wish to add a berm to the driveway as part of the project to divert flow.

Michael Price, abutter at 11 Oxbow Road, commented that he is excited to see the final product and happy to have a responsible party such as Mr. Capello managing the project.

**Motion to continue the hearing to August 26, 2015 at 8:20 pm under the Wetlands Protection Act;
Seconded 6-0**

**Motion to continue the hearing to August 26, 2015 at 8:20 pm under the Chapter 194 Bylaw;
Seconded 6-0**

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

a. 10 Covered Bridge Lane, DEP File No. 322-770 – deferred

b. 107 Dudley Road; DEP File No. 322-836 and 322-309

**Motion to issue a partial Certificate of Compliance under the Wetlands Protection Act for
DEP File 322-309; Seconded 6-0**

**Motion to issue a Certificate of Compliance under the Wetlands Protection Act for
DEP File 322-836; Seconded 6-0**

**Motion to issue a partial Certificate of Compliance under the Chapter 194 Bylaw for
for DEP File 322-836; Seconded 6-0**

c. 2 Cameron Road, File D-847

B.Monahan recommended issuance with a note that the narrative was not prepared by the engineer.

Motion to issue a partial Certificate of Compliance under the Chapter 194 Bylaw; Seconded 6-0

d. 1 Winthrop Terrace; DEP Files 322-541 and 322-839

B.Monahan noted the Commission had conducted a site visit and recommended deferring a vote for a few weeks to see if grass is growing.

14. Other

a. Pelham Island Road Work Update; File D-860

S.Greenbaum reported that the Commission approved a project for an emergency repair with 100' of work which included the condition that road patching was allowed from Heard Road to the Sudbury line, but instead the road was resurfaced to Jeffrey Road. In addition, the Commission's decision said that the road shall be no wider than 22' including cement blocks to stabilize the shoulder. S.Greenbaum measured and found that the road is 20' and the blocks are 2' but there is one foot in between with compacted material so now the road measures 23'. B.Monahan noted that they were not permitted to fill floodplain and there is a need for compensatory flood storage if floodplain is filled. The Commission agreed that a site visit with S.Kadlik should be requested. This was a violation and mitigation shall be required.

b. Town Center; DEP File No. 322-701

B.Monahan reported he is trying to get this wrapped up and met with F.Dougherty. B.Monahan noted he needs to see where we are on the CR and will circulate a summary of issues to the Commission. An amendment will be required removing the missing drainage from the municipal pad.

c. 181 Oxbow Road – B.Monahan reported that he hasn't had time to review but the property owner should file for an Amendment to the Order.

d. 75 Concord Road - B.Monahan issued a non-criminal citation and has received no response so will pursue the matter.

e. 105 Boston Post Road – B.Monahan will follow up.

f. 50 Rich Valley Road – B.Monahan will follow up.

g. Other – B.Monahan reported he is working with contractor on 41 Shaw Drive.

15. Land Management

b. Drainage from Glezen Lane to Cow Common

B.Monahan said the Commission should arrange a site walk and discuss with DPW that the design needs to be improved to avoid water going to Cow Common.

c. 246 Stonebridge Road Update

B.Monahan reported that the water line was cut with a stub left in place in the event the Commission desires a water bubbler/fountain in the future. S.Greenbaum noted that according to Beth Doucette, town procurement official, the Commission did not have to go out to bid for the work they are pursuing so can move ahead. B.Monahan noted that the addition of a boat ramp for canoes may be pursued in the future.

d. Open Space Plan Update

S.Greenbaum reported that B.Salzberg is the Commission's representative and the next meeting is scheduled for next week. S.Greenbaum will attend the Recreation meeting to discuss applying jointly to move forward with a warrant article through the CPC and the RFP process.

e. Rail Trail Updates

S.Greenbaum reported that J.Barnett is the Commission's representative and will be attending meetings. B.Monahan said that Eversource is talking about doing the NOI.

f. Other

John Hines reported on recent findings at Rocky Point of a rusty barrel with cans of paint and bottles and additional paint outside on the ground which seemed to suggest someone had used the area for a painting project of some kind. The Commission agreed that residents need to be responsible stewards of the land and method of communicating that message was discussed.

16. Adjournment

Motion to adjourn at 10:03pm; Seconded 6-0

The next Regular Conservation Commission Meeting is scheduled for **Wednesday, August 26, 2015** 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
July 16, 2015 to August 5, 2015**

July 16, 2015

Written notice of field mowing at 59 Lincoln Road from Robert Prestidge
RDA for deck project at 4 Acorn Lane from K.Snyder
322-843 Handout at hearing re: lots and area calcs for 32/34 Covered Bridge Lane from A.Zukowski

July 20, 2015

D-847 Request for Certificate of Compliance for 2 Cameron Road from P.Greiff
322-836 Request for Certificate of Compliance for 107 Dudley Road from GLM Engineering
322-843 Revised site plan, 32/34 Covered Bridge Lane and impervious table from Samiotes Consultants
Notice of Intent for home addition at 14 Oxbow Road from Samiotes consultants

July 22, 2015

322-710 Inspection Report for Fieldstone Estates from H2O Engineering
D-862 Response to DCR filing for repair at Lake Cochituate Gatehouse from NHESP

July 23, 2015

322-842 Inspection Report on 133 Plain Road from Green Hill Engineering

July 24, 2015

322-816 Inspection Reports for River Trail Place from Sullivan, Connors
322-541/839 Requests for Certificate of Compliance for 1 Winthrop Terrace from Sullivan, Connors

July 27, 2015

322-716 Update on formerly approved construction project at 181 Oxbow Road from David Osmond
D-840 Inspection Report for 11 Three Ponds Road from Stamski & McNary
322-824 Inspection Report for 37 Rich Valley Road from The Jillson Co.
322-699 Inspection Report for 371/373 Commonwealth Road from Schofield Bros.

July 28, 2015

ZBA Decision – 135 Boston Post Road permit renewal

July 29, 2015

322-794 Request for Certificate of Compliance for DPW Facility from Weston & Sampson

July 30, 2015

Partial package for RDA stairway/wall project at 55 Knollwood Lane from T.Dreher

July 31, 2015

322-834 Site Grading/Erosion Control Plan; rev. letter for 32/34 Covered Bridge Ln from Samiotes Consultants

**TOWN OF WAYLAND
MASSACHUSETTS
CONSERVATION COMMISSION**

August 3, 2015

322-839 Revised as-built plan for 1 Winthrop Terrace from Sullivan, Connors & Associates

Revised design plan for 90 Dudley Road from Sullivan, Connors & Associates

322-838 Letter to MassDEP requesting Superseding Order of Conditions for 8 Hill St. from EcoTec, Inc.

August 4, 2015

Response letter from David Burke re: Commission letter addressing concerns with work at 41 Shaw Drive

LIST OF EXPENDITURES July 16, 2015 to August 5, 2015

7/21/15	MACC (Annual Dues)	\$704.00
	Northeast Sanitation (community garden portolet)	101.63
	Richey & Clapper (quart oil, oil filter)	25.50
	Town of Wayland Water Dept. (Community Garden)	148.68
7/29/15	Richey & Clapper (fuel line, oil, misc. hardware)	61.57