

# WAYLAND CONSERVATION COMMISSION

Minutes, Thursday, September 10, 2015 7:15 – 10:22PM

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

**Present:** Commissioners: Roger Backman, Joanne Barnett, Sean Fair, Barbara Howell, Betty Salzberg,  
Chairperson: Sherre Greenbaum, Conservation Administrator: Brian Monahan

**Not present:** John Sullivan

**Minutes:** Andrea Upham

S.Greenbaum opened the meeting at 7:15 pm noting that a quorum was present.

1. **7:15 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. **Land Management Item: Pod Meadow and Beavers**

John Gregoire of the MWRA was invited to the meeting and present for the discussion. Mr. Gregoire provided a handout and explained that tonight's discussion relates to the Hultman Aqueduct and beaver impacts. Mr. Gregoire explained his role as Manager of the Dam Safety program and wildlife impacts and reviewed the photographs in the handout. S.Greenbaum asked if there is any way to manage the beaver problem with fencing. B.Howell commented on the population and how the pups thrive. Mr. Gregoire discussed the use of beaver deceivers which were utilized at the Chicopee Aqueduct and explained why that approach wouldn't work in this instance due to the proximity to the pipe. B.Howell noted the history of the Pod Meadow area over time. Mr. Gregoire noted that the area between Weston and the Hultman Aqueduct is owned by DCR and that the Commission as a land owner needed to be notified as part of the process. B.Monahan discussed the emergency certification. B.Monahan commented on a terraced area noting that the activity may be getting more prolific and asked Mr. Gregoire to keep us posted as to how many beavers are encountered. Mr. Gregoire said so far there have been two trapped. B.Monahan asked about the size of the culvert which he said is a four-foot box detailed on the drawing. Mr. Gregoire noted that this dam is on the line between town land and an easement. B.Monahan noted that GIS suggested that the stream is on state land. Mr. Gregoire said he will keep the Commission apprised.

3. **7:35 PM – Public Hearing, Devens Hamlen, Applicant, 35 Covered Bridge; 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 Devens Hamlen for the construction of a single-family home with attached garage and related site work located at 35 Covered Bridge Lane in Wayland, Massachusetts. Portions of the work are within the buffer zone. The property is shown on Assessor's Map 35, Parcel 030Q.

**Alicja Zukowski of Samiotes Consultants was present for the discussion.** Ms. Zukowski summarized: This is the last of the Covered Bridge lots to go before the Commission. The only difference is the shape of the building and the permeable pavers at the front of the garage. The septic is already approved and the beginning of driveway was already reviewed by Commission with the submission for Lot 6. Ten large trees all labeled by size are noted on the plan and a replacement planting plan will be submitted. Waivers requested related to information already

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provided for the other projects reviewed. B.Monahan asked if for this lot the impervious surface is less than the original design. Ms. Zukowski confirmed that is the case due to the permeable pavers at the front of the garage; the figure is 6394 square feet of impervious for Lot 7 after everything is done. B.Monahan asked if the retention basin was part of the proposal. Ms. Zukowski said they never had connection from the road into the retaining pond. B.Monahan noted he will check the DEP File 322-648 to confirm that it was approved but not built. It was noted that MassDEP had not yet assigned a file number for this application and Ms. Zukowski approved continuing the hearing.

**Motion to continue the hearing to September 24, 2015 at 7:40 pm under the Wetlands Protection Act;  
Seconded 6-0**

**Motion to continue the hearing to September 24, 2015 at 7:40 pm under the Chapter 194 Bylaw;  
Seconded 6-0**

**4. Other**

**a. Minutes – August 26, 2015**

**Motion to approve the Minutes of August 26, 2015 as amended; Seconded 6-0**

a. Annual Report - B.Howell completed her portion of the report well in advance of the request. B.Monahan will add his portion of the information and send out to the Commission for comment.

b. Mission Statement - Input was given by B.Monahan and some of the Commission members; he will compile all input and send to the Commission for review and comment.

**5. Request for Release of Performance Guarantees**

**a. 2 Cameron Road; File D-847**

**Motion to return the performance guarantee; Seconded 6-0**

**b. 6 Cross Street; File D-854**

B.Monahan was unable to visit the site; defer to the next meeting.

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

**a. DPW Facility – DEP File No. 322-794**

B.Monahan referenced the Record Plan (as opposed to As-built plan) submitted and noted that inspection reporting was done. The O&M Plan references mowing of the basin which didn't seem to be occurring based on his site visit. B.Monahan noted potential for Commission taking over basin maintenance if O&M Plan were amended B.Monahan noted needing verification of date of O&M and clarification, which is independent of the Permit but will be communicated.

**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**

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7. **8:05 PM – Public Hearing, Oxbow Development LLC, Applicant, 41 Shaw Drive, File D-865:** Chapter 194 application filed pursuant to Wayland’s Wetlands and Water Resources Protection Bylaw, Chapter 194, filed by Oxbow Development LLC seeking to define the area of jurisdiction on the property at 41 Shaw Drive, Wayland under Chapter 194. The property is shown on Assessor’s Map 39, Parcel 035.

**Peter Gammie, Civil Engineer, was present along with Richie Cormier and Al Litchfield of Oxbow Development; Dave Burke, Wetland Scientist, was not able to be present.** Mr. Gammie summarized: The plan was shown proposing to tear down the home and the new home was shown to the west of the existing home; the home was already demolished. A July letter was sent from B.Monahan to Mr. Verdi identifying that work would fall under Chapter 194/Chapter 193, primarily focused on C194. The survey plan showed topography sloping to a low lying area – an area that would fall under Chapter 194 – and they are trying to determine the limit of land subject to flooding and inundation. Dave Burke went out and delineated what he felt was the outer limit of land subject to flooding and inundation (letter dated August 1, 2015). There were no hydric soils found through the soil borings that were done, no wetland vegetation noticed and no vernal pools.

Mr. Gammie noted that the only item is the area that actually floods and an aerial map from B.Monahan with contours shown was provided and Dave Burke located the boundary. Mr. Gammie provided backup and identified the watershed area; the depression area was shown on the aerial. The highest point was noted as a little over elevation 200 and then would flow off (100-year storm was used so that would be the maximum) and they used 197 as the bottom of the bowl and ran their analysis from there. NRCS characterizations group was noted. Using the 100-year, 7-inch storm event through the Town guidelines it was confirmed that ponding would occur up to a 197.3 elevation. The area delineated by D.Burke was 2200 square feet. It is 150 feet from the new house to the hay bale line; 20-30 feet of disturbance just beyond and then another 150 feet down to the D.Burke flags – well over 150 feet to the disturbance area. Mr. Gammie noted being aware that stormwater mitigation will be needed. B.Monahan noted that sediment erosion controls and drainage mitigation will cover Chapter 193 requirements. B.Howell noted that during their site visit yesterday there was a lot of dust on the site. B.Monahan noted that with two acres of disturbance, dust needs to be managed. J.Barnett referenced the Commission’s letter from March 2015. B.Monahan noted that the Bylaw controls an area that “could hold water” – a depression.

David Jabs, 8 Yeager Way, pointed out an area in the 198-200 foot contour where their swing set had been under water. B.Monahan noted that the Commission could enlist the assistance of their peer reviewer, Lisa Eggleston, to look at calculations. S.Greenbaum noted that the drainage pipe on the abutting property should be pointed out to Ms. Eggleston. Mr. Jabs commented that even though water will flow to another depression, he has a well in that area and is concerned with inundation. B.Monahan responded that the Commission can look at the calculations provided by Mr. Gammie and see what that means to him. B.Howell noted concrete wash seen on the ground. B.Monahan noted that it should be addressed but there are areas that are not jurisdictional. S.Greenbaum asked if the buffer zone and grassy area will be left undisturbed, which Mr. Gammie confirmed. Mr. Jabs suggested that previous owners regularly mowed there. Abutter at 24 Fox Meadow noted they used to picnic and skate on frozen ponded area at the bottom in the fields.

**Motion to have a peer review of calculations conducted; Seconded 6-0**

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B.Monahan noted anticipating that all material will be in before the September 24 meeting.

**Motion to continue the hearing to September 24, 2015 at 8:00pm under the Chapter 194 Bylaw;  
Seconded 6-0**

**8. 8:35 PM – Dave Watkins, Finance Committee Representative, Capital Budget, Etc.**

S.Greenbaum extended thanks to Mr. Watkins for attending. D.Watkins discussed trying to determine a long-term capital plan – a five-year planning exercise. D.Watkins encouraged the Commission to consider office ergonomics and mentioned the familiar drip from the ceiling of the Conservation Department, which has been prevalent for years. D.Watkins encouraged the Commission to come in with a basic design/idea. B.Monahan noted that they have been monitoring parcels that would complement existing conservation areas and an update to the Open Space Plan will improve that effort. B.Monahan confirmed that the Rice Road Dam and structures need to be accelerated and noted the Commission could move \$100K over to 2018 and spend already allotted funds before they ask for more. B.Monahan spoke about the state requirement to do inspections and noted that two different consultants made safety recommendations and they got money from the Town to hire an engineer but we need assistance to get the dam experts on board. S.Greenbaum noted that this was turned over to the Procurement Officer, Beth Doucette, in April/May with the thought that she would get to it by July. B.Monahan spoke about perhaps retaining Andy Irwin to write up the proposal to bid out as dam expertise is needed.

Discussion ensued on what the Commission should do about dam funds. S.Greenbaum discussed giving it back and asking for it again next year. Discussion continued about giving back \$90K and keeping money for design, clarifying what we can get done, and giving back the rest. B.Monahan discussed the gatehouse floor. S.Greenbaum discussed getting the design done this Fiscal Year. D.Watkins noted that the Town has approved it so it is just a matter of timing. D.Watkins raised the matter of office equipment and efficiencies and asked about automation needs. B.Monahan discussed upgrading conservation parking areas and bundling work with Conservation areas to reach the capital improvement minimum. S.Fair asked about specifics needed for a bundle to pass. D.Watkins noted needing road/lot repair history and suggested budgeting as if you're going to outsource the work and do one lot per year. B.Monahan asked if that is operating or capital budget and D.Watkins confirmed capital and to bring it up to who owns it – the DPW or outsource. Discussion ensued on the need to replace the 2002 Conservation truck. D.Watkins noted the desire to create a cycle of initiatives.

**9. 9:10 PM – Informal Discussion 42 Mathews Drive Proposed Garage**

Jake Tharpe was present for the discussion and was seeking input from the Commission for a project with a goal to build a two-car attached garage which is in the very early stages. He learned that an updated plot plan with flags will cost \$4K+. Resource areas were reviewed, including the stream. Mr. Tharpe noted the house is within 100 feet of the stream along with large trees on the site. B.Monahan and members of the Commission discussed a different location on the site and suggested a possible detached garage with potentially less impact to resource areas.

**10. 8:45 PM – Discussion of proposed plan changes**

**b. 113 and 115 Concord Road; DEP File 322-828 (113 Concord Road)**

Brian Nelson, Metrowest Engineering, Frank Briber, property owner, and Donald Grose, Architect, were present for the discussion.

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Mr. Nelson summarized: The site was permitted last year for the construction of a new house set further back on the property. Resource areas were reviewed on the plan. The owners engaged a landscape architect to level off an area on the right side and rear of the house; a retaining wall was constructed and the limit of work pushed back 20 feet. More fill is being brought in requiring ZBA approval. Areas of proposed lawn and meadow were shown and an upsized infiltration system and two rainwater cisterns for recycling for irrigation were noted. S.Greenbaum asked about the area that slopes down which Mr. Nelson said is turf lawn with a gradual slope. B.Monahan asked if they will be adding fill on the down side and Mr. Nelson confirmed there is significant fill to be added and also mentioned that the retaining wall in the vicinity of the additional fill is proposed, not existing.

Mr. Nelson reported that Mr. Briber purchased the adjoining property at 115 Concord Road a few months ago and would like to remove the house and combine the existing lots, remove the shed within 100 feet of the buffer zone, remove the shed in the 30-foot no-disturb by hand, restore and construct a 33'x42' solar array to power the house at 113 Concord. The septic tank/leaching area are to be removed and a portion of pile. Activities at 115 Concord are proposed as a Request for Determination of Applicability with enhancements to resource areas and with the gravel driveway removed resulting in an almost entirely pervious site. B.Monahan commented that solar does concentrate flow. Mr. Nelson noted bare ground under and B.Monahan discussed six inches of stone to infiltrate. Solar arrays were noted as 5-6' high with a natural landscape to screen from the road. B.Howell noted that the SVT cart path is the only access for vehicles to Upper Mill Brook and the path was used when the dam broke. Mr. Briber said it is completely overgrown and is impenetrable. Mr. Grose noted that the structure is being donated to Habitat for Humanity so there will be far less disruption.

With regard to the Permit for 113 Concord Road, B.Howell commented that the Commission requires that inspection reports be submitted within five days of inspection. Mr. Nelson apologized for the oversight in failing to submit any reports and will follow-up with the written reports of his inspections for the record.

Mr. Nelson noted that their opinion is that the work at 115 is all improvement with respect to Conservation concerns and they would like to amend the OOC for 113. R.Backman asked how far from Concord Road the solar array will be located and Mr. Nelson said 130', noting they tried to pick the spot requiring the least amount of tree removal. R.Backman expressed that the Commission should look more closely at the plan before deciding on RDA vs. NOI. B.Monahan noted quantifying the buffer zone change on 113. B.Monahan will send policy and Mr. Nelson will send plan/quantity for both. A site visit with the Commission was suggested.

**c. 74 Sears Road; File D-857**

B.Monahan noted the submission of proposed plan changes from Schofield Engineering.

**Motion to require a new RDA and a Chapter 194 Amendment; Seconded 6-0**

**11. 9:00 PM - Issuance of Order of Conditions [310 CMR 10.05 (6)] and Chapter 194 Permit/s**

**a. 14 Oxbow Road; DEP File No. 322-847**

**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 \$3,000; Seconded 6-0**

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

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- d. 10 Covered Bridge Lane – DEP File No. 322-770  
B.Monahan deferred the item to review conveyance and datum.
- e. 344 Commonwealth Road – DEP File 322-833  
Discussion ensued on drought conditions and water ban and noted that the performance guarantee is in place to address future growth of lawn and plants.

**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**

- f. 119 Dudley Road; DEP File No. 322-810  
B.Monahan reviewed items he noted on the project: the engineer stated that concrete was removed, the As-built plan does not show the existing location of the wall, stairs were not part of the Permit, and the footing change was noted as altered.

**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**

### 13. Other

- c. Support of the CPC Capital Budget Request – Discussion and possible vote

The Commission authorized Capital Improvement Projects be led by S.Greenbaum and B.Monahan. Discussion ensued on support for purchasing development rights to Mainstone without knowledge of exact cost at this time. S.Greenbaum noted that future land purchase in Zone 1 is of interest.

**Motion to support the CPC Capital Budget Request contingent upon the appraisal and available funds; Seconded 6-0**

- d. 89 Lakeshore Drive Outstanding Compliance Issues  
B.Monahan noted abutter concerns and noted that the item will be on the next agenda for discussion.

### 14. Adjournment

**Motion to adjourn at 10:22pm; Seconded 6-0**

The next Regular Conservation Commission Meeting is scheduled for **Thursday, September 24, 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**

**August 27, 2015 to September 10, 2015**

**August 27, 2015**

Notice of Loker (former Dow Chemical) facility closure report sign-out from Recreation Director

**August 28, 2015**

ZBA Decision – 24 Old Tavern Road

D-857 74 Sears Road Septic redesign proposal from Schofield Engineering

**August 31, 2015**

322-847 Revised plans for 14 Oxbow Road from Samiotes Consultants

**September 2, 2015**

322-699 Inspection Report on 371/373 Commonwealth Road from Schofield Brothers

**September 3, 2015**

D-847 Request for Performance Guarantee for 2 Cameron Road from P.Greiff

D-854 Request for Performance Guarantee for 6 Cross Street from M. Miller

322-710 Inspection Report for Fieldstone Estates from H2O Engineering

**September 8, 2015**

D-864 Notice to start work at 4 Acorn Lane from K.Snyder

322-816 Inspection Reports for River Trail Place from Sullivan, Connors & Associates

Public Commentary/Draft RAM Completion Report/former Raytheon facility from CMG Environmental

322-812 Inspection Report on Happy Hollow Chemical Feed Facility/Water Main from Tata & Howard

Copy of letter re: Dudley Woods to Wayland Historical Commission from Mass. Historical Commission

**September 9, 2015**

D-843 Notice of Appeal on 8 Hill Street Order in the matter of K.T. Nelson v. Conservation Commission

**September 10, 2015**

322-834 Inspection Report for 24-26 Covered Bridge Lane from Samiotes Consultants

**LIST OF EXPENDITURES    August 27, 2015 to September 10, 2015**

<i>9/8/15</i>	<i>Richey &amp; Clapper (chain loop)</i>	<i>\$34.99</i>
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