

WAYLAND CONSERVATION COMMISSION

Minutes, Thursday, January 22, 2015 7:17 – 10:00PM

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

Present: Commissioners: Roger Backman, Joanne Barnett, Bob Goldsmith, Barbara Howell, Betty Salzberg, John Sullivan (7:20 – 9:45pm)

Chairperson: Sherre Greenbaum, Conservation Administrator: Brian Monahan

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.

No comments were offered.

2. **Land Management Item: Discussion of Open Space Plan Update - Review of Contents**

S.Greenbaum discussed the \$10K that exists from last year's budget and the task of the Commission to work on an update. The Commission needs to review the table of contents to determine what items the Commission will take on and where a consultant may be needed.

S.Greenbaum noted that comparing 1995 plan to 2000 draft update looks very close and that patterns were done through 2020; the updated plan is possibly available in Word format.

B.Monahan noted getting copies of goals of the community; written survey response was only 13% of the community when completed twenty years ago. S.Greenbaum commented that Sections 5 and 6 need to be worked on. The question is how to get the inventory done. J.Sullivan noted that has been very time consuming in the past. B.Monahan will address the list over the next two weeks and report back at the next meeting.

3. **7:32 p.m. – Continued Public Hearing – Rick Morrell, Morrell Construction, Applicant, 344 Commonwealth Road; DEP File No. 322-833:** 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 Rick Morrell, Morrell Construction, for an after the fact filing for the demolition of an existing house, outbuildings, and driveway and the construction of a new single family home at 344 Commonwealth Road, Wayland. Portions of the work are within riverfront area. The property is shown on Assessor's Map 52, Parcel 209.

Rick Morrell of Morrell Construction was present for the discussion. B.Howell noted that a statement about pumping the septic tank once a year should be in the findings. B.Monahan noted the need for a planting plan and noted that no further riverfront encroachment will be noted. Mr. Morrell inquired about the condition prohibiting the dumpster within the 200-foot riverfront and asked if that condition would require him to relocate the dumpster. B.Monahan noted that 200 feet can be adjusted. Mr. Morrell asked about when work can begin, and B.Monahan explained the ten-day appeal period.

Motion to close the hearing under the Wetlands Protection Act; **Seconded 7-0**

Motion to close the hearing under the Chapter 194 Bylaw; **Seconded 7-0**

Motion to issue a Permit under the Chapter 194 Bylaw; **Seconded 7-0**

Motion to issue an Order of Conditions under the Wetlands Protection Act; **Seconded 7-0**

Motion to require a performance guarantee of \$2,000 **Seconded 7-0**

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4. **7:45 p.m. – Continued Public Hearing – Town of Wayland/Planning Department, Applicant, 484-490 Boston Post Road, DEP File No. 322-832:** Public Hearing to consider an Abbreviated Notice of Resource Area Delineation pursuant to the Wetlands Protection Act, G.L. ch. 131 s. 40, and the application filed pursuant to Wayland’s Wetlands and Water Resources Protection Bylaw, Chapter 194, by Town of Wayland – Planning Department – Sarkis Sarkisian. The applicant is seeking to obtain resource area delineation of a project site located at 484-490 Boston Post Road, Wayland, shown on Assessor’s Map 22, Parcels 3, 6, and 7

Amanda Cavaliere of Tata & Howard was present for the discussion. S.Greenbaum asked who is on record as the property owner and Ms. Cavaliere said the Town of Wayland. B.Monahan noted that Ms. Cavaliere provided an index sheet (Print 1 of 5). Ms. Cavaliere commented that based on the DEP discussion it sounds like backwater is not an issue and B.Monahan confirmed that it is not an issue on that culvert. B.Monahan commented that he had wondered about the river backing up to create riverfront on the west side of the pipe but DEP said no, and it is quite a distance off the property. Ms. Cavaliere noted that the only outstanding item is to inspect flagging; Peter Fletcher will be asked to go back out in April to re-inspect flags and mean annual high water level and they will come back to the Commission at that time. Consultant Patrick Garner was mentioned. B.Monahan said they may get estimate and explore having him do an evaluation, and he will speak to Peter Fletcher and inform Art Allen.

**Motion to continue the hearing to April 2, 2014 at 7:30pm under the Wetlands Protection Act;
Seconded 7-0**

**Motion to continue the hearing to April 2, 2014 at 7:30pm under the Chapter 194 Bylaw;
Seconded 7-0**

5. **7:55 p.m. – Public Meeting, Jay Yuan, Applicant, 14 Lundy Lane, File D-853:** 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 Jay Yuan, 14 Lundy Lane, Wayland, seeking to cut trees on the property within buffer zone to wetlands. The property is shown on Assessor’s Map 25, Parcel 049.

Jay Yuan was present for the discussion. Mr. Yuan discussed a pine tree and oak tree 10 feet from his house which is leaning toward the house. It was noted that previously another tree branch fell and shattered their car’s windshield and they want to address the trees before there is future damage. There are 4-5 trees they would like to address. S.Greenbaum noted needing tree measurements to determine replacement plantings and said she can return to the site with B.Monahan. Mr. Yuan noted that he believed two of the trees are not in buffer zone. B.Howell noted that property may be riverfront. The alternative of leaving snags and avoiding replanting requirements was discussed and Mr. Yuan expressed that may be desirable.

**Motion to issue a Negative Determination w/conditions under the Wetlands Protection Act;
Seconded 7-0**

Motion to issue a Permit w/conditions under the Chapter 194 Bylaw; Seconded 7-0

Motion to require a performance guarantee of \$500; Seconded 7-0

6. **8:14 p.m. – Public Hearing, Arthur Gerber, Applicant, 12 Crest Road, DEP File No. 322-???:** in the Wayland Town Building, 41 Cochituate Road, Wayland, Massachusetts, the Wayland Conservation Commission will hold a public hearing to consider a 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 Arthur Gerber for a septic system

repair/replacement at 12 Crest Road, Wayland, MA. The work is within the buffer zone. The property is shown on Assessor's Map 47A, Parcel 050.

Vito Colonna of Sullivan, Connors & Associates was present for the discussion.

B.Monahan asked if a survey is being done, which Mr. Colonna confirmed. B.Monahan requested a copy of the survey plan.

Mr. Colonna summarized the project: There is a failed cesspool system with constraints on the site – Dudley Pond, setbacks, property lines and topography. Soils were good and there was good groundwater depth. The system was pushed as far to the street as possible with 50 feet from Dudley Pond to the leaching area and up to five feet from right-of-way and abutting property line. There will be a retaining wall and poly barrier. There is a February 9 hearing scheduled with the Board of Health for variance and local upgrade/reduction in setbacks. They are proposing a treatment unit to a leaching facility which is galley style with a smaller footprint. Because they are within the 75-foot setback they are using an alternative system (Singlair).

S.Greenbaum commented on the retaining wall along the road. B.Goldsmith made comment that this is the worst location on Dudley Pond and asked if the IA system proposed is provisional or remedial. Mr. Colonna responded that it is remedial. B.Goldsmith discussed remedial approval dated 2012 and provisional approval dated May 22, 2014 to Norweco and asked why this is not provisional. Mr. Colonna explained that remedial is for a repair, and it is the same system. B.Goldsmith read excerpts from various DEP-related documents provided for the record. Mr. Colonna stated that a remedial system has testing every year with test results provided to the Board of Health, with additional testing required if levels are exceeded; remedial is every year and ongoing. Regarding provisional systems, Mr. Colonna noted that the company is using them as test sites. Responsibility is on the company, not the homeowner.

B.Goldsmith read further excerpts concerning nitrogen discharge rates. Mr. Colonna noted the requirements are the same. J.Sullivan expressed concern, noting that there are some areas on Dudley Pond where the flow is away from the pond, but this is direct to the pond and raises concern with milfoil etc., and nitrogen is an issue. B.Monahan noted that the nitrogen concern can be communicated to the Board of Health.

Mr. Colonna said that provisional approval gives them approval. It is the same system with monitoring under remedial use; if indicators are there, they have to do nitrogen testing with a certified operator licensed by the state, and that service agreement goes to the Board of Health. If any indicators are exceeded, they must do additional testing. The deed disclosure runs with the land and new property owners.

B.Goldsmith proposed that the DEP provisions be spelled out and that nitrogen standards be included in the Conservation Commission's decision; the owner has been negligent and strong language is needed about maintenance. Fred Pearson, 14 Crest Road, reported that the property is currently vacant.

B.Monahan asked about pumping requirements. Mr. Colonna said they are less than usual septic because it breaks down sludge. Mr. Colonna noted that backup power is not required; it would not overtop but would act as a standard system. Discussion ensued concerning a similar system installed and it was determined to be at 121 Dudley Road. Mr. Colonna noted that this is a gravity-fed system, which is nice. Mr. Colonna reported that having backup power wouldn't help overflow.

S.Greenbaum asked if any Commissioner feels strongly about backup power. J.Sullivan said yes due

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to the current owner's negligence. B.Salzberg commented that Dudley Woods was going to put a community septicage treatment there. Mr. Colonna noted that would have been a good solution here.

Fred Pearson, 14 Crest Road, noted there has been a long history of neglect and lack of protecting the pond by the property owner, recalling roof shingles that were strewn about during a previous project. B.Monahan will speak to Building regarding any previous permits. Mr. Colonna noted there is a three-year requirement for the vendor and then a deed requirement for the owner. Mr. Pearson asked what the response is to testing that is done. Mr. Colonna responded that the cycling of air can be adjusted and follow-up testing occurs sixty days later and if limits are still exceeded, there is a DEP report and a Board of Health report. Mr. Colonna said the system should have more than enough capacity. Mr. Pearson responded that it will be a vast improvement.

Linda Segal, Aqueduct Road, asked whether not using the system during times when the property is unoccupied and then resuming use would affect the system's functionality. Mr. Colonna responded that the system just has to be restarted if left unused for six months and a service contractor would do that. Ms. Segal wondered who makes that connection and Mr. Pearson asked if it is an appropriate system for a rental property. Mr. Colonna noted testing requirements and violations.

S.Greenbaum asked about trees and Mr. Colonna noted that a tree in front has to come down. Mr. Pearson noted the location of a particular dead tree on the property, but Mr. Colonna noted it is not in their limit of work.

Ms. Segal suggested that the draft meeting minutes and paperwork handed in by B.Goldsmith be shared with the Board of Health. B.Monahan asked if the design has to be stamped by a Professional Engineer and Mr. Colonna said it does not. B.Goldsmith commented that the Commission has jurisdiction beyond the Board of Health.

**Motion to continue the hearing to February 19, 2014 at 7:40 pm under the Wetlands Protection Act;
Seconded 7-0**

**Motion to continue the hearing to February 19, 2014 at 7:40 pm under the Chapter 194 Bylaw;
Seconded 7-0**

7. **9:10 p.m. – Public Meeting, Michael J. Miller, Applicant, 6 Cross Street, File D-854:** 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 Michael J. Miller 6 Cross Street, to remove a dead tree in the buffer zone to Dudley Pond. The property is shown on Assessor's Map 047A, Parcel 028.

S.Greenbaum noted that Mr. Miller was unable to attend this evening but she and B.Monahan did speak with him today. The issue is a dead tree leaning toward the house. B.Salzberg asked if a dead tree requires replanting. B.Monahan said there isn't a replanting requirement for dead trees but the Commission does need to address future wording.

**Motion to issue a Negative Determination w/conditions under the Wetlands Protection Act;
Seconded 7-0**

Motion to issue a Permit w/conditions under the Chapter 194 Bylaw; Seconded 7-0

Motion to require a performance guarantee of \$250; Seconded 7-0

8. **Minutes – January 8, 2015**

Motion to approve the Minutes of January 8, 2015 as amended; Seconded 7-0

9. **Other**

a. 2015 NSTAR Right of Way Management Notice

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B.Monahan discussed correspondence received and showed an area along Plain Road, noting that he can take the Commission's response from last year and send it again. B.Howell noted being against spraying as it is wiping out habitat. B.Monahan responded that the matter should be taken up with the Department of Agriculture.

b. Conservation Priorities and Topics

S.Greenbaum noted the need to establish Conservation issues that are being done and/or should be done and to prioritize the list and establish which members are interested in taking on which tasks. Please send additions and comments to B.Monahan.

Community Gardens and next season's layout and markers were discussed. J.Barnett commented she could perhaps assist.

B.Salzberg raised the issue of trail easements and whether they exist where needed and referenced the south side of Castle Hill. B.Monahan said the matter should be put in the open space plan as a goal to get access points clarified and memorialized. B.Howell and B.Salzberg can work on that item. S.Greenbaum noted the need for an inventory of signage.

c. 105 Boston Post Road

B.Monahan reported that half of the land is wetlands and there have been issues over the years. A letter needs to be sent to the property owner.

d. Other

An Executive Session will be scheduled for Tuesday, January 27, at 8:45AM.

10. Land Management

a. Farming Licensing Update

B.Monahan will create a standard letter to send out

b. Acquisition Update

S.Greenbaum noted that an appraisal was received and we will discuss moving forward with an offer. The purpose of the Executive Session on 1/27 is to authorize how to specifically move ahead. The order of articles was questioned.

c. Other

S.Greenbaum reported the Commission is still pursuing the part-time Land Manager position and will be on the Personnel Board agenda. S.Greenbaum noted the need for Commission presence at upcoming meetings. Someone is needed at the warrant hearing with FinCom; Budget FinCom is this Monday or next Monday; Personnel Board at 8:10 on Monday; B.Monahan can represent Chapter 193. B.Salzberg sent a letter to FinCom and Personnel, Mary Antes, Nan Balmer, Tom Greenaway, Nancy Funkhouser and John Senchyshyn.

11. Adjournment

Motion to adjourn at 10:00pm; Seconded 6-0

The next **Regular** Conservation Commission Meeting is scheduled for **Thursday, February 5, 2015** in the Wayland Town Building.

**TOWN OF WAYLAND
MASSACHUSETTS
CONSERVATION COMMISSION**

**LIST OF PUBLIC DOCUMENTS PROVIDED TO THE CONSERVATION COMMISSION
January 9, 2015 to January 22, 2015**

January 9, 2015

Recorded copy of Beard/Hazelbrook CR from SVT

January 16, 2015

322-643 Year-end aquatic report on Lake Cochituate from Lycott Environmental
RDA for small cantilevered addition at 17 Hazelbrook Lane from Metrowest Engineering

January 20, 2015

NOI for construction of two single-family homes at 24/26 Covered Bridge Lane from Samiotes
322-824 Inspection Report for 37 Rich Valley Road from The Jillson Company, Inc.

January 21, 2015

Bathymetric and Sediment Report for Mill Pond from Lycott Environmental (via Tom Largy)

January 22, 2015

322-816 Inspection Reports on River Trail Place from Sullivan, Connors
322-823 Inspection Reports on 68 Lakeshore Drive from The Jillson Company Inc.
322-710 Inspection Report on Fieldstone Estates from H2O Engineering
322-812 Inspection Report on Happy Hollow Chemical Feed/Water Main from Tata & Howard

LIST OF EXPENDITURES January 9, 2015 to January 22, 2015

No items to report