

## WAYLAND CONSERVATION COMMISSION

Minutes, Tuesday, June 19, 2018 7:00 – 9:45 PM

Approved: August 2, 2018

**Location:** Large Hearing Room, Town Building, 41 Cochituate Road, Wayland, MA

**Present:** Barbara Howell, John Sullivan, Tom Klem, Tom Davidson, Joanne Barnett Chairperson: Sherre Greenbaum, Conservation Administrator: Linda Hansen

This meeting was a combination with ZBA and members in attendance included: Jonathan Sachs Chairperson, Thomas White, James Grumbach, David Katz, Shaunt Sarian and Linda Segal.

Carolyn Murray, Town Counsel, from KP Law was in attendance. Joseph Peznola, Massachusetts Housing Partnership consultant, was in attendance.

**Not Present:** Sean Fair

**Minutes:** Nicole Thomson

S.Greenbaum opened the meeting at 7:00 PM noting that a quorum was present and that the meeting was being recorded by WayCAM.

**7:00pm- Continued Public Hearing, Chris D’Antonio, Windsor Place, Applicant, 24 School Street, DEP File No. 322-897:** Notice of Intent filed pursuant to the Wetlands Protection Act filed by Chris D’Antonio, Windsor Place, LLC, for 24 School Street, Wayland to demolish the existing house, barn and driveway followed by construction of two new townhouse buildings, paved parking and driveways, new subsurface sewage disposal system, stormwater management system and supporting utilities. The property is shown on Wayland’s Assessor’s Map 52, Parcel 189.

Mark Kablack explained that the discussion will continue in regards to the preliminary groundwater and mounding analysis from Nover-Armstrong. Consultants Brian Nelson, Metrowest Engineering, and Desheng Wang, Creative Land & Water Engineering, are present.

B. Nelson spoke that changes made to the site plan as a result of the peer review include: building A was reduced by 1 unit and Building B was increased by 1 unit, the grade will come up 1.5 feet from the original submission, a small rain garden has been added to capture runoff from the roof of Building, treatment units configuration changed slightly, soil absorption system modified slightly, revision to site and septic plans resulting from BOH letter of 12/4/17, and concerns from June Nover-Armstrong letter addressed.

Linda Segal inquired about maintenance of the rain garden. The landscape contractor hired by the owner will maintain it.

Question about large trees being preserved was asked. The sycamore is too close to the building but the linden should be saved.

Sherre Greenbaum inquired about height of back wall. It is approximately 7 feet with a 4 foot chain link fence above.

Question about TSS and particle removal. Revised TSS removal calcs to give 25% efficiency. The project is still at 89% TSS removal which is very conservative.

T. Klem relates that the Nover-Armstrong review talks about measuring runoff using velocity method. How does this change calculations for runoff on the property? Brian explained the velocity method vs. the method used called the lag method. Their response will address the differences between methods and results.

Next up is Dr. Wang from Creative Land & Water Engineering. He addresses the groundwater mounding analysis.

To do the analysis correctly, the depth of groundwater must be determined. Three wells were created (2 in septic area and 1 in stormwater area) and measured from December to March. In review, five scenarios were analyzed. Averages were used to determine results and very conservative figures were used for calcs.

Molly Upton, Bayfield Rd., inquired about a large boulder being hit while drilling took place and what the impact is. Dr. Wang addressed this. It could not be determined if indeed it was a boulder, therefore an assumption is made that the aquifer is deeper. He also explained how gallows work to store water.

M. Upton would like the ZBA to request a topographical site map, as the height is still unclear.

Desheng Wang's June 12<sup>th</sup> report is on the ZBA website.

Mr. Henry Nover, Sr. Engineer from Nover-Armstrong, reviews the stormwater and mounding analysis. Per his letter, some comments are based on getting plans and calcs to the level necessary for ConCom to issue an order of conditions. Therefore, they are much more extensive than needed by the ZBA. Also, his comments are meant to comply with the Wetlands Protection Act.

Mr. Nover reviewed Dr. Wang's SAS (Septic Absorption System) report and gave his thoughts on the test results. He said his concerns have been addressed.

Mr. Nover needs to review Brian Nelson's revised stormwater management system and plans. He said section 6 of the document speaks to the findings he is not in agreement with. He feels that more information is needed in order for ConCom to issue an order of conditions. ( i.e....detailed construction plans needed.)

T. Klem asked whether there is a way to know the amount of runoff. Mr. Nover said the Metrowest analysis addresses this. He is concerned about the estimate from Metrowest. Brian Nelson explained the results in his report and mentioned an updated report is forthcoming.

Resident Michelle Galicia, 20 Aqueduct Rd., inquired about the overflow into wetlands.

She mentioned the March 2010 storm as an example and asked about frozen ground, vernal pools, etc.

Mr. Nover addressed her questions.

Julia Junghanns, Director of Public Health, and Susan Green (BOH) have reviewed previously submitted septic and mounding analysis. They expect the ZBA to ask for updated waiver requests. Next BOH meeting is scheduled for June 25<sup>th</sup>.

Question as to whether updated waiver requests pertaining to distance between trenches is forthcoming? The town requires 10 feet and current plan shows only 6 feet. They would like to see reserve trenches installed at the same time as primary. BOH will be looking for revised septic design to include 4.5 foot mounding. Is there a plan to remediate noise from the blower unit? Julia is hopeful that a final summary of mounding analysis can be provided for BOH review.

Linda Segal mentions another development's septic (Sunrise) didn't survive 10 years. Will this project follow suit? There should be no problem. This is one of the reasons behind BOH reviewing trench sizes.

Resident George Bernard's Hydrologist, Mr. Scott Horsley, presented his opinions on the mounding analysis. Mr. Horsley has been a hydrologist for 30 years and serves on MA Dep Stormwater Advisory Committee. He has worked for the EPA, many municipalities and DEP Title V Committee regarding septic changes. He believes, because of the fragility of the system next to the School St lot, that the most conservative approach should be taken vs. using averages. His opinion is that this is a highly constrained site and believes the stream nearby is a "perennial stream". He feels that evidence presented to ConCom previously has not been taken into account in the analysis. He has concerns about the proximity of septic to the stream. Since water levels were taken in March, he thinks they should have been taken during the peak months of April and May. He further addressed the peculiarities of the site, mentioning different soil types, neighboring site septic issues, and inconsistencies in well measurements. He strongly suggests taking a very conservative approach.

ZBA board member Jim Grumbach brought attention to the fact that Mr. Horsley's analysis showed concern about the viability of the project on this site. He would like to see elevated groundwater analysis based on consistent stormwater infiltration.

Dr. Wang responded to this concern. He feels the watershed is very small. The stream showed 5 days in a row as dry. His opinion is that high groundwater in Wayland is during March and April...the timeframe in which testing was done. Dr. Wang's rebuttal letter dated June 15<sup>th</sup> responds to Mr. Horsley's concerns. Mr. Horsley responded with where to locate the data for Wayland's wells and watershed during April and May.

Mr. Nover was asked to respond as well. He agrees with the findings of Dr. Wang's mounding analysis based on using averages.

Mr. Horsley's point about the stream is a valid one. As far as considering data for a 100 year storm, he believes this is too conservative and has not seen it applied to projects previously.

Board member Thomas White asked Mr. Nover his opinion about the applicant's request for a waiver to construct the septic system closer to wetlands than is standard. Wouldn't this warrant a more conservative

approach? Mr. Nover believes Title V regulations are stringent enough to protect wetlands. Therefore if BOH approves then Conservation should as well.

Further discussion took place with Mr. Wiggins speaking about section 10.58 of wetlands regulations identifying a perennial stream. Resident Michelle Galicia emailed U.S. GS stream stats to inquire about the stream's status changing from once being perennial to currently being intermittent. It is likely that at one point the stream shrunk and was relabeled.

The applicant presented the requests for waivers. An updated list has been prepared.

BOH has requested one additional waiver for the distance between trenches. One other change – the soil absorption system has been moved about 10 feet further from the stream. They've also further refined cut & fill. Waivers requested at this time – 4 for Zoning, 3 for BOH, 2 under wetlands & water resources. The ZBA chair inquired whether a waiver was requested due to the sight being located in the R20, single residence, zone. Mr. Kablack will take this under advisement.

The applicant will be ready to supply requested information to the BOH at their next meeting on June 25<sup>th</sup>.

Brian Nelson supplied additional information about the septic system and enhanced treatment being planned. Blower noise can be baffled to reduce noise. ZBA chair asked about requirements for electricity, in the event of a power outage. The system has built-in technology for this purpose.

Potential for a generator was discussed – it is not included in the current plan.

Julia Junghanns asked about the Operations and Maintenance (O&M) contract. What happens if it is defaulted on? Mr. Kablack responded that conditions of approval impose obligations on the applicant, landlord and tenants. Town counsel was asked about enforcement of the contract. She said this is best addressed by the conditions of the permit and worked through the Zoning Enforcement Officer.

Again the concern about the stream being contaminated from septic was brought up. Town counsel responded that Conservation's determination is that this is not a perennial stream, and since there has been no appeal, the time to challenge this has passed. There is, however, an ongoing ability by the town to address a problem that arises as it relates to a comprehensive permit. The conditions of a comprehensive permit carry over to any new owner of the land. Mr. Wiggins mentioned that although this was never appealed, case law from DEP states that if there is a mutual mistake of fact it can be revisited.

Jim Grumbach asked Mr. Peznola to speak about what remains to be done. Mr. Peznola said mounding analysis and stormwater analysis have been worked out, although additional data may be needed by the ZBA. The next meeting will allow tying up of loose ends and conditions. Mr. Peznola will work on resolving the work left between ConCom and the ZBA. Nover-Armstrong has some additional work. Perhaps a final run through by the applicant to review what they believe is outstanding. Mr. Peznola reminds everyone that the comprehensive permit only requires preliminary plans. Later back and forth can take place with ConCom. In regards to the public's request for topographical renderings – this certainly could be posed to the applicant.

The next meeting is scheduled for July 11<sup>th</sup>.

Meeting adjourned at 9:45 p.m.

The next **Scheduled** Conservation Commission Meeting is June 21, 2018 and will be held 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.