



Wellesley

MASSACHUSETTS

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Town of Wellesley Wetlands Protection Committee (WPC) Meeting Minutes March 10th, 2022 – 6:30 p.m.

Meeting Location:

Online Meeting

Voted to approve April 21, 2022

Members Present: Richard Howell, Chair, Peter Jones, Vice Chair; John Adams, Secretary; James McLaren; Ellie McLane; Kevin Hanron, Associate Member.

Members Not Present: Associate Member, Doug Hersh joined the meeting at 6:45 p.m.

Staff Present: Julie Meyer, Wetlands Administrator

Guests: Barry Schneider, Dave Hickey; Catherine Mirick, Nash Quadir, Jon Mar, Carol Miller, Christine Kovac, Nathaniel Stevens, Brandon Faneuf, Jacob Lemieux, Michael DiAngelo, Dave Cowell, Alex and Elisabeth Slawsby, Matt Berry, Evin Hesta, Jeanne Mayell, Jaden & Lara Crawford, Martha Collins, Jo Okun, Laura Gonzales, Johanna Winkel, Tom Ruddy, Francisco Ceballos, Kerrie, Nancy's i-Phone, Kristan Farr, Cliff Canaday, David Cowell.

6:35 pm Administrative Business (Admin)

1. Pete Jones made a motion to approve the minutes from 1/06/2022. Jim McLaren seconded the motion. The motion was approved by a 5-0 vote.
2. John Adams made a motion to approve the minutes from 1/27/2022. Pete Jones seconded the motion. The motion was approved by a 5-0 vote.
3. Jim McLaren made a motion to approve the minutes from 2/17/2022. Ellie McLane seconded the motion. The motion was approved by a 5-0 vote.

6:41 p.m. - Chair Richard Howell read ground rules for the meeting. Doug Hersh arrived at 6:45 p.m. John Adams made a motion to delegate signatures of the Wetland Protection Committee (WPC) to the Wetlands Administrator (WA) for this meeting. Ellie McLane seconded the motion. The motion was approved by a 5-0 vote.

6:53 pm Public Meeting Open (Chair)

Active Matters (Admin)

1. **81 Croton St** – Owner Barry Schneider was present. Chair Richard Howell updated the Wetlands Protection Commission on Town Counsel’s opinion on how to interpret the bylaw related to fine issuance; that each tree cut may count as an individual violation, and that fines may be assessed at \$300 per violation. Vice Chair Pete Jones stated that an additional fine can be assessed for not filing an application. Associate member Kevin Hanron asked if the WPC is sure that the trees cut were on private land. Owner Barry Schneider stated that the building inspector walked the property boundary and confirmed they were his trees. Mr. Schneider further stated he was misinformed by police and building inspector as neither told him he needs to get permission from the Wetlands Protection Committee to cut trees. Mr. Schneider also stated that he disagreed with the Administrator’s assessment of how many trees were cut and thinks the total was 10 to 12 trees. The Wetlands Administrator asked permission for the consultant to confirm the quantity of trees to which the owner agreed. Pete Jones asked for a deadline for the habitat restoration. Richard Howell recalled the timeline established in the Enforcement Order. John Adams made a motion that the WPC is agreed on a method to assess fines to be based on quantity of tree removal plus an additional violation for non-filing, which totals \$7,200. Ellie McLane seconded the motion. The motion was approved by a 5-0 vote. Mr. Schneider asked if he could remove the stumps, to which the WPC stated to wait until the assessment is complete and the WPC permits it.
2. **9 Pierce Rd** – Wetlands Administrator Julie Meyer stated that the owner Dean Behrend said he was getting a wetland delineation and that trees were cut in the buffer zone and that he will write up a letter to the WPC about the site conditions. The Wetlands Administrator stated she will inspect the site and is working to schedule a visit with the owner.
3. **1 Sunnyside Av** – prior owner Nash Quadir was present. The Wetlands Administrator inspected the site conditions in the presence of the new owners. A letter was received from both past and current owners asking for a release from the enforcement order. Ms. Meyer said all conditions were met except for stabilizing the site with a native seed mix. Mr. Quadir asked if they could have until June or July to perform the work. Ms. Meyer said once the soil is stable the new owners will be released from the enforcement order and they can file a new NOI.
4. **106 Central St (Wellesley College)** – Engineer Matt Barry representing Wellesley College was present. The College requested an Emergency Certification to install a temporary PFAS removal treatment tank within the 25-foot No-Disturbance Zone under existing porous pavement and protected with a FilterMitt erosion control sock. Ms. Meyer stated that she asked DPW Water and Sewer Division supervisor Bill Shaughnessy for a letter confirming the work is for campus health and safety. Matt Barry explained the removal system is needed as both wells used by the College are testing at over the state limit of PFAS at 20 and 22.1 parts per trillion. The college will install a self-contained 7’ x 7’ unit outside the current treatment building. Peter Jones made a motion to approve the emergency certification. Ellie McLane seconded the motion. The motion to ratify the emergency certification was approved 4-0. Ms. Meyer will issue an Emergency Certification. The College will provide a NOI for work on Paramecium Pond that uses the wells and Town water.

7:26 pm - Official Start Public Meeting Open (Chair)

7:26 p.m. - Chair Richard Howell read ground rules for this portion of the meeting.

7:30 Public Voice (Chair)

Carol Miller of 10 Glen Cross Road called in with a concern about tree cutting on 81 Croton Street abutting her property.

7:34 pm Public Hearings and Meetings (Committee)

1. **50 Rice St (new NOI)** – No MA-DEP # issued. Applicant: Town of Wellesley - Add two buildings within Riverfront Area, Bordering Land Subject to Flooding and Buffer Zone to Fuller Brook
People Present: Engineer Dave Hickey, Department of Public Works; Catherine Mirick, School Committee

New Information: A new Notice of Intent was filed to construct the next phase of the High School Track and Field. The work consists of the addition of two precast buildings for concession and rest rooms to replace the old concession building and existing temporary bathrooms. The construction will raise the grade within Bordering Land Subject to Flooding. The DPW Engineer showed the project plans approved from the 2015 NOI planned for a 30' x 55' building at the same location at elevation 131.4. This construction was not realized under the old OOC. However, drainage needs and compensatory storage were installed in anticipation of the work. The new NOI proposes work at the same location with 200 sf less impervious area than the previous plan. The DPW Engineer stated that since the previous NOI, Wellesley's Wetland bylaw regulations now require stormwater to be analyzed with more conservative rainfall data. Rainfall data ¼ acre rates don't change much (slight decrease) but flood stages are affected at the 2-year (under 2") and at the 100-year storm (around 5"). D. Hickey stated the swale still manages these events using the updated calculations. In addition, in the previous Gale analysis ignored exfiltration as did this updated one, to be conservative. 2,800-cf will be filled within the FEMA floodplain (Bordering Land Subject to Flooding). The original plans anticipating that the fill would come forward for the concession and bathrooms plus the team rooms to the south provided compensatory storage for 20,000-cf. Fuller Brook has a man-constructed rock bank. The bioswale meets the state stormwater requirements.

Discussion: Chair Richard Howell stated that he was on the WPC during the original review for the work and concurred that the infiltration proposed was vastly larger than required. Vice Chair Pete Jones said that the project was working well. Ellie McLane asked about whether there was a plan to revegetate the area around the new snack bar; to which D. Hickey answered will be grass. Wetlands Administrator asked for clarification related to the BVW boundary line and stated that she observed no BVW and assumed the buffer zone was just to Bank. D. Hickey stated that there was a thin fringe of BVW flagged at the bottom of the bank in the 2015 NOI. Ellie McLane stated that the bank is hardened below the service road and that no BVW can move. J. Meyer reminded the WPC that no DEP number has yet been issued. In addition, she stated an abutter had contacted the NRC office concerned that abutters for 50 Rice Street were not notified. She noted that the work is taking place at 55 Rice Street and that abutters for 55 Rice Street were notified. J. Meyer discussed this with NRC Director and Town Counsel advised there are no procedural concerns. J. Meyer advised the applicants to go back to eDEP to correct the address so that when the applicant comes for a COC or if anyone is reading the history of the approval in the future there is no confusion about where the work was approved. D. Hickey stated that Gale wanted the application to have a physical building associated with the address. The abutter notice states that the location is the high school track and field. Pete Jones said he thought the project has no issues with the BVW. Ellie McLane requested a native seed mix for the snack bar area. John Adams stated that with redevelopment, the work is improving existing conditions (as compared with the previously approved plans presumably). Ellie stated that the work is moving farther from

the resource areas.

Public Voice: The following individuals were provided the Zoom link by request: Christine Kovacs; Nathaniel Stevens, Attorney representing the Friends of Hunnewell Field; Brandon Faneuf, Ecosystem Solutions, Inc., representing the Friends of Hunnewell Field. The speakers raised the following issues and concerns:

- a) Beavers, skunks, mink, heron, fireflies, bumblebees, monarch observed in the project area.
- b) Whether 50 Rice Street is the correct address, as the parcel where work is proposed to occur is 55 Rice Street, and as a result, whether the accurate abutters were notified (north and northeast and northwest side of Hunnewell Field residents should have been notified and given the importance of the project the applicants should notify more people).
- c) Whether there is a MA-DEP Wetland Restriction associated with this parcel.
- d) ORAD has expired several years ago.
- e) The BVW data sheets should have been submitted and the BVW should be investigated.
- f) The wetlands should only be delineated or checked between April and December only and therefore the WPC should check the delineation in April.
- g) Riverfront Area was not mentioned in the presentation. The applicant should demonstrate no practicable and substantially equivalent economic alternative. The applicant should also demonstrate no adverse impact. The applicant has thus not met the burden. The applicant must provide a 100-foot wide area of undisturbed vegetation and there was no proposed vegetation planting plan; grass is insufficient. Finally, the work must not impair the capacity of the RFA to provide important wildlife habitat functions.
- h) Cumulative impacts must be considered; this area has had five and a half million dollars to improve the skating pond and Caroline Brook and Fuller Brook Park in the form of drainage improvements, including bioretention areas, bank stabilization, invasive species eradication and native plantings. The improvement of the riparian corridor increase the residents' quality of life.
- i) As the phase 1 work lowered the field by 2.5 inches providing an additional 64,000 cf of storage area, the WPC should verify via a COC that the claimed storage area was in fact provided.
- j) Under 10.58(4) the entire riverfront area is significant to wildlife habitat. An Appendix A wildlife habitat evaluation should be provided as disturbance exceeds 5,000-sf, as does a survey of significant habitat features and inquiry as to whether work will affect sole habitat.
- k) Assure the natural corridor is maintained and that is no further degradation to wildlife habitat and wish to ensure that the gains made were not in vain.

The Chair requests that any further comments be provided to the Wetlands Administrator to be forwarded to the WPC for their review.

Decision/Action Steps: The Wetlands Administrator to follow up with the applicant to correct the address and research the Wetland Restriction question and continue the hearing on March 31.

2. 20 Tappan Rd (*cont* NOI) DEP # 324-0996 – Applicants: Alex and Elisabeth Slawsby – Project to demolish and reconstruct a single-family home within Riverfront Area and Buffer Zone.

People Present: Jacob Lemieux, Michael DiAngelo, and Dave Cowell of Hancock Associates; Owners Alex and Elisabeth Slawsby.

New Information: Updated plans and summary tables were provided by email to the Wetlands Administrator after the deadline to be forwarded to the WPC. These plans were presented to the WPC by Jacob Lemieux. The Wetlands Administrator reminded the parties that the WPC is under no obligation to act on this information and that the WPC will receive these updates for the 3/31 hearing.

Discussion: The plans now show lawn areas as removed from calculations of degraded area.

Paver stones are now being shown as disconnected. The engineer stated that that could be a condition of approval that the paver stones must remain disconnected. The driveway has been moved out of the inner riparian zone. The Wetlands Administrator said that she thought that the applicant should try to find some area on the property to provide L.I.D., pursuant to the bylaw regulations related to stormwater management. Ellie McLane asked if the project could consider a rain garden in the lawn area. Ellie would the offloading of stormwater to municipal storm sewer be allowed by DPW? The engineer stated the off-site storm drain would only be used in the 100-year storm.

Decision: Continued to future meeting on March 31.

- 3. 10 Sudbury Rd** (new RDA) – Applicant: John Mar - Add deck within presumed 100-foot Buffer Zone to intermittent stream.

People Present: Homeowner John Mar.

New Information: A plan was provided for a new composite deck to be installed over existing lawn. No trees will be removed.

Decision: Ellie McLane made a motion to issue a Negative Determination of Applicability. Jim McLaren seconded the motion. The motion was approved 5-0.

- 4. 6 Hundreds Cir** (*cont* NOI) MADEP # 324-0993. Applicant: J. Liu; tree removal (withdrawn)

People Present: none

New Information: The applicant withdrew her application.

Discussion: The WPC stated a concern that the correct paperwork will not be processed and would like to assist the homeowner to prevent a wetland violation.

Action(s): The Wetlands Administrator will generate a list of consultants and send the list to the homeowner.

09:31 PM Adjournment (Chairman):

Jim McLaren made a motion to adjourn the admin portion of the meeting. Ellie McLain seconded the motion. The motion was approved by a 4-0 vote.