



# Wellesley

## MASSACHUSETTS

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### Wetlands Protection Committee Minutes 04/23/2020

Town of Wellesley  
Wetlands Protection Committee  
Meeting Minutes  
April 23, 2020

Meeting Location: Remote: <https://www.wellesleymedia.org/wetlands-protection-comm.html>

Approved 5/14/2020

**Members Present:** Richard Howell, Chair; Pete Jones, Vice Chair; John Adams, Secretary; Jim McLaren; Toby Stover; Ellie McLane (joined at 5:48 PM), Associate Member

**Members Not Present:** none

**Staff Present:** Julie Meyer (Wetlands Administrator)

**Wellesley Media Call Host:** Keegan Shiner

**Guests:** Paul Tiernan; Vern Porter; Brian Nelson; Jen Stephens; Kevin O' Leary; Alexa Plenge; Jonathan Schuster.

## 5:00 pm - Official Start

### 5:00 pm Administrative Business (Admin)

1. Review Signature Protocols recommended to the WPC to be adopted pursuant to the Order Suspending Certain Provisions of the Open Meeting Law, issued by Governor Charles D. Baker on March 12, 2020.
  - o Richard read 2 motions:
  - o The first was to authorize Julie Meyer, Wetlands Administrator, to physically sign, on behalf of the Committee when so directed by vote of the Committee, documents issued by the Committee under the Wetlands Protection Act or the Wellesley Wetlands Protection Bylaw, including but not limited to orders of conditions and certificates of compliance. T. Stover and J. McLaren seconded. The motion was approved 5-0.
  - o The second was to recognize and accept the provisions of MGL Ch 110G regarding electronic signatures for permitting and compliance documents issued by the WPC under the WPA or the Wellesley Wetlands Protection Bylaw, Article 44, when so directed by vote of the Committee, and that the WPC will henceforth execute such documents either with electronic signatures or with wet ink signatures and that both

will carry the same legal weight and effect. J. Adams, then P. Jones seconded. The motion was approved 5-0.

2. The Wetlands Administrator J. Meyer summarized the “municipal relief bill,” formally known as Chapter 53 of the Acts of 2020, formerly House Bill 4598, amended as House Bill 4617, AN ACT TO ADDRESS CHALLENGES FACED BY MUNICIPALITIES AND STATE AUTHORITIES RESULTING FROM COVID-19. This bill gives the WPC relief of time requirements to open, continue, or close hearings and to issue permits. J. Meyer stated that recently issued permits are being processed under a roughly 30-day window.
3. Approval of Minutes from 1/30 and 4/02 was postponed until next meeting. Otherwise minutes are complete. Minutes for 3/12 meeting will include a note on the agenda that the meeting was postponed and all hearings were continued until 4/02. All three sets of minutes should be ready for approval at the next meeting in May.
4. 19 Aberdeen Road – A request is coming to re-sign COC from 1998 to confirm that the work was complete and not a partial COC. Staff could not find anything in the minutes or the files that would clarify if the work was partial or complete. The applicant will prepare the package and the Administrator will arrange a site visit.

#### **5:17 pm Active Matters (Admin)**

1. 136 Worcester St – J. Meyer, Administrator revised the Enforcement Order and letter sent to BOS for applicant to perform offsite restoration on town land. Executive Director Meghan Jop indicated the item will likely be on the next BOS meeting’s Agenda.
2. 16 Cleveland Rd – Admin approval issued for tree removal on bank of Boulder Brook
3. 17 Colby Rd – Admin approval denied to remove tree within inner riparian as there were many trees removed from the site in recent years and there was no arborist report. Administrator recommended to the owner to seek an ISA risk assessment.
4. 28 Cameron St (Hunnewell Elementary) – Admin approval issued for soil borings within Riverfront Area.
5. Emerson Rd – Algonquin pipeline work has begun on town Land; erosion controls approved and did not make a site visit as Brandon Schmitt, NRC Director, has been the point person. WPC requested a weekly site visit. J. Meyer will communicate this. J. McLaren asked if work was not happening south of Rt. 9. P. Jones asked if there would be a chance to get the bittersweet cut while they are on the site. J. Meyer stated that there will be replanting. P. Jones reiterated that invasive bittersweet will compete with the establishment of the new trees. J. Meyer stated she will communicate this to the NRC Director and to Enbridge.
6. 26 Morses Pond Rd – provided photos and an email narrative of the progress. The wetlands consultant has been on site. The owner has removed the softwood from the site. P. Jones offered to make a site visit but it was concluded that it would not be worth inspecting at this point as it will not be until late May until any regeneration would be visible. At that point it would make sense to invite the owners and/or representative back to the WPC to update the board on the progress.

## **5:29 pm Public Meeting Open (Chair)**

**Public Voice** (Chair) no one was present.

## **5:30 pm Public Hearings – New and Continued\*** (Committee)

### **37 Old Farm Road** (*Continued* NOI without being heard from the cancelled 3/12/2020 meeting)

MADEP #324-0941

**Resource Areas:** Riverfront Area, 25-foot Bordering Vegetated Wetlands, 100-foot Buffer Zone, and 100-foot Vernal Pool Habitat.

**People Present:** Jonathan Schuster, Oxbow Associates; Brian Nelson, MetroWest Associates; Alexa Plenge, Owner; Jen Stephens, Matthew Cunningham

**Project:** expand driveway pavement, construct terrace, relocate fence, and convert lawn to landscape within Buffer Zone and Vernal Pool Habitat.

**Documents of Record:** Notice of Intent, Hydrologic Analysis Proposed Site Improvements, Existing and Proposed Conditions Comparison Plan, Resource Area Impacts Diagram, Site Plan and Details, Planting Plan–North, Planting Plan –South.

**Decision:** The WPC accepted the Landscape Plan as presented to accept something slightly different than what was originally accepted for canopy trees. P. Jones made a motion to close the hearing and approve the project under both the Wetlands Protection Act and the Wellesley Wetlands Protection Bylaw. The motion was seconded by J. McLaren and the motion passed by a 5-0 vote. The WPC voted 5-0 to use *electronic* signatures for signing the OOC.

#### **Special Conditions:**

- The inspection covers should be raised to the new grade as is referenced in the revised O&M plan
- PE will stamp and sign one or both hard copies before construction commences
- Monitor the Riverfront area for run-off issues

#### **Action Items:**

**Administrator:** Amend and issue the Order of Conditions with electronic signatures

### **9 Lowell Rd** (New NOI) – MADEP# 324-0942; 100-foot Wetland Buffer Zone

**People Present:** Verne Porter, Surveyor

**Resource Areas:** 25-foot Bordering Vegetated Wetlands, 100-foot Buffer Zone

**Documents of Record:** Revised Site Plans, dated 4/9/2020, updated drainage calculations, dated 4/8/2020; DPW Engineering Stormwater Review, dated 4/3/2020;

**Decision:** P. Jones made a motion to close the hearing and approve the project under both the Wetlands Protection Act and the Wellesley Wetlands Protection Bylaw. The motion was seconded by T. Stover and the motion passed by a 5-0 vote to close and issue the OOC under the Act and Bylaw. The WPC voted 5-0 to use *electronic* signatures.

#### **Special Conditions:**

- Provide a copy of the landscape plan to DPW Town Engineering.
- A DPW Engineering representative shall be present to witness and confirm two feet of groundwater separation after excavation and before install of the subsurface infiltration chambers.

#### **Action Items:**

##### **Administrator:**

- Issue Order of Conditions with *electronic* signatures

**45 Elmwood Road** (Continued COC) – MADEP# 324-0747; Floodplain Construction

**People Present:** no one

**Resource Areas:** Bordering Lands Subject to Flooding

**No new Information:** on un-permitted deck or a demonstration that the property is not in the flood plain.

**Decision:** Continued to next meeting

**43 Whiting Rd** (New Minor Plan Change) – MADEP# 324-0912

**People Present:** Brian Nelson, MetroWest Engineering

**Resource Areas:** Riverfront Area, 25-foot Bordering Vegetated Wetlands, 100-foot Buffer Zone.

**Project:** slight increase of impervious surface; move upslope; Moved the pool 20' east, further away from wetland boundary, and made smaller, with a larger terrace, to result in an 80 sf increase in impervious area.

**Documents of Record:** Letter for Minor Plan Change dated 4/17/2020, Proposed Site Plan dated 4/8/2020; Details Plan dated April 8, 2020.

**Decision:** J. Adams made a motion to approve the minor plan change under both the Wetlands Protection Act and the Wellesley Wetlands Protection Bylaw. The motion was seconded by P. Jones and the motion passed by a 5-0 vote.

**Action Items:**

**Administrator:**

- Send letter of acceptance of minor plan change.

**68 Dover Road** (New Minor Plan Change) – MADEP# 324-0897

**People Present:** Kevin O'Leary, owner

**Resource Areas:** Riverfront Area

**Documents of Record:** WPC Conditions Change Request email dated 4/8/2020; O'Leary Residence Landscape Plan, drafted by Redmond Design Group; Riverfront Ground Coverage Analysis spreadsheet dated 4/2020; previously approved plan of record 68 Dover Site Plans dated 12/9/2018.

**Project:** modify driveway and change materials to result in a net decrease of impervious surface. Change the fringe materials around the driveway. Expand the existing circular driveway surface from 10.3 feet to 12 feet width. Remove brick patio. Redo the pavers: current approved is 619 sf of pavers with 456 sf in Riverfront. Now all the pavers would be in RFA. Move the permeable pavers to a 30-sf area. Change an existing patio currently on concrete base to a permeable base. Increase pervious lot coverage by about 70%. Making the lawn area where existing pavement used to be.

**Decision:** P. Jones made a motion to close the hearing and approve the minor plan change under both the Wetlands Protection Act and the Wellesley Wetlands Protection Bylaw. The motion was seconded by J. Adams, and the motion passed by a 5-0 vote.

**Action Items:**

**Administrator:**

- Send letter of acceptance of minor plan change

**Urgent Item not Reasonably Anticipated** - J. Meyer shared an email sent by Enbridge related to

the Algonquin Gas pipeline maintenance project currently underway. The notification updates the WPC of the need to install 3 dams and a pump system within Rosemary Brook so as to perform maintenance work on the existing pipeline. The system would operate for approximately 30 days. The board raised questions of timing, whether migratory fish such as alewife, and other aquatic life would be impacted, whether the water coming out of the pump would be clean, and if scouring will occur. It was stated that the onus is on the applicant to demonstrate that it meets performance standards under the regulations.

**Resource Areas:** Riverfront Area, Land Under Waterbodies and Waterways 25-foot Bordering Vegetated Wetlands, 100-foot Buffer Zone, Bordering Land Subject to Flooding.

**To-dos:**

**Admin:**

- Reach out to the NRC Director to coordinate communication.
- Request the company come before the WPC to get approval for this change in scope.
- Request a biologist be present on site to review the work to confirm that it meets regulations under the Bylaw.

**Adjournment (Chairman):**

P. Jones made a motion to adjourn the meeting. J. Adams seconded the motion and it passed by a 5-0 vote. The meeting was adjourned at 6:15 p.m.