



Wellesley

MASSACHUSETTS

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Town of Wellesley
Wetlands Protection Committee (WPC)
Meeting Minutes
May 12, 2022
6:30 p.m.

Meeting Location:
Online Meeting

Voted to approve 5/12/22

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

Members Not Present: James McLaren

Staff Present: Julie Meyer, Wetlands Administrator

Guests: Diane Simonelli, Field Resources, Sima Chaban, Steven Cosmos, Jacob LeMieux, Dave Cowell, Peter Fallon, Eli Slawsby, Lauri Slawsby, Scott Indermuehle, Lisa Laich, Scott Henderson, Molly and Nevin Fox, Brian Nelson, Greg Bates, Marc Charney, Kray Small, Robin_, Dean Behrend, Michael D'Angelo, Peter Solomon

Public Voice: No one.

6:40 pm Administrative Business (Admin)

1. Secretary John Adams made a motion to approve the 03/31/2022 minutes as submitted. The motion was approved by a 4-0 vote.
2. Secretary J. Adams made a motion to approve the 04/21/2022 minutes after missing guest names are added by the Administrator. The motion was approved by a 4-0 vote.

Chair Richard Howell reviewed the remote meeting procedures (open meeting, meeting is recorded, turn off video and audio when not presenting).

Secretary J. Adams made a motion to delegate signatures of the Wetland Protection Committee (WPC) to the Wetlands Administrator Julie Meyer for this meeting. The motion was approved by a 4-0 vote.

6:43 pm Public Meeting Open (Chair)

Active Matters (Admin)

1. **1 Sunnyside Av** – The Wetlands Administrator recommended that the Enforcement Order be released. She stated that she approved this release after reviewing a report showing all conditions have been met and the site is stable.
2. **9 Pierce Rd** – The Wetlands Administrator updated the WPC that Town Counsel is reviewing the matter of the issuance of fines and is planning to provide the WPC with guidance. She offered to set up an Executive Session for the June 2nd meeting. The WPC Chair asked the Administrator to forward the memo from Town Counsel to the WPC then check in with the Chair before the next meeting to decide whether an executive session is needed.
3. **2 Lake Rd** – The Wetlands Administrator issued an administrative approval for tree removal. Mr. Jones asks if an arborist report was provided and the Wetlands Administrator confirmed that an arborist report had been submitted.
4. **66 Walnut St** – The Wetlands Administrator issued an administrative approval letter to the National Grid Boston Gas to remove three dead trees within the limit of work of the National Grid Boston Gas pipeline replacement area as she determined there was a safety hazard present. The applicant offered mitigation plantings to replace the trees. E. McLane and J. Adams stated that the tree removal and replacement should be tracked via a minor plan change as there is an active Order of Conditions. The Administrator stated that an extension request will be needed from the applicant to track survival of mitigation plantings. The Wetlands Administrator will follow up with National Grid.
5. **86 Wellesley Av** – The Wetlands Administrator issued an administrative approval for the removal of a hazardous tree upon receipt of a certified arborist letter.
6. **Dover Rd** – National Grid provided a notification of upcoming work to replace a gas line within Riverfront Area and provided erosion and sediment control details within the letter. All work is stated in the notification to be contained within the paved roadway.

7:00 pm - Official Start Public Meeting Open (Chair)

7:00 Public Voice (Chair)

No one called in for Public Voice.

7:00 pm Public Hearings and Meetings (Committee)

1. **9 Peirce Rd** (continuing Enforcement Order)
People Present: Dean Behrend, owner; Steven Cosmos, Landscape Architect
New Information: Mr. Cosmos presented a restoration plan and explained the quantity, spacing, and species. Secretary J. Adams asked whether 13 trees proposed adequately restores lost wildlife habitat. R. Howell noted the shrub understory. E. McLane stated the buffer restoration should be maintained as naturalized area. Consultant S. Cosmos described a new retaining wall to separate restoration area from maintained landscape. The Wetlands Administrator requested a native seed mix. Chair R. Howell asked for hand-removal of invasive species. Secretary J. Adams discussed the need to track 2-year survivability. Owner D. Behrend stated he would like to be able to propose work within the northern buffer zone.
Decisions: No new NOI for the eastern buffer zone along Cliff Road may be submitted until after the owner demonstrates successful establishment after 2 growing seasons. Vice Chair P. Jones made a motion to accept the plan with the modifications. The motion was approved by 4-0 vote.

Actions:

Administrator:

- Update Exhibit A to clarify that work under the EO is limited to the eastern buffer zone only and that work may be proposed within the northern buffer zone before the 2nd growing season for the restoration area has ended.

Owners:

- Provide the WPC an updated plan with a scale bar and specifying native wildflower seed mix.
- Provide a management plan with a directive that invasive species shall be hand-removed.

2. 20 Tappan Rd (cont NOI) – MA-DEP file # 324-0996; Applicant: Fallon Custom Homes & Renovations – Proposal to demolish and reconstruct a single-family home within Riverfront Area and Buffer Zone to Fuller Brook.

People Present: Jacob LeMieux, Dave Cowell, Hancock Associates; Peter Fallon, Fallon Construction; Lauri Slawsby, owner.

New Information:

Project engineer J. Lemieux presented the applicants' rationale for compliance with the redevelopment performance standards for Riverfront Area, focusing his remarks to the Wetlands Protection Act Regulations subsection 310 CMR 10.58(5)(g)). He stated that that sub-section allows for either a 2:1 planting mitigation area ratio for other non-square-footage area-dependent mitigations and that approval of the plan must be based on the combined mitigations provided.

Project Engineer J. Lemieux continued by presenting the Site Plan lot coverage table asserting that up to 10% of the lot or the area of existing disturbance is permitted to be covered. Lemieux claimed that additional disturbance is allowed if restoration or replication of degraded area is provided at a 1:1 ratio of degraded to naturalized, or where naturalized areas are provided within developed but not degraded at a 2:1 ratio. J

Senior Wetland Scientist David Cowell stated the WPA Riverfront Area redevelopment standards allow an owner to develop up to 5,000-sf or 10% of the Riverfront Area. A lot developed prior to enactment of the Rivers Protection Act is in an existing non-conforming status. He continued that it may be re-developed in-kind over the same footprint without that portion of new work being credited towards the 5,000-sf of allowed impervious surface area.

The engineer presented the latest plan revisions. He offered that the mitigation area now does not include the foundation landscape planting, and that the project added markers to denote the mitigation areas. He stated that the revised planting area is provided according to a ratio of 1.34:1 of restoration to area non-conforming to criteria.

The engineer stated that the treatment, attenuation, reduction, and flood protection offered by the stormwater design should be counted as mitigation: i.e. in a 2-year storm a 56% reduction, in a 10-year storm a 50% reduction, in a 25-year storm a 35% reduction, in a 50-year storm 30% reduction, in a 100-year storm a 25% reduction. The engineer detailed that a 344-cubic foot groundwater recharge is proposed, which he stated is doubled that which is required under the Bylaw. He stated that the revised plan now shows the patio has pervious pavers. The engineer stated that post-development runoff overflow will be directed to the municipal storm drain rather than sheet and shallow-concentrated currently flowing over the Brook Path.

Engineer J. Lemieux then highlighted that 990-sf of non-mitigation plantings will increase the site's capability to retain phosphorus and other pollutants, and that all trees will be protected both on- and off-site. Finally, the engineer pointed to the revised plan reduced the lawns and patio areas, modified the retaining wall, and added more understory trees near Brook Path.

Discussion:

Chair R. Howell reflected the consultant's claim that the other mitigations are of sufficient benefit to make up for the 2:1 mitigation requirement area shortfall. E. McLane stated that the design is not in the spirit of redevelopment. Secretary J. Adams asked whether the purpose of mitigation is to replace wildlife habitat or if stormwater management should be counted as mitigation. J. Lemieux replied that mitigation is anything that serves to protect the interests of the Act. The engineer continued, adding that there is no existing wildlife habitat on site. He stated the proposed design adds habitat. D. Cowell added that under CMR 10.58 Riverfront Area redevelopment performance standards that the WPC must consider other mitigation offerings beyond surface-area calculations as the interpretation of this subsection is a subjective values assessment.

Chair R. Howell stated that stormwater management and tree protection are required already. J. Lemieux responded that by surpassing the minimum thresholds, these other improvements should be counted.

Vice Chair P. Jones stated that even though the design only provides a 1.34 ratio for mitigation, the applicant may pick other types of mitigation in order to be in compliance.

Chair R. Howell and E. McLane stated that they did not believe the revised plans meet the regulations for redevelopment within the Riverfront Area, based on the amount of mitigation offered. Secretary J. Adams asked about the purpose of the proposed mitigation.

E. McLane asked about the status of the recently removed tree in the front of the house. The consultant answered that the tree had become diseased 5 or 6 years ago so it was removed, and the owners were unaware of the need to seek advance permission.

The Wetlands Administrator expressed concern with the amount of grading, fill, and other disturbance within the critical root zones of all trees to be protected during construction.

Public Speak: Abutter Mike Mahlenkamp of 18 Tappan Road raised a concern about 5 hemlocks along his property and stated his belief that he was the owner or a joint owner of these trees.

Decision: to be continued to June 2nd

Action Steps:

Administrator:

- Contact the MA-DEP Circuit Rider to clarify riverfront area redevelopment performance standards and provide that information to the applicants and to the WPC.
- Send all feedback previously provided from the Wetlands Administrator to both the applicant and to the WPC

Applicant:

- Provide revised plans based on the response of the MA-DEP Circuit Rider

3. 17 Colby Rd (cont. NOI) – MA-DEP #324-1000: Applicants: Molly and Nevin Fox – construct a paver and crushed stone patio, install an aluminum fence and masonry fireplace.
People Present: Scott Henderson, Henderson Consulting Services; Molly and Nevin Fox, owners
New Information: Project engineer S. Henderson showed the adjustments to the plan related to the change in patio material. He stated he provided feedback to the draft OOC circulated to him.
Decision: Vice Chair P. Jones made a motion to close an issue under the state and bylaw, Ms. McLane seconded the motion. It was approved 4-0.

Action:

Administrator: Issue the OOC

4. 16 Paine St. (New Minor Plan Change) MADEP # 324-0993

People Present: Scott Indermuehle, Sudbury Design Group; Lisa Laich, owner

Discussion: the minor plan change was approved at the previous meeting.

Action: Wetlands Administrator to send the minor plan change approval letter

5. 44 Pine Ridge Road (New Minor Plan Change)

People Present: No one.

Decision: The Wetlands Administrator went on the site visit and said she just asked for a clarification of the plan. John Adams made a motion to approve the minor plan change, Ms. McLane seconded the motion. It was approved 4-0.

Action:

Administrator: send the minor plan change approval letter

6. 43 Whiting Road (COC request, minor plan change request)

People Present: Brian Nelson, MetroWest Engineering

New Information: The project represented the request for a COC and presented a request for a minor plan change to add a shed within the outer buffer zone.

Decision: The COC request was not denied, and, no decision was made about granting the request. The applicant was directed to return in 6 months after fill present from around the trees to be protected is removed. Secretary J. Adams made a motion to approve the minor plan change. This vote to approve the minor plan change was approved by a 4-0 vote.

Action(s):

Administrator:

- issue a minor plan change letter

Applicants:

- remove fill from the critical root zones of trees to be protected
- add bounds to the 25-ft No-Disturbance Zone boundary
- add native seed mix and native groundcover to stabilize soil and naturalize the 25-ft No-Disturbance Zone slope
- replace 1 dead hemlock with a new tree
- cut two dead trees to snags
- obtain a certified arborist opinion on a tree of concern and if needs mitigation

7. 4 Twitchell St. – (New RDA) Project proposal to increase the size of the garage without the approval of the WPC or ZBA, after-the-fact, within Riverfront Area to Fuller Brook

People Present: Marc Charney

New Information: The owner presented before-and-after photos along with as-built plans showing the garage construction within the 200-foot Riverfront Area

Discussion: The Wetlands Administrator noted that if there was additional impervious area added within the Riverfront Area, in addition to the garage expansion, the WPC may request an after-the-fact Notice of Intent

Decision: Chair R. Howell asked if the applicant is willing to submit a Notice of Intent. Secretary J. Adams motioned to make a positive determination. The motion was approved by a 4-0 vote.

Actions:

Administrator:

- Issue a positive determination to the owner

Owners:

- file an after-the-fact Notice of Intent for all alterations subject to approval under the Act and Bylaw for redevelopment of Riverfront Area

8. 121 Manor Av. – (New COC)

New Information: The Wetlands Administrator stated that she visited the site and that she agreed with the as-built plan and compliance letter that was provided to the WPC.

People: Diane Simonelli, Field Resources; Sima Chaban, owner.

Decision: Ms. McLane made a motion to approve. The motion was approved by a 4-0 vote.

Action:

Administrator:

- issue the COC to the homeowners

09:52 PM Adjournment (Chairman):

Ms. McLane made a motion to adjourn the meeting and the motion was approved by a 4-0 vote.