



# Wellesley

## MASSACHUSETTS

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### Town of Wellesley Wetlands Protection Committee (WPC) Meeting Minutes May 13th, 2021

**Meeting Location:**  
Online Meeting

*Voted to approve 6/24/2021*

**Members Present:** Richard Howell, Chair; Peter Jones, Vice Chair; John Adams, Secretary; Jim McLaren; Ellie McLane; Jay McHale, NRC Liaison

**Members Not Present:** none

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

**Guests:** Anton Bezfamilnyy, Wellesley Media representative, Chip Nysten, Chuck Caron, David Himmelberger, Bill Shribman, David Hancox, Heather Conway, Nash Quadir, Steve Tolley, Scott Henderson, Brian Nelson, Victor Nicolazzo, Brad Wertheim

## 6:35 pm - Official Start

### 6:35 pm Administrative Business (Admin)

1. **Minutes** – Ellie McLane made a motion to approve the minutes from 4/22/2021. John Adams seconded the motion. The motion was approved by a 5-0 vote.
2. **Barton Rd** – Algonquin is starting maintenance work on existing gas pipeline off Barton Road in the Rosemary Brook watershed on Friday, May 14<sup>th</sup>. Plans were submitted to the WA a few days ago. A site walk to review erosion controls and to understand the associated resource areas will be conducted on Monday May 17<sup>th</sup> by the Committee.
3. **Barton Rd** – MWRA is planning an exploratory 4" diameter boring off Barton Road behind the Hegarty water building and well, outside of the nearby Algonquin pipe easement, in preparation for work that will begin in a few years.
4. **Letter to new residents** – The office will draft a letter to residents new to living in a wetland resource area that explains the Wetlands Protection Act and the Wellesley Wetlands Protection Bylaw. The Committee recommended that the letter introduce the Committee members.

### **6:48 pm Active Matters (Admin)**

Chair Richard Howell explained that as many of the Active Matters topics require discussion by the WPC, the topics should be discussed during the Public Meeting. This will take effect tonight and will continue in future meetings.

### **6:50 pm Public Meeting Open (Chair)**

#### **Public Voice** (Chair)

Richard Howell read ground rules for participating in the meeting. No one called into the Conference Line during Public Voice.

#### **Active Projects:**

1. **1 & 7 Springdale Av** – The owner of both parcels requested a tree removal at both 1 and 7 Springdale Av. Administrative approval was granted by the WA for one (1) tree removal on 7 Springdale Av. The tree on 1 Springdale Av was denied and the WA informed the owner that to remove it would require a Notice of Intent.
2. **75 Old Farm Rd** – A Notice of Violation has been sent for removing trees in Buffer Zone without a permit. The WA will draft an Enforcement Order to require restoration of lost wildlife habitat.
3. **26 Morses Pond Rd** – A revised Enforcement Order to remove deposition of fill and working without a permit was circulated to the owner and to the WPC. A finalized restoration plan has not yet been provided to the WPC as requested in 2019. The WA conducted a site walk with the homeowner and their consultant and an agreement was made between the three parties as to next steps. The fill has been removed from the Buffer Zone (BZ).
4. **1 Sunnyside Av** (MA-DEP #324-0968) - A draft Enforcement Order has been made for violating Order of Conditions. The house was being worked on and it collapsed, creating debris. They are working with MassDEP and are working to stabilize their failing erosion controls.
5. **75 High Ledge Av** (MA-DEP #324-0857) – A Notice of Violation was sent for violating their Order of Conditions. The owner Anton Bes was present for the discussion. The owner plans to record the unrecorded active Order of Conditions issued to the previous owner, and then request an extension and amendment to the OOC to meet the goals of the new owner.
6. **14 Eisenhower Cir** - A Potential Notice of Violation was sent for tree removals in buffer zone (BZ). Homeowner agreed to file an after-the-fact Notice of Intent for 6/3.
7. **1 Kendall Rd** – A Notice of Violation will be sent to the owner of that property for recent cutting and removing of vegetation within the 100-foot buffer zone (BZ).

### **7:00 pm Public Hearings and Meetings (Committee)**

1. Pete Jones made a motion to delegate signatures of the Wetland Protection Committee (WPC) to the WA for this meeting. Ellie McLane seconded the motion and it was approved by a 5-0 vote.
2. **15 The Waterway** (cont. NOI) - MA-DEP #324-0964 – Applicant: M. Quinn; construction of a new single-family home in Riverfront Area (RFA) and Buffer Zone (BZ).

**People Present:** Chip Nylén, Chuck Caron

**New Information:** Chairman Richard Howell presented slides summarizing the project. The project representative presented a summary of a letter confirming the length of lot frontage, the taking of the area around the parcel by the Town, and confirming the driveway easement for 62 Glen passes through land owned by 15 The Waterway. The representative stated the parcel to be over 15,000

square feet, and that the lot is subject to different performance standards under Riverfront Area regulations than lots recorded later than 1997. The applicant also reviewed points from a revised submittal of a wildlife habitat evaluation, and presented changes from a revised Notice of Intent Plan showing a stockpile area and temporary construction entrance. The revised NOI references a confirmed wetland delineation. The project representative reviewed a revised planting plan submitted to the WPC that focuses on mitigation for loss of food sources (nuts and seeds such as acorns) and woody debris ground cover.

**Discussion:** A question arose as to how to establish a baseline of existing wildlife habitat so that what is proposed to be lost can be mitigated. Vice Chairman Pete Jones asked if the soil type was considered when choosing mitigation plantings. The wetlands consultant stated that species on the mitigation plan are upland species adapted to sandy soils. Pete Jones asked about a maintenance plan to ensure the survivability of mitigation planting. A potential electric fence was proposed for the first few years to help saplings to mature. The board reviewed the project against general performance standards for Riverfront Area under new development and for Buffer Zone. A waiver to work in the 25-ft NDZ was requested by the WPC.

**Decision:** continued.

**Action Items:** DPW Engineering to review the stormwater plan.

**Public Voice:** Attorney David Himmelberger spoke as a representative of community members who oppose the project. He asked why an Order is being entertained when permits from other departments have not yet been obtained for this project.

**3. 53 Martin Rd (cont. RDA) - Applicant: W. Shribman, install 2 HVAC units in BZ and RFA.**

**People Present:** Bill Shribman

**New Information:** Updated plans were presented.

**Decision:** Ellie McLane made a motion to close the hearing and project under both the Wetlands Protection Act and the Wellesley Wetlands Protection Bylaw and issue a negative determination of the RDA. Pete Jones seconded the motion and it passed by a 5-0 vote.

**Action Item:** WA to issue a Negative RDA.

**4. 190 Winding River Rd (cont. NOI) - MA-DEP #324-0974 - Applicant: P. & H. Conway; construct a pool, fence, and landscaping, replace rotting steps, remove trees in RFA, BZ, & 25-ft NDZ.**

**People Present:** David Hancox, Heather Conway

**New Information:** A draft Order of Conditions was circulated. The WA voiced a concern regarding the abutting neighbor's trees and discussed a Special Condition to protect off-site trees from excavation. The old fence is proposed to be removed and new plans showing this activity will be presented.

**Decision:** Pete Jones made a motion to close the hearing and the project under both the Wetlands Protection Act the Wellesley Wetlands Protection Bylaw. Jim McLaren seconded the motion and it passed by a 5-0 vote.

**Action Items:**

- WA to issue the OOC with the Special Condition that a certified arborist shall be on-site to observe excavation of any exposed roots of off-site trees to be protected and to supervise root-pruning if the activity will be protective and not harmful.
- The WA to circulate a second draft of the OOC to the WPC and project proponents to ensure there are not any clerical edits needed.
- Applicant to submit finalized plans showing the old fence to be removed.

**5. 56 Windsor Rd (cont. NOI) - MA-DEP #324-0973 - Applicant: E. Svedlund; **continued at the request of the applicant to June 3, 2021.****

**People Present:** none.

**Decision:** Continue to 6/3/2021.

**Action Items:** N/A

- 6. 1 Sunnyside Ave (cont. EO) – MA-DEP #324-0968 - N. Quadir; ratify updated Enforcement Order (EO) sent 4.27.21.**

**People Present:** Nash Quadir

**New Information:** While work on the foundation under the approved Order was being performed, it collapsed. There was asbestos found present within the house; Mass DEP became involved. A plan has been submitted to DEP on how to move forward. Fill piling onto the erosion controls has been removed and debris has been removed from the wetland. DEP suggested the site be covered up, which has been done.

**Discussion:** The main concerns from the Committee is the maintenance of erosion controls. The validity of the Order was discussed. The house will be replaced. Will this require a new Notice of Intent or can the existing Order be amended to meet the new proposed work?

**Decision:** none

**Action Item:** applicant to submit a new abatement plan by a date to be determined by Wetlands Administrator in coordination with owner.

- 7. Sullivan Rd (Babson College) (New RDA) - Applicant: S. Tolley; Mill & repave the roadway within the 25-foot No-Disturbance Zone (NDZ) to an intermittent stream.**

**People Present:** Steve Tolley

**New Information:** The project was presented.

**Decision:** Pete Jones made a motion to close the hearing and project under both the Wetlands Protection Act and the Wellesley Wetlands Protection Bylaw and issue a positive determination of the RDA. Jim McLaren seconded the motion and it passed by a 5-0 vote.

**Action Item:** WA to issue a Positive Determination.

- 8. 144 Glen Rd (New NOI) – MA-DEP #324-0975 - Applicant: R. Parker; repair a failing retaining wall and repair a portion of the driveway in the 25-ft NDZ and Riverfront Area.**

**People Present:** Scott Henderson

**New Information:** The project plans were presented. A waiver was requested by the applicant for work in the 25-ft NDZ and a request to waive the waiver fee.

**Decision:** continued. Pete Jones made a motion to waive the waiver for working in the 25-ft NDZ and waive its associated fee. Ellie McLane seconded the motion and it passed by a 5-0 vote.

**Action Item:** WA to draft an OOC.

- 9. 15 Tappan Rd (New AOOC) – MA-DEP #324-0947 – Applicant: P. Mordas; add to previously approved plan a new pool, terraces, adjust and expand driveway, construct a retaining wall, and construct a stormwater infiltration system in RFA, 25-foot No-Disturbance Zone.**

**People Present:** Brian Nelson

**New Information:** Amended plans were presented. 775 square feet of additional impervious surface is proposed.

**Discussion:** Existing erosion controls need improvement. There are concerns regarding any further alteration; should this be allowed?

**Decision:** Pete Jones made a motion to close the hearing and the project under both the Wetlands Protection Act the Wellesley Wetlands Protection Bylaw. Jim McLaren seconded the motion and it passed by a 5-0 vote.

**Action Items:** WA to issue an AOOOC with the Special Condition that no further alteration can be made to the mitigated area. Applicant to submit the revised plan showing the areas to be maintained in perpetuity.

**10. 59 Upson Rd** (New MPC) – MA-DEP #324-0951 – Applicant: V. Nicolazzo; removal of 3 additional trees in the BZ.

**People Present:** Victor Nicolazzo

**New Information:** The change and mitigated plantings were presented.

**Decision:** Jim McLaren made a motion to approve the minor plan changes requested. Pete Jones seconded the motion and it passed by a 5-0 vote.

**Action Item:** WA to issue a Minor Plan Change approval letter.

**11. 32 Boulevard Rd** (New MPC) – MA-DEP #324-0926 – Applicant: B. Wertheim; remove and replace shed outside of the RFA, and remove and replace driveway curb in RFA.

**People Present:** Brad Wertheim

**New Information:** The changes were presented.

**Decision:** Pete Jones made a motion to approve the minor plan changes requested. Jim McLaren seconded the motion and it passed by a 5-0 vote.

**Action Item:** WA to issue a Minor Plan Change approval letter.

*Any urgent items not reasonably anticipated prior to 48 hours of meeting.*

### **9:21 pm Adjournment (Chairman):**

John Adams made a motion to adjourn the meeting. Ellie McLane seconded the motion. The motion was approved by a 5-0 vote.