



# Wellesley

## MASSACHUSETTS

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### Town of Wellesley Wetlands Protection Committee (WPC) Meeting Minutes August 25, 2022 – 6:30 p.m.

**Meeting Location:**  
Online Meeting

**Voted to approve 10/6/2022**

**Members Present:**

Ellie McLane, Chair; Pete Jones, Vice Chair; John Adams, Secretary; James McLaren; Kevin Hanron; Doug Hersh, Associate Member; Eben Scanlon, Associate Member

**Members Not Present:**

none

**Staff Present:**

Julie Meyer, Wetlands Administrator

**Guests Present:**

Ivria Fried, David Silverstein, Mark Cooperman, Thomas Ryder, Chuck Caron, Paul McManus, Verne Porter, Buck Russell, David Himmelberger, Joyce Hastings, Jonatas Storck, Phil Cordeiro, Keith Higgins, Tim Fulham

**6:35 p.m. Meeting Open**

The meeting was declared open by Chairperson E. McLane at 6:35 p.m. Chair E. McLane then immediately made a motion to enter executive session under Purpose 3 to discuss litigation involving violations at 9 Peirce Road because an open session would have a detrimental impact on the litigating position of the WPC, to permit Julie Meyer and Ivria Fried to attend the meeting, and to return to open session to continue with the meeting. All regular and associate members voted to enter executive session, as determined by roll call led by the Chair. The motion was approved by a vote of 5-0.

**6:40 p.m. Executive Session**

**7:07 p.m. Public Meeting Open (Chair)**

The Committee returned to the WPC Regular meeting at 7:07 p.m. Chair E. McLane read the rules for the public meeting procedure. Secretary J. Adams made a motion to delegate signatures of the Wetland Protection Committee (WPC) to the Wetlands Administrator Wetlands Administrator for this meeting; the motion was approved by a 5-0 vote.

**Public Voice for Items not on the Agenda: None**

**1. 76 Bristol Rd (new Request to Amend Order of Conditions) - MA-DEP # 324-0985**

**Applicant:** D. Silverstein

**Proposal:** change porous driveway pavement material to standard asphalt

**People:** Mark Cooperman, Thomas Ryder, David Silverstein

**New Information/Discussion:** The representing engineer presented plans showing no change to the previously approved stormwater system, excepting the enlargement of the subsurface stormwater infiltration unit chamber size (from Cultec 150- to Cultec 330). The engineer proposed the use of rain barrels on the back patio to provide required Low Impact Design (L.I.D.) techniques for managing stormwater.

**Decision:** Vice Chair P. Jones made a motion to close the hearing and approve the Amended Order of Conditions (OOC) according to the State Wetlands Protection Act and the Wellesley Wetlands Protection Bylaw and the motion was approved by a 5-0 vote.

**Action(s):**

**Administrator:** issue the Amended Order of Conditions approving the change in pavement material and conditioning up to two (2) 55-gallon rain barrels to be utilized in perpetuity and to update the Operation and Maintenance (O&M) Plan to include maintenance of rain barrel(s).

**2. 271, 272 Worcester St (new NOI) - MA-DEP # 324-1005**

**Applicant:** B. Shaughnessy, Town of Wellesley DPW Water & Sewer Division

**Proposal:** replace both Rosemary and Longfellow Wells

Resource Areas: Buffer Zone, 25-ft No-Disturbance Zone

**People:** Chuck Caron, Caron Environmental Consulting

**New Information/Discussion:** Wetland Scientist C. Caron presented plans for the new wells. The WPC discussed the proximity of a black locust tree near the Longfellow well site and if removal would trigger the need for mitigation. The applicant agreed to replace the tree if it needs to be taken down.

**Decision:** continued at the next meeting on September 15th.

**Action(s):**

**Administrator:** draft an Order of Conditions with standard conditions, including the requirement to mitigate for tree removal.

**3. 108 & 112 Abbott Rd (cont NOI) - MA-DEP # 324-1004**

**Applicant:** G. Russell

**Proposal:** construct a garage addition, driveway, and pool, and modify drainage

Resource Areas: Buffer Zone and 25-foot No-Disturbance Zone to Bank, Land Under Waterbodies, and BVW.

**People:** Paul McManus, Verne Porter, Buck Russell, David Himmelberger

**New Information:**

- Detail 2 of 2 rev 8.2 received via email 8.3
- EcoTec Memo – Supplemental Information: Resource Areas Present, 8.18.22 received via email 8.18
- Proposed Conditions Plan rev 8.2 received via email 8.3
- P & TSS Removal dated 8.1 received via email 8.3
- Wildlife Habitat dated 8.15 received via email 8.22
- Landscape Plan dated 8.11
- Planting Plan dated 8.11
- Tree Protection Plan dated 8.11
- Lighting Plan dated 8.11
- Guidelines for Emptying Swimming Pools
- Unilock Heavy Duty Permeable Spec

**Discussion:** V. Porter, PLS, stated the revised site plan now shows the drainage system to be divided into two fields. He further stated that the driveway location has been modified in the front and the driveway materials have been updated on plans. The representative stated that the patio area around the pool and the patio on the south have both been reduced in area. V. Porter explained that pre- and post-development impervious area calculations within the site, 25-ft no-disturbance zone, and 100-ft buffer zone were provided.

Wetland Scientist P. McManus, PWS, told the WPC that they conducted a follow-up site visit attended by the Wetlands Administrator to view proposed new work features that had been marked on the ground as well as to view the wetland flags. Additionally, P. McManus stated the elm tree (T4) that had previously been scheduled to be removed can be protected and this is shown on the Proposed Site Plan. Representative P. McManus clarified that the wetland delineation flags on the plan represent the top of bank of the intermittent stream and that to the east of the intermittent stream, there is an area of bordering vegetated wetlands that was not delineated. He clarified that the flags only delineated the resource area that is nearest to the work (the bank) as he determined it would be confusing to show both buffer zones on the site plan.

P. McManus displayed an illustration of land cover changes within the 25-ft No-Disturbance Zone. He also showed a table summarizing that the change of impervious area within the 25-ft NDZ, showing a decrease from 1,675-sf to 1,329-sf of impervious cover. He clarified that the increase of pervious pavement within the 25-ft NDZ is to increase from 0-sf to 301-sf.

The representative stated that the proposed area of lawn and landscape will now decrease from 5,423-sf to 4,432-sf and the increase of naturalized area is to increase from 934-sf to 1,970-sf as compared to the previously submitted plans.

Finally, the Wetlands Administrator displayed the request for the waiver that was discussed at the last meeting (Aug. 4) and read the Bylaw Regulations Section 1.6(9) Waiver of Regulations. The Chair E. McLane led the WPC through the two-part waiver considerations.

**Decisions:** Chair E. McLane asked for a motion to act on the request for a Waiver of Buffer Zone performance standard relating to Section 2.5(4)a)1. Vice Chair P. Jones made a motion to approve the waiver as submitted. Secretary J. Adams seconded the motion. The motion was approved by a 5-0 vote. The applicants agreed to continue to the next meeting on September 15th.

**Action(s):**

**Administrator:** Draft an Order of Conditions.

**Applicant:**

- Provide an engineered stamped plan for the driveway paver details.
- Provide an Operation and Maintenance (O&M) Plan for the pervious driveway and for the new drainage system.

**Public Voice:** Keith Higgins (105 Abbott Rd) & Tim Fulham (15 Windsor Rd.) both stated that the performance standards were not met according to the Wellesley Wetlands Bylaw.

**4. 1 Sunnyside Av** (new NOI) – MA-DEP # 324-1006: Applicant: J. Storck; construct a single-family home and driveway within Riverfront Area and Buffer Zone to Sunnyside Brook

**People:** Joyce Hastings, Jonastas Storck

**New Information/Discussion:** J. Hastings, PLS, presented the site plan for 1 Sunnyside Avenue. Chair E. McLane asked the consultant to indicate the proposed edge of lawn and a planting plan.

**Decision:** New plans will be presented at the next meeting on September 15.

**Action(s):**

**Applicant:** provide a revised plan, including a mitigation plan, and a compliance statement of riverfront area performance standards.

5. **85 Ledgeways** (2nd minor plan change request) MA-DEP # 324-970- Applicant: V. Melfa; change of location of HVAC units added within Buffer Zone to pond

**People:** No one was present.

**New Information/Discussion:** J. Meyer shared the updated plans for 85 Ledgeways. She showed the new area of the infiltration system which is further away from the resource area. J. Meyer shared that it is outside the buffer zone.

**Decision:** Chair E. McLane asked for a motion to approve the minor plan change. WPC Member J. McLaren made the motion to approve under both the State Wetlands Protection Act and the Wellesley Wetlands Protection Bylaw. The motion was approved by a 5-0 vote.

**Action(s):**

**Administrator:** Issue a (2<sup>nd</sup>) Minor Plan Change Letter

6. **900 Worcester St/ Rt 9 (new COC) - MA-DEP # 324-0923** - Applicant: Edge Sports Group LLC; owner Mass Highway/Massachusetts Department of Transportation- District 6, to improve and maintain an existing roadway (Route 9, Worcester St) including installing a traffic signal, reshaping Lexington Street intersection, upgrading the median strip, adding a crosswalk, and upgrading adjacent sidewalks, driveway openings, curbing, and grass strips.

**Resource Areas:** Buffer zone to Bordering Vegetated Wetlands and Bank, including the 25-ft No-Disturbance Zone to BVW and Bank; Bordering Land Subject to Flooding, and Riverfront Area.

**People:** Phil Cordeiro

**New Information/Discussion:** Representative P. Cordeiro stated that all other engineering improvements are complete. He then presented the as-built plan on a shared screen, focusing on where the three trees that were removed along Route 9 for MassDOT have been mitigated for by planting three red maples located on the 900 Worcester Street parcel along the fire access road.

**Decision:** Chair E. McLane asked for a motion to issue a complete Certificate of Compliance to the applicant and the motion was approved by a 5-0 vote.

**Action(s):**

**Administrator:** issue the COC to the applicant

7. **900 Worcester St** – (new COC) - MA-DEP file # 324- 0945 - Applicant: Edge Sports Group LLC; construction of a new sports center and parking lot within buffer zone to an isolated vegetated wetland, bordering land subject to flooding, and riverfront area.

**People Present:** Phil Cordeiro

**New Information/Discussion:** The applicant agreed to mark the wetlands replication area as “DO NOT MOW”. J. Meyer stated that the knotweed had been recently cut and asked the WPC what they thought about whether to encourage this. E. McLane mentioned trees that needs to be planted. The applicant is missing five trees (3 Red Maples, 2 Pagoda Dogwoods). P. Cordeiro mentioned the three Red Maples are the ones they were told to take down. The agreed on a site walk (Monday, Sept. 12) to discuss the trees. Chair E. McLane asked the applicant to propose within jurisdiction where the three Red Maples and whether they need to replant dogwoods that died. J. Meyer asks if the WPC wants to verify independently through DPW the flood control system. E. McLane asked how the applicant will maintain the deteriorating parking lot. P. Cordeiro explained the way they will replace sections.

**Decision:** The applicant and WPC agreed upon to continue to the next meeting on Sept. 15.

**Action(s):** Applicant will allow DPW on site for flood control inspection.

**8. 4 Twitchell St (cont NOI) - no MA-DEP file #** - after-the-fact construction of house addition and an expanded garage within Riverfront Area to Fuller Brook.

**People:** none present

**New Information:** request was made by applicant to continue until the 9/15 meeting

**Discussion:** Chair E. McLane suggested that if updated information is not presented at the next meeting the WPC may consider issuing a denial Order of Conditions based on lack of information.

**Decision:** continue to 9/15

**Action Steps:** none

#### **Active Matters (Admin)**

- 1. 12 Pilgrim Cir** - The Wetlands Administrator stated that she approved the removal of a tree located within the Riverfront Area and the 25-foot No-Disturbance Zone.
- 2. 14 Lexington Rd** - Wetlands Administrator J. Meyer explained she did a site walk with Lisa Moore (NRC Outreach, Education Coordinator and Compliance). Explained they met the new owners and construction in the flood plain was removed. Despite it being removed without a permit it was on flat land and away from the water. They did not make an issue out of that but will need a RDA when they come in for the building of a deck. That violation is resolved.
- 3. 39 Pilgrim Rd** - The Wetlands Administrator stated the request to remove a tree is under review and will make a site visit.

#### **Administrative Business**

##### **1. Minutes for August 4, 2022**

Secretary J. Adams made the motion to approve the minutes as provided for August 4, 2022 meeting. The motion was approved by a vote of 5-0.

##### **9:38 p.m. Adjournment (Chair):**

Secretary J. Adams made a motion to adjourn the admin portion of the meeting. The motion was approved by a 5-0 vote.