



Wellesley

MASSACHUSETTS

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

Meeting Location:

Online Meeting

Approved 10.27.2022

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

Members Not Present: Eben Scanlon, Associate Member

Staff Present: Julie Meyer, Wetlands Administrator

Guests: Judith Barr, Guy Yehiav, Scott Goddard, Paul McManus, Verne Porter, Gordon Russell, Jr., Russell Family, David Himmelberger, Jason Storck, Joyce Hastings, C. DeLisle, Lori MacDonald, Lisa Moore, Barry Schneider, Lucas Machado, Nilton Machado, Jeff Birnbaum, Ryan Roseen, Shawn Humphrey, Chris Gaboriault, Marc Charney, Julian, Kent's iPhone, Art Allen, Qing Sun.

Public Voice: none

6:35 pm Administrative Business (Admin)

1. Secretary J. Adams made the motion to approve the August 25, 2022 regular meeting minutes. Vice Chair P. Jones seconded the motion. The WPC approved by a 5-0 vote.
2. Secretary J. Adams made the motion to approve the September 15, 2022 regular meeting minutes. J. McLaren seconded the motion. The WPC approved by a 5-0 vote.
3. The Wetlands Administrator presented a draft policy to the WPC in their preparation materials to expedite reviews of trail maintenance projects on Town land within the 25-ft No-Disturbance Zone. The WPC felt that the current regulations are sufficient and do not need revision as they provide the WPC discernment as to whether to find activities exempt. Associate member D. Hersh recommended that staff draft a letter to the Eagle Scouts outlining the various routes for review and to note that an RDA may result in a positive determination.
4. The WPC Administrator informed the Committee that Year 4 of the MS4 Permit is available for review.

Chair Ellie McLane read ground rules for the meeting. Secretary J. Adams made a motion to delegate

signatures of the Wetland Protection Committee (WPC) to the Wetlands Administrator (WA) for this meeting. Vice Chair P. Jones seconded the motion and it was approved by a 5-0 vote.

6:49 pm Public Meeting Open (Chair)

Active Matters (Admin)

1. **Patch of Woods (138 Glen Rd)** – The Wetlands Administrator provided an administrative approval for vegetation management in the Buffer Zone and Riverfront Area. Land Trust Officer J. Barr was present to speak about the means and methods.
2. **22 Wilson St.** – The Wetlands Administrator provided an administrative approval for a removal of a dying pine tree on the property.
3. **132 Glen Road** – After the fact NOI – The Wetlands Administrator updated the WPC that the project missed a deadline but she has spoken to the owner and project's representative and is comfortable that the project is on track to come before the Committee.
4. **35-37 Harris Av** – The WPC reviewed and approved a restoration plan for unpermitted removal of understory within the buffer zone on both parcels.
5. **1 & 2 Pickerel Rd** – Notice of Violation was issued for disregarding conditions of an active Order of Conditions on 1 Pickerel Road (MA-DEP file # and additionally for unpermitted work on 2 Pickerel Road. Representative S. Goddard presented a summary of how to remedy the violations for both properties. The Wetlands Administrator stated she performed an inspection and will do a follow-up visit with the owner and representative. Chair E. McLane stated that the homeowners should work with The Wetlands Administrator on a plan to restore the area and continue to the next meeting.
6. **39 Pilgrim Rd** – The Wetlands Administrator gave an administrative approval to remove a tree within Boulder Brook Riverfront Area.

7:30 pm - Official Start Public Meeting Open (Chair)

7: 30 Public Voice (Chair)

No one called in for Public Voice.

7:00 pm Public Hearings and Meetings (Committee)

1. **108 & 112 Abbott Rd (cont NOI)** – MA-DEP # 324-1004: Applicant: G. Russell: construct a garage addition, pool, and modify drainage within buffer zone and 25-foot No-Disturbance Zone to an intermittent stream.

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

Written Abutter Comments: Chair E. McLane directed Committee member J. McLaren to summarize two letters from submitted to the Wetlands Committee. The letters were posted to the website under Applications Under Review. Letter 1 was from Tim Fulham, 15 Windsor Road, Paul and MaryBeth Sandman, 93 Abbott Road, and Keith Higgins, 105 Abbott Road. The letter stated that the applicants should have been required to show an alternative that does not involve building in the no-disturbance zone. Secondly, the letter stated issues with the applicant's definition of the project purpose. The second letter from Keith Higgins, 105 Abbott Road, stated that in his review of recent applications to the WPC applicants were attempting to re-naturalize the area or leave it in no different condition and stated he did not note any instances in which an applicant was attempting to seek a waiver to build a permanent structure in an NDZ where none existed before.

New Information/Discussion: P. McManus of Ecotec submitted alternative analysis as well as the architect revision of the building as well as a planting plan. Discussion continued about the DPW's

review which confirmed V. Porter's analysis. K. Hanron asked for compromise between the applicants and the regulations on the 25-foot NDZ. The Wetlands Administrator recognized there was no memo from the DPW Engineers that the works meets the regulations. There was no confirmation that was specific to the bylaw.

Decision: Secretary J. Adams made a motion to close and issue an Order of Conditions under both the Wetlands Protection Act and the Wellesley Wetlands Protection Bylaw. The WPC voted 4-1 in favor and the motion passed.

Actions:

Wetlands Administrator to circulate a final draft to the WPC and the applicants after adding a condition that prior to construction applicant must obtain and provide to the WPC a third party or Town of Wellesley DPW Engineering Division review of the stormwater design confirming it meets Wetlands Bylaw Regulations stormwater performance standards, then issue OOC.

- 2. 1 Sunnyside Ave.** (cont 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: Chris Gaboriaut, GLM Engineering.

New Information/Discussion: Engineer C. Gaboriaut presented a revised plan and analysis. Chair E. McLane asked what trees were proposed. C. Gaboriaut shared the planting plan for the property. Secretary J. Adams asked about the square footage and if the structure is closer to the 25-foot No-Disturbance Zone.

Decision: Continue to next meeting on October 27

Actions:

- Applicants: provide the WPC accurate square footage of the building if closer to the river than existing conditions
- Wetlands Administrator: send riverfront area redevelopment checklist to the applicant

- 3. 4 Twitchell St** (cont NOI) - no DEP file # - Applicant: M. Charney; after-the-fact construction in Riverfront Area.

People: M. Charney

New Information/Discussion: M. Charney, applicant, addressed the WPC and said he hired Field Resources to help with the application and requested another continuation to the next hearing.

Decision: The WPC granted a continuation to October 27. Chair E. McLane stated this would be the last continuation if the NOI is not complete for the next hearing.

Action: Continue at the next meeting of October 27.

- 4. 26 Morses Pond Rd** (renewed NOI) – MA-DEP file # 324-0932: Applicant: Jian Sheng and Qing Sun; after-the fact tree cutting and planting to restore the Buffer Zone to Morses Pond.

People: Qing Sun

New Information/Discussion: Homeowner Q. Sun was present. The Wetlands Administrator sent the draft Order of Conditions Exhibit A to the owner's consultant Dave Burke for review prior to the meeting and received no comments.

Decision: J. McLaren made a motion to close and issue the Order of Conditions for prior unauthorized cutting of trees and the restoration planting under both the Wetlands Protection Act and the Wellesley Wetlands Protection Bylaw. Secretary J. Adams seconded the motion and the WPC approved it, 5-0.

Actions:

The Wetlands Administrator to issue the after-the-fact Order of Conditions to the applicant.

5. **25 Wellesley Av** (*cont NOI*) MADEP # 324-1007: Applicant: C. DeLisle; construct a 2-story addition, renovate a deck, walkway, and stairs; remove detached garage within Riverfront Area to Fuller Brook.

People: none

New Information/Discussion: request to continue to the next meeting on October 27.

Decision: WPC agreed to grant the continuance to the next meeting of October 27.

6. **66 Walnut St.** (*new request to extend OOC*): Applicant: Boston Gas Company to allow two growing seasons to demonstrate survival of mitigation areas for the work of replacing a gas pipeline in the Charles River.

People: Lori MacDonald, Coneco Engineers & Scientists, Inc.

New Information/Discussion: L. MacDonald asked for an extension of the Order of Conditions until 2025 to allow for the two-year growing season after installation of mitigation and restoration areas.

Decision: Vice Chair P. Jones made a motion to extend the OOC under both the Wetlands Protection Act and the Wellesley Wetlands Protection Bylaw. J. McLaren seconded the motion and the WPC approved it, 5-0.

Actions:

Wetlands Administrator to issue an extension to the Order of Conditions

7. **60 Woodside Av** (*new NOI*): MA-DEP file # 324-1008: Applicant: Town of Wellesley Natural Resources Commission sponsoring an Eagle Scout project to manage invasive species within the buffer zone of Reeds Pond

People: Lisa Moore, NRC Education and Outreach Coordinator

New Information/Discussion: L. Moore is assisting the Eagle Scout with a project to manage invasive species in the area. The project is co-sponsored with the DPW to address the issue of the root exposure along that patch of the path near Reeds Pond.

Decision: Vice Chair P. Jones made a motion to close and issue a standard Order of Conditions under both the Wetlands Protection Act and the Wellesley Wetlands Protection Bylaw. J. McLaren seconded the motion and the WPC approved it, 5-0.

Action(s):

Wetlands Administrator to issue an Order of Conditions

8. **33 Cornell Rd** (*new RDA*): - Applicant: A. Nicholson – Construct addition to a single-family home in Buffer Zone

People: Arthur Allan from EcoTec; Verne Porter

New Information/Discussion: A. Allan presented the plans of the RDA for an addition to a single-family home. A. Allan shared the plans with the WPC.

Decision: J. McLaren made a motion for a negative determination under both the Wetlands Protection Act and the Wellesley Wetlands Protection Bylaw. Vice Chair P. Jones seconded the motion and the WPC approved it, 5-0.

Action:

Wetlands Administrator to issue a Negative Determination to the applicant

9. **81 Croton St** (*new RDA*): Applicant: B. Schneider; relocate driveway and reshape and move retaining walls within 200-ft Riverfront Area and 100-ft Buffer Zone to perennial stream.

People: Lucas Machado, Curbs Inc.

New Information/Discussion: L. Machado shared a revised plan from the plans submitted and reviewed at the site visit. The Wetlands Administrator shared information from an enforcement order that the new

plantings are in the process and she was happy with the plantings. Secretary J. Adams worried there will be no plan of record with an RDA. The Wetlands Administrator explains the office has a file system (Access) that stores all the information on past history of property.

Decision: Vice Chair P. Jones made a motion for a negative determination under both the Wetlands Protection Act and the Wellesley Wetlands Protection Bylaw. J. McLaren seconded the motion and the WPC approved it, 5-0.

Action(s):

Wetlands Administrator to issue a Negative Determination to the applicant

10. 60 Livingston Rd (new NOI) – MA-DEP file # 324-100z (no file number issued): Applicant: J. Birnbaum, Pioneer Construction, Inc; to demolish and rebuild a single-family home partially within 100-ft Vernal Pool Habitat and Buffer Zone to Bordering Vegetated Wetland and pond.

Written Abutter Comments: Chair E. McLane directed Committee member J. McLaren to summarize a letter sent by Lauren Hewitt and Madison Riley of 61 Livingston Road. The abutters raised concerns about the streams, the vernal pool and the aquifer and asked the WPC to protect the water quality and recharge abilities.

People: Ryan Roseen, Rare Species Wildlife Biologist, Goddard Consulting; Jeff Birnbaum, owner

Information/Discussion: Consultant R. Roseen presented plans. Committee member J. McLaren questioned the protection of water flow and the easement driveway that crosses over 60 Livingston's land. Mr. McLaren asked for a detail of the tree protection and retaining wall construction. Chair E. McLane asked to see if the grading of the driveway could be adjusted in the next plan presented. The Administrator asked about why the infiltration was placed where it was and if that created the amount of new grading. The consultant R. Roseen stated the movement of contour 100 was minimal (note: it creates a rise of 4 additional feet at one point). She noted that a waiver request was just submitted today for working in the 100-ft Vernal Pool Habitat.

Decision: Continue at the next meeting October 27.

Action(s):

Applicant:

- Check easement agreement to see who is responsible for the cleaning of the catch basin in the driveway.
- Provide a stormwater report
- Provide a critical root zone analysis
- Provide an updated planting plan
- Consider alternatives to work outside the 100-ft Vernal Pool Habitat.

Wetlands Administrator:

- Reach out to consultant who represented 72 Livingston Road's bylaw NOI to inquire if he is aware that the catch basin in the shared driveway easement is clogged.

Public Speak: Abutter Lauren Hewitt stated her observation that the water level in the vernal pool fluctuates from practically dry to half-way across the adjacent lawn. She further stated that the area has aquifers and underground streams that discharge into this pond and behind 69 Livingston Road before flowing to the Charles River. She requests the WPC consider the effect of the project on the water table.

11. 112 Mayo Av (new minor plan change request) – MA-DEP file # 324- 0980; Applicant: S. Humphreys; add AC unit within Buffer Zone and Riverfront Area.

People: Shawn Humphreys

New Information/Discussion: Revised plan showing an additional AC unit outside the 25-ft Buffer Zone boundary.

Decision: Committee member K. Hanron motioned to approve a minor plan change. J. McLaren seconded the motion and the WPC approved it, 5-0.

Action:

Wetlands Administrator to issue a minor plan change letter to the applicant.

Last Minute Items Not Reasonably Anticipated: The Administrator stated that neither Committee member J. McLaren nor herself will attend the next remote meeting on October 27th.

09:30 PM Adjournment (Chair):

Vice Chair P. Jones made a motion to adjourn the admin portion of the meeting. Committee member K. Hanron seconded the motion. The motion was approved by a 5-0 vote.