



*Wellesley*  
MASSACHUSETTS

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**Town of Wellesley  
Wetlands Protection Committee (WPC)  
Meeting Minutes  
November 17, 2022 – 6:30 p.m.**

**Meeting Location:**

Online Meeting

Voted to Approve 12/29/22

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

**Members Not Present:** Eben Scanlon, Assoc. Member

**Staff Present:** Julie Meyer, Wetlands Administrator

**Guests:** Dick Lynch, Chris Gaboriault, Guy Yehiav, Marc Charney, Diane Simonelli, Andrew Thibault, Ryan Roseen, Jeff Birnbaum, Rich Kirby, Jenny Kim, David Kelley, Mark Pattin, Kevin O'Leary, Nick Kondek

**Public Voice:** none

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

1. 10/27/22 Minutes: The WPC voted 5-0 to approve the October 27<sup>th</sup> 2022 regular meeting minutes as submitted with the correction of typos submitted by the Secretary.
2. **58 Greylock Rd**: The WPC reviewed the notice by the Wetlands Administrator that the GIS Administrator removed a wetland buffer polygon from.
3. Zoom Webinar overview: Chair E. McLane announced that the WPC will be using Zoom Webinar format to make public participation easier while the Committee is meeting remotely, as the conference line is especially frustrating to the public. The Chair reminded members of the public that they must register in advance of the meeting to participate. She encouraged the submission of written comments that would then be summarized and read into the record prior to the discussion of the relevant agenda item.
4. The Chair asked the Committee what they thought about the Wellesley Climate Action Plan strategy to prioritize the role of wetlands and include climate resilience in wetlands regulations. Both Vice Chair Pete Jones as well as Committee member K. Hanron reminded the WPC of the need for data-based decisions. Member J. McLaren mentioned that southerly plant species could be allowed to migrate.

The WPC discussed changes in Wellesley's tree canopy. Associate member D. Hersh suggested drafting performance standards in response to increased heat as a result of climate change. The WPC decided to consider options during a board retreat to be held in either December 2022 or January 2023, after researching what other Commissions are doing.

Chair E. McLane read ground rules for the meeting. Vice Chair P. Jones made a motion to delegate signatures of the Wetland Protection Committee (WPC) to the Wetlands Administrator for this meeting. James McLaren seconded the motion and it was approved by a 5-0 vote.

## **7:01 pm Public Meeting Open (Chair)**

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

**1. 1 & 2 Pickerel Rd – (cont Notice of Violation)**

People Present: owner Guy Yehiav and wetlands consultant Ryan Roseen.

*Note: this item was reviewed at the end of the meeting at approximately 9:50 pm*

Wetland Administrator J. Meyer and Environmental Education, Outreach, and Compliance Coordinator L. Moore performed a site visit in the presence of the homeowner's wetland scientist to perform a soil compaction test. Staff observed no soil compaction on Town land. The homeowner of 2 Pickerel Road agreed to submit an NOI for work started prior to permitting and that no further work shall continue until a permit has been issued. The applicant agreed to submit the NOI for the February 9<sup>th</sup> meeting date. The WPC agreed to send a letter of agreement that the wetlands violation may be considered resolved upon receipt of the previously submitted planting plan to be reviewed and approved at the next meeting on Dec. 8. The WPC agreed to issue no fine.

**2. 47 Overbrook Dr – The Wetlands Administrator drafted an administrative approval letter permitting the removal of one tree in the buffer zone to Reeds Pond but did not issue it as a site visit is needed.**

## **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. 1 Brook St (Simons Park) (cont RDA) – Applicant: B. Schmitt, NRC Town of Wellesley: to convert lawn to naturalized area in Buffer Zone, Riverfront Area, and Bordering Lands Subject to Flooding  
**People:** none**

**New Information/Discussion:** The WPC confirmed no constructed pathways are being proposed.

**Decision:** J. Adams made a motion to make a negative determination under both the Wetlands Protection Act and the Wellesley Wetlands Protection Bylaw. Secretary P. Jones seconded the motion and the WPC approved it, 5-0.

**Action:**

**Administrator:**

issue a negative determination under the Bylaw and Act with the condition requiring the temporary establishment of erosion controls while the soil is revegetating.

2. **4 Twitchell St (cont NOI)** – MA-DEP file #324-1009; Applicant: M. Charney; after the fact construction of a garage.  
**People:** Marc Charney, Diane Simonelli  
**New Information/Discussion:** Consultant D. Simonelli presented a recently updated plan that was not circulated in advance of the meeting to the WPC. Staff had provided the applicant and the WPC a draft Order of Conditions Exhibit A via email prior to the meeting. Discussion focused on the need to wait until the 7-day period of abutter notification has passed and the need for the WPC to review the most recent revision.  
**Decision:** Continued to the next meeting on December 8.  
**Actions:**  
**Administrator:** Confirm abutter who called in has now been notified  
**Applicant:** Submit a planting plan with 2-1 mitigation and an updated proof of abutters list.
3. **1 Sunnyside Av (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:** Christopher Gaboriault, GLM Engineering  
**New Information/Discussion:** C. Gabor of GLM presented the final plan of record showing revised tree spacing. The discussion focused on the tree species. The WPC requested the final draft of the previously circulated Order of Conditions to include a condition that no heavy machinery may enter the 25-ft No-Disturbance Zone  
**Decision:** John Adams made a motion to issue the Order of Conditions under both the Wetlands Protection Act and the Wellesley Wetlands Protection Bylaw. James McLaren seconded the motion and the WPC approved it, 5-0.  
**Actions:**  
**Applicant:** Send in a final plan showing black gum trees where previously balsam fir was proposed  
**Administrator:** issue the OOC to the applicant
3. **25 Wellesley Av (cont NOI)** – MA-DEP file # 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:** Andrew Thibault of Goddard Consulting  
**New Information/Discussion:** The consultant presented a new impervious surface analysis and a mitigation plan for the increase in impervious area closer to the river than current conditions.  
**Decision:** J. McLaren made a motion to issue an Order of Conditions under both the Wetlands Protection Act and the Wellesley Wetlands Protection Bylaw. P. Jones seconded the motion and the WPC approved it, 5-0.  
**Action:**  
**Administrator:** Issue the OOC to the applicant
5. **60 Livingston Rd (cont NOI)** – MA-DEP file # 324-1010; Applicant: J. Birnbaum, Pioneer Construction, Inc; demolish and rebuild existing single-family home in Vernal Pool Habitat and Buffer Zone.  
**People:** Ryan Roseen, Goddard Consulting; Jeff Birnbaum, applicant  
**New Information/Discussion:** Revised plans presented by Ryan Roseen showed a slightly modified driveway and shifted grading from the large canopy tree to be protected on the slope with a 6-ft radius tree protection area, now shown to be protected with a chain link fence. The consultant also presented an illustration titled *New vs Previously Proposed Permanent Impact to Vernal Pool Habitat (VPH)*. The WPC reviewed a request for a waiver of performance standards by the

consultant who pointed out that the only work was temporary and that was limited to management of invasive plants and the planting of new mitigation plantings. The applicant also requested the WPC waive a portion of the waiver fee. The Chair E. McLane noted that a portion of the work in the VPH is a permanent increase of 860-sf in impervious area (the driveway expansion towards the vernal pool as well as the infiltration system). Two trees were also noted to be removed from within the VPH. The applicant agreed to a special condition requiring an arborist to be present during construction and a separate special condition to provide a two-year management of the invasive species.

**Decision:** Continued with the consent of applicant to Dec. 8.

**Actions**

**Administrator:** Draft an Order of Conditions to include a two-year management requirement of the invasive species within the Vernal Pool Habitat and to require an arborist to be on site during grading activities around the trees to be protected.

6. **179 Winding River Rd (cont COC and new Request to Extend OOC)** – MA-DEP file # 324- 0900;

Applicant: J. Kim.

**People:** consultant Rich Kirby; Jenny Kim, owner

**New Information/Discussion:** consultant R. Kirby shared the mitigation plan for the area around the Oak Tree in question for removal. There is a need to remove tree due to safety issues. Mr. Kirby proposed six of trees would be appropriate to replace in the planting area.

**Decision:** An agreement was approved to remove the tree due to safety reasons.

The OOC will be extended after the Dec. 8, meeting upon submittal of a new plan. Continued to the next meeting of December 8 to discuss the extension request of the Order of Conditions.

**Actions:**

**Administrator:** Send a letter of administrative approval of the tree removal and send out a site meeting invitation for 11/29 at 9am.

**Applicant:** Provide an annotated site plan showing the location of the mitigation trees

7. **112 Mayo Rd** – (new minor plan change request) – MADEP # 324-0980;

Applicant: S. Humphrey; change material and size of stormwater infiltration, reduce patio and walkway within Riverfront Area and Buffer Zone.

**New Information:** The applicant withdrew his request for a minor plan change prior to the meeting via email to the Wetlands Protection Committee.

8. **165 Winding River Rd (new MPC)** – MA-DEP file # 324- 0987; Applicant: A. Boyne; remove three

trees previously to be protected and plant as mitigation new native canopy trees within Buffer Zone to intermittent stream.

**People:** Ryan Roseen, Goddard Consulting

**New Information/Discussion:** Plans presented by Ryan Roseen – a revised plan with a request for an additional removal of a tree and mitigation.

**Decision:** James McLaren made a motion to accept the minor plan change under both the Wetlands Protection Act and the Wellesley Wetlands Protection Bylaw. John Adams seconded the motion and the WPC approved it, 5-0.

**Action:**

**Applicant:** Submit an updated plan greater spacing of the three mitigation trees to the WPC

9. **209 Cliff Rd (new RDA)** – Applicant: 209 Cliff Road LLC, c/o the Corporation Trust Company; to reconstruct existing hardscape located between existing retaining walls and existing dwelling within buffer zone to intermittent stream.  
**People:** David Kelley of Meridian Associates, Mark Pattin, RLA of Robert Hanss, Inc.  
**New Information/Discussion:** Replace the hardscape around the existing house.  
**Decision:** Secretary J. Adams made a motion for a positive determination of applicability 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.  
**Actions:**  
**Applicant:** file a Notice of Intent. Include history of trees removed in 25-ft No-Disturbance Zone.  
**Administrator:** issue a positive determination of applicability
10. **89 Ledgeways (cont COC)** – MA-DEP file # 324- 0495; Applicant: Atty M. McCue, Lee & Greene, LLP; owner: Lynch, Jeannette M, Trustee; for house addition and a Town drainage pipe easement within Buffer Zone to Rockridge Pond.  
**People:** Kevin O’Leary, consulting engineer  
**New Information/Discussion:** The engineer presented an overview of both permitted and the unpermitted patio areas, including two recharge basins installed in 2022.  
**Decision:** Continued to the following meeting of December 8  
**Actions:**  
**Administrator:** provide the applicant with the 2007 regulations  
**Applicant:** update the COC letter with engineering calculations based on the rainfall data required under the stormwater standards active at the time of the original Notice of Intent and state whether the unapproved additional impervious area would have met the standards.
11. **96 Worcester St (SunLife Executive Park) (new NOI)** – MA-DEP file # not yet issued (324-1011):  
**Applicant:** Sun Life Assurance Company of Canada (Sun-Life); Owner: Worcester Street Ground Owner, LLC; improvements to plaza entry way including new entrance and canopy; improvements to rear patio including new paver patio; site and landscaping improvements. Any urgent items not reasonably anticipated prior to 48 hours of meeting.  
**People:** Nick Kondek, HighPoint Engineering  
**New Information/Discussion:** Consultant N. Kondek presented the proposal to redevelop a portion of the SunLife building entrances. Member J. McLaren asked what portion of the work is proposed within the No-Disturbance Zone to the jurisdictional Bank. Chair E. McLane asked the applicant and the Committee to consider the idea of cumulative impact within Riverfront Area and the intent of redevelopment to improve existing conditions.  
**Decision:** Continued to future meeting (December 8).  
**Actions:**  
Applicant: Submit revised plans with a 2-to-1 mitigation planting area and describe how the project complies with Riverfront Area redevelopment performance standards.

**1 & 2 Pickerel Rd** – (on the agenda, under Active Matters to be reviewed at 6:45)  
This notice of violation was reviewed at the end of the meeting.

**10:03 p.m. Adjournment:** Vice Chair P. Jones made a motion to adjourn and the motion was approved 5-0.