



To: Chairman Robert Levy  
Zoning Board of Appeals  
Town of Wellesley

Date: May 16, 2018

Memorandum

Project #: 13936.00

From: Christopher J. Wagner, PWS

Re: Resource Area Summary  
Fieldstone Way  
135 Great Plain Avenue  
Wellesley, MA

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This memorandum was prepared to provide additional information and clarification on state and locally regulated environmental resource areas and their associated buffers as related to the Fieldstone Way condominium community (the Project) planned for the approximately 12-acre site at 135 Great Plain Avenue in Wellesley, MA (the Project Site). The Project has been designed to remain outside of all Massachusetts Wetlands Protection Act (WPA) jurisdictional resource areas and their buffers.

### **Existing Conditions**

The Project Site is bounded by residential properties and Great Plain Avenue to the north, the Sudbury Aqueduct to the south, and residential properties to the east and west (Figure 1). Fuller Brook flows northerly around the Wellesley Recycling and Disposal Facility (RDF) through a culvert that passes under the Sudbury Aqueduct and into a small unnamed pond located within the Project Site boundaries. Beyond the pond, Fuller Brook continues to flow northerly roughly parallel to Great Plain Avenue and Fuller Brook Road along the rear yards of other residential properties. Fuller Brook and the pond are bounded by Bordering Vegetated Wetlands (BVW) and a FEMA floodplain boundary.

### **WPC Jurisdiction**

The perennial stream and associated 200-foot Riverfront Area, BVW and associated 100-foot buffers, and land within FEMA floodplain are all regulated by the WPA and are also under the jurisdiction of the Wellesley Wetlands Protection Committee (WPC). Wellesley has also adopted a local wetland bylaw (the Bylaw) and implementing regulations that extend the areas subject to jurisdiction relative to the WPA.

### **Approved Resource Area Delineations and Buffers**

Wetland resource areas were delineated by a Professional Wetland Scientist (PWS) in July and November 2014 with subsequent field adjustments made during peer review in May 2015. An Order of Resource Area Delineation (ORAD) was issued by the WPC in June 2015, which confirmed agreement with the resource area delineations and buffer areas shown on the attached Resource Area Plan and Figure 2. In April 2018, a PWS from CHA conducted another field assessment and confirmed that the existing delineation is still valid. After a public hearing with the WPC in April 2018, the ORAD was extended through May 2021.

As defined in the WPA regulations at 310 CMR 10.58(2)(a)1.h., Riverfront Area stops at the inlet of the pond and begins again at the outlet of the pond; the limit of Riverfront Area at these points is a perpendicular line from the inlet or outlet. In contrast, the Bylaw regulations (Town of Wellesley Wetlands Protection Regulations, 2.6(2)(c)3.b.) define Riverfront Area to include the additional area within a 200-foot radius around the inlet and outlet of the pond. The Bylaw regulations therefore define portions of the Project Site as Riverfront Area that are not jurisdictional under the WPA regulations, and where, absent the Bylaw, construction activities could occur without a permit under the WPA. The difference in area on the Project Site comprises approximately 1/4-acre of upland between the 100-foot buffer

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zone to BVW adjacent to the pond and the 200-foot Bylaw-only Riverfront Area line around the inlet and outlet of the pond. The Resource Area Plan and Figure 2 show the difference between 200-foot Riverfront Areas as defined under the WPA and the Bylaw; the additional Bylaw-only jurisdictional area is shown as a shaded area in Figure 2.

### **Proposed Activities Within Local Bylaw Area**

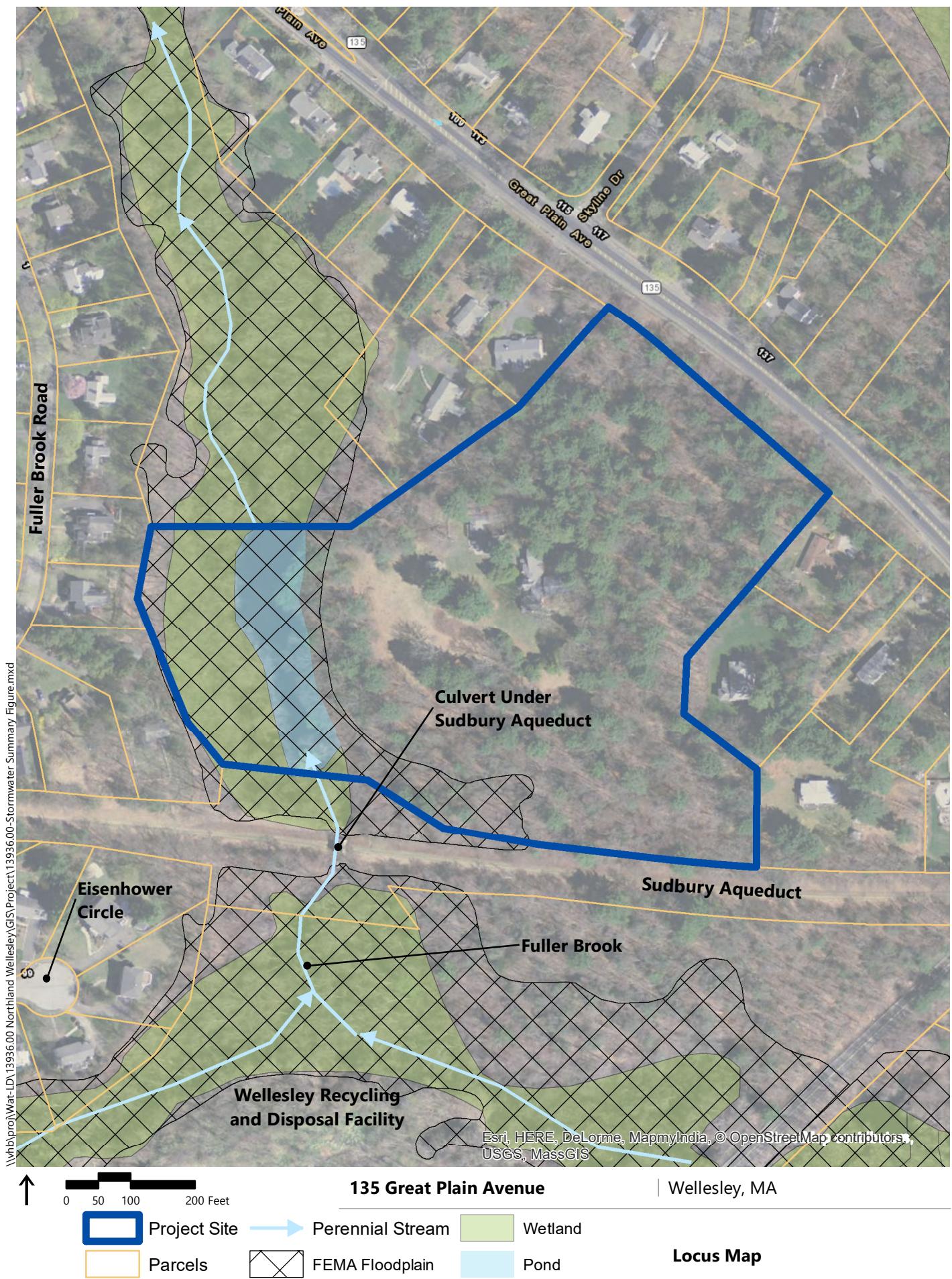
As noted, the Project has been designed to avoid any/all construction disturbance within jurisdictional areas as defined under the WPA regulations. Through this purposeful design approach, it is presumed by the Massachusetts Department of Environmental Protection (MassDEP) that the Project has no impact on jurisdictional wetland resource areas, and therefore does not require filing a Notice of Intent under the WPA.

The Proponent, Wellesley Residential, LLC, has included among the waivers sought from the ZBA to allow for construction of the Project, a waiver from the Bylaw to allow for disturbance activities of uplands within the locally-jurisdictional Riverfront Area as defined under the Bylaw regulations. The disturbance activities are limited to minor re-grading and construction of a small portion of a deck at the rear of one home within this area (see Figure 2). The land is not a wetland resource area as defined under the WPA, and the proposed activities in these areas are not impactful to Fuller Brook. Additionally, the Project has been designed in full compliance with MassDEP Stormwater Standards, and a Stormwater Pollution Prevention Plan (SWPPP) will be prepared in compliance with EPA regulations to ensure downstream resource areas are not affected during construction or in the final condition.

We trust this clarification is helpful in assisting with review of the Project. Thank you.

### **Attachments**

- Figure 1: Locus Map
- Figure 2: Proposed Conditions
- Resource Area Plan





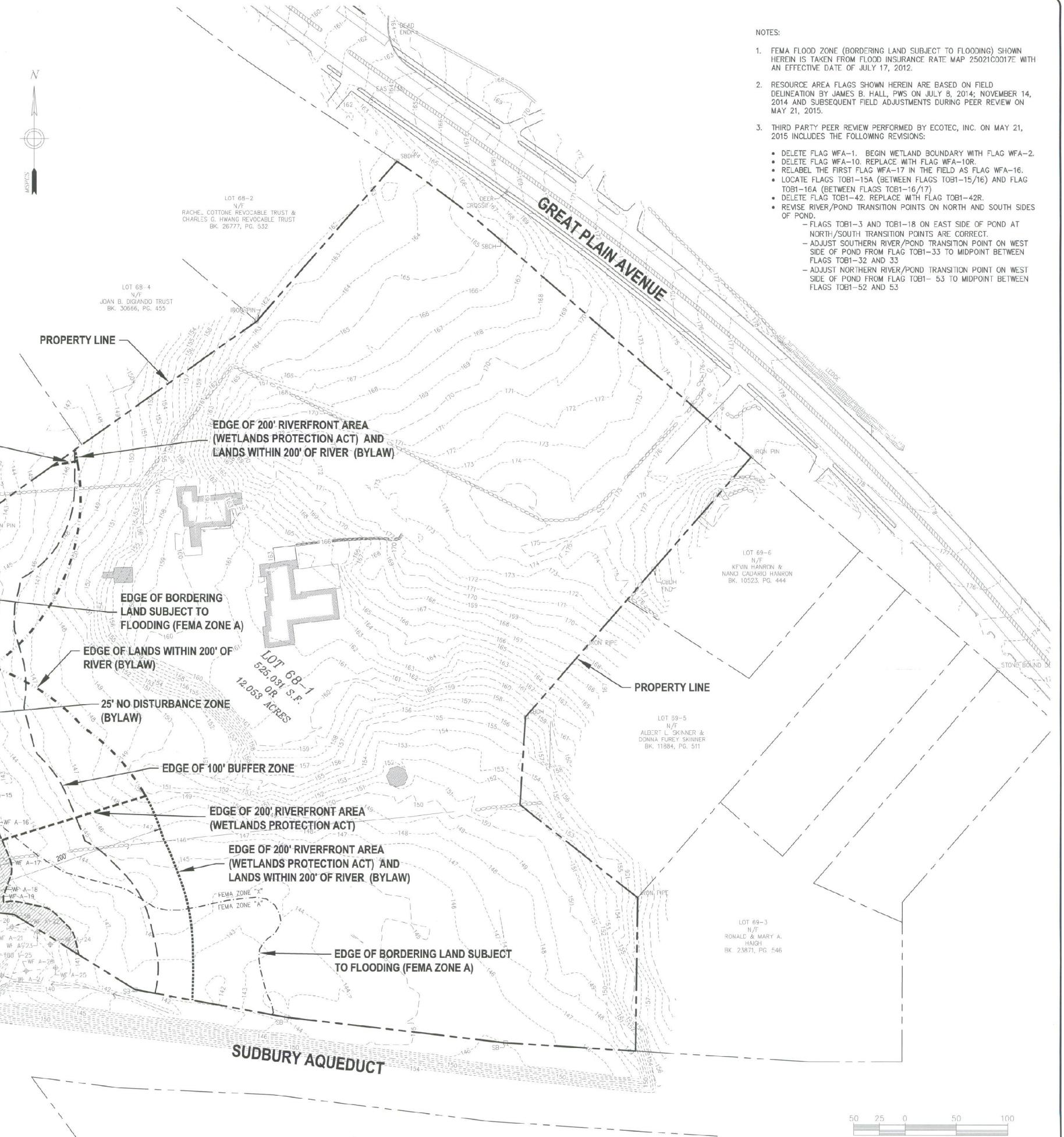
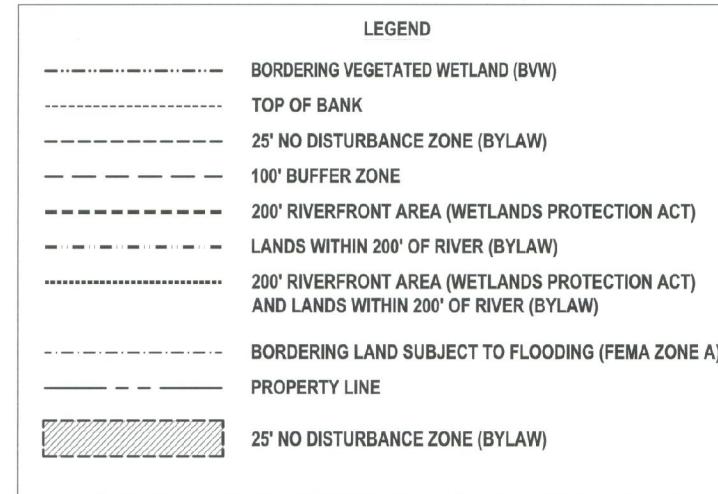
A horizontal scale bar with tick marks at 0, 20, 40, and 80, labeled "Feet" at the end.



Proposed Conditions  
Fieldstone Way  
135 Great Plain Avenue  
Wellesley, MA

**Figure 2**

May 2018



No.	Submitted / Revision	Apptd	By	Date
1	ANRAD FILING	SK	JFM	03/20/15
2	WETLAND RESOURCE AREA SITE REVIEW	SK	JFM	05/26/15
3	WETLAND RESOURCE AREA PEER REVIEW	SK	JFM	06/03/15
4	CONSERVATION COMMISSION / PEER REVIEW	SK	JFM	06/10/15



**RA-001**