



Wellesley

MASSACHUSETTS

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Town of Wellesley
Wetlands Protection Committee (WPC)
Meeting Minutes
January 27, 2022 – 6:30 p.m.

Meeting Location:

Online Meeting

Voted to approve 03/10/2022

Members Present: Richard Howell, Chair, Peter Jones, Vice Chair (arrived at 6:45 PM); John Adams, Secretary; James McLaren; Kevin Hanron, Associate Member, Doug Hersh, Associate Member, Ellie McLane

Members Not Present: All Present

Staff Present: Julie Meyer, Wetlands Administrator; Steph Tunnera, NRC Clerk

Guests: Rachel Schneider, Barry Schneider, Richard (Chip) Nysten, Scott Hayes, Charles (Chuck) Caron, Nathaniel Cataldo, Byran Obara, Ryan Roseen, Kiran Reddy, Jacob Lilley, Dean Charter, Joe LaRico, Dan Gordon

Public Voice: None.

6:35 pm Administrative Business (Admin)

1. Richard Howell introduced new NRC Clerk Stephanie Tunnera
2. The Wetland Administrator stated that the 1/6/2022 minutes are not finished.
3. The Wetland Administrator is drafting an update to the bylaw regulations to allow minor work to control erosion on existing public pathways within resource areas to be approved via administrative review under Section 1.3(4)(c) of the bylaw regulations (Minor Activities not Subject to Regulation under the Bylaw).

Chair Richard Howell read ground rules for the meeting. Jim McLaren made a motion to delegate signatures of the Wetland Protection Committee (WPC) to the Wetlands Administrator (WA) for this meeting. Pete Jones seconded the motion and it was approved by a 5-0 vote.

6:53 pm Public Meeting Open (Chair)

Active Matters (Admin)

1. **934 Worcester St** – Julie Meyer drafted an emergency certification for the DPW to perform breaching of beaver dams in Boulder Brook between Route 9 and the Cochituate Aqueduct and Morses Pond. Ellie McLane made the motion to ratify the Emergency Certification. Peter Jones seconded the motion. The Emergency Certification was approved to be issued by a 5-0 vote.
2. **9 Pierce Rd** – A notice of potential violation is drafted and the item will be reposted once owners have been contacted.
3. **Memorial Grove** – The Wetlands Administrator provided an administrative approval to Brandon Schmitt, NRC Director, for the NRC to ask DPW to stabilize an eroding gravel path in Memorial Grove.
4. **Pond Road** – The Wetlands Administrator mailed a notice of violation to the presumed owner of a site where there is fence construction and minor soil disturbance along the edge of Lake Waban.
5. **934 Worcester Road** – Vice Chair Peter Jones and Wetlands Administrator Julie Meyer met at the site with DPW staff. DPW is reviewing options for dredging the new segment recently added to the recently extended Order of Conditions for Brook Maintenance. Machinery options were discussed as to what would make the least impact to the buffer and allow the work to stay off the Bank and any presumed Bordering Vegetated Wetlands.
6. **81 Croton Rd.** –The Wetlands Administrator stated she delivered a letter of violation for trees removal within Riverfront Area and drafted an Enforcement Order. Vice-chair Pete Jones stated that the EO should be amended to add that machinery on site should be removed. P. Jones requested that a letter be sent to the landscape company about regulations. The WPC discussed whether landscape companies can be fined for performing unpermitted work in resource areas. Chair R. Howell stated that there is a Condition in Perpetuity connected to a prior Order of Conditions on this property. Chairman Howell asked the WPC to consider whether to levy fines and if so for how much. The WPC decided on 4 days times the number of trees times \$300 per day. They further stated that if the owners accept the EO the WPC would keep the number of days at four. The Wetlands Administrator shared a timeline connected to the EO, including that a consultant will be hired by the owners working on behalf of the WPC to assess habitat and confirm number of trees removed. Owners present stated that they consulted with three tree companies and none brought up a need for a permit. In addition, the owner stated that a police sergeant and a building inspector were present for a period of time during the tree work and did not inform the homeowners for a need for a permit. The owners stated they were baffled that the Town permit and zoning enforcement staff did not know about the need for a wetland permit. The owners stated that after being informed of the violation by the Wetlands Administrator, they reached out to a local landscape company to help them be in compliance with regulations. Jim McLaren made a motion to ratify the draft Enforcement Order. The motion was seconded by Ellie McLane. The Enforcement Order with timeline was approved by a 5-0 vote. The decision as to whether to fine for more than 1 or 2 days was left to be determined at the next meeting.

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. **15 The Waterway** (cont. NOI) - MA-DEP #324-0964 – Applicant: M. Quinn
People present: Richard (Chip) Nysten, Scott Hayes, Charles (Chuck) Caron, Dean Charter

New information: Representative C. Nylen reported the owner hired an arborist to review the tree protection plan. Chairman Howell asked the Wetlands Administrator to draft and Order of Conditions. The Wetlands Administrator asked for the O&M plan with specific language to be sent to the NRC office so as to include in the Order of Conditions. Representative C. Nylen requested that the use of the word “barrier” be changed to “line of demarcation” in the Order of Conditions. The WPC asked the representatives to suggest the language they wish to see describing the line of demarcation to be provided to the office. The WPC wish to reference the line of demarcation between the native tree regeneration area from the rest of the north side of the property and to be added to the O&M plan.

Decision: The Wetlands Administrator will draft an Order of Conditions to circulate to all parties.

Special Conditions:

- Include a reference for the need for a line of demarcation between the native tree regeneration area to the north and the remainder of the property.
- The O & M plan shall be updated to reference the native tree regeneration area to the north.

2. 165 Winding River Road – MA-DEP #324-0987

The applicants requested to continue to the February 17th hearing.

3. 159 Dover Road – MA-DEP #324-0991

The applicants requested to continue to the February 17th hearing.

4. 216 Winding River Road – MA-DEP #324-0995 – Applicant: K. Reddy, to construct additions, patios, pool, small floating dock; replace driveway, within Buffer Zone, Riverfront, Bordering Vegetated Wetlands, and Bordering Land Subject to Flooding along the Charles River.

People present: Bryan Obara, Nathaniel Cataldo, Jacob Lilley; owner Kiran Reddy

New Information: B. Obara presented a revised plan showing the pool shifted inwardly from the property line and reducing pavement will save three additional trees previous proposed to be removed. The Planning Board requested that the dock be stored out of the river during the winter.

Discussion: the WPC discussed the Planning Board’s request. WPC agreed the dock should be stored outside the Buffer Zone in the off-season. Chair R. Howell asked about the presence of invasive species in the 25-foot No-Disturbance Zone. Representative B. Obara stated that he did not see any invasive species. J. McLaren asked for a special condition to be added to manage pool drainage according to the WPC policy on the website. B. Obara stated that de-chlorination protocols will be followed and draining the pool will take place away from the river and towards the front of the property.

Decision: The WPC asked for an Order of Conditions to be drafted with the special condition to remove the dock outside the active use season and to include pool drainage protocols.

Special Conditions:

- store dock outside the buffer zone
- manage pool drainage according to the WPC policy

5. 5 Wingate Road – MC DEP #324-0994 – Applicant: B. Haber; deck construction in Riverfront, 100-foot Buffer Zone and 25-foot No-Disturbance Zone to Boulder Brook

People present: representative R. Roseen, Goddard Consulting; owner B. Haber.

Discussion: the WPC reviewed the special conditions of the draft Order of Conditions.

Decision: Peter Jones made a motion to close and issue the Order of Conditions under the Act and Bylaw. The motion was seconded by Ellie McLane. The WPC agreed to issue the OOC by a 5-0 vote. Ellie McLean made a motion to return the waiver fee. Jim McLaren seconded the motion. The decision to return the waiver fee was approved 5-0.

Action Steps:

- Issue the Order of Conditions

- Wetlands Administrator to coordinate with the NRC as it relates to the removal of the encroachment on Town (NRC) land.

Special Condition:

- Remove the encroachment from town land.

6. 6 Hundreds Circle – MA DEP #324-0993

The applicants requested to continue to the February 17th hearing.

7. 82 Bristol Road – MA-DEP #423-0854 – Request for a Certificate of Compliance for a new addition

People present: none

New information: a Certificate of Compliance requested by the new owners for an addition that was never built.

Decision: Jim McLaren made a motion to approve the issuance of a Certificate of Compliance. The motion was seconded by Ellie McLane. The issuance of the COC was approved by a 5-0 vote.

Action Steps:

- Issue the Certificate of Compliance

8. 8 Brookfield Circle – MA-DEP #324-0888 –COC request for landscape improvements within Riverfront Area and Buffer Zone to Boulder Brook

People present: Joe LaRico and Dan Gordon, Dan Gordon Landscape Architects

New information: during the site walk, the erosion controls were still present. Minor erosion was noted from what was assumed to be a pre-existing sump pump.

Discussion: erosion controls will be removed once the ground thaws. The representatives stated that they did not notice erosion but observed pooling water between the gap in the timbers along the bank and a mat of ferns. Pete Jones asked for a couple of stones to be placed to slow the erosion when the erosion controls are removed.

Decision: John Adams made the motion to approve the issuance of a complete COC. The motion was seconded by Ellie McLane. The motion to approve a complete COC was approved by a 5-0 vote.

Action Steps:

- The Wetlands Administrator will issue the Order of Conditions
- The homeowners will remove the erosion controls after the ground thaws and place a couple of stones to slow the flow from the sump pump and discourage erosion into the brook

08:00 PM Adjournment (Chairman):

Vice-Chair Pete Jones made a motion to adjourn the admin portion of the meeting. Ellie McLane seconded the motion. The motion was approved by a 5-0 vote.