



Wellesley

MASSACHUSETTS

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

Meeting Location:
Online Meeting

Voted to Approve 03/10/22

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

Members Not Present: All Present

Staff Present: Julie Meyer, Wetlands Administrator

Guests: Jonathan Chase, Barry Schneider, Jacob Lemieux, Matthew Schweisberg, Brian Nelson, Ross M. Elliott, Dean Charter, Eli Slawsby, Bryan Obara, Kristan Farr, Michael Quinn, Chuck Caron, Jason Lavoie, Richard Nysten, Tom Schutz, Ju Liu, Joan Gaughan, S Shahin, Danielle Spicer

Public Voice: None.

6:42 pm Administrative Business (Admin)

Technical Issues delayed start of meeting. Administrative Business was delayed until the end of the meeting.

1. Approval of January 6th meeting minutes postponed to next meeting.
2. Approval of January 27th meeting minutes postponed to next meeting.

Chair Richard Howell read ground rules for the meeting. Secretary John Adams 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. **Pond Rd.** – A Notice of Potential Violation letter was sent to the presumed owner. Wellesley College is the actual owner. The College will apply for a Notice of Intent at the March 10 meeting.
2. **81 Croton St.** – Barry Schneider (property owner) and the WPC's contracted wetland scientist Matt Schweisberg were in attendance. Vice Chair Pete Jones requested confirmation as to the number of trees cut and their locations. The consultant confirmed that he will provide this. The Committee discussed how to calculate the fine under the Bylaw. Is a separate offense to mean the act of cutting trees or the act of cutting *a* tree? The consultant contributed that part of a fine arises from an understanding of the resulting harm to the interests of the Wetlands Protection Act. The WPC to determine the amount of the fine after consulting with Town Council as to whether \$300 x number of trees x 1 day is consistent with their interpretation of Section 10 of the Wetlands Bylaw and Section 1.7(2) and (4) of the Wetlands Regulations. Town Counsel will also be asked for an interpretation of the bylaw as it related to the WPC's deliberation and how the enforcement clause in the Wetlands Bylaw is meant to relate to the Wetlands Protection Act and Wellesley's Tree Bylaw. The wetland scientist will visit the site to inventory and assess the activity in March, weather permitting.
3. **9 Pierce Rd.** – The Notice of Potential Violation was sent to the owner of record. Dean Behrend responded to the violation stating that he will perform a wetlands delineation and then reply again. It was unclear to the Wetlands Administrator whether he was the owner. The Wetlands Administrator will follow up on communications with Dean Behrend to perform a site walk.

7:12 pm - Official Start Public Meeting Open (Chair)

7: 12 Public Voice (Chair)

No one called in for Public Voice.

7:00 pm Public Hearings and Meetings (Committee)

1. **165 Winding River Rd** (*cont.* NOI) - MA-DEP #324-0987 - Applicant: A. Boyne; install a new pool, patio, pool house, retaining wall, and drainage system within the 100-ft Buffer Zone to an intermittent stream
People Present: Tom Schutz and Jason Lavoie
New Information/Discussion: Jason Lavoie discussed drywells and storm water numbers, which were acceptable to the WPC.
Decision: John Adams made a motion to approve the project and issue the Order of Conditions (OOC) under both the Massachusetts Wetland's Protection Act and the Wellesley Wetland's Protection Bylaw. Pete Jones seconded the motion and it was approved by a 5-0 vote.
Actions: The Wetlands Administrator will issue the OOC under the State and Local Bylaw.
2. **159 Dover Rd** (*cont.* NOI) - MA-DEP #324-0991 - Applicant: L. Macauley; grading and constructing of a new generator pad, lawn and hardscape terrace, and removing seven trees within the Buffer Zone to a Bordering Vegetated Wetland
People Present: Brian Nelson of MetroWest Engineering
New Information/Discussion: The WPC discussed how the Order of Conditions will reflect the

management of invasive species and leaving snags from trees to be cut. The representative stated that the 29" dbh hickory (or ash) will be saved and is shown on the revised provided plans to be protected.

Decision: Pete Jones made a motion to approve the project and issue the Order of Conditions (OOC) under both the Massachusetts Wetland's Protection Act and the Wellesley Wetland's Protection Bylaw. Ellie McLane seconded the motion and it was approved by a 5-0 vote.

Action Items: The Wetlands Administrator will issue OOC under the Act and Bylaw.

Special Conditions:

- Leave snags from trees that will be cut down unless the tree is determined to have base rot by the consulting arborist.

3. **15 The Waterway** (*cont.* NOI) - MA-DEP #324-0964 - Applicant: M. Quinn; construction of a new single-family home in Riverfront Area and Buffer Zone

People Present: Richard Nysten, Scott Hayes, Chuck Caron, Dean Charter, Michael Quinn

New Information: The draft OOC was circulated to the WPC and the applicant team.

Decision: Pete Jones made a motion to approve the project and issue the Order of Conditions (OOC) under both the Massachusetts Wetland's Protection Act and the Wellesley Wetland's Protection Bylaw. Jim McLaren seconded the motion and it was approved by a 5-0 vote.

Action Items:

- The Wetlands Administrator will issue OOC after final edits correcting the typo mentioning the square-footage of alteration that is being permitted and citing a 5-year expiration date.
- The Administrator will recirculate the final draft to all parties prior to issuing to DEP

Special Conditions:

- Maintain the regeneration area as a continuing condition in perpetuity.
- Mitigation shall be maintained in perpetuity (condition 36).

4. **216 Winding River Rd** (*cont.* NOI) - MADEP # 324-0995 - Applicant: K. Reddy & A. Mani; 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, Jake Lilley, Kiran Reddy, Nathaniel Cataldo

New Information: Reviewed project and discussed the draft OOC.

Decision: Jim McLaren made a motion to approve the project and issue the Order of Conditions (OOC) under both the Massachusetts Wetland's Protection Act and the Wellesley Wetland's Protection Bylaw. Ellie McLane seconded the motion and it was approved by a 5-0 vote.

Action Items: The Wetlands Administrator will issue OOC under the State and local Bylaw after circulating a final draft to the WPC and the applicant teams.

Special Condition: remove the dock anchor in winter.

5. **6 Hundreds Cir** (*cont.* NOI) MADEP # 324-0993. Applicant: J. Liu; tree removal in Buffer Zone, Bank of intermittent stream

People Present: Ju Liu, Ross M Elliott.

New Information: The applicant provided new information but it was emailed too close to the deadline to pass on to the WPC. The applicant was present and presented her intent to remove six trees and that dogwood trees and grasses will be planted. The WPC stated the need for a plan as it is unclear if trees are within the 25-foot No-Disturbance Zone as well as what exactly will be replanted. The arborist stated additional details as to the state of the trees to be removed and that if the trees would fall into the stream that it will cause a blockage to the stream and others present might fall on a person and are thus a hazard and should be removed.

Decision: Continued to future meeting, when plans are done.

Action Items: Applicant will make and submit plans. The Wetlands Administrator will provide names of professionals that can assist Ju Liu.

6. **9-17 Stonecleve Rd** (new RDA) – Replace walking stones for safe circulation up and down slope to pond.

People Present: Joan Gaughan

New Information: Plans were presented to re-level existing stone steps down the slope and to install a new bench and a safety rail.

Decision: Ellie McLane made a motion to issue a negative determination for the RDA under both the Massachusetts Wetland’s Protection Act and the Wellesley Wetland’s Protection Bylaw. Jim McLaren seconded the motion and it was approved by a 4-0 vote. Pete Jones abstained.

Action Items: The Wetlands Administrator will issue negative determination for RDA.

7. **20 Tappan Rd** (new NOI) – demolish and reconstruct a single-family home within Riverfront Area and Buffer Zone.

People Present: Kristen Farr, Jacob Lemieux, Jonathan Chase, Eli Slawsby

New Information: Plans were presented. The applicant was informed by the Chair that the project will be measured against the performance standards for Riverfront Area under redevelopment and that the NOI came in showing compliance with new development.

Decision: Revised plans and analysis will be submitted by Applicant and the hearing will be continued to March 10th.

Action Items: Applicant to submit revised plans.

8. **40 Oakland** (new RDA) – Applicant: Mass Bay Community College - Improvements to the bus and student parking lot. The improvement includes reclamation (pulverization) to rehabilitate the current poor pavement condition. As there will be no increase in impervious surface and no change in the existing land cover or drainage patterns and stormwater mitigation is not required.

People Present: S Shahin, Danielle Spicer

New Information: Plans presented by the project representatives showing that a portion of the parking lot intrudes in the 25-foot No-Disturbance Zone. The WPC asked if the College could re-naturalize that small portion of the parking lot where it encroaches into the no-disturbance zone. If this project is provided, the WPC would be comfortable issuing a negative determination.

Decision: John Adams made a motion to issue a negative determination for the RDA under both the Massachusetts Wetland’s Protection Act and the Wellesley Wetland’s Protection Bylaw, provided certain conditions are met (see below). Ellie McLane seconded the motion and it was approved by a 5-0 vote.

Action Items: The Wetlands Administrator will issue a negative determination on RDA if:

- New plans are submitted showing parking lot moved out of NDZ and the area re-naturalized
- Time the construction to avoid rain and run-off to wetlands
- Buses parking area to be moved away from the 25-foot No-Disturbance Zone

09:00 PM Adjournment (Chairman):

John Adams made a motion to adjourn the admin portion of the meeting. Pete Jones seconded the motion. The motion was approved by a 5-0 vote.