



Wellesley

MASSACHUSETTS

Wellesley Town Offices
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Town of Wellesley
Wetlands Protection Committee (WPC)
Meeting Minutes
February 18th, 2021

Meeting Location:
Online Meeting

Voted to approve 3/11/21

Members Present: Richard Howell, Chair; Peter Jones, Vice Chair; John Adams, Secretary; Jim McLaren; Toby Stover

Members Not Present: Ellie McLane, Associate Member

Staff Present: Julie Meyer, Wetlands Administrator (WA)

Guests: Diane Simonelli, Debbie Anderson, Tom Ryder, Jay Derenzo, Daniel Ruiz, Mary Trudeau, Nash Quadir, Kristen Olsen, Peter Glick, Brian Parody, Dick Elliot, Richard "Chip" Nysten, Charles Caron, Scott Hayes, Riki Kveraga, Kestas Kveraga, Timothy Power, Brad Lahrman, Meghan Condon, Matt Herson, Dana Vesty, Marc Charney, Lisa Charney, Brian Nelson, Victor Melfa, Kelan Koncewicz

6:39 pm - Official Start

6:39 pm Administrative Business (Admin)

1. Pete Jones made a motion to approve the minutes from 1/28/2021. Jim McLaren seconded the motion. The motion was approved by a 5-0 vote.
2. Pete Jones made a motion to approve the waiver for work being done in the 25-ft No Disturbance Zone in relation to a previously approved Order of Conditions at 36 Oakridge Road, MassDEP file#324-0965. Jim McLaren seconded the motion. The motion was approved by a 5-0 vote.

6:45 pm Active Matters (Admin)

1. **Keolis-MBTA:** A Superseding Determination of Applicability was issued by MassDEP affirming the WPC's positive determination for work applying herbicides and cutting vegetation within resource areas.

2. **37 Ravine Rd:** The WA confirmed that there will be additional peer review reports on 37 Ravine Rd. T. Stover requested that the subsequent reports confirm that there is adequate flow within the intermittent stream during low-flow conditions.
3. **Algonquin Proposal:** A notice was sent to the Town from Algonquin regarding performing work in the Town Forest on the gas pipeline, which may include replacing parts. The notice will be revisited at the next meeting to see if any action steps should be taken at this stage by the WPC and/or WA.
4. **Joint NRC/WPC:** The WPC and NRC boards are hoping to meet together more as many projects that the two boards deal with coincide with one another.

7:00 pm Public Meeting Open (Chair)

Public Voice (Chair)

Richard Howell read ground rules for the meeting; all communication shall be over Zoom unless using the Town Hall Conference Line. Attendees should email the Wetlands Administrator for problems connecting.

Theresa Freese, owner of 19 Brook Street, called on the Conference Line in reference to the 28 Cameron Street Hunnewell Elementary project about access to the construction site and whether trees to be removed will be replaced. Mr. Howell stated that information about construction access will be presented in the hearing by the applicant and that the Wetlands Bylaw Regulations require 1:1 replacement for tree removal.

7:00 pm Public Hearings and Meetings (Committee)

1. Toby Stover made a motion to delegate signatures of the Wetland Protection Committee (WPC) to the WA for this meeting. Pete Jones seconded the motion and it was approved by a 5-0 vote.

2. **15 Mayo Rd** (cont. NOI) – MA-DEP #324-0953 - Applicant: J. Derenzo; raze and rebuild in 100-ft Buffer Zone, 100-foot Vernal Pool Habitat, and in a Water Protection Supply District.
People Present: Diane Simonelli, Debbie Anderson, Tom Ryder, Jay Derenzo
Discussion: Concerns from WPC were addressed by the project engineer Mr. Ryder. The volume of fill to be placed within the 100-foot Buffer Zone is 40 cy. There will be no grading past the planted border proposed to delineate between naturalized area and lawn. The distance of fill in relation to the 30" dbh oak will be at closest point 10' away. The height of fill over the tree's critical root zone maxes out at 9" high at 20' away. The WA reminded the applicant that soil testing in a naturalized portion of a resource area via a machine requires plans to be reviewed and approved in advance. The transition area and naturalized areas were clarified.
Decision: Pete Jones made a motion to close the hearing and approve the project under the Wellesley Wetlands Protection Bylaw. John Adams seconded the motion and it passed by a 3-1 vote; Toby Stover opposed and Richard Howell did not vote.
Action Items: WA to issue OOC with conditions as drafted and reviewed by applicants and WPC.

3. **64 Halsey Ave** (New NOI) - MA-DEP #324-0966 - Applicant: R. Juliani; raze and rebuild a single-family home in Buffer Zone.
People Present: Diane Simonelli, Daniel Ruiz, Tom Ryder
New Information: If needed, fill would be brought in from another site near where the contractor is working on, meeting all fill standards.
Discussion: Concerns about phosphorus in run-off was brought up. An increase in fill will allow more infiltration for runoff. An infiltration bag would be on the stormwater catch basin with a regular cleaning schedule during construction will be a condition to the Order.
Decision: Pete Jones made a motion to close the hearing and the project under both the Wetlands Protection Act and the Wellesley Wetlands Protection Bylaw. Jim McLaren seconded the motion and it passed by a 5-0 vote.

Action Items:

- WA to issue OOC and include a special condition that a silt sack will be added onto the stormwater catch basin in the street to be regularly inspected and cleaned during the active construction period

4. 1 Sunnyside Ave (New NOI) - MA-DEP #324-968 - Applicant: N. Quadir; remove 2 decks and a shed, foundation repair and driveway repaving in BVW, 100-foot Buffer Zone, and 200-foot Riverfront Area.

People Present: Mary Trudeau, Nash Quadir

New Information:

Decision: John Adams made a motion to close the hearing and the project under both the Wetlands Protection Act and the Wellesley Wetlands Protection Bylaw. Pete Jones seconded the motion and it passed by a 5-0 vote.

Action Items: WA to issue OOC once the outstanding fees have been settled.

5. 28 Cameron St (Hunnewell Elementary) (New NOI) - MA-DEP #324-0967 - Applicant: S. Gagosian; demolition and reconstruction of school and grounds in the 100-foot Buffer Zone, Bordering Land Subject to Flooding (A Zone, no established elevations), and within the 200-foot Riverfront Area.

People Present: Kristen Olsen, Peter Glick, Brian Parody, Dick Elliot

New Information: Plans were presented by the project engineer. The new school will have an ~ 11,000 sqft larger building footprint than existing. +/- 5,000 sqft of impervious surfaces within the RFA will increase to 12,338 sqft, and closer to the RFA, a just under 10% increase within the RFA. The building, service area and emergency access road will move closer to the Riverfront Area but conditions within RFA will be improved overall. The playground is moved outside the inner riparian zone. There will be no loss of flood storage volume within the BLSF. Stormwater runoff will no longer flow overland to the streams but be slowed, infiltrated to recharge groundwater, and treated. BMPs highlighted were bioretention basins, deep sump catch basins with gas traps, and a water quality treatment unit. An alternative analysis summary was presented showing 6 other alternatives all encroaching closer to the wetland resource areas. A 235 lf section of 21" diameter pipe under Cameron Street (Town drainage) will be replaced with a 30" diameter pipe, and a relocated catch basin to move back away from over Fuller Brook, both per request of DPW.

Discussion: The WPC asked where the bioretention basins will overflow to during a 100-year storm. The WPC asked what the distance will be between the edge of the new stone dust pathway and the stream (between 15 and 20 feet). The applicant answered the project meets the MS4 standards for Phosphorus and other nutrients. Public comments were fielded via the Conference Line related to circulation post-construction.

Decision: Continued

Action Items: WA to draft an OOC with no special conditions.

6. 15 The Waterway (cont. NOI) - MA-DEP #324-0964 – Applicant: M. Quinn; construction of a new single-family home within Riverfront Area and 100-foot Buffer Zone

People Present: Chip Nysten, Charles Caron, Scott Hayes

New Information: Plans were presented to the Committee.

Discussion: The house was stated to have a 3800-sf area TLAG and a 1900 sf footprint. A MassDEP Appendix B Detailed Wildlife Habitat Evaluation, provided to the WPC, was discussed. Attorney Nysten stated that under the Bylaw, no wildlife habitat assessment is required for work in Riverfront Area.

WPC suggested the delineation be reconfirmed after April 1, in accordance with the Winter Wetland Resource Area Delineation Policy. The delineation was done in January 2020. No work is proposed in the 25-foot NDZ, an area within the neighbor's easement. Vice Chairman Pete Jones requested a complete

planting plan. Board member Toby Stover raised questions about the characterization of the wildlife habitat from the assessment provided by the wetland scientist. Toby Stover stated he disagreed that the applicant's claim that the road would act as a barrier to vernal pool species migration into and out of the uplands, and that coyotes would not use the site.

The applicant's representative requested that the WPC summarize their concerns and put them in writing to the applicant. The consultant stated the contiguous wooded area to be about 14 acres of fragmented narrow corridors.

Chairman Richard Howell asked the applicant to provide a baseline of wildlife habitat functions are proposed to be removed, for example, food sources and then demonstrate how the planting plan would bring back these functions. Pete Jones asked to better understand existing conditions before considering mitigation proposals. Pete Jones requested a quantitative assessment of existing conditions, proposed conditions, and then a demonstration of how the mitigation is functionally equivalent. The WA asked the wetland consultant if they used a standard metric by which to provide a quantitative comparison assessment and the consultant stated they would look for one

Attorney Nylan for the applicant said the project would mitigate for lost trees at the required 1:1 mitigation rate. The attorney claimed that there might be better habitat value with a shrub layer vs an upper canopy.

Public Voice comments from attendees who signed up via the agenda's Zoom link were provided to the WPC through the Zoom chat function. These questions were fielded primarily by Richard Howell and secondarily by the Wetlands Administrator. A request for an independent wildlife review was made by an attendee and answered by the Chairman Richard Howell. Richard Howell stated that the WPC may ask for an independent wildlife habitat assessment. A second attendee asked a question using the chat function of how the road would be managed for the construction impact. Richard Howell replied there would need to be a specific condition regarding the protection of the road.

A third comment coming through the Zoom chat function was fielded by Wetlands Administrator Julie Meyer who read the question aloud. Attorney David Himmelberger requested the floor as an attendee but the WA could not change his attendee status to a panelist status. Attorney Himmelberger stated that the applicant has not complied with a statute in the Wetlands Protection Act that outlines the procedural requirements for NOI applications, also as outlined in the Wetlands Protection Act Regulations. Attorney Nylan for the applicant responded that the statute states that applicants must apply for attainable permits. Other permits are exempt, aside from Scenic Roads, which addresses the removal trees or stone walls on the road, which is not taking place in this project. Attorney Nylan stated that the applicant contacted the Planning Department that directed the applicant to apply to the WPC first. Thus, the attorney stated the applicant has complied with that provision. Attorney Himmelberger sent a letter to the WPC stating the above concerns in writing. Attorney Nylan stated that he received a copy of the letter and that he would respond to Attorney Himmelberger's letter related to the above claim.

Decision: Continued.

Action Item: Applicant to address concerns raised at the meeting.

7. **30 Paine St** (New COC) - MA-DEP #324-0659 – Applicant: R. & K. Kveraga; construction of an addition to the single-family house and patio in Riverfront Area, Buffer Zone, and BLSF.

People Present: Riki Kveraga, Kestas Kveraga

New Information: A summary of the work completed was presented.

Decision: Jim McLaren made a motion to close the hearing and approve the Certificate of Compliance (COC) under both the Wetlands Protection Act and the Wellesley Wetlands Protection Bylaw. Toby Stover seconded the motion and it passed by a 5-0 vote.

Action Item: WA to issue a COC.

- 8. 16 Ridge Hill Farm** (New COC) - MA-DEP #324-0910 – Applicant: C. Pfannenstiehl; raze & rebuild of a single-family house and driveway in Buffer Zone to BVW & Intermittent Stream.

People Present: Timothy Power

New Information: A summary of the work conducted was presented.

Decision: Pete Jones made a motion to close the hearing and approve the partial Certificate of Compliance (COC) under both the Wetlands Protection Act and the Wellesley Wetlands Protection Bylaw. Jim McLaren seconded the motion and it passed by a 5-0 vote.

Action Item: WA to issue a partial COC with an outstanding 2 year growing season to prove a 75% mitigation planting success rate, which would satisfy the Order.

- 9. 14 Eisenhower Rd** (New RDA) - Applicant: B. Lahrman; rebuild existing deck, build patio, grade in Buffer Zone.

People Present: Brad Lahrman

New Information: Plans were presented.

Decision: Pete Jones made a motion for a negative determination of the RDA. Jim McLaren seconded the motion and it passed by a 5-0 vote.

Action Item: WA to issue a negative RDA with the special condition:

- The Wetlands Administrator will be called to the site for an inspection before planting and building of the patio occurs.

- 10. 1-2 Lake Road** (New NOI) - MA-DEP #324-0972 – Applicant: Town of Wellesley Water & Sewer Dept.; upgrade of sewer ejector system within Buffer Zone.

People Present: Meghan Condon, Matt Herson

New Information: Methods were presented.

Decision: Continued

Action Item: WA to draft an OOC.

- 11. Mica Ln** (New NOI) - MA-DEP #324-0971 – Applicant: Town of Wellesley Water & Sewer Dept.; rehabilitate and replace a sewer main within Riverfront Area.

People Present: Meghan Condon, Matt Herson

New Information: Methods were presented.

Decision: Continued

Action Item: WA to draft an OOC.

- 12. 18 Lanark Rd** (New RDA) - Applicant: A. Shelby; install a residential gas line within Riverfront Area and BZ.

People Present: Dana Vesty

New Information: Methods were presented.

Decision: Pete Jones made a motion for a positive determination of the RDA, but is not required to file a Notice of Intent. Jim McLaren seconded the motion and it passed by a 5-0 vote.

Action Item: WA to issue a positive RDA with the special condition:

- The work will be permitted as it will not require a Notice of Intent through an exemption.
- The Wetlands Administrator will be called to the site for an inspection before excavation occurs.

- 13. 20 Wilson St** (New NOI) - MA-DEP #324-0969 – Applicant: E. & K. Koval; raze/rebuild a SFH in Riverfront Area.
People Present: Scott Henderson, Ed Koval, Kathy Koval
New Information: Plans were presented.
Decision: continued
Action Item: WA to issue a draft OOC.
- 14. 22 Wilson St** (New RDA) - Applicant: M. Charney; construction of two second floor additions, 3 bay windows, and removal of encroachment within Riverfront Area and Buffer Zone.
People Present: Diane Simonelli, Marc Charney, Lisa Charney
New Information: Plans were presented.
Decision: Pete Jones made a motion for a negative determination of the RDA. John Adams seconded the motion and it passed by a 5-0 vote.
Action Item: WA to issue a negative RDA.
- 15. 85 Ledgeways** (New NOI) - MA-DEP #324-0970 – Applicant: V. Melfa; construct a new garage and patio and reconstruct existing driveway within Buffer Zone.
People Present: Brian Nelson, Victor Melfa
New Information: Plans were presented.
Decision: continued.
Action Item: Applicant to submit a mitigation plan, revised plan, and Notice of Intent Bylaw form.
- 16. 984-990-990R Worcester St (CVS)** (New COC) - MA-DEP #324-0607 – Applicant: TM Crowley & Associates; reconfiguring site entrance, shifting rain garden, and reorganizing parking in BVW, BLSF, RA and BZ.
People Present: Kelan Koncewicz
New Information: A summary plan of the work completed was presented.
Decision: Pete Jones made a motion to close the hearing and approve the Certificate of Compliance (COC) under both the Wetlands Protection Act and the Wellesley Wetlands Protection Bylaw. Jim McLaren seconded the motion and it passed by a 5-0 vote.
Action Item: WA to issue a COC.
- 17. Rt.9 Right of Way (CVS)** (New COC) - MA-DEP #324-0678 – see above.
People Present: Kelan Koncewicz
New Information: A summary plan of the work completed was presented.
Decision: Pete Jones made a motion to close the hearing and approve the Certificate of Compliance (COC) under both the Wetlands Protection Act and the Wellesley Wetlands Protection Bylaw. Jim McLaren seconded the motion and it passed by a 5-0 vote.
Action Item: WA to issue a COC.

Any urgent items not reasonably anticipated prior to 48 hours of meeting.

10:41 pm Adjournment (Chairman)

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