



Wellesley

MASSACHUSETTS

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Town of Wellesley
Wetlands Protection Committee (WPC)
Meeting Minutes
April 21, 2022 – 6:30 p.m.

Meeting Location:
Online Meeting

Approved 5/12/2022

Members Present: Richard Howell, Chair, Peter Jones, Vice Chair; 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

Guests: Barry Schneider, Matt Schweisberg, Dave Hickey, Gerry Bruno, Jacob LeMieux, Michael D'Angelo, Mike Mahlenkamp, Peter Solomon, Michelle Jacobs, Kirsten Hummel, Molly Fox, Nevin Fox, Scott Henderson, Rich Kirby, Ryan Roseen, Scott Indermuehle, Lisa Laich. Peter Fallon, Beechtree Consulting, Reza Mahban

6:36 pm Administrative Business (Admin)

Richard Howell read ground rules for the meeting. Vice Chair P. Jones made a motion for the Wetlands Administrator to sign on the WPC's behalf for this meeting. The motion was approved 5-0.

1. Secretary J. Adams made a motion to approve the March 10, 2022 regular meeting minutes. The motion was approved by a vote of 5-0.
2. Wetlands Administrator J. Meyer stated that the March 31, 2022 minutes will be ready to be voted on at the next meeting
3. The Wetlands Administrator stated that she issued the ticket improperly for 81 Croton Street and that the correct process is to use the Town's ticket book. J. Adams made a motion to revoke the first ticket and reissue the proper ticket and the motion was approved by a 5-0 vote. J. Adams made a motion to authorize Ms. Meyer to administer the ticket and this motion was approved by a 5-0 vote.

6:39 pm Public Meeting Open (Chair)

Active Matters (Admin)

1. **81 Croton St** – Enforcement Order (continued) Barry Schneider (owner) and Wetland’s Scientist Matt Schweisberg were in attendance. The Wetlands Administrator stated that the wetland scientist is going to be sending a report shortly.

2. **9 Pierce Rd** – Notice of Violation (continued)
 The Wetlands Administrator updated the WPC that she sent a draft enforcement order to both Dean Behrend and to Ryan Kelly as she was unsure who was the owner. She shared that the NRC office received a wetland delineation via email on April 1st pursuant to the draft enforcement order Exhibit A timeline. She advised the WPC to ratify the enforcement order. E. McLane suggested the owners be issued a fine starting March 31st to correspond with the date of verification of tree removal. E. McLane further proposed a fine amount of \$300 per cut tree. Finally, she recommended the WPC consider the violation an ongoing violation for 21 days, starting from the date of verification by site walk up to the date of the April 21st meeting. Vice Chair P. Jones proposed to charge an additional fine of \$300 for not contacting the NRC office prior to doing work in the resource area. P. Jones made a motion for the Administrator to issue a ticket according to the methodology put forward. The motion was voted to approve by a 5-0 vote. J. Adams made a motion to ratify the enforcement order and it was also approved by a 5-0 vote.

7:00 pm - Official Start Public Meeting Open (Chair)

7: 00 Public Voice (Chair) - none

7:00 pm Public Hearings and Meetings (Committee)

1. **50 Rice St (continued NOI)** – MA-DEP #324-0998: Applicant: Town of Wellesley – Project proposal is to remove an existing concession stand building and add two new buildings, a new concession stand and a new restroom building within Riverfront Area, Bordering Land Subject to Flooding, and the 100-foot Buffer Zone to Fuller Brook

Attendees: Dave Hickey and Gerry Bruno, Wellesley DPW Town Engineers

New Information/Discussion: Mr. Hickey stated that the lights over the building doorways would be low-Kelvin LED, Dark Sky Compliant, with full cut-off capability and possibly motion-detector features. D. Hickey conveyed that a consultant hired by the NRC is cutting down invasive species present throughout Fuller Brook and includes the bank adjacent to the project site.

Decisions: Vice Chair P. Jones made a motion to close and issue the Order of Conditions under the state and bylaw and the motion was approved by a vote of 5-0.

Actions:

Administrator:

Issue a boiler-plate Order of Conditions to the applicants.

2. **20 Tappan Rd (continued NOI)** – MA-DEP file # 324-0996: Applicant: Fallon Custom Homes & Renovations – Project proposal to demolish an existing single-family home and reconstruct a new single-family home within Riverfront Area and Buffer Zone to Fuller Brook

Attendees: Jacob Lemieux, Hancock Associates; Michael D’Angelo, MDLA Landscape Architect

New Information: Mr. Lemieux shared updated plans demonstrating that the connection to the municipal storm drain has been removed. He also showed plans for a sump pump and basement waterproofing design to prevent seasonal high groundwater present above the finished floor elevation of the basement to enter the building.

Discussion: E. McLane asked questions about the proposed naturalized areas and whether there were trees removed within the Riverfront Area on the project site prior without permission or permitting. Chair R. Howell stated mitigation areas must be allowed to naturalize and asked the

applicants how they will separate naturalized areas from landscaped garden areas. The project consultants stated they can show this information on revised plans and will look into tree removal history on the property. Mr. Howell opened the discussion up for public voice:

Public Participation:

- *Mike Mahlenkamp* – (18 Tappan Road) – Introduced himself as an abutter. He voiced a concern that there are trees on the western side of his lot that abut the project site but that are not identified on plans and is therefore concerned that they will not be protected during construction. Mr. Mahlenkamp also claimed that the neighboring lot on 15 Benton Street has water issues in their basement. Finally, he stated he would like to understand the drainage.
- *Peter Solomon* – (7 Louis Drive) – Introduced himself as a 30-year-long resident and user of Brook Path. He expressed concerns related to the change in groundwater elevation and pressure against neighboring foundations. He asked why the tree lawn boundary along Tappan Road was moved about 5 yards back in the revised plans. He noted concerns about water table issues and the basement drain for the proposed new house. He stated that Brook Path is on the National Register of Historic Places. Finally, he voiced a concern about the likely increase in phosphorus runoff into Fuller Brook from the low area of the property.

Decision: Continue to the next WPC meeting on Thursday May 12 to review revised plans based on the questions and requests made by the Committee

Actions:

Applicant:

- Revise the landscape plans to show mitigation area(s) with boundaries
- Revise the existing conditions plan to include the trees along the neighboring property boundary
- Research whether a tree in front of the driveway was removed with permission

3. 97 Russell Road (renewed NOI) – MA-DEP #324-0943: Applicant: Michelle Jacobs – Project proposal to raze and rebuild a single-family home within the 100-foot Buffer Zone and 25-foot No-Disturbance Zone to Bank and Morses Pond.

Attendees: Michelle Jacobs, homeowner.

Discussion: Concerns about erosion and sedimentation during construction during heavy rainfall were raised by the Administrator and Committee. A question was also raised about which portions of the redeveloped areas will be considered mitigation for lost wildlife habitat and which areas would be considered landscaped or gardens. Finally, a question was raised with regards to the owner’s plans for the seawall. M. Jacobs stated that she could provide details on the erosion controls and landscape plans, that she would like to repair the seawall and not remove it.

Decision: continue the hearing to May 12

Actions:

Applicants:

- Provide an updated Construction Management Plan to show erosion and sedimentation controls for heavy rain events.
- Provide an update on the landscape plan to clarify which planting areas are to be naturalized

Administrator:

- Provide a draft Order of Conditions with special conditions.

Special Conditions:

- weekly inspection of erosion controls and before and after rainfall events
- limit demolition, construction and grading to drier months if possible

4. 106 Central St (cont NOI) - MA-DEP # 324-0997: Applicant: Wellesley College – Project proposal to install a new irrigation system to allow the College to stop using chlorinated potable water to feed the Pond within the 100-foot Buffer Zone to Paramecium Pond.

Attendees: Kirsten Hummel, Tata & Howard

Discussion: None

Decisions: J. McLaren made a motion to issue an Order of Conditions under the state and local bylaw and the WPC voted to approve 5-0.

Actions:

Administrator:

- Issue the OOC to the applicant

5. 17 Colby Rd (cont NOI) - MA-DEP # 324-1000: Applicants: Molly & Nevin Fox- Project proposal to construct a paver and crushed stone patio, install an aluminum fence and masonry fireplace, conduct minor site grading to level an existing lawn within the 100-foot Buffer Zone to Bordering Vegetated Wetlands and 200-foot Riverfront Area.

Attendees: Scott Henderson, Henderson Consulting; Rich Kirby from LEC Environmental; Molly & Nevin Fox, homeowners

New Information: wetland scientist R. Kirby presented the planting plans. Mr. Henderson stated that the WPC approved the patio that was never constructed. He further stated that plants were planted around the foundation for mitigation.

Decision: continue to the next meeting on May 12.

Actions:

Administrator:

- Draft an OOC and circulate to the applicants and to the WPC for review

Special Conditions:

- improve soil to ensure plant survival
- review plant viability in one year and if plantings are failing, applicant shall propose additional mitigation area or areas around the side or front of the home.

6. 33 Upson Rd (new COC, partial) MA-DEP # 324-0773: Applicant: R. Mahban – Project proposal was to remove an existing driveway and add new garage and porous driveway in Riverfront Area to Bogle Brook and 100-foot Buffer Zone to Bordering Vegetated Wetlands.

Attendees: Ryan Roseen, Goddard Consulting; Reza Mahban, homeowner

Discussion: Mr. Roseen requested a partial COC to close out the finished construction and the completed mitigation plantings. He noted that driveway maintenance receipts were not provided per the OOC condition to demonstrate quarterly vacuuming of the driveway. He noted too that the 5-year invasive species monitoring and removal requirement portion of the Order is still active.

Decision: Vice Chair P. Jones made a motion to deny the request for a partial Certificate of Compliance and the motion was approved by a vote of 5-0.

Actions:

Applicant:

- Fix runoff from driveway and return to request the COC.

7. 16 Paine St. (new RDA) - Applicant Richard Lee and Melissa Laich- Project proposal to construct a new patio, replace deck, remove and replace a shed, and add plantings within Riverfront Area to Fuller Brook

Attendees: Scott Indermuehle, Sudbury Design Group; homeowner Melissa Laich

Discussion: The landscape architect presented plans. Chair R. Howell asked about status of the currently active Order of Conditions to mitigate for the partial removal of a tree that was interfering with a neighbors' fence. Ms. McLane asked why this new work can't be included with the original OOC. Mr. Meyer suggest the applicant could withdraw the RDA.

Decisions: The WPC requested the applicant file a Minor Plan Change to the existing order of conditions. A motion was made to approve a positive determination for the RDA. Mr. Jones made the motion for the positive determination and the motion was approved by a vote of 5-0. The second motion to accept a minor plan change to the current Order of Conditions made by Mr. Jones and the motion was approved by a vote of 5-0.

Actions:

Applicant:

- Send an updated plan of record to the NRC office

Administrator:

- Issue a positive determination of applicability and a minor plan change letter

8. 12 Sabrina Rd (new Minor Plan Change) Applicant: O. Monfort Casas – Project proposal to remove a staircase and adding 12-sf to the approved addition within the 100-ft Buffer Zone to Lake Sabrina.

Attendees: None

Discussion: The Wetlands Administrator summarized the project as a change of 12- sf feet of increased impervious area within the Buffer Zone.

Decision: J. Adams made a motion to accept the minor plan change and the motion was approved by a 5-0 vote.

Actions:

Administrator:

- Issue a minor plan change letter

10:12 PM Adjournment (Chairman):

Mr. Jones made a motion to adjourn and the motion was approved by a 5-0 vote.