



Wellesley
MASSACHUSETTS

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Town of Wellesley
Wetlands Protection Committee (WPC)
Regular Meeting Minutes
May 25, 2023

Voted to Approve on 07/20/2023.

Members Present: Ellie McLane, Chair; Peter Jones, Vice Chair; John Adams, Secretary; James McLaren; Kevin Hanron; Associate Member Doug Hersh; Associate Member Eben Scanlon

Members Not Present: none

Staff Present: Wetlands Administrator Julie Meyer

Guests Present: Chris Gaboriault, Paul Savard, Julianne Sullivan, Oriol Montford Casas, Deb McConnell, Ryan Roseen, Kate O'Donnell, Tommy Santos, Elizabeth Bailey, Dave Hickey, Linda Chow, David Klinch, Barry Fogel, Raina McManus, Wendy Beck, Jerry Nigro, Josephine Okun, Judith Barr, Leslie Hanrahan, Chris Spagnuolo.

6:31 PM – Public Meeting Open (Chair)

Administrative Business (Admin.)

Approve Minutes

1. March 16, 2023

Mr. Jones motioned to approve the minutes from the March 16, 2023 meeting. Mr. McLaren seconded the motion; motion was approved by roll call vote, 5-0.

2. April 27, 2023

Mr. McLaren motioned to approve the minutes from the April 27, 2023 meeting. Mr. Adams seconded the motion; motion was approved by roll call vote, 5-0.

3. May 4, 2023 Committee members agreed to table the May 4, 2023 minutes to the next meeting. Ms. Meyer confirmed she would provide less Discussion and more focus on Decisions and Action Steps.

Active Matters (Admin)

- 1000 Worcester St – Administrative Approval for Tree Removal (**NOT ON AGENDA**)

Ms. Meyer confirmed that Brandon Schmitt, NRC Director, conveyed permission to cut 4 trees to high snags on NRC property upon request sent to him by the DPW Park and Tree Division. Mr. Hanron asked that the DPW notify Wetlands prior to action being taken. Mr. Jones recommended that the approvals encourage a reasonable height for leaving snags and discourage snags higher than 10-ft to remain as they can become hazards to people, other vegetation, or wildlife.

1. 1 Sunnyside Av (New Notice of Violation) – dewatering-related sediment controls

Present: Chris Gaboriault, GLM Engineering, representing owner Jonatas Storck

New Information/Discussion: The Wetlands Administrator reported that an email sent over the weekend provided photos of sediment exiting the stormwater drain that empties into Sunnyside Brook that were allegedly originating from the 1 Sunnyside Avenue approved dewatering protocol into the Town storm drains. She stated that she confirmed the discharge visually and stopped the dewatering activity. Committee Members agreed to continue discussion during the public hearing/open meeting section of the meeting in order to make a decision regarding possible fines and whether to ratify an enforcement order to require restoration or mitigation for the lost sediment into the stream. Mr. Gaboriault presented a revised restoration plan to include additional monitoring of dewatering at the site.

2. 27 Cedar St – MWRA Tunnel Redundancy Program test boring

Present: Paul Savard, Director of Design and Construction, MWRA; Julie Sullivan, Environmental Specialist, MWRA

Two MWRA representatives presented the process and rationale for an upcoming test boring to occur within the 100-ft buffer zone to a wetland at Schofield Elementary. Ms. McLane inquired as to whether there will be a need for dewatering, as the plans suggested the work requires an alteration of the ground to create an infiltration trench. Mr. Savard responded that a dewatering bag will be utilized above ground and there is no need to trench for infiltration. The WPC asked the Administrator to send a letter of administrative approval to the MWRA, noting that any dewatering trenching will require advance review and approval by the WPC before any trenching.

3. 165 Winding River Rd (Notice of Violation, update)

Staff inspected a report of dewatering into a bordering vegetated wetlands and issued a ticket to the owner for an unpermitted discharge of pool water into off-site BVW. Ms. Meyer and WPC members conducted a follow-up visit and confirmed no visible sedimentation nor erosion within the wetland.

Delegation of signatures

Mr. Jones motioned to delegate signatures of the Wetlands Protection Committee (WPC) to the Wetlands Administrator Julie Meyer. Mr. Adams seconded the motion. The motion was approved by a roll call vote 5-0.

Public Voice for Items not on the Agenda

None

7:05 p.m - Public Hearings and Meetings Open (Chair)

1. 1 Sunnyside Av - draft Enforcement Order (EO) - MADEP file # 324-1006; Applicant: J. Storck

Present: Chris Gibrault. GLM Engineering

New Information/Discussion: a current enforcement order (eo) requiring the owner to stabilize and restore the BVW, Bank, LUWW, and Buffer Zone from a past release of sediment into these resource

areas on the site was revised to require the owner to mitigate for the recent additional releases of sediment off-site and directly into Sunnyside/Bogle Brook.

Decisions: Pete Jones motioned to ratify two additional fines for \$300.00 each to the owner. The motion was seconded by Jim McLaren and approved by a roll call vote, 5-0. Peter Jones motioned to accept the newest revised dewatering plan submitted to WPC. The motion was seconded by John Adams and approved by a roll call vote, 5-0.

Action(s): Wetlands Administrator to send an updated enforcement order to require an enhanced monitoring plan to the owner and MA-DEP.

- 2. 12 Sabrina Rd (Cont NOI) – MA-DEP file #324-1022; Applicant: O. Monfort; after-the-fact consideration of additional grading to previously permitted construction of decks and retaining walls in Buffer Zone.**

Present: Oriol Monfort and Deb McConnell

New Information/Discussion: a draft version of the OOC Exhibit A was reviewed and accepted by the applicant.

Decision: Pete Jones motioned to approve the Order of Conditions under both the Massachusetts Wetlands Protection Act and the Wellesley Wetlands Protection Bylaw. The motion was seconded by Jim McLaren and approved by roll call vote, 5-0.

Action(s): Wetlands Administrator to issue OOC to the applicants.

- 3. 2b Pickerel Road (Cont. NOI) - MA-DEP file # 324-1020; Applicant: G. Yehaiv; after-the-fact landscape construction within Buffer Zone of Morses Pond.**

Present: G. Yehiav, Owner/Applicant; Ryan Roseen, Goddard Consulting, LLC

New Information/Discussion: The Committee reviewed the applicant's waiver request to allow patio construction to remain (after-the-fact) within the 25-ft no-disturbance zone. The representative presented the mitigation planting plan to restore the bordering vegetated wetland that is currently in lawn.

Decision: Kevin Hanron motioned to reject the proposed waiver and to require Mr. Roseen and Mr. Yehiav agreed to submit an updated plan for the WPC meeting on June 15, 2023. . The motion was seconded by Pete Jones and approved by a roll call vote, 5-0.

Action Steps:

Administrator: consult with NRC regarding how they would like to see the treatment of the abutting Town land; prepare an OOC draft for the next meeting.

Applicant: submit an updated plan for the 6/15 meeting.

- 4. 21 Colburn Rd (cont. NOI) – MADEP file #324-1021; Applicant: P. Bevilacqua; addition to single-family home, grading within buffer zone to intermittent stream.**

Present: Kate O'Donnell, EcoTec, Inc.

New Information/Discussion: Ms. O'Donnell presented modifications to the plan, noting that the proposal to plant pine trees had been removed from the most recently revised plan.

Decision: continue to the next meeting on June 15, 2023

Action Steps:

Administrator: draft an OOC and circulate to the applicants and to the WPC prior to the meeting

- 5. 165 Winding River Road (new request for minor plan change) – MA-DEP file #324-0987; Applicant: Paul & Ana Boyne; change of fencing material, new fencing extension into the 25-ft no-disturb zone.**

Present: Tommy Sanders with DexbyTerra; Elizabeth Daley,

New Information/Discussion: T. Santos and the Administrator presented the plan to the Committee. The plan showed a portion of the existing fence to be modified as well as a portion of the new fence will be in the 25-ft No-Disturbance Zone to the off-site wetland. The Committee noted that a Request to Waive Regulations is needed to work within the 25-ft no-disturbance zone. The WPC requested the applicant submit a fence detail showing it will allow for wildlife movement and asked the owner to stake the proposed fence line in advance of a site visit to confirm BVW will be protected during construction.

Decision: The applicant agreed to continue hearing to the June 15, 2023 WPC meeting.

Action Steps:

Applicant: provide a waiver request and an updated plan showing which part of the fence requires removal with a fence detail.

Admin: inspect staked fence-line.

6. 55 Rice Street (Cont. request to Amend OOC) – MA-DEP file # 324-0998; Applicant: D. Hickey, Town of Wellesley; install four sports lighting & sound poles and sound system, modify grading, and consider mitigation for distressed trees; within bordering land subject to flooding, buffer zone, and Riverfront Area.

Present: Dave Hickey, Town Engineer; Linda Chow, Wellesley School Committee; Attorney Barry Fogel; Wetland Scientist David Klinch, Epsilon Associates

New Information/Discussion:

The Applicant presented an updated landscape plan. The WPC members shared varied reactions to the BSC peer review. The Committee brainstormed potential conditions of approval, such as conditioning hours of use. It brainstormed various conditions for exceeding approved hours and various monitoring conditions. The applicant's attorney noted that the School Committee gave the WPC parameters and that violations are sent to the owner.

Decisions: the applicants agreed to continue to the next meeting on 6/15. The Chair opened the floor for public comment.

Action Steps:

Applicant to draft an Order of Conditions and circulate to the WPC and to the applicants.

Public Speak

Resident Raina McManus, of 2 Mulherin Lane stated she was a Town Meeting Member and a former 8-year NRC Commission Member. As a resident, she wanted to convey her observation that the peer reviewer report noted that the area meets the definition of a wildlife habitat. She said that there are scientific studies which show the negative effects of lights on wildlife habitat areas. She requested that the NRC finalize the sound policy, as noise is a recognized pollutant by MassDEP.

Resident Wendy Beck von Peccoz, of 26 Oakland Circle stated the peer reviewer's website highlights the company's focus on getting regulatory approval for developers. She also stated that lights and sound do affect wildlife.

Resident Jerry Nigro, of 15 Washburn Avenue stated that lights have been a part of the Hunnewell Field development for 100 years. He requested the Committee vote to approve this project.

Resident Jo Okum, of 15 Cottonwood Road stated that the controls and policy document is an important part of the design phase which ensures future compliance but has yet to be produced by the applicant and is fundamental to compliance to dark sky requirements. She also stated that the Natural Resources Commission has delegated the responsibility to regulate wetlands to the Wetlands Protection Committee.

Resident Judy Barr, of 331 Linden Street stated she has been a resident for 50 years and is a Town Meeting Member and the Vice-President of the Wellesley Land Trust. Speaking as a resident, she commented that the peer review report is flawed as it does not include current scientific studies, has not

conducted a literature review of the effects of artificial lights on wildlife, and fails to acknowledge the ecosystem of the wetlands.

Resident Leslie Hanrahand, of 5 Putney Road remarked on comments of a Cornell University professor who mentioned there are over 200 scientists researching the negative effects that light has on birds alone. BSC consultant visited the site on a sunny day and not at night which the study is about darkness. The study submitted by BSC does not answer the questions around the impact on wildlife habitat of the proposed lights.

Resident Christopher Spagnuolo, of 14 Paine Street voiced his support for the lights.

End of Public Speak

Decision: The Applicants requested a continuance to the WPC next regularly scheduled public meeting on June 15, 2023.

Action Steps:

Administrator: draft an Order of Conditions and circulate to the Applicants and to the WPC

10:46 p.m. - Adjournment

Mr. Jones motioned to adjourn the WPC meeting. Mr. Adams seconded the motion. The motion was approved by roll call vote, 5-0.

There being no further business, the meeting ended at 10:46 PM.