



Wellesley
MASSACHUSETTS

Wellesley Town Offices
525 Washington Street
Wellesley, MA 02482
Phone: (781) 431-1019

Town of Wellesley
Wetlands Protection Committee (WPC)
Meeting Minutes
July 15th, 2021

Meeting Location:
Online Meeting

Approved 8/5/2021

Members Present: Richard Howell, Chair; Peter Jones, Vice Chair; James McLaren; Ellie McLane

Members Not Present: John Adams, Secretary

Staff Present: Julie Meyer, Wetlands Administrator

Guests: David Himmelberger, Joe Oliveri, Jen Stevens, Brian Nelson, Annette Pein, Karl Jackson, Derek Redgate, Tony Nakhle, Daniel Saroff, Tom Schutz, Ineke Cedar, Sfafy's iPad, Alan LePage

6:33 pm - Official Start

6:33 pm Administrative Business (Admin)

1. **Minutes** The minutes for 6/24/2021 will be voted to approve at the 8/5/2021 meeting.
2. **56 Windsor Av** Pete Jones made a motion to waive the waiver fee for the 56 Windsor Road project. Ellie McLane seconded the motion. It was approved by a 3-0 vote. Jim McLaren abstained.
3. **Mullins Certificate** the Wetlands Administrator reminded the WPC to submit a signed Mullins Certificate prior to the following meeting after catching up on a missed meeting.
4. **Withdraw/Refile Procedures** the Wetlands Administrator asked the Wetlands Protection Committee when it would be appropriate to request an applicant to withdraw an application and refile with a new NOI. Chairman Howell stated it would depend on how different project updates are as compared to the original Notice of Intent plans.

6:45 pm Public Meeting Open (Chair)

Active Projects

1. **26/28 Harris Av** – A draft Enforcement Order was sent to the owner of 26 Harris Av in care of counsel

David Himmelberger via email, who is representing the homeowner regarding an encroachment to the north at 28 Harris Avenue where a small wetland is present on land owned by the Select Board. The WA reports that after a site visit and a review of the historical aerial GIS maps, there has been encroachment to Town property within the 100-ft Buffer Zone, and likely within the 25-ft No-Disturbance Zone and even possibly into the wetland. Counsel Himmelberger spoke with the WPC on behalf of the property owner, who would like to remove the encroachment and expressed agreement with the draft enforcement order. Chairman Howell stated that research will need to be done to see whether unpermitted work within the owner's property at 26 Harris Avenue was undertaken prior to or after the promulgation of the Wellesley Wetlands Protection Bylaw in 2002. Vice Chairman Pete Jones made a motion to issue the Enforcement Order as written. Ellie McLane seconded the motion. The motion approved with a 4-0 vote.

2. **1 Kendall Rd** – Joe Oliveri, owner of 1 Kendall Road, was present to discuss a recent wetlands violation of unpermitted alteration of the wetlands buffer on the property. Mr. Oliveri stated that a company was hired to perform landscaping work on the property and removed vegetation growing into the house. Mr. Oliveri agreed that there may have been trees removed within the buffer zone. The owner agreed to send a statement of work to the WPC.
3. **75 Old Farm Rd** – The Wetlands Administrator stated that no further progress has been communicated by the owner regarding a recent wetland's violation on this property.
4. **75 High Ledge Av** – The Wetlands Administrator stated that there are no new updates with this address, which had recently started work in violation of the Order of Conditions.

Public Voice (Chair)

Richard Howell read ground rules for the call. No one called in for Public Voice.

6:56 pm Public Hearings and Meetings (Committee)

1. Ellie McLane 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 4-0 vote.
2. **37 Old Farm Rd** (New Emergency Certification) - Applicant: Alexa Plenge; permission was temporarily provided before the meeting to temporarily maintain a pump and PVC pipe system over the ground to direct overflow from the existing on-site vernal pool around the outfall connecting the pond to an intermittent stream to prevent further damage from flooding into the resident's basement.
People Present: Representatives Jen Stephens; of Matthew Cunningham Landscape Design and Brian Nelson, MetroWest Engineering.
New Information: Dewatering plans as currently employed were described with photographs and presentations by the project representatives. Damages to the property were explained. Representative Jen Stephens explained that after the rain event ended, the water levels that had risen from the vernal pool pond did not subside. An emergency dewatering solution was installed by the homeowner and with assistance from the project consultants, with the effective result of lowering the elevation of the water. Jen Stephens requested the Board's approval for the current temporary solution for dewatering to remain in place while a permanent solution is decided.

Discussion: The Committee asked whether an engineer inspected the existing pipe connecting the vernal pool to the intermittent stream. Project representative Jen Stephens stated the pipe is scheduled to be inspected by camera on July 16. Vice Chairman Pete Jones requested owners clean out the pipe. Consultant Jen Stephens asked if the original pipe is found to have failed if the WPC would consider an open channel design to connect the vernal pool to the intermittent stream which would

entail tree removal. The Committee asked if the applicant found there was nothing wrong with the pipe other than it being plugged, would they still be considering redesigning the area after removing the plug with the open channel design. Consultant Stephens stated they would, as a means to reduce the future risk and to improve habitat. Pete asked how many times has flooding like this been an issue in the past 50 years. The consultant stated she would like to ask the previous owners of the house.

The Board expressed support in entertaining adding a daylighted channel as an amendment to the existing OOC with conditions regarding the timing of work. A special condition would need to be added to work only when the pool is dry and not during migration.

The temporary pump in use was discussed. Concern was raised by a Committee member that a pump may adversely affect aquatic wildlife habitat using the pool.

The erosion controls in use were discussed; the project representative stated that additional controls have been added since the site visit.

Stabilization materials in use on the site were discussed. The applicants request to allow a fern bedding or gravel substrate to temporarily stabilize the drainage pipe. Vice Chairman Jones asked for a date for when the temporary piping and substrate will be removed and for the owners to try a stake and strap solution before allowing gravel substrate.

Decision: Pete Jones made a motion to ratify the emergency certification approving all of the activities in use as presented at the meeting with a few changes- to add a screen to the pump, attempt to clean the pipe, and reinforce and support the overland temporary plastic piping, and to return to the WPC for a formal request to amend the Order of Conditions for any long-term alterations of the wetland resource areas on site. Jim McLaren seconded the motion. The motion was approved by a 4-0 vote.

Action Items:

- Add a screen to the pump to keep aquatic wildlife.
- Attempt to clean the pipe.
- Reinforce PVC overland piping joints with waterproof glue as well as a strap and sling method, fern, or gravel substrate.

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

People Present:

New Information:

Decision: Continued to 8/5 per request of the applicant.

4. 113 & 113R Cliff Rd (New NOI) - MA-DEP #324-0977 - Applicant: A. Pein & J. Gorman; add and remove trees and other vegetation, fence, control erosion within 100-ft Buffer Zone (BZ) and 25-ft No-Disturbance Zone (NDZ).

People Present: Annette Pein, Karl Jackson

New Information: The Draft Order of Conditions was reviewed.

Decision: Pete Jones made a motion to close the hearing and approve the project under both the Wetlands Protection Act and the Wellesley Wetlands Protection Bylaw. Jim McLaren seconded the motion and it passed by a 4-0 vote.

Action Item: WA to issue the OOC.

5. **14 Eisenhower Cir** (New NOI) – MA-DEP #324-09ab - B. Lahrman; replace wildlife habitat after-the-fact within the 100-ft Buffer Zone (BZ).
People Present: none
New Information: Three trees were removed from the resource area without a permit. This NOI was filed after-the-fact, and proposes the planting of 3 trees as mitigation. One or more of the removed trees may have been removed from the neighbor’s property, as well as where mitigation is proposed. The Committee stated an OOC cannot approve planting trees on property not owned by the applicant. The Committee requested the WA to reach out to both the owner for confirmation of the property line, and the neighbor for their opinion on the situation.
Decision: continued.
Action Item: WA to reach out to both the property owner and the neighbor and conduct a site visit to clarify the property boundaries.
6. **962 Worcester St** (New NOI) - MA-DEP #324-09CD - Applicant: A. Lepage; mill and resurface existing paved parking areas with the removal of a portion of parking lot to be landscaped within Riverfront Area (RFA), 100-ft Buffer Zone, and 25-ft No-Disturbance Zone (NDZ).
People Present: Derek Redgate, Alan LePage
New Information: The project plans were presented.
Discussion: The Committee asked about the maintenance of an existing drainage system in the rear of the lot. The project representative said there was a maintenance plan. The WPC recommended adding maintenance of the stormwater structure to the OOC. The Committee asked new trees proposed were native. The consultant stated they have now proposed native red maple trees. The consultant requested the WPC waive the waiver fee. Ellie McLane made a motion to waive the \$500 waiver fee for working in the 25-ft No-Disturbance Zone. Jim McLaren seconded the motion and it passed with a 4-0 vote. The WA requested that the applicant submits an O&M plan for the existing drainage. Jim expressed concern regarding lawn mowers in the 25-ft NDZ for the proposed lawn ground cover and asked the applicant to use something more natural like a wildflower mix.
Decision: continue to 8/5
Action Item: The applicant will provide to the Board an O&M plan and a revised proposed plan with the revised information on it.
7. **45 Elmwood Rd** (New COC) - MA-DEP #324-0747 & EO - Applicant: A. Nakhle; recreate the floodplain within Bordering Land Subject to Flooding (BLSF), Bordering Vegetated Wetlands (BVW), Riverfront Area (RFA), Buffer.
People Present: Tony Nakhle
New Information:
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 4-0 vote.
Action Item: WA to issue a Certificate of Compliance.
8. **24 Manor Av** (New NOI) - MA-DEP #342-09EF - Applicant: D. Saroff & K. Cedar; remove and replace the existing driveway within Riverfront Area (RFA), 100-ft Buffer Zone (BZ), and 25-ft No-Disturbance Zone (NDZ).
People Present: Daniel Saroff
New Information: The project was presented.
Discussion: The Chair stated that the work should be performed during dry weather to avoid asphalt runoff into the stream.

Decision: Pete Jones made a motion to close the hearing and approve the project under both the Wetlands Protection Act and the Wellesley Wetlands Protection Bylaw. Ellie McLane seconded the motion and it passed by a 4-0 vote. Jim made motion, Pete seconded, 4-0 vote to approve and issue an OOC and return the waiver fee.

Action Item: WA to issue an Order of Conditions.

- 9. 112 Mayo Rd** (New NOI) - MA-DEP #324-08GH – Applicant: S. Humphrey; extend an existing single-family house, add a patio, walk, stoop, and plantings, and add a naturalized landscape buffer within Riverfront Area (RFA), 100- ft Buffer Zone (BZ), and 25-ft No-Disturbance Zone (NDZ).

People Present:

New Information:

Decision: Continued to 8/5 per request of the applicant.

- 10. 12 Sabrina Rd** (New NOI) - MA-DEP #324-0978 - Applicants:

People Present:

New Information:

Decision: O. Monfort Casas; install a weatherized addition to an existing single-family house, add two decks and a retaining wall, and remove one tree within the 100-ft Buffer Zone (BZ).

- 11. 8 Dexter Rd** (New MPC) – MA-DEP #324-0952 - Applicants: T. Sykes; add a chimney addition within 100-ft Buffer Zone (BZ) and Riverfront Area (RFA).

People Present: Tom Schutz

New Information: The requested change was presented.

Decision: Pete Jones made a motion to approve the minor plan changes requested. Jim McLaren seconded the motion and it passed by a 4-0 vote.

Action Item: WA to issue a Minor Plan Change letter.

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

8:25 PM Adjournment (Chairman):

Ellie McLane made a motion to adjourn the meeting. Pete Jones seconded the motion. The motion was approved by a 4-0 vote.