



# Wellesley

## MASSACHUSETTS

Town of Wellesley

Wetlands Protection Committee (WPC)

Regular Meeting Minutes

July 20, 2023

Wellesley Town Offices  
888 Worcester Street, Suite 160  
Wellesley, MA 02482  
(781) 431-1019 x 2292

**Voted to approve September 21, 2023**

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

**Absent:** James McLaren; Eben Scanlon, Associate Member

**Staff Present:** Wetlands Administrator, Julie Meyer

**Guests Present:** Marc Charney, Dennis Cerrotti, Janet Seckel-Cerrotti, Dino Lachiusa, Tom Schutz, Jonathan Collette, Nick Shiffer, Cynthia Sowa Forgit, Barry Schneider, Nancy Westenberg, Michelle Crowley, Attorney Barry Fogel, David Klinch, Epsilon Associates; Linda Chow, Wellesley School Committee

### **6:33 p.m. Public Meeting Open (Chair)**

### **6:34 p.m. Executive Session begins**

After opening the Public Meeting of the Wetlands Protection Committee, Chair Ellie McLane asked for a motion to go into Executive Session under Article 2A1, Purpose 3. Vice-Chair Pete Jones made the motion and John Adams seconded the motion; the motion was approved by roll call vote, 5-0. Committee members left the public meeting running on Zoom and entered executive session remotely using Teams.

### **6:55 p.m. Executive Session ends**

The WPC asked the Administrator to use only Zoom for any future executive sessions to avoid needing to switch between applications.

### **6:55 p.m. Administrative Business (Admin)**

1. Approve Minutes for May 25, 2023 - Mr. Adams motioned to approve the minutes from May 25, 2023. Mr. Jones seconded the motion; motion was approved by roll call vote, 4-0.

2. Approve Minutes for June 15, 2023- These minutes were postponed to the next WPC meeting.
3. Approve Minutes for June 29, 2023 – These minutes were postponed to the next WPC meeting.

#### **6:55 p.m. Active Matters (Admin)**

1. **55 Rice St** – New Notification – Wetlands Administrator Julie Meyer announced that the NRC Director provided notification to the WPC that the contractor hired to remove a portion of the plastic knotweed barrier covering the bank of Fuller Brook and revegetate with native plants is ready to start work. Ms. Meyer relayed that jute netting was still present under the barrier which will assist in stabilizing the slope and the contractor will be putting up additional controls.
2. **22 Wilson St** – New Notice of Potential Violation – Ms. Meyer conveyed that while on a site inspection at adjacent Town property she determined the presence of potentially unpermitted work on a neighboring parcel. She recommended the WPC ask the owner to file a relevant determination or permit, after-the-fact. The owner was present and showed the Committee the site plan that was used for a recent RDA. He explained that the area of alteration reduced the amount of impervious surface. The owner agreed to discuss filing options with the Wetlands Administrator.
3. **721 Worcester St** – Continued Enforcement Order – landscape debris dumping in a Town drainage easement. Ms. Meyer updated the Committee on progress made by the owner to comply with regulations. Mr. Jones motioned to ratify a draft Enforcement Order for 721 Worcester Street and Mr. Adams seconded the motion; the motion was approved by roll call vote 4-0. Ms. Meyer reported the applicant will complete work by November 2, 2023.
4. **53 Croton St** – New Notice of Violation – regarding a large quantity of foam present on the banks and within Indian Springs Brook. Ms. Meyer updated the Committee on communications received in response to the letter sent to the Fire Department, including that the Fire Department identified the product as *Novacool* Fire-fighting Foam and the Material Safety Data Sheet (MSDS). Ms. McLane requested that staff reach out to MassDEP to confirm the product is indeed biodegradable and non-toxic to aquatic organisms as shown on the provided MSDS. Mr. Jones asked staff to ask the Fire Department for the quantity used.

#### **7:27 p.m. Public Meeting Open (Chair)**

Chair E. McLane presented guidelines for remote open meetings. Mr. Jones motioned to delegate signatures of the Wetlands Protection Committee (WPC) to Wetlands Administrator Julie Meyer. The motion was seconded by Mr. Adams and approved by roll call vote 4-0.

#### **7:30 p.m. Public Voice for Items not on the Agenda (Chair)**

Resident **Susan Pasco**, 41 Old Farm Road, spoke of the dangers of blasting with use of chemical explosives in wetland areas. She stressed that such chemical explosives could find pathways to water sources. She requested the WPC continue to consider all aspects of wetland contamination.

Resident **Katie Schuller**, 51 Cliff Road, expressed concerns for the dangerous effects of chemical explosions on adjacent Town wetlands. She conveyed that the proposed 8 Cliff Road housing proposal will expose the wetlands to these negative effects as well as impact wildlife. Ms. Schuller implored the WPC not to vote in favor of the 8 Cliff Road project.

Resident **Vardham Dani**, 20 Cliff Road, commented that developers can provide inaccurate information, and requested that WPC closely scrutinize all aspects of the proposed project when it comes before the Committee. Mr. Dani noted that his property is near wetlands and that he values the experience.

### **7:38 p.m. Public Hearings and Meetings (Committee)**

**1. 58 Russell Rd** (Cont. COC) MA-DEP file #324-0758: Applicant: D. Cerrotti; extend porch, add new deck, remove 2 trees, patio, and walkway within 100-ft Vernal Pool Habitat.

Present: Dennis Cerrotti, Owner; Janet Seckel-Cerrotti

New Information/Discussion: Ms. Meyer confirmed that the owner who was most familiar with the mitigation plantings was not present on the site visit. Mr. Cerrotti, the owner, stated he planted white oak and maple trees, pulled knotweed. He conveyed that 6 or 7 new trees are growing near the home including two locust trees and that the requirement for mitigation was 2 trees. Ms. Cerrotti stated the as-built plan was provided and Ms. Meyer confirmed she received a plot plan dated July 6, 2023 but that it was not helpful to confirm the needed information on mitigation.

Decision: Continue to the next regular meeting on August 10, 2023.

Action Steps:

Administrator: schedule a follow-up site visit

Applicant: annotate the previously submitted plan to show the mitigation trees and provide to the WPC

**2. 45 White Oak Rd** (Cont. NOI) – MA-DEP file #324-1025; Applicant: N. Schiffer; tear down and rebuild existing single-family house with deck, walkway, driveway, retaining walls within buffer zone to intermittent stream.

Present: Tom Schutz, Goddard Consulting; Jonathan Collette, Haley Ward; Nick Shiffer, Applicant

New Information/Discussion: The representative for the applicant provided an overview of the proposed alterations within the buffer zone to the on-site intermittent stream. Ms. McLane asked for confirmation that there is no proposal to remove trees.

Decision: continue to the following regular meeting on August 31, 2023

Action Steps:

Administrator: check with Town Engineer about the proposed street connections to Town sewer system and draft an Order of Conditions.

**3. 8 Royalston Rd** (New RDA) – Applicant: A. Porter: construct an addition within presumed Riverfront Area.

Present: Cynthia Sowa Forgit, Architect

New Information/Discussion: Ms. Forgit presented a plan showing the proposed work in reference to the estimated Riverfront Area boundary.

Decision: Mr. Jones motioned the Committee issue a negative determination under the Act and Bylaw. The motion was seconded by Mr. Adams and approved by roll call vote 4-0.

Action Steps: Issue the Negative Determination to the applicant.

**4. 81 Croton Street** (New RDA) –Applicant: B. Schneider: reconstruct addition within Riverfront Area and Buffer Zone to perennial stream.

Present: Barry Schneider, applicant

New Information/Discussion: Mr. Schneider presented plans to construct a new addition within the footprint of an existing 3-season porch. He confirmed the additional increase in impervious surface to be approximately 20-30-sf.

Decision: Mr. Jones motioned a negative determination under the Act and Bylaw. Mr. Adams seconded the motion and approved by roll call vote 4-0.

Action Steps: Issue the Negative Determination to the applicant.

**5. 50 Windsor Rd (New RDA) – Applicant: D. & N. Westenberg: replace boiler, move an existing stone terrace in Buffer Zone,**

Present: Nancy Westenberg, applicant; Michelle Crowley, landscape architect

New Information/Discussion: Ms. Crowley presented the proposed plan.

Decision: Mr. Jones motioned for a negative determination under the Act and Bylaw. The motion was seconded by Mr. Adams and approved by roll call vote 4-0.

Action Steps: Issue a Negative Determination to the applicant.

**6. 55 Rice St (Cont. request to Amend OOC) – MA-DEP File #324-0998; Applicant: D. Hickey, Town of Wellesley; install four sports lighting poles, sound system, modify approved grading, and replace trees in BLSF, BZ, RFA.**

Present: Attorney Barry Fogel; David Klinch, Epsilon Associates; Linda Chow, Wellesley School Committee

New Information/Discussion: The Wetlands Administrator presented 4 slides related to the language around special conditions in the draft Amendment Exhibit B. The Chair asked whether the Committee members had any feedback and then recognized the applicants' attorney who requested modifications to portions of each of the presented draft conditions. The Committee accepted all of the requested edits as presented by Attorney Fogel.

Decision: Mr. Jones motioned to issue an Amended Order of Conditions under the MA Wetlands Act and the Wellesley Wetlands Protection Bylaw. The motion was seconded by Mr. Hanron and approved by roll call vote 4-0.

Action Steps:

Administrator: Circulate a final draft (version 5) of the Amended Order of Conditions to the applicants and to the WPC before issuing.

Applicant: respond to the final draft provided by the Administrator.

**9:35 p.m. Adjournment**

Mr. Jones motioned to adjourn the WPC meeting. Mr. Adams seconded the motion. The motion was approved by roll call vote 4-0. There being no further business, the meeting ended at 9:35 p.m.