



Wellesley
MASSACHUSETTS

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

**Town of Wellesley
Wetlands Protection Committee (WPC)
Regular Meeting Minutes
August 31, 2023**

Approved on November 16, 2023

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

Absent: Ellie McLane, Chair

Staff Present: Wetlands Administrator Julie Meyer

Guests Present: Jonatas Storck, Miles Connors, George Carda, March Charney, Hillary Tipping, Lucas Machado, Scott Henderson, Tracy Battle, Sima Chaban, Tom Kehoe, David Neilson, Amit Serper, Margo Yane, Diane Simonelli, Marc Charney, Dino Lachiusa

6:30 PM – Public Meeting Open (Chair)

Administrative Business (Admin.)

Approve Minutes for June 29, 2023 – Mr. Adams motioned to approve the minutes from June 29, 2023. The motion was seconded by Mr. Hanron and approved by roll call vote, 4-0.

Approve Minutes for July 20, 2023 – Minutes to be reviewed at the next WPC meeting

Active Matters (Admin)

1. **1 Sunnyside Av** – (New Notice of Violation)– no erosion controls were observed along the western limit of work during an August 24 site visit by staff, leading to sediment documented adjacent property within 25 feet of the stream and bordering vegetated wetlands. Staff photographed hydraulic fluid sheen on Manor Avenue going into the catch basin that outfalls to Sunnyside Brook. Ms. Meyer presented a draft notice of violation and recommended the WPC require the applicant to complete the BVW restoration that was initiated in the spring. The applicant agreed to submit a weekly Stormwater Pollution Protection Plan for the upcoming two weeks and to return to the next meeting on September 21.
2. **Boulder Brook** – (New notice of violation) – Ms. Meyer said that the NRC office received reports and photos of a cloudy discharge in the stream and in response, DPW mailed a notice to every residence in that neighborhood to not dump anything into the brook nor into catch basins.
3. **25 Upson Rd** – (New notice of potential violation) – the office received a call about debris in Bogle Brook and its buffer zone and that staff will follow-up to the homeowner where the debris was reported to request removal.
4. **721 Worcester St** – (enforcement order update) – The representative for the owner presented a restoration plan to the WPC. The plan will be to remove debris, soil, and rocks by hand and before work commences, provide the inlet with erosion controls. Mr. Adams motioned to approve the restoration plan. The motion was seconded by Mr. McLaren and approved by roll call vote, 4-0.
5. **135 Oakland St (Centennial Park)** – (new administrative approval) – The Wetlands Administrator reported that she provided approval for the DPW Parks and Tree Division to remove a hazardous failing tree within the buffer zone.
6. **169 Great Plain Av** – (new administrative approval) – The Wetlands Administrator reported that she provided approval for the DPW Parks and Tree Division to remove a hazardous failing tree within the Town’s Recycling and Disposal Facility (RDF) that was leaning on to the property of 14 Eisenhower Circle.
7. **22 Eisenhower Cir** – (new administrative approval) – The Wetlands Administrator reported that she provided approval for the residents to remove a tree that was causing concern to the owners of 14 Eisenhower Circle.
8. **8 Old Farm Rd** – (new administrative approval) – The Wetlands Administrator reported that she provided approval for the residents to remove a hemlock.
9. **38 Highgate Rd** – (new administrative approval) – The Wetlands Administrator reported that she provided approval for the residents to remove a failing ash tree, with the condition that no heavy equipment would be used within the buffer zone.
10. **265 Grove St** – (new Emergency Certification) – The Wetlands Administrator reported that the DCR is requesting approval to remove a beaver dam at Sabrina Lake to prevent flooding. Mr. McLaren motioned to ratify the Emergency Certification. The motion was seconded by Mr. Adams and approved by roll call vote, 4-0.

7:42 PM Public Meeting Open (Chair)

Acting Chairperson P. Jones read aloud the remote open meeting guidelines. J. McLaren motioned to delegate signatures of the Wetlands Protection Committee (WPC) to Wetlands Administrator Julie Meyer. The motion was seconded by Secretary J. Adams and approved by roll call vote, 4-0.

Public Voice for Items not on the Agenda (Chair)

Resident **George Carda**, 4 Cliff Road, expressed his concern about several proposed developments in town, including those at 200 Pond Road, Sisters of Charity, and 8 Cliff Road/489 Worcester Street. He stated the Wellesley Unified Plan advocated for preservation of the town's tree canopy. Mr. Carda stressed that the tree removal proposed for the Cliff Road project will negatively affect the abutting wetlands as well as wildlife and is not a great plan in relationship to the goals expressed in the Wellesley's Unified Plan.

Public Hearings and Meetings (Committee)**0. 22 Wilson St** – (not on the agenda, new draft enforcement order).

Present: Marc Charney, owner

New Information/Discussion: Mr. Charney presented a landscape planting plan of native understory species, together with a proposed maintenance plan for the paver driveway as mitigation after-the-fact for unpermitted alterations in resource areas on his parcel.

Decision: Mr. Adams motioned to ratify the enforcement order subject to submittal of an updated plan. The motion to ratify the EO was seconded by Mr. McLaren and approved by roll call vote, 4-0.

1. 14 Lexington Rd (cont NOI) – MA-DEP file #324-1026; Applicant H. Tipping: construct patio and retaining wall in Riverfront Area, Bordering Land Subject to Flooding, Buffer Zone to Boulder Brook

Present: Owner, Hillary Tipping; Environmental representative, Lucas Machado

New Information/Discussion: Mr. Machado presented a drainage plan to the WPC.

Decision: continue to the next meeting on 9/21.

Action Step: circulate a draft OOC to be reviewed for approval at the next WPC meeting.

2. 11 Brookfield Rd (New COC) – MA-DEP file #324-955: Applicants R. Abdele; & T. Battle; grading, tree removal, and patio construction in Riverfront Area of Boulder Brook.

Present: representatives Scott Henderson, Tracy Battle and R. Abdele, Applicants

New Information/Discussion: Mr. Henderson confirmed that 4 – 6 inches of fill was added to the parcel within the riverfront area to level the lawn.

Decision: Mr. Adams motioned to issue the COC under the state WPA and the Wellesley Wetland Bylaw. The motion was seconded by Mr. McLaren and approved by roll call vote, 4-0.

Action Step: issue the COC to the applicant

3. Worcester St (Parcel 2-2) – Hemlock Gorge (New RDA) – Applicant Thomas Keough: construct a swale in Buffer Zone and Riverfront area to Charles River.

Present: Applicant/Wetland Scientist-DCR, Thomas Keough

New Information/Discussion: Mr. Keough provided an overview of existing conditions noting that the historic structure's foundation is being undermined and wished to divert stormwater away from the foundation by way of a shallow trench with a clay liner. He confirmed the erosion controls will be used during active construction until soils are stabilized.

Decision: Mr. Adams motioned for a negative determination under the state WPA and the Wellesley Wetland Bylaw. The motion was seconded by Mr. McLaren and approved by roll call vote, 4-0.

Action Steps: Mr. Keough will fix a typographical error on the plan and send a copy to the office.

4. (moved to end of meeting)

5. 39 Wingate Rd (new after-the-fact RDA) Applicant: David Neilson: extend portion of driveway and replace front stairs, walkway, and side stoop within presumed Buffer Zone to intermittent stream.

Present: Applicant David Neilson

New Information/Discussion: Mr. Neilson confirmed that approximately 250-sf of impervious area within the buffer zone is to be added as a result of the new hardscape.

Decision: Mr. McLaren made a negative determination in accordance with State and Wellesley bylaw. The motion was seconded by Mr. Adams and approved by roll call vote, 4-0.

Action Steps:

Admin: issue the negative determination

Applicant: Mr. Neilson agreed to remove scattered materials, including plastics and plywood.

6. 339 Weston Rd (New NOI) – MA-DEP file #324-xxx: Applicant: Amit Serper; manage invasive species and restore bordering land subject to flooding/buffer zone to bank and BVW, Riverfront area to Boulder Brook.

Present: Amit Serper, owner; Margo Yane, Miles Connor, representatives

New Information/Discussion: Mr. Serper stated that invasive knotweed is threatening the foundation of the house and within Serer the 25-foot no-disturbance zone of Boulder Brook. Mr. Connor presented an overview of existing conditions and proposal for both manual hand removal and dab herbicide and foam application. Ms. Meyer presented the Waiver of Regulations. Mr. Serper noted that the work to apply for a wetland permit cost more than the work itself.

Decision: Mr. Adams motioned to approve the requested waiver. The motion was seconded by Mr. McLaren and approved by roll call vote, 4-0. Mr. Hanron motioned to remove the waiver fee. The motion was seconded by Mr. McLaren and approved by roll call vote, 4-0. Mr. Adams motioned to close the issue, in accordance with State and Wellesley bylaw. The motion was seconded by Mr. McLaren and approved by roll call vote, 4-0.

Action Steps:

Admin: issue the OOC to the applicant.

7. 37 Old Farm Rd (new request for a minor plan change) – Applicant A. Plenge: remove 2 dead canopy trees in 100-ft. Vernal Pool Habitat.

Present: Owner and representative no able to attend hearing.

New Information/Discussion: Ms. Meyer confirmed two mature Oak trees were dead, and maybe a minor site change could be considered. Mr. Adams mentioned that on site construction might have killed the trees. Mr. Jones indicated that the red oak trees would likely not have been affected by construction, but the third tree might have been affected. Ms. Meyer read aloud the particulars regarding tree mitigation within a vernal pool area.

Decision: Mr. Adams recommended that the applicant submit a mitigation plan before WPC approval.

Action Steps: Submission of an arborist report to determine if the trees present hazard. Determine if a minor plan change would be appropriate.

4. 121 Manor Av (new COC) – MA-DEP file # 324-1001: Applicant Sima Chaban; site stabilization and fence repair/replacement.

Present: applicant Sima Chaban, representative Diane Simonelli

New Information/Discussion: D. Simonelli presented deviations present from the approved plan of record including that mitigation plantings are behind the fence in the rip-rap area., The WPC discussed whether the required 650-sf of mitigation was present on the site per riverfront area redevelopment standards and whether the plantings had survived two growing seasons. The WPC stated that since the seed mix did not take there needs to be another seeding. The applicant decided to take another look at reseeding the bank area and decide whether to use seed mix, plugs, or plants; if there will and to approve it now as a minor plan change.

Decision: Mr. Jones motioned to approve a minor plan change for the addition of shade-tolerant native vegetation with loam and compost, instead of the previously required “seed mix,” in the mitigation area. The motion was seconded by Mr. McLaren and approved by roll call vote, 4-0.

Action Steps:

Applicant: provide an updated planting plan dated August 2023 with an annotation or note specifying shade-tolerant native vegetation with loam and compost to be added in place of the previously approved “seed mix.”

Admin: provide the minor plan change letter to the homeowner

Not on the agenda:

The Wetlands Administrator highlighted the email NRC Director Brandon Schmitt provided to the WPC via email about changes to the Town Bylaw referencing a scrivener’s error that is in the process of being corrected.

9:32 PM – Adjournment

Mr. Adams motioned to adjourn the WPC meeting. The motion was seconded by Mr. McLaren and approved by roll call vote, 4-0.