

Wakefield Conservation Commission – Minutes – May 13, 2021

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Attendance: Chairman Jim Luciani, Vice Chairman Bob Romano; Teresa Belmonte; Ken Alepidis, Peter Miller

Absent: Frank Calandra, Silvana Bouhlal
Elaine Vreeland, Rebecca Davis, Judy Green

4/15/21 minutes – Ms. Belmonte made a motion to approve the April 15, 2021 minutes.

Mr. Alepidis made a second to the motion. After polling the Commissioners individually, the motion passed unanimously.

3 Stoney Hill Lane – Michael & Denise Labieniec – Public meeting: Request for Determination of Applicability for the installation of a pool and retaining wall within the buffer to the bordering vegetated wetland (BVW) – The applicant and his representative Lou Rabito were present. Mr. Rabito stated that the proposed retaining wall would be 10' from the BVW. The inground pool would be 6' to 7' in from the wall.

Mr. Romano asked if the work would require any zoning variances.

Mr. Rabito stated that they would need a variance from the front setback.

Mr. Romano noted that the original filing for the construction of this home stipulated a 20' setback from the wetland.

Mr. Rabito stated that the closest point of work would now be 10'. The retaining wall would be required in order to make the grade.

Ms. Vreeland has not yet confirmed the wetland line.

Mr. Rabito stated that this delineation is only a few feet off of the original. He added that the original line had been digitized, then reference points were taken in the field.

Mr. Miller requested a comparison of the two delineation lines.

Mr. Rabito asked if the 25' setback is a requirement.

Mr. Luciani stated that it is the Commission's standard.

Mr. Rabito requested flexibility on the setback as there is not a large yard area.

Mr. Luciani felt that this work is too close to the wetland. He requested the locations and sizes of trees to be removed. The loss of canopy to the wetland would be substantial.

The Commission concurred that this work should be discussed under a Notice of Intent filing.

Mr. Luciani suggested a smaller pool or moving it closer to the street.

Mr. Rabito asked if it is worthwhile to file a Notice of Intent if there is no flexibility on the setback to the wetland.

Mr. Romano felt that it may be more beneficial to have the variance in hand first.

Mr. Miller questioned if the proposed changes would only provide a negligible difference.

Mr. Luciani stated that the plan also needs to show contours.

Mr. Miller does not feel it is reasonable to go from a 25' setback to 10'. He is also concerned with the large amount of canopy that would need to be removed.

Ms. Vreeland felt that in order for the plan to be viable, the actual wetland line would need to be 10' further into the wetland. She will confirm the line this week and report back.

Mr. Rabito asked if there was any room for movement on the setback line if a 20' setback variance is no received.

Mr. Luciani stated that the Commission would refer back to the setback determination at the time of the original Notice of Intent.

Ms. Vreeland will conduct a site visit to confirm the wetland line and report back.

DEP#313-602 – 237 Water Street - Water St. Wash Joint Venture RT – Public meeting: Notice of Intent for the reconfiguration of pavement and addition of car vacuum stations and fencing within the buffer to the bank and within the riverfront to the Mill River – John Ogren of Hayes Engineering as well as the proposed property owners were present. Mr. Ogren stated that all proposed work is above the 100-year flood elevation of 57'. The current vacuums will be removed and replaced with 10 new vacuum stations. 250 square feet of existing pavement will be removed and replaced with 215 square feet of pavement. A chain link fence will be installed along the vacuum stations to catch any trash before it enters the river.

Mr. Romano asked the need for so many additional vacuum stations.

Mr. Ogren stated it was per his client's request.

Mr. Romano noted that the original Order of Conditions had the line of arborvitae trees in the location of the proposed fence, not atop the bank.

Mr. Luciani stated that this change in location had been approved to create a buffer to the river.

Mr. Romano felt that they should have been 5' to 10' closer to the building.

Mr. Ogren will review the plan and report back.

Mr. Luciani asked why the pavement could not be pulled back from the river.

Mr. Ogren stated that they need to maintain the previously approved number of parking spaces. As there was no specific designation for a car wash, the parking requirement fell under retail parking requirements.

Ms. Belmonte requested specifics regarding the special permit requirements surrounding the number of parking spaces.

Mr. Ogren will provide this information for the next meeting.

Mr. Romano asked why cars have been parking in the storm water basin. He would like to see a barrier to the swale to prevent further parking.

Mr. Miller questioned the effectiveness of the basin as a result of parking atop it.

Mr. Luciani asked if the proposed fence would prevent access for maintenance of the storm water system.

The prospective owner stated that he would not allow parking in that area. He added that the basin will be refreshed with new stone.

Mr. Luciani noted that the elevation could not be changed.

Mr. Romano observed obvious tire marks and ruts due to parking. Maintenance will be needed.

Mr. Luciani would like the two vacuum stations closest to the swale removed or relocated.

Ms. Belmonte does not want to encourage work closer to the river.

Mr. Miller felt that there should be a net improvement as well as no activity closer to the river. He was unsure if the reduction of 35 square feet of pavement was a reasonable trade-off for more intensive use closer to the river.

Mr. Ogren does not feel that the regulations specify pavement. He contended that they are not going further than the pre-disturbed area.

Ms. Belmonte stated that it should be an improvement.

Mr. Romano was unsure why so many parking spaces were needed. He noted that with the removal of 13 parking spaces, vacuum stations could be moved away from the river.

The prospective owner stated that there are trash receptacles at each station and would be emptied several times each day. The trash barrels will have sealed lids. He stated a willingness to install a fence along the river.

Mr. Romano expressed concern that a 4' fence may not be enough to prevent trash from getting into the river. The proposal will go from 2 double islands to 10 which will likely increase trash on the site.

Mr. Luciani asked how the vacuum stations would be powered and if trenching would be required to the new vacuum stations.

The prospective owner stated that they would tap off the existing power. There would be one continuous conduit trench.

Mr. Luciani noted that trench work would be parallel to the river. He requested submission of information concerning this work.

Mr. Romano noted that DEP comments state that it is unclear if performance standards are met for riverfront, floodplain and stormwater.

Mr. Ogren had submitted a response letter addressing these comments.

- Regarding floodplain - as no work will be undertaken below or within the 100-year flood elevation of 57' he does not feel that it applies.
- Riverfront and storm water – contended that it's a redeveloped in previously disturbed riverfront. He contended that the reduction of impervious area is an improvement thereby meeting that standard.

Ms. Belmonte asked if anything changes regarding storm water standards with this proposal.

Mr. Luciani expressed concern with the proposed vacuum stations closest to the river.

Ms. Belmonte asked if the pavement in the area adjacent to the vacuum to be removed would also be taken out.

The prospective owner suggested relocating the two parking spaces in question further from the river. A fence could then be installed that would also block access to parking in the swale.

The Commission concurred with this suggestion.

Ms. Vreeland noted that she has spoken with Libby Wallis, Botanist with Hayes Engineering regarding the addition of native plantings along the river.

Mr. Luciani expressed concern with viability of plantings along the river as there is a sharp drop-off.

Ms. Vreeland will request that Ms. Wallis submit a landscaping plan.

The prospective owner requested permission to replace existing fencing with new stock for continuity.

The Commission agreed.

The matter was continued to 5/27/21.

38R Walton Street – Diane Sullivan Trust – Public meeting – Notice of Intent for the demolition of existing house and construction of new dwelling with driveway, utilities, storm water management and appurtenances within the Bordering Vegetated Wetland – John Ogren of Hayes Engineering was present. The proposal calls for razing the existing home and rebuilding a larger footprint house. The driveway will be extended to access the garage. Sixteen Stormtech chambers will be added to mitigate for the increase in impervious surface. These units are sized for the 25-year storm. Roof runoff will be captured.

Mr. Luciani asked if the roof runoff and driveway would be captured.

Mr. Ogren stated it would capture all roof and impervious surfaces.

Mr. Luciani asked how much captured is driveway as opposed to roof runoff.

Mr. Ogren stated that he would research and report at the next meeting.

Mr. Luciani asked the ground water elevation as a neighbor reported that he gets water in his basement.

Mr. Ogren stated that two test holes were dug to determine a ground water elevation of between 67.5' and 67.7'. Work will be above the ground water level.

Mr. Luciani asked the setback from the house to the stream.

Mr. Ogren stated that the house will be 25' from the flagged wetland line.

Ms. Vreeland has confirmed the wetland line. She noted that final sign-off from Town Engineer Bill Renault has not yet been received. Mr. Renault has suggested conditions.

Mr. Ogren stated that they would submit the requested drainage calculations. He noted that storm water management is not required for a single-family under the Wetlands Protection Act.

Ms. Vreeland noted that Mr. Renault referenced the Town's storm water management bylaw which requires a Storm Water Pollution and Prevention Plan (SWPPP). She felt that SWPPP plans should now be required for Notices of Intent as the engineering department will require it.

Mr. Miller felt that it's a relevant topic for the Commission.

Mr. Luciani asked if the Town required this review for every project.

Mr. Ogren reiterated that storm water management does not apply to single-family residences. Also, the storm water management bylaw specifies that the bylaw is triggered by more than 15,000 square feet of disturbance. It does not apply in this case. He does not find it reasonable for the Commission to issue a blanket requirement of submission a SWPPP plan on all Notice of Intent.

Ms. Vreeland will follow up with Mr. Renault for clarification.

Mr. Ogren will meet with Mr. Renault tomorrow to discuss his proposed conditions.

Mr. Luciani agreed that the conditions seem to be too far reaching. He felt that some of the issues discussed in the bylaw are already addressed by Conservation.

Mr. Romano would like to see a de-watering plan.

Ms. Vreeland stated that there is one diseased hemlock tree to be removed.

Mr. Luciani felt that this was a large house for the lot.

Mr. Miller noted that the driveway turnaround is within the 25' buffer. He asked if it could be moved out of the setback towards the right.

Mr. Ogren stated they would be amenable to that.

Ms. Belmonte felt that the comments submitted from Mr. Renault do not seem to be applicable.

Issues for next meeting: dewatering plan, removal of diseased hemlock tree to be noted on the plan, as well as new turnaround location.

Mr. Luciani also requested a cross-section from the house to the bank.

This matter was continued to 5/27/21.

DEP#313-603 – 3 Andrews Road – Meredith Hurley – public meeting – Notice of Intent for the construction of an addition and stairs within the bordering vegetated wetland – John Ogren of Hayes Engineering and the applicant were present. Mr. Ogren stated that the proposed addition and stairs are within the buffer zone. There will be a full basement.

Ms. Vreeland has confirmed the wetland line based on soils. It was noted that the Department of Environmental Protection comments recommended issuance of an enforcement order to address the area of wetland that has been converted to lawn.

Mr. Luciani stated that he is not in favor of this.

Mr. Miller noted that the homeowner is amenable to no longer mowing this area and allowing it to re-vegetate naturally. He would also like to see a fence or similar type barrier to denote the no-mow area.

Ms. Belmonte suggested incorporating the wetland restoration in the order of conditions instead of an enforcement order.

Mr. Miller felt that the Commission would be at a disadvantage if an enforcement order is not issued as work would not be reviewed until the issuance of a Certificate of Compliance.

Mr. Luciani would like restoration work completed prior to construction as a condition to the order of conditions.

Mr. Ogren stated that he does not want to delay work on the addition and would like restoration work completed afterward.

Mr. Miller noted that restoration work would not take much time to complete.

Mr. Ogren felt that the Commission should wait to see what grows as a result of no mowing first, then decide what needs to be done.

Mr. Romano stated that the Commission could condition discontinuance of mowing and installation of the plantings while construction is taking place.

Mr. Miller would also like to see a clear demarcation of the wetland line.

Mr. Romano suggested native plantings as a barrier instead of a fence.

Mr. Luciani requested that the erosion control barrier be moved closer to the house due to the wet conditions.

Mr. Romano asked if de-watering would be needed.

Mr. Ogren stated that he does not anticipate it

Mr. Luciani would like to see a de-watering plan.

Issue to be addressed for next meeting: de-watering plan, move erosion control line closer to house and wetland restoration planting plan.

This matter was continued to 5/27/21.

DEP#313-600 – 100 Hemlock Road – Northeast Metro Regional Vocational High School – continued public hearing – Abbreviated Notice of Resource Area Delineation for 3,181 linear feet of bordering vegetated wetland, 193 linear feet of inland bank, 921 linear feet of riverfront

and 770 linear feet of isolated vegetated wetland. Andrea Kendall from LEC Consulting and Michelle Callahan from Nitsch Engineering were present for the applicants.

Ms. Kendall noted that the vernal pool evaluation conducted by Oxbow Associates. Small flag changes were made to the wetland delineation. A revised plan noting these changes will be submitted.

Ms. Callahan noted that the isolated wetlands on-site are not jurisdictional as they do not meet the threshold for isolated land subject to flooding. She requested that the hearing be closed. She suggested that the Commission issue a condition that revised plans would be submitted and reviewed by Oxbow Associates.

Ms. Vreeland suggested that the Commission pursue certification of the vernal pools regardless of the fact that they are not jurisdictional. She felt that these are valuable areas that should be documented.

The Commission concurred.

Bob Brooks – June Circle – asked if there would be a site visit.

Ms. Kendall felt that there had been ample opportunity for a site walk prior to this time. She noted that the report from Oxbow Associates was issued April 21st.

Mr. Miller noted that this was the first Commission meeting and first chance to discuss the findings since the issuance of the report.

Ms. Vreeland felt it would be valuable for the Commission to conduct a site visit.

A site visit was scheduled for 5/16/21 at 8:00AM.

Eversource – Request to extend order of conditions.

Ms. Belmonte made a motion to extend the order of conditions for two years.

Mr. Miller made a second to the motion. After polling the Commissioners individually, the motion passed unanimously.

Ms. Belmonte requested a status on DEP's appeal of the Vet's Field work. She noted that she was not in favor of the amount of paving proposed.

Ms. Vreeland stated that per Town Engineer Bill Renault there was an error in classification by DEP of Lake Quannapowitt as a Class A water body. He has contacted DEP and contends that he should not have to re-design this project as a result of this information. He is awaiting return comment.

Mr. Alepidis asked if Mr. Renault's contention was confirmed.

Ms. Vreeland stated that she did not. She does not know the underlying information that led him to that conclusion.

Mr. Miller would be interested to learn the basis for Mr. Renault's conclusion.

Concom bylaw – Ms. Davis is working on a bylaw proposal for the November 2021 town meeting. Preliminarily it will entail a 25' wetland resource setback, performance bond and memorialization of the existing consultant rule.

Ms. Belmonte made a motion to adjourn.

Mr. Miller made a second to the motion. After polling the Commissioners individually, the motion passed unanimously.