

Wakefield Conservation Commission (Commission) – Minutes – June 10, 2021

Attendance: Chairman Jim Luciani, Vice Chairman Bob Romano; Teresa Belmonte; Ken Alepidis, Peter Miller; Silvana Bouhlal; Frank Calandra
Elaine Vreeland, Rebecca Davis, Judy Green

5/27/21 minutes – Mr. Luciani made a motion to approve the May 27, 2021 minutes.

Ms. Bouhlal made a second to the motion. After polling the Commissioners individually, the motion passed unanimously.

DEP313-604 – 28 Bellevue Avenue – Robert Williams – continued public hearing: Notice of Intent for the razing of existing dwelling and construction of new single-family house within the buffer to bordering vegetated wetland (BVW) – John Ogren of Hayes Engineering was present for the applicant. A revised plan was submitted this evening for review. The noted changes are:

- All roof leaders will be tied into the infiltration chamber.
- Two crab apple trees will be added in the area between the lawn and the BVW. At the time of planting the trees will be a height of 4' to 5'.

Mr. Romano would like the maple tree at the front of the lot saved if possible.

Mr. Ogren stated that the owner intends to save this. If during construction it is determined it cannot be saved, a replacement tree will be planted.

Mr. Luciani asked the location of the bank.

Mr. Ogren stated that if it is present it is within the wetland line. He added that no discernible channel is present.

Mr. Luciani asked how, in terms of the performance standards, the BVW will be protected. He also asked if there would be any vegetation enhancement in the 20' no disturb area.

Mr. Ogren stated the impact to the wetland would be minimal. He would be willing to add two additional trees in the current void space within the buffer.

Mr. Luciani would like the BVW line clearly demarcated to avoid encroachment.

Mr. Romano suggested adding high bush blueberries across the edge of the lawn.

Ms. Belmonte would like to see additional plantings concentrated in the area of wetland flag #15.

Mr. Miller did not feel that the addition of 2 trees was sufficient replacement as all trees in the rear yard will be removed.

Ms. Belmonte stated that those trees do not provide canopy to the wetland.

Mr. Romano noted that additional trees would be beneficial in terms of water uptake, a physical barrier and canopy. He also suggested the addition of stone markers to denote the wetland area.

Mr. Calandra asked if a calculation regarding tree removal had been submitted.

Mr. Ogren stated that it had not. He noted that most of the trees were scrub like and grew out of the walls.

Mr. Luciani expressed concern that the scrub trees would be removed in favor of a lawn.

Mr. Ogren stated that they would add 2 more trees and high bush blueberries to the BVW and a split rail fence with signage noting no activity beyond this point. A revised plan noting these changes will be submitted.

Ms. Belmonte made a motion to close the public hearing.

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

DEP#313-605 – 26 Millbrook Lane – Susan & Ryan Burns – continued public hearing: Notice of Intent for the construction of a swimming pool and patio within the riverfront to the Mill River and within buffer to BVW – Thor Akerley of Williams and Sparages was present for the applicants. A revised plan was submitted for review this evening.

Changes to the plan are as follows:

- Pool has been moved out of the 50' zoning setback
- Size of patio has been reduced.
- De-watering detail added.
- Flow arrows on the patio have been denoted.
- Infiltration trench will be added along the back as requested.

Mr. Akerley noted in regards to comments from DEP, the majority of the proposed work will take place more than 50' from the river and within the existing lawn area. A small portion of the pool and patio will be within 50' of the bank.

Mr. Luciani asked if the edge of the median high-water mark was the top of the bank.

Mr. Akerley stated it was, at elevation 54'.

Ms. Belmonte noted that the grass clippings and brush in the buffer and trash in the river need to be removed.

Mr. Luciani asked if the pool would be heated.

Mr. Akerley stated it would be.

Mrs. Burns stated that they have not confirmed whether it will be a gas or electric heater.

Mr. Calandra made a motion to close the public hearing.

Ms. Belmonte made a second to the motion.

Special conditions: - Remove yard refuse from buffer; clear trash from the river and a cartridge type pool filter will be used.

Ms. Belmonte made a motion to issue a standard Order of Conditions with the 3 above noted special conditions.

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

DEP#313-602 – 237 Water Street - Water St. Wash Joint Venture RT – Public meeting: Notice of Intent – this matter was continued by the applicant to 8/12/21 to allow time to address zoning issues.

DEP#313-601 - 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 and homeowner Bob Sullivan were present.

Mr. Ogren stated that they had looked at the possibility of flipping the location of the house. It was determined that it would not work for them. He stated that they would add a gate to the driveway to ensure that snow would not be pushed towards the river. An infiltration trench will also be added at the rear of the driveway.

Mr. Luciani asked if this is an intermittent stream

Mr. Ogren stated that according to Stream stats it is intermittent. It is .3 square miles in size. It is also not referenced on the United States Geological Survey (USGS) map.

Mr. Luciani requested submission of this information in writing. He added that he does not feel that the plan mitigates for snow removal and that the driveway location is not beneficial to the interests of the Wetlands Protection Act.

Mr. Miller does not feel that the 25' buffer should be used as a snow storage area.

Ms. Belmonte pointed out that the entire side of the house is still up against the buffer.

Mr. Miller asked if there were another house design that could be considered.

Mr. Sullivan stated that this is the house that was designed.

Mr. Romano asked if it would be possible to extend the garage in order to pull straight in from the street. This would block one from pushing snow into the stream.

Mr. Sullivan asked if the Commission would approve the plan should that change be made. He would like to close the hearing tonight.

Mr. Miller noted that it would not remove much impervious area.

Mr. Ogren produced an alternate plan noting the enlarged garage. This plan would reduce impervious area by 120 square feet.

Mr. Miller expressed disappointment that the driveway contains such a large impervious area.

Ms. Vreeland was concerned regarding satisfying the Zoning Board of Appeals (ZBA) review of the stream setback.

Ms. Bouhlal would like to see the applicant first obtain the ZBA's opinion of the plan.

Mr. Miller asked what the ZBA's setback is based on.

Ms. Belmonte stated that it was unclear as it had not been enforced until the last few years.

Mr. Miller expressed concern regarding activity in the no-disturb zone.

Mr. Calandra asked Mr. Ogren is opinion

Ms. Vreeland stated that closing the public hearing tonight could be a violation of the Open Meeting Law. She suggested that the Commission leave the hearing open and submit comment to the ZBA referencing the amended plan.

Mr. Calandra suggested taking a straw poll to determine if the Commission is in favor of the amended plan.

Mr. Miller suggested that the comments to the ZBA could note that the amended plan addressed the Commission's concerns.

Paul Difranza – 34 Walton Street – concerned with increased flooding from the proposed mitigation chamber due to the proximity to his home.

Mr. Ogren noted that they would not be adding water to the area. He foresees no affect on the ground water level. The only area that could see localized mounding would be beneath the infiltration system.

Mr. Luciani asked Mr. Difranza if he currently gets water in his basement.

Mr. Difranza stated that he does following spring snow melt and large rain events.

Mr. Luciani agreed that potential flooding is a legitimate concern.

Mr. Ogren stated that sandy loam soil was found in the test holes. He felt that with this type of well-draining soil water would flow down, not out. Water will flow into the crushed stone trench the fill the chambers.

Mr. Luciani asked the elevation of the bottom of the proposed chambers.

Mr. Ogren stated it was a few feet above the seasonal high ground water level of 67.7'.

Mr. Difranza asked if the chambers would provide better water disbursement.

Mr. Ogren felt that it would be the same as present.

The applicant agreed to continue this matter to 6/24/21.

DEP313-542 – 27 Evergreen Street – Request for Certificate of Compliance – Ms. Vreeland conducted a site visit this week. The proposed patio was not constructed. No issues were noted.

Mr. Luciani made a motion to issue a Certificate of Compliance.

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

26 Shady Ave – discussion of wetland replication – Mr. Alepidis presented an informal sketch of the of the proposed wetland line overlaid on an aerial map.

Ms. Vreeland will provide Mr. Alepidis with the GIS plan.

Ms. Davis has offered to develop a planting plan.

Ms. Belmonte would like a deadline established for the commencement of work.

This matter was continued to the 6/24/21 meeting.

DEP#313-603 – 3 Andrews Road – Order of Conditions

Ms. Belmonte made a motion to issue an Order of Conditions with 2 special conditions noting that the landscaping plan will be completed prior to commencement of work and that this will also be the limit of work line.

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

Order of Conditions – ongoing conditions – discussion – this matter was continued to 6/10/21.

47 Montrose Avenue – enforcement order follow-up – Ms. Bouhlal stated that it appears that work has continued on this lot.

Ms. Vreeland stated that she has been attempting to contact the Building Department to ensure an occupancy permit is not issued. She will issue a second enforcement order and request the homeowner's attendance at the next scheduled meeting.

Mr. Luciani made a motion to adjourn.

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