

Wakefield Conservation Commission – Minutes – July 8, 2021

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

Absent: Frank Calandra

Elaine Vreeland, Rebecca Davis, Judy Green

6//24/21 minutes – Ms. Belmonte made a motion to approve the June 24, 2021 minutes.

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

DEP#313-606 – 49 Hopkins Street – Roger Chouinard – continued public hearing: Notice of Intent for the construction of a 28-foot by 36-foot detached garage and associated paved driveway within buffer to bordering vegetated wetland (BVW) – John Ogren of Hayes Engineering was present for the applicant. Documents submitted this evening: applicant's response to Department of Environmental Protection (DEP) comments, letter from Mosquito Control regarding upcoming work on the adjacent stream and wetland vegetation data sheets.

Mr. Ogren reviewed the site visit conducted last week. He noted that the wetland vegetation and soils were reviewed.

Mr. Romano felt that the issues noted by DEP had been resolved based upon the above noted response letter.

Ms. Vreeland confirmed the wetland line. She also spoke with Town Engineer Bill Renault regarding drainage. Mr. Renault has approved the drainage calculations.

Mr. Luciani asked if Mr. Renault had submitted this opinion in writing.

Ms. Vreeland stated that he had not. She has however noted his response in the file.

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

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

Mr. Romano suggested adding wetland signage.

Mr. Luciani would like the BVW line marked in perpetuity. This should be marked in three locations across the BVW line.

Ms. Vreeland suggested a special condition noting that the applicant would present a plan for buffer demarcation to the Conservation Agent for review and approval.

Mr. Miller asked if there was any concern regarding snow storage.

Mr. Romano suggested editing condition #57 to read no snow storage closer than 40' to the BVW.

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

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

26 Shady Avenue – Ms. Vreeland stated that the homeowner had planted willow stakes adjacent to the bank. He has also purchased blueberry bushes. She suggested allowing the area to re-vegetate naturally. The Commission would then need to monitor progress every six months to ensure planting continues.

Mr. Luciani noted that the applicant has been instructed to add trees and shrubs as well.

Ms. Vreeland will discuss the planting plan with Ms. Davis and report back at the next meeting.

47 Montrose Avenue – enforcement order update – Ms. Vreeland has spoken with the property owner. He stated that he is in the process of having the lot surveyed. Ms. Vreeland will follow-up with him in early August 2021.

Mr. Luciani asked if Ms. Vreeland had viewed the area behind the house.

Ms. Vreeland stated that she had and observed piles of dirt. They are not in the wetland. A hay bale line has been installed for erosion control.

39 Coolidge Park – enforcement order – Ms. Vreeland spoke with the property owner and his attorney. Ms. Vreeland suggested that the Commission issue a partial Certificate of Compliance for the previously permitted work only. This would close out the original Notice of Intent. Hayes Engineering is currently preparing an as-built plan. This plan will be ready by early August 2021. A new, after the fact Notice of Intent would then be required to address the remaining violations. The building inspector has also issued a cease and desist order. Ms. Vreeland feels that the homeowner is making a good faith effort and therefore does not feel that it is necessary to issue an enforcement order. She does not believe that the cease and desist would be lifted without an Order of Conditions.

3 Stoney Hill Lane – discussion of new plan – Kyle Purdy, applicant's representative and the applicant were present.

Mr. Purdy stated that the shape of the pool has been changed and the width has been decreased. The proposed retaining wall will now be 20' from the wetland.

Mr. Luciani stated that a detail of the wall, specifically footings and its associated impact, would be required. As the wall would be higher than 4', approval from the building inspector is required. He asked if this approval had been received.

Mr. Purdy stated that approval has not been requested. He noted that small shrubs would be removed for construction of the wall. No trees greater than 6" in diameter would be removed.

Mr. Luciani stated that the applicant needs to show that the buffer zone disturbance would not alter the wetland.

Mr. Miller expressed concern regarding the large amount of proposed disturbance in the 25' setback. He felt that impact to the wetland would be inevitable.

Mr. Purdy contended that as the main function of the buffer is to maintain runoff, the current mowed lawn already serves that function.

Ms. Belmonte asked if this plan presented any zoning issues.

Mr. Lebeniac stated that he would need a front setback variance. He plans to first obtain a wetland permit from the Commission, then file a variance request. The Commission's approval would be used as justification for the reduced front setback.

Mr. Lebeniac stated that several trees are leaning toward the house.

Mr. Romano and Ms. Belmonte will conduct a site visit Wednesday 7/14/21 at 7:00PM.

Mr. Purdy asked if the Commission had voted that a Notice of Intent would be required.

Mr. Luciani stated they had previously voted to issue a positive Determination of Applicability. The proposed work needs to be reviewed under a Notice of Intent.

National Grid – utility maintenance activity – Ms. Vreeland stated that this work is considered exempt under the Wetlands Protection Act. Erosion controls will be used. Mats will be used if work is required in the wetland.

Zone A designation – DEP is in the process of changing regulatory areas pertaining to drinking water bodies and their tributaries. The changes are slated to commence this summer. Once instituted, Lake Quannapowitt would be covered under Zone A as a tributary to a drinking water source. This would include the area around the lake as well as extending alongside the Saugus River up to Reedy Meadow.

Ms. Vreeland stated that this designation would be identical to protections provided to Crystal Lake, i.e. no recreational use allowed. She will investigate further and report back.

Heron Pond – soil testing – Ms. Vreeland noted that soil test results had been received. She will meet with the property manager to review the fertilization areas and implementation plan.

Standard Order of Conditions – Review of conditions to be held in perpetuity. The Commission concurred that conditions #29, 51, 52, 54, 58 and 60 should remain in perpetuity.

Mr. Romano questioned the necessity of condition #40.

Ms. Vreeland suggested dividing it into 2 conditions, 1 for pesticide and 1 for fertilizer. She will review guidelines used by other towns and report back. It was also noted that additional conditions may need to be added to address the new Zone A overlay area.

Mr. Romano felt that condition #55 regarding storage of hazardous material should be re-evaluated.

Mr. Luciani suggested changing it to read no storage within the 25' setback to the wetland.

Ms. Vreeland will research standards used by other towns and report back.

Mr. Luciani felt that the 100' setback in condition #57 is too much.

Mr. Romano agreed. He suggested a 25' setback.

Ms. Belmonte suggested a greater setback for commercial properties.

Mr. Luciani agreed. He felt that the setback could be customized based on the filing.

Ms. Vreeland noted that it could be individualized on a case-by-case basis by instead adding a special condition noting the setback, and removing condition #57.

Tree policy – this will be reviewed further at the next meeting.

25' setback policy – Ms. Vreeland stated that this distance was determined based on the average overhang area of tree branches from the wetland.

This policy will be discussed further at the next meeting.

Mr. Miller made a motion to adjourn.

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

