

Wakefield Conservation Commission – Minutes – January 27, 2022

Wakefield Conservation Commission (Commission) – Minutes – January 27, 2022

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

Absent: Frank Calandra

Rebecca Davis, Judy Green

1/13/21 minutes – Ms. Belmonte made a motion to approve the 1/13/21 minutes.

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

DEP#313-613 – 2 Clyde Court – Notice of Intent – this matter was continued to 2/10/22 at the applicant's request.

DEP#313-XXX- 109 Farm Street – Notice of Intent – this matter was continued to 2/10/22 at the applicant's request.

DEP#313-607 – Lake Street at Foundry Street – Notice of Intent – this matter was continued until further notice at the applicant's request.

14 Sunset Drive – discussion of enforcement order – Town Counsel Tom Mullen was present. He stated that this matter concerned Rosenfield vs. Wakefield Conservation Commission. He advised the Commission to adjourn to executive session with the intention to return to open session.

Ms. Belmonte made a motion to adjourn to executive session to discuss pending litigation as discussion in open session could be detrimental to the Town. The Commission will then return to open session.

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

Resumption of open session.

DEP#313-608 – 66 Butler Avenue – Joseph Surianello – Abbreviated Notice of Resource Area Delineation – Public hearing: for 436 linear feet of bordering vegetated wetland (BVW). Paul Finocchio of PJF Associates was present for the applicant. A site visit was undertaken 2 weeks ago. Ms. Vreeland and the Commission had no issues with the delineation.

Mr. Miller made a motion to approve the resource area delineation.

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

DEP#313-608 – 200-400 Quannapowitt Parkway – CCF Quannapowitt Parkway Co LLC – continued public hearing: Notice of Intent – Mr. Alepidis recused himself from this matter.

Mitch Maslanka and Scott Goddard of Goddard Associates and Nick Dellacava from Allen & Major and Matt D'Amico were present for the applicant. Matt Burn, the Commission's peer reviewer from BSC Associates was also present.

Mr. Maslanka stated that written comments to the peer review report had not yet been completed. He anticipated this would be ready in the next few weeks. He noted that per their engineering firm Allen & Major, all best management practices had been peer-reviewed by Town Engineer Bill Renault. He deferred to that approval as comment.

Mr. Dellacava stated that numerous soil tests had been undertaken. None however were done in the locations of the proposed wet basins.

Mr. Luciani asked how the nutrient load had been determined.

Mr. Dellacava stated it was based on the use of the site and ground cover. Tables are provided by the Environmental Protection Agency (EPA).

Mr. Maslanka stated that the nutrient load numbers are set by the EPA. Determination of an actual site-specific result would be time consuming. He will forward the EPA data to the Commission for review.

Mr. Luciani expressed concern that these numbers cannot be attained. He is unsure how a determination could be made without water testing. He asked what would happen to the nutrient load if the plants in the wet basins die off or are removed.

Mr. Maslanka stated that the Commission could add a special condition to prevent this from happening.

Mr. Luciani asked if liners would be used in the wet basins.

Mr. Maslanka stated that they could not be used in ground water. He added that water sitting in the basin allows for the pollutants to settle.

Mr. Luciani pointed out that a liner is necessary to capture soluble pollutants.

Mr. Maslanka stated that Town Engineer Bill Renault is adamant that 80% of pollutants would be removed in the wet basins.

Mr. Luciani again stated that this does not address soluble pollutants. They would not be removed.

Mr. Maslanka stated that they have taken a hybrid approach to the wet basins. They are taking a reduction in credit as a result. He felt that using current lawn space for these basins was an improvement. He added that it is lawn area that is being converted. He felt that this was an improvement.

Mr. Burn does not feel that this is an appropriate precedent to set. He felt that that enhancing the BVW would be a better course rather than utilizing the buffer for storm water management. This option eliminates any natural vegetated buffer on the site.

Mr. Maslanka stated that this would increase flood storage capacity as well as enhance wildlife habitat.

Mr. Dellacava stated that they have tried to avoid as much disturbance as possible while providing nutrient load reduction and treatment. Raising the entire parkway would be another option. This is not feasible. The only other option is to leave the conditions as they are without any treatment.

Mr. Luciani reminded the applicant that he had asked several months ago for a list of projects where wet basins were successfully functioning. The Commission would make a site visit to observe. This list has not been provided.

Mr. Dellacava will forward a list.

Mr. Luciani noted that every standard had been modified to fit this project.

Mr. Maslanka stated that they were taking ½ credit only for the reduction in pollutants.

Mr. Luciani asked if standards could be fully met if the project were smaller and moved further from the wetland. Adding a higher intensity use on this site is contributing to this problem.

Mr. Burn stated agreed that a smaller footprint would be an option.

Mr. Maslanka stated that the impervious footprint would be reduced.

Mr. Miller stated that the scope of the project has dictated the assumption that the site is either left as-is or the buffer is used for storm water. He does not feel that these should be the only options.

Mr. Romano stated that based on the size of the project mitigation was provided. A smaller project would allow a more natural buffer and a less need for mitigation.

Mr. D'Amico stated that they could look at other storm water options. Reducing the project would not be entertained.

Mr. Maslanka stated that all performance standards have been met.

Mr. Burns noted that work will be performed up to the BVW across the site. That does not meet performance standards for BVW. The applicant is required to prove that work adjacent to the wetland would not have an impact.

He does not think the Commission wants to set the standard that work can be performed up to the edge of the wetland.

Mr. Goddard stated that he disagreed with Mr. Burn's opinion. He noted that he has 30 years of experience and has worked on 10's of thousands of projects. He does not feel there is much natural buffer to work with and that the applicant has gone above and beyond on this project. Storm water management and vegetation improvements he feels are substantial. Additionally, the applicant will be making a substantial financial contribution to assist with water improvement of the lake. He felt that there is no direct impact to BVW as a result of this project. He felt that both riverfront and BVW will be improved through this project. A written response to the Commission's peer reviewer will also be submitted.

Mr. Burn disputed the contention that riverfront area would be improved as the proposed buildings would be 40' to 60' closer to the riverfront than present. He felt that needed to be addressed.

Mr. Goddard felt that this was more of a professional dispute between himself and Mr. Burn. He will address this in his written comments.

Dennis Cloherty – Harvest Lane – Concerned that water flowing from Walker's Brook was not flowing toward the lake as the culvert was blocked. Water is now forced upstream into the Reading drainage canal towards the Saugus River. He would like confirmation that this water actually reaches the lake.

Mr. Goddard stated that he has done some field reconnaissance in this area. He does not have a formal report but will provide the Commission with site photographs and his own field notes.

This matter was continued to 2/10/22.

DEP#313-602 – 237 Water Street – Notice of Intent – continued public hearing – John Ogren of Hayes Engineering was present. A revised site plan was submitted this evening for review. The following changes were made:

- Pursuant to Ms. Vreeland's comments the proposed wild flower planting area will be replaced with witch hazel plants.
- Height of the trash fence will be 6' down to 4' as it approaches Water Street.
- Berm along the edge of the proposed pavement would require a grade change which would interfere with the concrete base of the vacuum stations. In place of this the proposal now calls for raising the edge of the pavement by 4.5" so that water flows back toward the building.

Mr. Luciani asked if a rain garden could be used along the edge instead.

Mr. Ogren will look at that option.

Ms. Davis asked if the applicant was currently pursuing any zoning relief. She noted that any zoning variance permit needs to have at least been applied for as part of the Notice of Intent process.

Mr. Ogren stated that they would need a stream setback variance as well as possibly a special permit. He would like to wait to apply for these permits until after issuance of an Order of Conditions. This will allow review of this decision by the Zoning Board of Appeals (ZBA). He is also awaiting the outcome of a possible May 2022 Town Meeting warrant article requesting repeal of the stream setback bylaw.

Ms. Belmonte stated that the Commission would like input from the ZBA prior to closing this hearing.

Ms. Davis suggested that the Commission wait to close until after permit applications have been submitted to the ZBA.

Mr. Ogren stated that the applicant may want to wait to see if the stream setback bylaw is repealed. He will speak with their attorney and report back.

Mr. Romano stated that this week he observed soapy water leaking out of the automated bay towards the swale. He is concerned that the water across the driveway will freeze without a change in grade.

Mr. Ogren felt that a rain garden would be a better idea.

This matter was continued to 2/10/22.

DEP#313-452 – 134 Greenwood Street – Request for Certificate of Compliance – Ms. Davis stated that there is not an as-built plan. The Building Department also has no plan.

Mr. Romano asked if the completed dimensions had been compared against the proposed plan.

Ms. Davis stated that Ms. Vreeland would conduct a site visit and confirm measurements.

This matter was continued to 2/10/22.

Mr. Luciani made a motion to adjourn.

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

