

Wakefield Conservation Commission – Minutes – May 26, 2022

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Attendance: Chairman Jim Luciani, Vice Chairman Bob Romano; Teresa Belmonte; Peter Miller; Ken Alepidis; Silvana Bouhlal; Associate members: Julie Giganti; Haley McHatton-Ballou

Absent: Paul Wendelgass

Rebecca Davis, Judy Green

Approval of 5/12/22 Minutes – Mr. Alepidis made a motion to approve the 5/12/22 minutes.

Mr. Miller made a second to the motion. After polling the Commissioners individually, the motion passed. Ms. Bouhlal abstained.

100 Hemlock Road – discuss enforcement order – Attorney Brian McGrail, Project Manager Dave Conway from Nitsch Engineering, Wetland Consultant Andrea Kendall from LEC, Kevin Nigro and Joe DeSantis from PMA Consultants were present for the applicants. A site plan noting the proposed test pit locations was submitted for review this evening.

Mr. McGrail stated that four test pits would be needed.

Mr. Conway stated that a track excavator would be used. The test pit areas would be accessed via the existing path off Farm Street. Straw wattles will be used for protection around the holes. The dept of the holes will be 12'. The top soil layer will be retained and replaced once the holes are filled. Following this work the straw wattles will be cut open and spread. All proposed work is within the buffer zone. They will stay within the path to the extent practicable. This work will take place in late June or early July.

Mr. Alepidis asked if the cart path was used to access previous test pits on this property.

Mr. Nigro stated that it was not. Access was gained via Hemlock Road.

Mr. Alepidis asked if matting material would be kept on-site in the event that soil on either side of the path is found to be soft.

Mr. Conway stated that it is hard to tell if this would be needed as their observations are based on aerial pictures. He noted that it looks dry. Any disturbed areas would be tamped down after excavation.

Ms. Bouhlal asked how they would ensure that no tree removal would be required.

Mr. Conway stated that they would try to create the least amount of disturbance as possible.

Mr. Luciani asked why they were conducting test pits instead of borings. He noted that borings would have far less impact.

Mr. Conway stated it was to obtain a better soil profile. He added that he would speak with their geotechnical consultant for further information.

Ms. Kendall contended that soil borings are an exempt activity under the Wetlands Protection Act (WPA).

Mr. Luciani disagreed. He felt that core samples would be the best method.

Mr. Alepidis asked if a percolation test had been undertaken.

Mr. Conway stated that they would need to conduct test pits first.

Mr. Nigro felt that test borings would only delay the inevitable need for test pits. He added that the Town Engineer has requested to view the test pits.

Mr. Miller asked the size of the proposed pits.

Mr. Conway stated that would be approximately 4' wide.

Ms. Belmonte asked the size of a soil boring.

Mr. Nigro stated it was approximately 4".

Mr. Conway stated that test pits are required per the Department of Environmental Protection (DEP) and the storm water regulations.

Ms. Davis suggested that either a Commissioner or Conservation Agent be on-site during this work. A site visit by the Commission should also be conducted at the conclusion of this work. Before and after site photos will be taken. She noted that at the least a path through the woods would need to be cleared in order for the machine to access the test pit location. She asked if borings and test pits are also exempt under Natural Heritage and the Massachusetts Endangered Species Act (MESA).

Ms. Kendall stated that she was not sure. She added that they would coordinate separately with them if that is required.

Bob Burns – June Circle – noted that the area in question is consistently wet, muddy and difficult to traverse.

Mr. Luciani noted that DEP's examples of exempt activities are all non-intensive. He does not feel that test pits fit this category. He would like to see borings instead.

Mr. McGrail will coordinate with Ms. Davis when scheduling this work.

DEP#313-602- 237 Water Street – Water St. Wash Joint Venture RT – Notice of Intent:
continued public hearing – John Ogren of Hayes Engineering was present for the applicants.

Mr. Ogren stated that they have now filed variance requests with the Zoning Board of Appeals

(ZBA). A vegetated swale instead of the previously discussed curbing is now proposed along the river. This is designed to capture surface runoff before it enters the river.

Mr. Romano expressed concern with soapy water running off the exiting cars towards the river.

Mr. Ogren stated that the property owner has contacted the door company regarding the water leakage. He added that he was unsure if this issue has been fixed.

Ms. Davis noted that the Order of Conditions (OOC) was issued in 2000 and amended in 2002. Under the amended order the owner was required to remove the paved area to the rear of the vacuum stations. A Certificate of Compliance (COC) was subsequently issued but the paved area remains. It is unclear if this was permitted.

Mr. Ogren noted that the as-built plan for the COC showed the paved area. He will research his records to determine if they issued a letter with the as-built plan noting approval of this paved area.

Ms. Davis noted that there was a request in 2014 for a small addition. This plan showed a different pavement location. She added that the COC does not reference a plan. She felt that this is important history to consider.

Mr. Ogren stated that the 2014 as-built plan shows the pavement as it currently exists.

Mr. Miller expressed concern that the plans are not accurate based on the Commission's prior approval.

Mr. Ogren will submit supporting documentation.

Town Engineer Bill Renault submitted comment that he does not feel that the swale can be constructed and further felt that it does not meet storm water regulations.

Mr. Ogren is confident that the swale can be constructed. He felt that these comments were excessive. He will speak with Engineer Erik Sherman to clarify comments.

Mr. Romano would like Ms. Davis included in this conversation.

Mr. Ogren noted that the Commission required the swale as they felt it would be an improvement.

This matter was continued to 6/9/22.

DEP#313-608 - 200-400 Quannapowitt Parkway – CCF Quannapowitt Parkway Co LLC – Notice of Intent – continued public hearing – Matt D'Amico of Goddard Consulting and Attorney Brian McGrail were present for the applicants. Mr. Alepidis recused himself from this matter.

Ms. Davis stated that there was no financial coverage for the Commission's consultant, BSC Group, to review the draft Order of Conditions. A check from the applicants has not been submitted.

Mr. D'Amico stated that the Town may have lost the check. He will hand deliver the check 6/2/22.

Mr. McGrail stated that they have been working with the ZBA and Town Counsel Tom Mullen regarding protection of open space areas.

Mr. Luciani stated that he would like the forested lot protected under a conservation restriction with the applicants retaining ownership.

Mr. McGrail stated that Mr. Mullen is aware of this.

This matter was continued to 6/9/22.

DEP#313-615 – 7-11 Audubon Road – Notice of Intent – continued public hearing – A revised plan and associated narrative was submitted this morning. As the Commission was not provided adequate time to review for this evening's meeting, the matter was continued to 6/9/22.

Open Space and Recreation Plan (OSRP) contract – Ms. Belmonte will review and comment on the contract. It will then be forwarded to Town Counsel for his review.

Change in Agent's hours – Ms. Davis stated that Ms. Vreeland will be increasing her hours in Winchester. As a result, Ms. Davis will increase her hours to 19 per week. Ms. Vreeland will work between 1 – 5 hours per week. Her focus will be on pre-construction site visits, Certificate of Compliance review and tree removal requests. This will begin 7/1/22. Mr. Maio has approved this plan.

Town Meeting - bylaw repeal – It was noted that the proposed stream setback bylaw repeal was not approved. The vote however was extremely close.

Mr. Luciani stated that favorable action on this repeal had been unanimously approved by both the Commission and the Planning Board. Both he and Jim Hogan from the Planning Board spoke at Town Meeting in favor of repeal.

Ms. Belmonte made a motion to adjourn.

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