

Wakefield Conservation Commission – Minutes – August 13, 2020

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Attendance: Jim Luciani, Vice Chairman Bob Romano; Teresa Belmonte; Frank Calandra; Peter Miller;

Absent: Ken Alepidis

Elaine Vreeland, Judy Green

7/23/20 minutes – Ms. Belmonte made a motion to approve the 7/23/20 minutes.

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

Mr. Romano made a motion to appoint Mr. Luciani as Chairman.

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

Mr. Romano announced the departure of Commissioner Nini Ren who has moved out-of-state.

DEP#313-592 – 50 Quannapowitt Parkway – TMC 30, LLC – Abbreviated Notice of Resource Area Delineation: continued public hearing – to confirm 11/17/11 wetland delineation approved under Superseding Order of Conditions dated 1/16/13 – Owner representative Mike Manzo, Sr., Attorney Brian McGrail and John Ogren of Hayes Engineering were present. The applicants requested that the Commission reconfirm the 2011 wetland line. Libby Wallis of Hayes Engineering has refreshed the wetland flags.

Mr. Romano reviewed the previous settlement agreement. The Commission has requested that Town Counsel Tom Mullen review the agreement to ensure that the Commission is no longer bound by it.

Mr. Luciani made a motion to hire a consultant to review the wetland delineation. If possible, the prior consultant, Peter Fletcher will be retained.

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

Mr. McGrail stated that he had spoken with Mr. Mullen concerning the delineation and settlement agreement. Although both have now expired, the applicants are willing to honor both the \$55,000 payment to the Conservation Commission's Habitat Replacement Fund as well as the delineation.

Mr. Luciani would like to modify some of the settlement agreement, however feels this is reasonable.

Mr. Ogren stated that the Department of Environmental Protection (DEP) had approved the line agreed upon by Libby Wallis from Hayes Engineering and Ms. Vreeland.

Wakefield Conservation Commission – Minutes – August 13, 2020

Mr. Miller felt that given the sensitive nature of the area, review by a consultant is worthwhile.

Ms. Belmonte stated that the Commission needed to determine whether conditions on the ground have changed since the 2011 delineation.

Mr. Calandra asked if a new delineation would be undertaken or if the consultant would review the flagged line.

Mr. Luciani stated that the Commission had only disagreed with one portion of the prior line. He felt that this area should be reviewed.

Mr. Miller asked if the applicants had determined that the delineation has not changed.

Mr. Ogren stated that the prior flag locations were re-surveyed. Ms. Wallis reviewed the line and did not observe any changes.

Mr. Miller felt that it's incumbent upon the Commission to determine whether the line has changed.

Ms. Vreeland noted that soil samples would be required as the area in question is mowed.

Mr. Luciani felt that Mr. Fletcher could conduct soil sampling in order to determine accuracy. If no changes are noted, the Commission could then vote to accept the line and settlement agreement.

Mr. Calandra stated that the area in question could be the primary focus, however spot checks should be made of the entire line.

Mr. Luciani suggested that the applicants add the points from the previous consultant's line for comparison.

Mr. Calandra noted that DEP determined that previous consultant Peter Fletcher's line was not supported.

Mr. Luciani stated that he disagreed with that assessment as he had observed water in the test holes.

Mr. Calandra asked whether it would be beneficial to contract with a new consultant in order to obtain an independent view.

Mr. McGrail asked what would happen if the new consultant then determined that the DEP line was indeed correct.

Mr. Calandra stated that the Commission could then decide which option would better protect the wetland.

Mr. Luciani felt that Mr. Fletcher would acknowledge if the line now differs. He does not think that a new consultant is needed. He would also like the settlement agreement changed to read that payment to the Habitat Restoration Fund would be rendered upon issuance of the Order of Conditions, not a building permit.

Ms. Vreeland expressed concern that a new consultant could offer a third line. She felt that a professional wetland scientist would be needed.

Mr. Luciani noted that the cost of the consultant would be at the applicant's expense.

Mr. Manzo stated that he would like this consult undertaken as soon as possible.

The Commission concurred that the consultant will review wetland flags 3-12, 17, 19, 22 and 23. He will also spot check the remainder of the delineation.

Mr. McGrail stated that they are amenable to another consultant if Mr. Fletcher is not available.

Ms. Belmonte made a motion to allow a sub-committee of the Commission the ability to choose an alternate consultant in the event that Mr. Fletcher is unavailable.

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

DEP#313-593 – 154 Salem Street – L&L Development LLC - Abbreviated Notice of Resource Area Delineation: public hearing - to confirm 410 feet of bordering vegetated wetland and 751 feet of riverfront and bordering land subject to flooding – Greg Hochmuth from Williams & Sparages was present for the applicants.

Mr. Romano stated that following last week's site visit it was felt that the delineation was accurate.

Ms. Vreeland stated that she had compared the flags to the 2009 delineation. The only change she noted was flag 10. She agreed with the delineation. She asked if the floodplain elevation of 58' had been accepted.

Mr. Luciani asked how the floodplain elevation had been determined.

Mr. Hochmuth stated a full topographic ground survey had been undertaken.

Mr. Calandra made a motion to issue an Order of Resource Area Delineation confirming bordering vegetated wetland, riverfront, bordering land subject to flooding and floodplain elevation of 58.8'.

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

Massachusetts Bay Commuter Rail right-of-way – Keolis Commuter Services - Request for Determination of Applicability: public hearing - confirm resource area boundaries along Massachusetts Bay Commuter Railroad right-of-way in preparation for vegetation management – Clary Coutu of Keolis and engineer Matt Donovan were present for the applicants.

Ms. Coutu stated that this filing was part of Keolis' 5-year vegetation management plan. She noted that herbicides would not be used in sensitive areas noted on the plan, specifically Crystal Lake. An on-site monitor will alert the herbicide applicator to stop prior to entering any sensitive area.

Mr. Romano asked how far off the tracks the herbicides would be sprayed.

Ms. Coutu stated that spraying generally extended to either end of the property line.

Mr. Luciani asked how the cleared brush would be handled.

Ms. Coutu stated that they would be either cleared away or chipped. Any chippings would be spread out. This would not be placed within resource areas.

Mr. Calandra asked if this spraying would take place in both directions.

Ms. Coutu stated that it would be.

Mr. Luciani made a motion to issue a negative determination.

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

26 Shady Avenue – discuss wetland restoration plan – property owner Jon Bean was present.

Ms. Vreeland stated that filling had occurred in the wetland. This area has been reviewed by Libby Sabounjian from DEP. They have directed the site be restored. The property owner has received estimates for restoration work and is unable to afford a full restoration. Ms. Vreeland suggested focusing first on restoration of the bank. She proposed that the applicant install willow stakes along the bank as they will grow in quickly and are inexpensive. A surveyor will also need to determine the wetland elevation. Soil could then be pushed out of the wetland.

Mr. Calandra asked how much soil had been brought in.

Mr. Bean stated three truckloads. He spread the soil himself using a bobcat. He noted that he was out of work for several months as a result of the pandemic and is in now in fear that he could lose his job and not be able to make his mortgage payment.

Mr. Calandra asked where the fill came from.

Mr. Bean stated it had been left over from another site.

Wakefield Conservation Commission – Minutes – August 13, 2020

Mr. Luciani asked how much the grade had changed as a result of the fill.

Mr. Bean stated it was only enough to pitch the water away from his house. The rest was grading only.

The Commission will conduct a site visit 8/20/20 at 4:30PM.

DEP#313-571 – 611 Salem Street – request for minor modification – John Ogren of Hayes Engineering and the applicant were present. Mr. Ogren stated that three cultec chambers had been added to the plan to accommodate the additional impervious area. They are designed to capture the 25-year storm.

Mr. Romano asked if there was concern regarding a high ground water level.

Mr. Ogren stated there was not.

Mr. Calandra made a motion to approve the changes as a minor modification.

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

Second Street – invasive management on Town-owned lot. The Commission will conduct a site visit 8/20/20 at 5:00PM.

Clean Lake Committee – update – Ms. Vreeland stated that they were in the process of evaluating outfalls to the lake. They are also developing a plan for ten new outfall locations on Main Street. She noted that State funding is now focused on storm water management. Gertrude Spaulding Park improvements have now been completed. They are also reviewing bylaws in order to have uniform storm water requirements. A residential rain garden program is being developed in order to encourage property owner's participation.

Ms. Belmonte made a motion to adjourn.

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