

Wakefield Conservation Commission – Minutes – September 24, 2020

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

Elaine Vreeland, Judy Green

9/10/20 minutes – Ms. Belmonte made a motion to approve the 9/10/20 minutes.

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

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. A site visit with the Commission's consultant Peter Fletcher was conducted last week.

Mr. McGrail noted that no changes were made to Mr. Fletcher's line. He would like to reinstate the previous settlement agreement, with any changes proposed by the Commission.

Mr. Luciani stated that changes were made to the line in other areas, specifically towards North Avenue. He would like these changes addressed.

Mr. Calandra asked if there was a need for a comprehensive survey.

Mr. Ogren stated that three flags had been moved down towards the toe of slope. This was not located on an amended plan as they were only moved by 4'.

Mr. Calandra suggested that either the applicant could accept the Peter Fletcher line or the 25' no-disturb area could be increased.

Ms. Vreeland felt that the area close to North Avenue needed to be examined further. She noted that it would be possible to replicate the area elsewhere if work under a Notice of Intent was too close to the buffer. This area could be marked as wetland and planted heavily. She suggested that the Commission hire a botanist to determine if the area falls into the wetland category.

Mr. Luciani felt that some of the flags in the applicant's line should not be included in a negotiated line.

Mr. Calandra felt that Mr. Fletcher's line was consistent with toe of slope and vegetation.

Mr. Ogren did not agree that vegetation supported this.

Mr. Luciani asked if the area proximate to Mr. Fletcher's line had been mowed.

Mr. Ogren did not think the area below his line had been mowed.

Mr. Calandra noted that the test pit at HS line #5 indicated hydric soils while the test pit on the other side did not. He noted that Mr. Fletcher felt that the clear break in both slope and hydric soils provide a clear indication of a change in features.

Mr. Ogren disagreed with this assertion mainly because of mowing on the wetland side.

Ms. Belmonte agreed that the change in slope was clearly visible.

Mr. Calandra did not agree that the clear break in topography was only due to mowing.

Mr. Ogren is unsure that vegetation supports that. He would like this area evaluated further.

Ms. Belmonte noted that the applicant's original delineation was substantially further away from Mr. Fletcher's line. She agreed that a botanist should review the area further.

Mr. McGrail suggested that Ms. Vreeland and Libby Wallis, botanist with Hayes Engineering view the site first in order to determine a negotiated wetland line.

Mr. Luciani would like to have an independent review.

Mr. Calandra noted that according to DEP regulations, the Commission cannot negotiate a line, however DEP had previously accepted an agreed upon line for this site. He is concerned that DEP could defer to the previous line. He suggested that the Commission default to Mr. Fletcher's prior delineation amendments if the botanist agrees with his determination.

Mr. Miller agreed that the Commission should retain a botanist. He also noted that the property owner had previously been directed not to mow the area below Mr. Fletcher's line. He would like to ensure that no mowing has occurred prior to having a botanist review the site.

Mr. Calandra felt that the previous delineation should be rejected based on recent field observations.

Mr. Luciani expressed confidence in the accuracy of Mr. Fletcher's line. He would also like more soil sampling conducted heading towards North Avenue.

Mr. McGrail does not know that Mr. Fletcher would provide an unbiased assessment.

Mr. Luciani noted that the section toward North Avenue was not previously reviewed by Mr. Fletcher. As such, he does not think this is an issue.

Mr. McGrail stated that that section was not noted to be an issue prior to tonight.

Mr. Alepidis noted that this was a result of observations made during the site visit.

Mr. Calandra noted that wetland lines 3 – 13, 17, 19, 22A, 22B, 23 and 23A were to have been reviewed by Mr. Fletcher.

Ms. Belmonte noted that there were no test holes in that area as Mr. Fletcher misunderstood locations to be reviewed. He has agreed to now review this area.

Mr. Alepidis suggested reviewing the botanist's assessment alongside the soil test results.

Mr. Ogren does not see the advantage to soil testing in that area. He noted that hydric soils may have been brought in as part of historic fill. If that were the case, those soils would remain present.

Mr. McGrail does not feel that Mr. Fletcher needs to be involved with further review.

Mr. Alepidis stated that Mr. Fletcher would like to have more supportive evidence through the use of a botanist.

Mr. Ogren noted that Mr. Fletcher had recommended that the botanist also review wetland flags 17 through 26.

Mr. Alepidis stated that Mr. Fletcher would like the area reviewed due to difficult soil conditions at the HS flags.

Ms. Vreeland agreed with Mr. Fletcher's recommendation that a botanist review the entire area.

Mr. Romano noted that Mr. Fletcher's report asked that a botanist review wetland flags 12 through 26.

Mr. McGrail stated that he was disappointed that the Commission wishes to have further review. He felt that Mr. Fletcher's role was review of HS1 through HS7 only. It was confirmed that this line has not changed.

Mr. Miller noted that due to disturbed soils and conditions viewed during the site visit, additional expert input is needed.

Mr. McGrail felt that Ms. Wallis could be utilized, rather than hiring an outside botanist.

Ms. Belmonte noted that this would put Ms. Wallis in the position of going against her employer if she offered a differing opinion.

Mr. McGrail would like Ms. Vreeland and Ms. Wallis to review information submitted by the outside specialist.

Mr. Romano did not agree.

Ms. Vreeland felt that an outside wetland scientist should review the site given the fact that conditions are difficult to assess.

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Mr. Calandra suggested having Ms. Wallis present during the botanist's site visit.

Mr. Miller suggested that the independent botanist conduct a site visit first, then review the information with Ms. Wallis.

Mr. McGrail does not feel that the applicant should incur the cost of the botanist.

Mr. Manzo stated that he was not opposed to paying for the botanist if he could first review the work proposal. He would also like Ms. Wallis to work with this person.

Ms. Belmonte asked if the botanist should review the entire line.

Mr. Manzo does not feel that is reasonable. He would like review of the original delineation and Mr. Fletcher's line only.

Mr. Calandra noted that he would be comfortable if the line from wetland flag 17 on were confirmed as the wetland line. If the applicant is willing to accept the HS line to HS9 as bordering vegetated wetland then that would be acceptable to him.

Mr. McGrail asked if the Commission agreed with that line would they then be flexible with moving the 25' buffer line.

Mr. Calandra stated that it could not be assessed at this point.

Mr. Luciani asked if the applicant could offer any enhancements that could be undertaken in exchange for relaxing that buffer.

Mr. McGrail stated that if that could be achieved he would discuss with Mr. Manzo moving forward with the HS line. If this is agreeable with the applicant, they would then withdraw this application and submit a Notice of Intent.

Mr. Calandra suggested adding enhanced plantings between the HS line and the previously negotiated line as well as the area towards North Avenue.

Mr. McGrail stated that they are amenable to Ms. Vreeland obtaining a proposal from a botanist while he reviews this option with Mr. Manzo.

Ms. Belmonte asked if it would be worthwhile for the botanist to submit two proposals, one for the HS line and the other for the entire line.

Mr. Calandra stated that he is comfortable with the HS line. He does not feel it is necessary to for this to be reviewed by the botanist. He is also amenable to accepting HS2 through HS9 as bordering vegetated wetland (BVW).

Mr. Luciani concurred.

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Mr. McGrail stated that they do not agree with having the botanist review any area outside the HS line.

Mr. Manzo stated that they would like to explore the impact of the Hayes line with Mr. McGrail. He will review the botanist's proposal before granting permission to move forward with this review. He would like the review conducted between Mr. Fletcher's line and the negotiated line only.

Ms. Belmonte suggested obtaining two separate proposals from the botanist. At that time the Commission could review who would be responsible for payment.

Mr. Calandra suggested that the botanist should delineate the BVW at wetland flags 12 through 3, then 12 through 27. Two separate proposals would be drafted.

This matter was continued to 18/8/2020 at 7:00PM.

DEP#313-595 – 8 Evangelista Way – Charles and Lauren Donovan – Notice of Intent: continued public hearing – install in-ground pool within 100' of a wetland. Paul Finocchio of PJF and Associates and Mr. Donovan were present. An updated plan was submitted for review this evening. The large tree to the rear of the lot will not be removed. The erosion control line has now been extended.

Ms. Vreeland conducted a site visit today. She felt that branches could be pruned from the large tree.

Mr. Luciani asked the distance from the tree to the wetland.

Mr. Finocchio stated it was 15'. He noted that there is an existing fence at the rear of the yard, before the BVW.

Mr. Donovan stated he would like to trim the branches that overhang the pool area. He has spoken with Keith's Tree Service. They have also advised pruning.

Mr. Finocchio suggested that Ms. Vreeland meet on-site with a representative from Keith's to review which limbs would be removed.

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

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

Mr. Luciani made a second motion to issue a standard Order of Conditions with one special condition that the location of limbs to be removed will be confirmed on-site with Ms. Vreeland.

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

DEP#313-XXX – 67 Harrison Avenue – Sean Fitzpatrick – Notice of Intent: public hearing – install slope stabilization and associated fencing within 100’ of a wetland. Mr. Fitzpatrick stated that per the request of the Building Inspector, a civil engineer designed the slope stabilization plan. The slope will be loamed and seeded then covered with jute netting. Prior to this installation, branches and soil previously deposited on the slope will be removed. There is currently a silt fence at the bottom of the slope to ensure no materials migrate towards the brook. A post and rail fence will also be installed at the top of the slope.

Ms. Vreeland noted that although a DEP file number has not yet been issued, the hearing could be closed. The Commission could impose a condition that the Order of Conditions would only be issued if no additional conditions are added by DEP.

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

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

Mr. Calandra made a second motion to issue a standard Order of Conditions under the above noted condition. The as-built plan requirement will be removed if no additional changes are made to the plan.

Ms. Belmonte made a second to the motion.

After polling the Commissioners, the motion passed unanimously.

26 Shady Ave. – update – homeowner Jon Bean was present along with contractors responsible for site work. Mr. Bean stated that when he purchased the home two years ago he was unaware of any conservation issues. He did remove and chip vegetation and repair an existing patio. He does not feel that the contractors should be held accountable. Due to person difficulties that have arisen over the last several months, he requested that remediation work not take place until next year.

Ms. Vreeland noted that DEP is involved in an oversight capacity. The contractors were brought into the discussion as their names were provided to DEP. She suggested that he institute the previously discussed planting plan consisting of wetland seed mix and willow stakes. Fill also needs to be removed in order to restore the wetland area.

Mr. Bean clarified that fill had not been brought in. Soil had been moved from one area of the yard to another.

Ms. Vreeland asked if one of the contractors could remove soil from the wetland area. The willow stakes could then be planted along the bank of the brook.

Mr. Bean stated that the overgrown vegetation had been chipped and placed, not fill. He is willing to undertake the work, but would like more time to complete.

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Ms. Vreeland noted that the contractors are also responsible in the eyes of DEP.

The representative from State Stone stated that he would be willing to remove the soil.

Ms. Vreeland will mark the location noting where soil needs to be pulled back. If left alone, it will re-vegetate by next Spring. Willow stakes could then be installed.

Mr. Bean stated that his father is currently under hospice care. As a result, he spends any free time with him. He would like permission to undertake the work in the Spring.

Ms. Vreeland will relay this information to DEP.

Mr. Luciani asked how much dirt needed to be removed. He also asked where the soil would then be placed.

Mr. Bean stated that the patio area was 25'x10'.

Ms. Vreeland stated it could be placed on the hill. She provided pictures from DEP showing a truck dumping soil.

Mr. Bean stated that the soil needed to be off-loaded as the truck had become stuck and needed to be towed out.

Mr. Calandra felt that the above plan is reasonable.

Mr. Luciani felt that the bark mulch to the left of the driveway should be removed and the area allowed to re-vegetate.

Ms. Vreeland will conduct a site visit 10/1 at 3:30 to determine depth to wetland soil. The willow stakes could then be installed immediately.

Mr. Bean was amenable to that.

Mr. Luciani felt that as long as the bark mulch were removed, the soil could remain in place and allowed to re-vegetate.

DEP#313-594 – 102 New Salem Street – discuss, vote issue Order of Conditions.

Mr. Romano asked if the downspouts are piped away from the house towards the back.

Mr. Tavano stated that they would be piped to the back, across crushed stone.

Ms. Belmonte made a motion to issue a standard Order of Conditions with one special condition noting that the downspout of the roof runoff pipe would be directed to the rear of the yard.

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

601 Edgewater – An extension of the Order of Conditions was issued in 2019. The Commission did not vote on an extension date as they had requested additional information regarding non-chemical alternatives to treating the ponds. The applicant did not address this issue until recently. They are now in the process of retaining a new treatment company and would like more time to complete this search.

Ms. Belmonte noted that the order could not be extended at this point as it had expired.

Ms. Vreeland will instruct the applicants to file a new Notice of Intent.

New member – The Town Council has received an applicant to fill the recently vacated Commission seat.

Ms. Belmonte stated that in the future the Commission should be given a chance to first meet an applicant. This would allow a chance to review with them the role of a Commissioner.

The Commission will issue a letter to Town Council requesting appointment of Silvana Bouhlal.

Mr. Luciani made a motion to adjourn.

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