

Wakefield Conservation Commission Minutes – January 17, 2023

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Attendance: Chairman Jim Luciani, Peter Miller, Ken Alepidis, Bob Romano; Teresa Belmonte; Haley McHatton-Ballou; Paul Wendelgass
Rebecca Davis, Agent

1/3/23 minutes – Ms. Belmonte made a motion to approve the 1/3/23 minutes.

Mr. Alepidis made a second to the motion. After polling the Commissioners individually, the motion passed. Mr. Wendelgass was not present for the vote.

New appointment – Ms. McHatton-Ballou was appointed by Town Council as a full voting member. The Commission would like to advertise for new associate members.

DEP#313-XXX – 17 Whittier Road - Diane Purcell - Public Hearing: Notice of Intent for the construction of a 700-square foot addition in the buffer to bordering vegetated wetland (BVW) – John Ogren of Hayes Engineering and the homeowner were present. The proposal calls for the construction of an addition at the rear and side of the house. The addition would be 6' from the existing fence and 13' from the BVW. No trees would be removed and there are no grade changes.

Mr. Romano asked if the roof runoff would be recharged.

Mr. Ogren stated it would not. He noted that the ground water level is high.

Ms. Belmonte asked if the addition could be moved to the left in order to remove work from the 25' buffer setback.

Mr. Ogren noted that the current configuration works best for the applicant.

The Commission will conduct a site visit 1/21/23 at 9:00AM.

This matter was continued to 2/7/23.

14 Sunset Drive – Review of restoration report, return to compliance – Attorney Jesse Schomer and Mike DeRosa of DeRosa Environmental were present.

Mr. DeRosa noted that the vegetated buffer at the access point had been installed. Winterberry and maple trees as well as shrubs were planted.

Ms. Davis noted that Ms. Vreeland had conducted a site visit. No issues were noted.

Mr. Miller made a motion to agree that the property has been returned to compliance.

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

DEP#313-322 – Millbrook Lane condominiums – status update, review as-built plan – Attorney Ryan Severance and Peter Ogren of Hayes Engineering were present.

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Mr. Ogren noted that 2 large infiltration areas were proposed however he is unsure if they were ever built. Some catch basins are also missing. The property management company does not believe that the catch basins or infiltration basins were constructed. He feels that the builder was inept. Mr. Ogren would like guidance from the Commission as how to proceed. He does not feel that it's realistic to expect that the storm water system would be brought to proposed standards.

Mr. Miller asked the cost to bring the system up to the proposed conditions.

Mr. Ogren stated approximately \$50,000 to \$60,000.

Mr. Severance noted that this work would also create a parking issue for the residents.

Mr. Romano asked if the roof runoff is currently directed towards the front retention area.

Mr. Ogren does not think it is.

Mr. Severance noted that the pipe that had been drilled through the wall was now capped. He added that the condominium association had not reports of flooding events.

Mr. Ogren felt that the addition of stone at the bottom of the basin would help.

Mark Gallagher – grandson of abutters the Crestas noted that he detention pond is presently holding water.

Mr. Ogren stated that a pump system had been used previously. This was removed.

Mr. Miller asked why Mr. Ogren was unaware that the proposed storm water system work had not been done.

Mr. Ogren stated that the Order of Conditions (OOC) did not require inspections. He is unsure if the developer knew what needed to be done.

Ms. Davis stated that she would review this with Gary Bogue from the Department of Environmental Protection (DEP) and report back.

Mr. Romano noted that the Operations & Maintenance (O&M) plan needed to be reviewed to determine whether there are any other deficiencies.

Mr. Severance stated that the condo association was unaware of the O&M plan.

Town Engineer Bill Renault stated that he would review this matter and issue recommendations.

This matter will not be re-scheduled until more information is obtained.

DEP 313-620 -100 Hemlock Road – Northeast Metropolitan Regional Vocational School – Continued Public Hearing: Notice of Intent for the demolition of existing school, construction of new school, parking lots, athletic fields, utilities, and stormwater management system within Bank, Bordering Vegetated Wetlands (BVW), the Buffer Zone, and the Riverfront Area – Dan Wells and Andrea Kendall from LEC Environmental Consultants; David Conway, engineer and Paige Simmons from Nitsch Engineering; Kevin Nigro and Joe DeSantis from PMA Consultants; Kate Simmons, Marco Zappala from

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PMA Consultants, Andrea Kendall of LEC; Attorney Julie Barry and Josh Millonig from Warner Larson were present for the applicants.

Mr. Conway stated that revised materials had been submitted 1/12/23.

Mr. Romano asked if the revisions include the required traffic roundabout.

Mr. Conway stated they did not as this request was received late. He contended that the preliminary report showed that this work would be contained to the buffer only. He does not believe that these impacts would create substantial changes.

Mr. Burne stated that he is in the process of reviewing the applicant's response to his comments.

Ms. Belmonte asked if the storm water questions had been answered and if there were any issues for the Zoning Board of Appeals (ZBA).

Mr. Conway stated that they were awaiting clarification on the intersection prior to filing with the ZBA. It was believed that the "T" intersection was acceptable.

Ms. Davis asked if any Traffic Advisory meetings had been held after October 2022 as the roundabout was discussed at that time.

Town Engineer Bill Renault stated that the roundabout had been discussed repeatedly over the last 5 months but was ignored until the last few weeks. He will meet with the design group and BSC representatives and report back.

Mr. Conway stated that the design team had misunderstood the desire by the Town to have a roundabout.

Ms. Belmonte suggested continuance of discussions until this matter is reviewed.

Mr. Conway stated that any impacts from the roundabout would be minimal.

Mr. Romano pointed out that a number of outstanding issues remain.

Mr. Conway stated that all questions would be answered in the next submission.

Ms. Davis reviewed filing for other permit requirements under the Wetlands Protection Act (WPA). Relief from both building height and driveway width would be needed.

Mr. Conway did not see how the ZBA filing would affect the Commission's review.

Ms. Davis noted that per WPA, at a minimum, applicants must apply for all obtainable permits.

Julie Barry – attorney for the applicants – stated that the variances would be waived by the ZBA under the Dover Amendment. She stated that they their team has not answered all submitted questions as they were forwarded too late. It was also felt that the Commission is "dragging their feet".

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Ms. Davis pointed out that the request for information was submitted as timely as possible. She again reiterated the WPA requirement that all obtainable permits must at least have been applied for prior to issuance of an Order of Conditions.

Mr. Romano requested a timeline for response to questions as well as submission of updated plans.

Mr. Conway stated that responses would be submitted within the next week. Revised plans would be submitted prior to the next meeting.

Ms. Belmonte would like Mr. Renault and Mr. Burne to meet to discuss these issues prior to the next meeting.

Mr. Romano noted that these documents need to be submitted as soon as possible to allow for Commission review.

Mr. Burne will report back on the applicant's responses to his comments.

Christine Rioux – Woodland Rd – asked if the applicants had submitted response to the Commission's storm water peer reviewer questions. She expressed concern regarding waiver request for storm water runoff.

Mr. Renault stated that he would speak with the peer reviewer and report back.

Paul Rybicki – Parker Road – asked if a sidewalk was proposed on the North side of the driveway.

Mr. Warner stated that they had looked at a sidewalk in that area however determined that there would be deicing issues. He contended that the boardwalk connecting the upper and lower campuses would be used for access.

Mr. Nigro stated that they would like all wetland questions submitted to them in writing.

This matter was continued to 2/7/23.

Article 97 land – discussion – Attorney Michael McCarthy, Pete Dion and Dave Poulson from Wakefield Municipal Gas and Light Department (WMGLD) and John Ogren of Hayes Engineering were present.

Mr. McCarthy stated they believe that the 3 lots proposed for the land swap are reasonable.

Ms. Belmonte pointed out that the Town is not agreeing to a permanent restriction on the Mapleway lot.

Mr. McCarthy acknowledged that this was the case.

Mr. Romano echoed Ms. Belmonte's concern regarding this issue. He added that he is in favor of the Ballister Street lot, however, noted that there is a lack of access at the Farm Street lot.

Ms. Belmonte does not feel that this is a comparable swap.

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Ms. Davis noted that the tree planting proposal at Mapleway is not comparable if there is no assurance preventing their removal at any time.

Mr. Dion stated that the Mapleway lot had been looked at 20 years ago for a soccer field. It was not pursued due to access issues.

Mr. Miller suggested creating a larger lot for donation at the Farm Street site.

Mr. Romano agreed with the energy park concept, however, felt that the lack of protection at Mapleway was disappointing.

Bronwyn DellaVolpe – Cyrus Street – Expressed her support for the energy park however agreed with the Commission's concerns regarding a lack of long-term protection for the Mapleway lot.

Julie Smith-Galvin – Grafton Street – stated that this was the first she heard about a lack of protection for the Mapleway lot. She added that as a member of Town Council she would raise this possibility.

Ms. Davis asked if a conservation restriction could be applied rather than transfer to the care and custody of the Commission.

Mr. McCarthy stated that it was possible, however, it was not up to the proponents to grant. He felt that it would be substantially the same process as transfer to the Commission's care and custody.

Ms. Smith-Galvin requested that the proponents review the option of a conservation restriction.

Bob Brooks – June Circle – he does not feel that the land swap is an equal trade-off.

Ms. Rioux stated that a change in Article 97 land requires an alternatives analysis. She felt that needed to be discussed as well. She asked if other locations were investigated as WMGLD had discussed this issue in executive session.

Mr. Miller asked if the Voke had been approached regarding space on their lot.

Mr. Dion stated that they were told that there was no available space. They were also informed that the high school lot could not be considered.

Mr. Romano suggested the parking lot across from Landrigan Field or the existing Voke football field.

Mr. Dion stated that the parking lot was reviewed however it will be needed during construction. He was not sure if the football field was looked at.

Ms. Davis will research conservation restriction options and report back.

Mr. McCarthy stated that they plan to file for legislative relief. The filing deadline is 1/20/23.

Mr. Poulson stated that there was no option for the energy park other than the Farm Street lot.

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Mr. Dion stated that they had been working on site selection for the last year.

Ms. Belmonte requested submission of the alternatives analysis report that has been submitted to the State. She pointed out that this transfer requires the Commission's unanimous approval.

Mr. Miller noted that expanding land given to the Commission at Farm Street is entirely within the control of the WMGLD.

This matter was continued to 2/7/23, only if the Commission receives all requested information for review prior to the meeting.

DEP#313-XXX – 10 Broadway Street – Notice of Intent: public hearing – this matter was continued to 2/7/23.

North Avenue – proposed 40B – Ms. Davis stated that the Zoning Board of Appeals (ZBA) has voted to waive both the Commission's 25' no-disturb policy as well as the Tree Replacement policy. She noted that as these are not bylaws and are issues whose standards are jurisdictional to the Commission under the Wetland Protection Act, they may not be waived. Both the buffer size and replication requirements are at the discretion of the Commission.

Ms. Belmonte made a motion to adjourn.

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