

Wakefield Conservation Commission Minutes – September 5, 2023

Wakefield Conservation Commission (Commission) – Minutes – September 5, 2023

Attendance: Chairman Jim Luciani; Peter Miller, Teresa Belmonte; Bob Romano; Ken Alepidis; Paul Wendelgass

Agent: Elaine Vreeland

Absent: Haley McHatton-Ballou

8/15/23 minutes – Rolled to 9/19/23 meeting.

DEP#313-631 – 94 Butler Avenue – Department of Public Works – Public hearing: Notice of Intent for the capping of an existing debris area and the construction of a gravel path with the buffer to bordering vegetated wetland (BVW) – This hearing was opened and continued to the 9/19/23 meeting at the applicant's request.

DEP#313-622 – 10 Broadway Street – New Creek, LLC – continued public hearing – for the construction of a 124-unit (37,000 square feet) multi-family residential building with appurtenances within buffer to bank – John Ogren of Hayes Engineering was present for the applicants. Engineering comments memo submitted for review this evening.

Mr. Ogren stated that they were in the process of finetuning final details with the Zoning Board of Appeals (ZBA). He anticipates that their hearing would be closed at their next meeting.

Mr. Romano asked if lighting had been addressed with the ZBA.

Mr. Ogren stated that it had been. That information was included in the package submitted for review this evening.

Ms. Belmonte made a motion to close the public hearing.

Mr. Luciani made a second to the motion. After polling the Commissioners individually, the motion passed unanimously. Issuance of an Order of Conditions will be discussed and voted on at the 9/19/23 meeting.

DEP#313-624 – 572-596 North Avenue – Dana Lopez and Richard Nickerson - continued public hearing – Notice of Intent for the construction of a 36-unit apartment building within buffer to bordering vegetated wetland (BVW) – Dana Lopez, Chris Sparages of Williams & Sparages and Attorney Jesse Schomer were present. A memo regarding work in the buffer zone was submitted tonight for review.

Mr. Sparages stated that the submitted memo notes that the 25' buffer zone is not fully serving its regulatory purpose due to the invasive species. He contends that the invasive removal plan would improve the buffer. He does not believe that this plan would adversely impact the buffer.

Mr. Luciani asked if they had received a response from a representative of the Department of Environmental Protection regarding the use of Roundup in the buffer.

Mr. Sparages stated that per manufacturer's recommendations, Roundup is safe for use in wetlands. He noted that this would not be used within the wetland. This product would only be injected into the cut

plant stem. This would be used in a small area of the buffer only. He provided a joint review sheet from the Massachusetts Department of Agricultural Resources and DEP which affirmed the above statement.

Ms. Belmonte asked if he had contacted the DEP representative referred by Ms. Davis regarding use of this product.

Mr. Sparages stated that they had reached out but did not receive a response.

Henry Qu – 2 Anjim Lane – stated that he had previously submitted to the Commission information regarding an alternate knotweed removal product that is in foam form.

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

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

Ms. Vreeland suggested a condition that knotweed removal be continued in perpetuity.

Mr. Sparages felt that yearly review and maintenance was reasonable.

Mr. Romano suggested that fertilizer use be prohibited beyond the retaining wall. Additionally, no deicers containing chloride are to be used.

Ms. Belmonte made a motion to issue a standard Order of Conditions with 9 special conditions. Conditions 53-59 will remain in perpetuity.

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

2 Anjim Lane – Henry Qu – discussion of compliance with Enforcement Order (EO) – The Commission previously instructed the homeowner to contact a contractor to develop a work timeline.

Mr. Luciani conducted a site visit this week. He observed 1 ½' of water in the pond.

Mr. Qu stated that he is unable to complete all work outlined in the EO due to the water level. He added that the prior homeowner, Stephen McDermod was to have contacted a contractor.

Mr. McDermod requested that plantings be placed near the shed. He contended that removal of the existing wall would cause the yard to flood. He suggested removal of 2"-3" of soil in the prior shed area then plant in that space.

Ms. Belmonte asked if conditions 1-9 had been completed.

Mr. Qu stated that some conditions had been completed. Shrubs were not removed due to erosion concerns. He noted that condition #1 had been "somewhat" completed. Conditions 4,5 and 7 were completed, however 2, 3, 6, 8, 9 and 10 were not. He requested an extension of the EO to allow time for water to recede. He noted that he does not want to "drag this on".

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Ms. Belmonte made a motion to extend the EO for 6 months to 3/31/24. At that time the Commission will review site conditions and direct completion of outstanding work.

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

1 Harrison Lane – tree removal request – homeowner Rochelle Owens was present.

Ms. Belmonte asked if this was a healthy tree.

Ms. Owens stated that it is however it would overhang their proposed addition.

Ms. Belmonte asked if this tree was noted for removal in the Notice of Intent.

Ms. Owens stated it was not.

Mr. Romano noted it would be subject to replication standards per the Tree Removal Policy. He directed that she confer with Ms. Davis regarding suitable plantings.

Ms. Vreeland stated that she would conduct a site visit to determine suitable planting locations and report back.

Ms. Owens stated that the tree is scheduled to be removed this winter.

Mr. Miller made a motion to adjourn.

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