

**TOWN OF NEEDHAM
CONSERVATION COMMISSION
MEETING MINUTES
Thursday, October 22, 2015**

LOCATION: Public Services Administration Building (PSAB), Charles River Room

ATTENDING: Janet Carter Bernardo, Peter Oehlkers, Cory Rhoades, Alison Richardson, Sharon Soltzberg, Matthew Varrell (Director of Conservation), Debbie Anderson (Conservation Specialist)

GUESTS: Gennady Agranovich, Sue Cotton, John Rockwood, Richard Rosen, Donna Tashjian, David Volante, Bill Zoppo

J. Carter Bernardo opened the public meeting at 7:30 pm.

MISCELLANEOUS BUSINESS:

ENFORCEMENT & VIOLATION UPDATES

10-16 CHARLES STREET

M. Varrell stated that the property owner, Kathleen Powers, had been in touch with him and requested copies of the Order of Conditions and approved Plan. M. Varrell sent her a copy of the Plan and directed her to her Engineer for a copy of the approved Plan. The Commission expressed growing impatience that the project has not begun and may consider imposing fines if substantial progress is not made by the November 5, 2015 Conservation Commission Meeting.

SOLAR CITY – NEEDHAM RECYCLING AND TRANSFER STATION

M. Varrell provided an update on the tree replacement mitigation. He stated that the tree installation is proposed to take place the week of October 26th and should be completed prior to the November 5, 2015 Conservation Commission Meeting.

HEARINGS

11 NEWELL AVENUE – REQUEST FOR DETERMINATION OF APPLICABILITY

Applicant: Nick Kesaris

Project: After the fact request for unpermitted replacement of sod and installation of pavers beneath the existing deck within the 100-foot Buffer Zone to Bordering Vegetated Wetlands.

Present for the Applicant: Nick Kesaris

J. Carter Bernardo opened the public hearing at 7:45 p.m.

The homeowner/applicant, Nick Kesarus was present. J. Carter Bernardo had conducted a site visit in September and asked M. Varrell to visit the site to confirm the distance between the fence and the edge of the wetlands. M. Varrell reported he had gone to the site and established a wetlands boundary in order to determine if the fence that had been installed was located within the 25-foot Buffer Zone. He concluded that the fence was located in the 25-foot Buffer Zone but the recently installed sod was not. Mr. Kesaris will relocate the fence an additional 3-5 feet away from the wetland. Once the fence is relocated, Mr. Kesarus will install at least fifteen (15) native shrubs on the wetland side of the relocated fence. The Applicant is allowed to garden etc. on the upland side of the relocated fence. In addition, the Applicant

requested to extend the fence along the south side of the property away from the wetland. The Commission reviewed the proposed replacement shrubs and determined that two out of three species were native, but a substitution will need to be made for the non-native shrubs. He will contact M. Varrell once he locates appropriate native shrubs for approval.

Motion to close the Public Hearing for 11 Newell Avenue by A. Richardson, seconded by P. Oehlkers, approved 5-0-0.

Motion to issue a Negative Determination of Applicability for 11 Newell Avenue by A. Richardson, seconded by P. Oehlkers, approved 5-0-0

30 WAYNE ROAD – NOTICE OF INTENT (DEP FILE #234-745)

Applicant: Gennady Agranovich

Project: Restoration of an altered intermittent stream and associated lawn-vegetated wetlands and drainage improvements.

Present for the Applicant: Mr. Agranovich and his Consultant, Dr. John Rockwood of EcoTec.

Supporting Documents include:

- ❑ Notice of Intent and supporting documents, received October 8, 2015
- ❑ Needham Wetlands Protection Bylaw Application for Permit, received October 8, 2015
- ❑ Plan entitled: “Proposed Conditions Site Plan, 30 Wayne Road, Needham, Massachusetts,” prepared by Dellorco & Associates, dated October 5, 2015, stamped by Anthony M. Dellorco, P.L.S. No. 34303 and Tsung Ting Chiang, P.E. No. 23891

J. Carter Bernardo opened the public hearing at 8:00 p.m.

J. Rockwood presented the proposed project. The project is in response to a wetland resource area violation. J. Rockwood explained that the homeowner has been experiencing drainage and flooding issues on his property for several years and was looking to remedy the issues. He had removed vegetation from an intermittent stream channel and adjacent Bordering Vegetated Wetlands located at the rear of his property at the base of a steep drop-off. He then installed underground piping in the channel and placed stone over the pipe in an effort to divert the periodic flow to a Town storm drain located in the street.

J. Rockwood outlined the steps of the proposed restoration project:

The proposed project consists of the following three (3) project components in response to a wetlands violation:

1. Restoration of an intermittent stream (prior constructed swale) and adjacent lawn-vegetated wetlands that were excavated and filled with landscape fabric, a drain line, and stone by creating in-situ a new trapezoidal vegetated swale with installation of replacement vegetation. The swale would drain from west to east across the site and providing an overflow outlet for the intermittent stream through a sump, drain line, infiltration system, and overflow through a mini-manhole to a catch basin in Wayne Road.
2. Installation of a perimeter drain line to capture and discharge a significant portion of the roof runoff through a mini-manhole to a catch basin in Wayne Road.
3. Replacement at a slightly higher elevation, the existing brick walkway located within the existing lawn with a porous paver walkway and installation of a new segment of porous paver walkway

from the existing rear walk around the eastern end of the house to connect to the existing front walkway.

Only the overflow is proposed to discharge into the catch basin. The infiltration system consists of a very shallow system. Current conditions have the stormwater from the roof entering downspouts that discharge to the surface of the lawn. Proposed conditions would be the installation of drainage pipes around the property to pick up the flow from the downspouts and direct it to the manhole downstream of the infiltration system. The intent is to seed the channel with an erosion control mix and install forty (40) shrubs adjacent to the channel. The actual location of the shrub plantings will be determined once the work on the channel is finished and will be overseen by a qualified Wetlands Scientist. J. Rockwood explained that drainage calculations had not been submitted, however, ninety-eight (98) cubic feet of water can be stored in the proposed infiltration system. An erosion control blanket is proposed to stabilize the channel. M. Varrell was concerned about the effect of the particular type of erosion control blanket proposed on area wildlife. The Commission suggested that a “North American Green” product with cotton netting (rather than plastic) may be more suited for the project. J. Rockwood will look into it. The timing of the proposed seeding was discussed.

The Applicant has had issues with neighbors on Pine Grove Street (south of the subject property) dumping landscape debris down the embankment. The Commission requested Conservation Department staff send out “no dumping” letters to any abutters within 100-feet of the wetlands on Pine Grove Street. J. Carter Bernardo expressed concern about the plan to have the roof runoff enter into the manhole by the street then discharging to the catch basin. She would like the roof runoff to enter the culvert unit for infiltration first. The Commission will require permanent markers to be installed along the edge of wetland restoration area. The Commission wants the Applicant to provide them with a revised Plan showing the revisions to the drainage system as requested.

Motion to continue the Public Hearing for 30 Wayne Road (DEP File #234-745) to November 5, 2015 at 8:00 p.m. by S. Soltzberg, seconded by P. Oehlkers, approved 5-0-0

0 CARTWRIGHT ROAD (VOLANTE FARMS) – NOTICE OF INTENT (DEP FILE #234-744)

Applicant: David Volante, Volante Farms, Inc.

Project: An application for approval of a management plan for control of beavers that are impacting croplands owned by Volante Farms. The proposed management plan established regular monitoring of known beaver dams and reporting to the Conservation Commission. As needed, proposed activities include trapping of nuisance beavers and manual breaching of the dams.

Present for the Applicant: David Volante

Supporting Documents include:

- ❑ WPA Form 3 – Notice of Intent and supporting documents received October 5, 2015
- ❑ Needham Wetlands Protection Bylaw Application for Permit received October 5, 2015
- ❑ **Plan entitled: “Volante Farms Beaver Dam Management Plan”, prepared by Volante Farms, Inc., undated (received 10/5/15).**

J. Carter Bernardo opened the public hearing at 8:35 p.m.

Dave Volante gave an update of the current beaver situation at Volante Farm. He explained that the high water conditions caused by the dam have been killing off the swamp maples around the edges of the fields. In addition, there are two beaver lodges located on the property. He has gotten confirmation from

the Army Corp. of Engineers (ACOE) that the dam is not located on ACOE property but on Town-owned land. He explained that due to the loss of crops over recent years due to flooding created by the beavers, they had to file for several 30-day Emergency Certifications over the course of the summer to allow trapping of the beavers. D. Volante believes a total of 13 beavers were trapped in the effort. Volante Farms has filed The NOI in order to be allowed to trap and breach the dam as necessary without need of a 30-day Emergency Certification.

D. Volante stated that since they breached the dam, the water level has gone down several feet. He plans to monitor the dam bi-weekly and will notify the Commission quarterly via email if there is no beaver activity. It is his understanding that beavers will usually go back to the same location if it is a good habitat. It may take several seasons for the beavers to repopulate the area.

J. Carter Bernardo stated that the Commission could issue the usual three (3) year Permit and revisit the situation when/if they return to extend the Permit. P. Oehlkers questioned whether the loss of these beavers would have an effect on the Ridge Hill ecosystem. If the beavers are removed, we are losing a functioning part of the ecosystem. The beavers kill the trees which create different habitats (i.e. meadow) for several different species. M. Varrell is not sure of the population of beavers affecting the Ridge Hill Reservation ecosystem. The Commission and Mr. Volante discussed various monitoring scenarios including the installation of water gauges to try to predict when water levels were rising because of an active beaver dam in time to react instead of immediately trapping beavers that repopulate the area. M. Varrell explained the need for Mr. Volante to be proactive not reactive in this situation to save their crops before they are damaged.

Motion to close the public hearing for 0 CARTWRIGHT ROAD (VOLANTE FARMS) (DEP FILE #234-744) by S. Soltzberg, seconded by P. Oehlkers, approved 5-0-0.

Motion to issue the Order of Conditions for 0 CARTWRIGHT ROAD (VOLANTE FARMS) (DEP FILE #234-744) by S. Soltzberg, seconded by P. Oehlkers, approved 5-0-0.

OTHER BUSINESS

REQUEST FOR CERTIFICATE OF COMPLIANCE – 30, 34 & 38 WEBSTER STREET (FORMERLY 28 WEBSTER STREET) (DEP FILE #234-506)

M. Varrell explained that the proposed project was the construction of town-homes. Only a small portion of the property is located in the outer edge of the 200-foot Riverfront Area. The only outstanding requirement had been the submittal of an O & M Plan. M. Varrell is in receipt of the Plan. The Homeowner's Association will take care of the maintenance. M. Varrell stated that the site could have been more stable. There is a slight amount of erosion but not severe enough to advise against issuance of the Certificate of Compliance.

Motion to issue the Certificate of Compliance for 30, 34 & 38 Webster Street (DEP File #234-506) by S. Soltzberg, seconded by P. Oehlkers, approved 5-0-0

INFORMAL PROJECT DISCUSSION – 564 CENTRAL AVENUE (DEP FILE #234-464)

M. Varrell explained that the homeowner had planned to come to the meeting and discuss a proposed modification to the drywell installation required in her Wetlands Permit. Unfortunately, she had another engagement come up and has requested to be put on the November 5, 2015 Agenda.

REQUEST FOR USE OF RIDGE HILL RESERVATION – NEEDHAM GIRL SCOUTS

M. Varrell reported that the Commission had received a request from a Needham Girl Scouts Leader to “get the girls out on the trails” at Ridge Hill Reservation on November 11, 2015 from 10:00 am to 2:00 pm. They hope to hike the “swamp trail loop” at 15-minute intervals and have a “visual scavenger hunt”. M. Varrell stated that the construction on the trail may not be completed by November 11th but the scouts could use alternate trails if necessary. He noted that they had asked to have use of the bathrooms located in the garage but they have been closed and winterized already, so the scouts were informed. S. Soltzberg stated that she had a discussion with the scout leader regarding “tick safety” at Ridge Hill Reservation.

Motion to approve the use of Ridge Hill Reservation for hiking and a visual scavenger hunt by the Needham Girl Scouts on November 11, 2015 from 10:00 am to 2:00 pm by S. Soltzberg, seconded by P. Oehlkers, approved 5-0-0

REVIEW OF DRAFT EVERSOURCE RESPONSE LETTER

M. Varrell noted that he had shown the draft response letter to Ed Olsen, Superintendent of Parks & Forestry for the Town of Needham and he found the letter to be appropriate. The Commission discussed some amendments to be implemented to the letter prior to it being finalized.

Motion to issue the response letter to Eversource, as amended, by S. Soltzberg, seconded by C. Rhoades, approved 5-0-0.

NEWMAN/EASTMAN PROJECT TOUR WITH THE SCHOOL COMMITTEE

M. Varrell informed the Commission that on October 27, 2015 at 4:00 pm, Patty Carey, Director of the Needham Parks & Recreation Department will be hosting a tour of the Newman/Eastman Project with the School Committee. If anyone on the Commission would like to attend, they should meet at the Newman School tennis courts at 4:00 pm.

Motion to adjourn the meeting by P. Oehlkers, seconded by S. Soltzberg, approved 5-0-0.

The meeting was adjourned at 9:35pm.

NEXT PUBLIC HEARING

Thursday, November 5, 2015 at 7:30 PM in the Public Services Administration Building, Charles River Room.