

**TOWN OF NEEDHAM
CONSERVATION COMMISSION
MEETING MINUTES
Thursday, November 10, 2016**

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

ATTENDING: Janet Carter Bernardo (arrived @ 7:40 pm.), Artie Crocker, Peter Oehlkers, Alison Richardson, Sharon Soltzberg, Matthew Varrell (Director of Conservation), Debbie Anderson (Conservation Specialist)

GUESTS: Paul Bevilacqua, Patricia Carey, Austin Curran, Inge Daniels, Sara Dmytryck, Jennifer Griffor, Michael Joyce, Brian Nelson, Steve Popper, Mike Powers, Mike Retzky, Todd Ruderman, Andy Truman, Russ Waldron, Desheng Wang, Susan Whalen

P. Oehlkers opened the public meeting at 7:30 pm.

MISCELLANEOUS BUSINESS:

MEETING MINUTES:

Motion to approve the Meeting Minutes of October 27, 2016 by S. Soltzberg, seconded by A. Crocker, approved 4-0-0.

ENFORCEMENT & VIOLATION UPDATES:

1375 GREAT PLAIN AVENUE

M. Varrell reminded the Commission that he had driven by the site approximately a month ago and noted that vegetation had been removed and stone installed along a slope within the 200-foot Riverfront Area and 100-foot Buffer Zone to Rosemary Brook which is located along the back property line. M. Varrell had issued an Enforcement Order to the owners via Certified Mail. When there had been no reply to the Enforcement Order, D. Anderson placed a copy in the door at 1375 Great Plain Avenue. One of the property owners, Austin Curran, attended.

A. Curran explained that during the “micro-burst” storm that occurred in Needham in August of 2015, he had two large trees on his property fall partially across the stream. During the process of having the trees removed, Mr. Curran stated he found years of trash buried within the dirt in the backyard. He excavated out the trash and threw it away. He stated that he never removed any living vegetation and that he had installed the stone on the slope to keep soil from eroding into the stream.

P. Oehlkers explained the importance of vegetation and other wildlife features, such as downed trees, within the Buffer Zone of the stream. S. Soltzberg stated that in the future the owner should now know to check with the Conservation Department for guidance prior to conducting work on the property.

The Commission will require that the owner submit a Restoration Planting and Re-grading Plan for approval by December 15, 2016 under the Enforcement Order for unauthorized work. The plantings will not be able to be installed until the spring. M. Varrell suggested that A. Curran follow up with him or D. Anderson for additional guidance.

Motion to revise the Enforcement Order to allow for the submittal of a Restoration Planting and Re-grading Plan by December 15, 2016 for the Commission's approval by P. Oehlkers, seconded by A. Crocker, approved 5-0-0.

212 WASHINGTON AVENUE

M. Varrell stated that the Builder, Mike Powers, had been through the Demo Memorandum process with the Conservation Department as part of their tear-down approval. D. Anderson had reviewed the request and after noting wetlands in the area had asked the Applicant to have the resource areas delineated and added to the plot plan. D. Anderson approved the demolition based on the 100-foot Buffer Zone depicted on the revised Plot Plan provided erosion control and construction fencing was installed at the 100-foot Buffer Zone prior to demolition. M. Varrell stated he was out at a neighboring property when he noted an additional area of wetlands across the street. He measured the distance from the wetland to the front of the 212 Washington Avenue property as 74-feet. The project would have required the owner to file an RDA or NOI.

M. Varrell noted sediment from the site in the roadway, some of which appears to have entered the catch basins in the vicinity. He did not observe sediment in the adjacent wetlands. Another issue M. Varrell observed was the fact that the erosion controls and construction fence that D. Anderson had approved on-site were now gone even though work was continuing. M. Powers stated that the work was in the finishing stage and the fencing had just been removed and they planned to install sod in that area within the next couple of days. He plans to sweep up the road sediment and keep the area clean.

The Commission instructed M. Powers to install silt sacks in the adjacent catch basins immediately due to rain in the forecast. J. Carter Bernardo hesitated with requiring the owner to file an after-the-fact Request for Determination of Applicability when the error was really on the part of the surveyor by not including the wetland on the opposite side of the street on the survey. The Commission determined that issuing a fine to the owner would be appropriate.

Motion to issue a fine in the amount of \$200 for the release of sediment from the site that entered the catch basins in the street within the Buffer Zone to Bordering Vegetated Wetlands at 212 Washington Avenue by A. Crocker, seconded by S. Soltzberg, approved 5-0-0.

10-16 CHARLES STREET (DEP File #234-727)

M. Varrell reminded the Commission of their discussion regarding the berm constructed at 10-16 Charles Street. The owner had requested a Certificate of Compliance for the Order of Conditions, which was the result of an Enforcement Order issued for unpermitted parking lot repaving. The landscaper constructed the berm which would be considered "fill in Floodplain" and creates a potential flooding situation in the parking lot. M. Varrell spoke with the Applicant's Engineer and he agrees the berm is not a sound idea. M. Varrell suggests that the Applicant should cut a 6 to 8' gap in the berm, put down fabric and stone to allow the water to escape until spring when they can work to remove the berm. The Commission agreed to M. Varrell's approach. M. Varrell will follow-up with the project engineer.

HEARINGS

947 WEBSTER STREET – NOTICE OF INTENT (DEP FILE #234-7XX)

J. Carter Bernardo opened the public hearing at 7:45 pm. She stated that MassDEP had not yet issued a File Number.

The Applicant's Landscape Designer, Sara Dmytryck, presented the proposed project. The Applicant, Jennifer Griffor, was present. The house is a new construction and Ms. Dmytryck stated they were hired to "clean up the property". They propose to add a patio off of the existing shed including a pergola, fire pit and sitting wall. A mulch slope along the side of the house was left by the builder. They propose to add a pea-stone walkway with granite steppers flanked with plantings to that area.

Ms. Dmytryck stated that when they began working on the project they had removed vegetation from the Bordering Vegetated Wetlands, not realizing the area was a protected resource. In response, the Commission required that they submit a Restoration Plan for the area. Four (4) existing trees were transplanted into the wetland. Additional shrub plantings were installed.

J. Carter Bernardo stated that the sub-base depth beneath the proposed pervious paver patio should be at least 8-inches. The hearing will be continued for issuance of a DEP File number, submittal of a planting key and additional filing fees, as discussed. The Applicant will contact MassDEP to find out why the DEP File Number has not been issued.

Motion to continue the public hearing for 947 Webster Street (DEP File #234-7XX), for issuance of a DEP Number, and submittal of additional filing fees and a planting key to December 8, 2016 at 8:00 pm. by P. Oehlkers, seconded by A. Crocker, approved 5-0-0.

33 BURR ROAD – NOTICE OF INTENT (DEP FILE #234-770)

J. Carter Bernardo opened the public hearing at 8:10 pm.

The Applicant, Todd Ruderman and his Representatives, Inge Daniels and Russ Waldron, were present. Inge Daniels described the proposed project which consists of adding a spur to the driveway to make it a circular driveway, adding a permeable blue stone patio, adding a stone dust path along the side and back of the house, and adding an area of pavers within the existing lawn to access the wooded portion of the property. A planting plan is proposed consisting of native, non-cultivar plantings with the exception of four (4) apple trees to be installed along the street side of the house.

The new spur of driveway will be pitched so that the runoff enters a "recessed bed" area to promote infiltration. The Commission asked why the erosion control shown on the plan is located outside the "limit of work". The Applicant will have the erosion control line on the plan revised to make it the "limit of work" and have it located outside the 25-foot Buffer Zone.

The Applicant is proposing to remove two Eastern White Pine trees that are located close to the house. The Commission will require an arborist's report and proposed replacement plantings prior to approving tree removal. The "Plan of Record" is missing information and will need to be revised. In addition, the 50-foot Buffer Zone line needs to be added to the revised plan.

Motion to continue the public hearing for 33 Burr Road (DEP File #234-770), for the submittal of a revised plan and arborist's report to December 8, 2016 at 8:15 pm. by P. Oehlkers, seconded by A. Crocker, approved 5-0-0.

649 SOUTH STREET – REQUEST FOR DETERMINATION OF APPLICABILITY

J. Carter Bernardo opened the public hearing at 8:20 pm.

The Applicant's Representative, Brian Nelson of MetroWest Engineering presented the proposed project. The project is to install a chimney to the front of the house. J. Carter Bernardo stated that there are several outstanding Orders of Conditions that need to be closed by the Applicant. D. Anderson explained that the Applicant is working with her to complete the Conditions required to close out the existing Permits. B. Nelson submitted a Request for Certificate of Compliance for the proposed "sports court" project that was never constructed.

Motion to close the public hearing for 649 South Street by P. Oehlkers, seconded by S. Soltzberg, approved 5-0-0.

Motion to issue a Negative Determination of Applicability for 649 South Street by P. Oehlkers, seconded by S. Soltzberg, approved 5-0-0.

1283 CENTRAL AVENUE – continued NOTICE OF INTENT (DEP FILE #234-766)

J. Carter Bernardo opened the public hearing at 8:30 pm.

The Applicant's Representative, Desheng Wang, addressed the outstanding issues the Commission had previously raised. The roof runoff will be infiltrated via a drywell and includes a grit trap to remove sediment. A 40-inch diameter Eastern White Pine tree is proposed to be topped to 30-feet to provide wildlife habitat. An arborist's report was submitted describing the declining health of the tree. Shrub and tree plantings are proposed to mitigate for the tree removal. J. Carter Bernardo stated that the planting detail is generally shown on the plan. M. Varrell stated that he drafted a Special Condition requiring the submittal of a more detailed planting plan prior to construction.

J. Carter Bernardo stated that she had visited the site and questioned whether the area in the western portion of the property between the 50-foot and 100-foot Buffer Zone needed to be lawn. D. Wang agreed that they could keep the lawn out of the 50-foot to 100-foot Buffer in this portion of the site and will reflect this change on the landscape plan. A. Crocker stated that he had visited the site as well. He would like to see permanent demarcation proposed. D. Wang will discuss with the owner what they would like to propose for permanent monumentation.

Motion to close the public hearing for 1283 Central Avenue (DEP File #234-766) by P. Oehlkers, seconded by S. Soltzberg, approved 5-0-0.

Motion to issue a Waiver for work in the 50-foot Buffer Zone for 1283 Central Avenue (DEP File #234-766) by S. Soltzberg, seconded by P. Oehlkers, approved 5-0-0.

Motion to issue an Order of Conditions for 1283 Central Avenue (DEP File #234-766) by S. Soltzberg, seconded by P. Oehlkers, approved 5-0-0.

25 MARR ROAD – continued NOTICE OF INTENT (DEP FILE #234-769)

J. Carter Bernardo opened the public hearing at 8:50 pm. She stated that the Applicant had requested a continuance to the December 8, 2016 meeting.

Motion to continue the public hearing for 25 Marr Road (DEP File #234-769), at the Applicant's request, to December 8, 2016 at 8:15 pm. by A. Crocker, seconded by P. Oehlkers, approved 5-0-0.

0 ROSEMARY STREET (ROSEMARY POOL) – continued NOTICE OF INTENT (DEP FILE #234-764)

J. Carter Bernardo opened the public hearing at 8:50 pm.

J. Carter Bernardo stated that the Commission had received the revised hydrology report and she had reviewed it and she is satisfied with the calculations. The Town Engineer is also reviewing the report and J. Carter Bernardo asked that the Commission be advised if the Town Engineer had any comments.

Andy Truman of Samiotes presented the proposed revisions to the plan. There was a discussion of the proposed stormwater design and improvements. Another revision is the relocation of the existing trail head further away from the proposed dumpster location. Additional mitigation planting areas are proposed and a revised landscape plan was submitted. A. Richardson asked why they were proposing to seed with New England Roadside Mix. She thinks that Conservation Mix might do better. She added that there was little mention of the area turtle population in the wildlife report. M. Varrell noted that they were requiring the Applicant to leave a gap beneath the fence at the edge of the sandy area adjacent to the pool for nesting turtles to gain access. Patty Carey, the Director of the Town of Needham Park & Recreation Department stated that turtles do nest in that area often and they try and fence off the area to protect any nests.

Mike Retsky of the Public Facilities, Construction Division asked about the area of invasive species located adjacent to Rosemary Street. M. Varrell stated that the Planning Board had indicated they may be concerned about the site lines in that area when cars are making the turn. M. Varrell stated that that area is infested with Japanese Knotweed and the Town could cut it back a few times a year with no issues. To eradicate it completely would take an herbicide and the Commission would not approve its usage so close to the lake. The Commission agreed to allow them to cut it as much as necessary as required by the Planning Board.

A. Truman stated they were to go before the Planning Board in the coming week. J. Carter Bernardo stated that the Commissions next meeting date will be more than 21 days away so the Applicant will need to approve the waiver for the Commission to issue the Order at the December Meeting. M. Retsky agreed to the Commission closing the hearing and not issuing the Permit until December and will email his authorization to M. Varrell.

Motion to close the public hearing for 0 Rosemary Street (Rosemary Pool) (DEP File #234-764) by S. Soltzberg, seconded by P. Oehlkers, approved 5-0-0.

OTHER BUSINESS

32 MARANT DRIVE (DEP FILE #234-403) – REQUEST FOR CERTIFICATE OF COMPLIANCE

M. Varrell stated that the language for the Deed Restriction was reviewed by Attorney Cory Rhoades who made recommendations to the Applicant for edits to the document. The Restriction and Plan were finalized and recorded at the Registry of Deeds. M. Varrell recommends issuance of a complete Certificate of Compliance.

Motion to issue a Certificate of Compliance for 32 Marant Drive (DEP File #234-403) by P. Oehlkers, seconded by S. Soltzberg, approved 5-0-0.

30 TAYLOR STREET (DEP FILE #234-677) – REQUEST FOR CERTIFICATE OF COMPLIANCE

D. Anderson reported that the Applicant had already received a partial Certificate of Compliance with the remaining work being the plant monitoring requirement. The Applicant has submitted both the one year and two year reports and the survival rate is more than 75%. D. Anderson recommends issuance of a complete Certificate of Compliance.

Motion to issue a Certificate of Compliance for 30 Taylor Street (DEP File #234-677) by P. Oehlkers, seconded by A. Crocker, approved 5-0-0.

CONSERVATION DIRECTOR UPDATES:

M. Varrell reported that they had received the draft EIR for the West Roxbury to Needham Reliability Project. If any Commissioners would like to review the draft EIR, comments are due by December 9, 2016.

M. Varrell stated that Sue Barber had applied for the Conservation Commission vacancy.

The Open Space and Recreation Plan Committee is conducting a town-wide on-line survey which is on the Town of Needham website on the Park and Recreation page under Open Space Plan. M. Varrell encouraged everyone to complete the survey.

Motion to adjourn the meeting by A. Crocker, seconded by A. Richardson, approved 5-0-0.

The meeting was adjourned at 9:45 pm.

NEXT PUBLIC MEETING

Thursday, December 8, 2016 at 7:30 PM in the Public Services Administration Building, Charles River Room.