

**TOWN OF NEEDHAM
CONSERVATION COMMISSION
MEETING MINUTES
Thursday, October 10, 2013**

LOCATION: Public Services Administration Building, Charles River Room

ATTENDING: Lisa Standley, Paul Alpert, Janet Carter Bernardo, Artie Crocker, Stephen Farr, Peter Oehlkers, Sharon Soltzberg, Debbie Anderson (Acting Agent), Kristen Phelps

GUESTS: David & Lisa Bamel, Todd Bello, Suzanne Billante, Whitney Connaughton, Ken Davison, Tom Kelleher, Patricia McNamara, Ardi Rrapi, Mark Santura, Diane Simonelli, Ellen & Woody Stalter, Rachel Watsky, Robert Weidknecht, Eileen West.

L. Standley opened the public meeting at 7:34 p.m.

MINUTES

Motion to approve the Minutes of September 12, 2013 as amended by Janet Carter Bernardo, seconded by Peter Oehlkers, approved 7-0-0.

Motion to approve the Minutes of September 26, 2013 as amended by Paul Alpert, seconded by Peter Oehlkers, approved 7-0-0.

ENFORCEMENTS

450 SOUTH STREET

D. Anderson informed the Commission that a contractor working at 450 South Street consulted with her about work occurring at the site after he realized that the lot was in the buffer zone to a bordering vegetated wetland. She noted that the contractor was working with a 2006 plan which did not show resource areas and that he had come into the office to self-report. D. Anderson instructed the contractor to stop work, cover existing stockpiles and install erosion controls. She conducted a site visit on October 9, 2013 and noted that erosion controls had been installed and that there was no observable erosion to the wetland. The property owner agreed to file an after-the-fact NOI application and the Commission agreed that no further enforcement action was required at this time.

HEARINGS

463 CHARLES RIVER STREET (DEP FILE # 234-680) - NOTICE OF INTENT
0 CHARLES RIVER STREET (DEP FILE # 234-683) - NOTICE OF INTENT

L. Standley opened the public hearings at 7:45 p.m., noting that the projects would be considered concurrently. P. Alpert stated that he received an abutter notification for these projects; however, as the work proposed in the application is occurring at a significant distance from his property he does not believe he has a conflict.

Robert Weidknecht from Beals & Thomas was present on behalf of the applicant, the Town of Needham Conservation Department. He explained that his firm was hired by the Town to design both a replacement for the old swamp trail boardwalk as well as a bridge on the Charles River Trail.

Swamp Trail BoardwalkR. Weidknecht stated that his firm examined soil conditions in the area of the proposed boardwalk and observed varying depths of peat along the proposed trail layout. Gill Engineering looked at various boardwalk designs that might be used in the existing soil conditions and proposed a pin type footing where peat is less than or equal to 6 feet in depth. Areas with a peat depth of greater than 6 feet (primarily on the esker trail side of the swamp) will require the use of helical piles. R. Weidknecht stated that the boardwalk would be four feet wide as you enter from the Chestnut Trail and will include an observation platform similar to the design of the old boardwalk. The boardwalk will narrow to 3 feet in width as it approaches the Esker Trail. As a measure to control costs the boardwalk was designed to be less than 30 inches above grade at any point so that handrails will not be required. The boardwalk will vary in height between 20 and 29 inches above grade in order to keep it from flooding. The changes in height will require the use of ramps. R. Weidknecht stated that the proposed boardwalk could be treated as a limited project, noting that flow would be maintained during and after construction, that there would be no loss of vegetation and that the boardwalk would ultimately reduce damage to resource areas. He reviewed how the project met performance standards for a waiver under the Needham Bylaw and discussed how the project might be conditioned to minimize impacts during construction (conditions included in project narrative).

Bridge on Charles River Trail

R. Weidknecht stated that the proposed bridge would replace a boardwalk structure which crossed a stream channel. The sturdy surface leading to the bridge will allow the use of pin footings. The distance between footings will be approximately 18 feet. The proposed bridge will be 4 feet wide, will be accessed by the use of steps and will have handrails due to the height. R. Weidknecht stated that for purposes of this filing, they assumed the stream was perennial, although StreamStats does not support this finding. He then reviewed how the project met performance standards for a waiver under the Needham Bylaw.

J. Carter Bernardo asked how long the project would take to construct, when construction should occur and whether the structures would be built “by hand”. R. Weidknecht replied that ideally the project would begin in mid-to-late summer. The bridgework could be completed quickly, but the boardwalk will likely take between one and two months depending on the size of the crew. Installation of the pilings is accomplished with the use of a hand-carried, gas-powered “drill”. Citing safety concerns, P. Alpert asked if adding handrails would add significant cost to the project. R. Weidknecht responded that the additional cost would be prohibitive. L. Standley added that there are several properties with boardwalks similar to the one proposed to Ridge Hill and safety has not been an issue at these locations. A. Crocker asked for clarification on changes in the height of the boardwalk. R. Weidknecht explained that the profile was kept as low as possible while allowing water to rise without inundating the boardwalk deck. In some areas this means the boardwalk will be about 29 inches above grade. J. Carter Bernardo requested that the hearing be kept open to await receipt of any DEP comments.

Motion to continue the public hearings for 463 Charles River Street (DEP FILE # 234-680) & 0 Charles River Street (DEP FILE # 234-683) to October 24, 2013 at 7:45 p.m. by Janet Carter Bernardo, seconded by Peter Oehlkers, approved 7-0-0.

1012 SOUTH STREET (DEP FILE # 234-6XX) - NOTICE OF INTENT

L. Standley opened the public hearing at 8:07 p.m. Ardi Rapi from Cheney Engineering was present on behalf of the property owner. He explained the proposed project which involves repaving the existing driveway and replacing the existing 6-inch waterline with a new 8-inch water line from South Street to the existing dwelling. The driveway is approximately 1,700 feet in length and approximately 14 feet wide and will be replaced at the same width in the same location. The proposed water line will run up the left side of the driveway. An intermittent stream runs under the driveway through two 15-inch metal pipes, each of which is 23.8 feet in length. The proposed project would replace the pipes with 2 new 15-inch

pipes encased in a 20' x 5' concrete box culvert. There will be no change to the driveway elevation or the inverts of the pipes.

L. Standley asked for clarification on the dewatering plan (appears as if discharging to haybales within stream channel) and questioned whether the rip rap on the sides of the proposed culvert would constitute alteration of bank. A. Rapi stated that water would be pumped to haybales set up on the top of bank. He added that both ends of the existing culvert are treated with riprap and that the proposed work will duplicate current conditions and not increase impacts. L. Standley noted that wetland delineation forms had not been provided as required and directed the applicant's representative to submit a detailed narrative addressing how the work complies with the performance standards for the issuance of a waiver. A. Rapi agreed to submit both pieces of information prior to the next hearing. J. Carter Bernardo inquired about whether the stream crossing standards applied to the proposed work. L. Standley responded that the replacement pipes are the same size as the existing pipes, therefore the project did not trigger this review. S. Farr asked why the culvert was designed as proposed, noting that the new metal pipes will deteriorate more quickly than reinforced concrete or corrugated plastic pipes. J. Carter Bernardo agreed with S. Farr and both Commissioners questioned whether a 4' x 2' open box culvert could be substituted for the proposed design. A. Rapi agreed to evaluate this change.

Motion to continue the public hearing for 1012 South Street (DEP FILE # 234-6XX) to October 24, 2013 at 8:00 p.m. by Janet Carter Bernardo, seconded by Peter Oehlkers, approved 7-0-0.

415 WARREN STREET - LOT 2A (DEP FILE # 234-670) - continued NOTICE OF INTENT

415 WARREN STREET - LOT 2B (DEP FILE # 234-669) - continued NOTICE OF INTENT

Standley opened the continued public hearings at 8:40 p.m. Rachel Watsky of Goddard Consulting and Ardi Rapi from Cheney Engineering were present on behalf of the applicant. R. Watsky stated that plans were revised based on the Commission's feedback to show; (1) all trees to be removed, (2) proposed grading, and (3) drywells on both lots. She added that the ANR plan had been approved by the Planning Board at their last meeting. She requested that the Commission consider reducing or waiving their tree replacement requirements for these lots as both lots are heavily vegetated. She indicated that there was an existing clearing within the 25-foot buffer zone that could be planted.

L. Standley stated that the proposed work on the lot on the right side of the plan encroached into the 50-foot naturally-vegetated buffer zone and would therefore require a waiver. She asked for clarification regarding the "cluster" notation and average tree diameter on the reference plans. A. Rapi stated that the work could be pulled back such that no activity will occur within the 50-foot buffer zone. He explained that the clusters on the plan indicated groupings of small-diameter saplings and agreed to fix the tree dimensions on the next set of plans. In response to a question from S. Farr, L. Standley stated that the no-disturb markers (shown along the 25-foot no-disturb line on the current plan) should be moved to the 50' buffer zone line as the applicant's representative agreed to keep all work out of this naturally vegetated portion of the buffer zone. J. Carter Bernardo noted that the plans presented building envelopes rather than proposed house dimensions and expressed concerns about the timing of work on these lots (i.e. would house lots be clear cut prior to selling lots to builders?). L. Standley stated that the Commission could include a condition requiring the property owner to submit final designs for houses prior to commencing site work. J. Carter Bernardo stated that she would like to see a planting plan for the portion of the 25-foot buffer that is currently unvegetated. P. Oehlkers inquired about the number of trees being removed from each lot. He noted that more trees would be removed from the lot on the right and suggested that the extent of tree removal be considered in any future request for a waiver on this property. S. Soltzberg requested that the planting plan include shrubs as well as trees.

An abutter from 124 Warren Street expressed concerns about flooding following the removal of more than 30 trees from these lots. L. Standley stated that the proposed houses would include measures to

infiltrate roof runoff and J. Carter Bernardo confirmed that the proposed drywells met the Commission's standards for single-family homes.

Motion to continue the public hearings for 415 Warren Street - Lot 2A (DEP FILE # 234-670) & 415 Warren Street - Lot 2B (DEP FILE # 234-669) to October 24, 2013 at 8:15 p.m. by Janet Carter Bernardo, seconded by Peter Oehlkers, approved 7-0-0.

25 MARR ROAD (DEP FILE # 234-685) - NOTICE OF INTENT

L. Standley opened the public hearing at 9:00 p.m. The property owner, Mr. David Bamel, was present to discuss the after-the-fact filing for work within the buffer zone to a bordering vegetated wetland. L. Standley stated that there are two conflicting surveys of the area and that this discrepancy must be clarified before the Commission can consider the application, since the two surveys are not in agreement concerning which property the work is on

D. Bamel stated that he moved to the property in January of 2013 and he was unaware that there were wetlands on his lot. This past spring he removed trees and brought in river stone to create an expanded parking area. He now realizes that the site work occurred within the buffer zone and he is willing to mitigate as the Commission sees fit. His plan shows 100% of the work on his property; however, he understands that his neighbor has a survey showing that the work encroached on the abutting South Street property. D. Bamel stated that he understands that when there is a discrepancy between plans the typical protocol is for the surveyors to meet and work out the inconsistencies. He authorized his surveyor to meet with his neighbors' PLS and committed to restoring any disturbed areas that are not on his lot. He noted that according to his plan, the new fence is outside the 100-foot buffer zone and that no work occurred within the 50-foot buffer zone area. L. Standley reiterated that the Commission cannot address wetlands issues until the survey issue is resolved and asked whether the two surveyors involved in this dispute have met as of yet. P. Alpert requested that the revised and final plan show the limits of the unauthorized work as well as both sides of Marr Road (edge of pavement rather than extent of right-of-way). He added that the plan on file at the Registry of Deeds appears to differ from both of the recent surveys.

An abutter at 435 Dedham Ave. asked whether the tree removal would increase flooding to Alder Brook. L. Standley stated that substantive issues would be taken up at the next hearing after the survey issue is resolved. She then summarized the items that need to be addressed prior to further consideration of this application including; (1) resolving the conflicting surveys, (2) showing the limits of work being reviewed under this application on the revised plan, (3) showing the location (edge of pavement) of Marr Road on the revised plan, and (4) resolving the dispute regarding the number of trees removed.

Motion to continue the public hearing for 25 Marr Road (DEP FILE # 234-685) to October 24, 2013 at 8:30 p.m. by Janet Carter Bernardo, seconded by Peter Oehlkers, approved 7-0-0.

16 CENTRAL AVENUE - NSTAR (DEP FILE # 234-681) - NOTICE OF INTENT
BIRCH STREET - NSTAR (DEP FILE # 234-682) - NOTICE OF INTENT

L. Standley and S. Farr recused themselves from the hearings on these filings. P. Alpert opened the public hearings at 9:22 p.m. The project proponents were not present. P. Alpert noted that the plans submitted with these applications were not stamped or signed. D. Anderson stated that proper abutter notification had not been made. The Commission agreed that proper abutter notification should be made prior to the next hearing.

Motion to continue the public hearings for 16 Central Avenue - NSTAR (DEP FILE # 234-681) & Birch Street - NSTAR (DEP FILE # 234-682) to October 24, 2013 at 8:45 p.m. by Janet Carter Bernardo, seconded by Peter Oehlkers, approved 5-0-0.

LOT 48 WOODWORTH ROAD (DEP FILE # 234-679) - continued ABBREVIATED NOTICE OF RESOURCE AREA DELINEATION

L. Standley opened the continued public hearing at 9:24 p.m. She stated that the Commission had conducted a site visit and agreed with the wetland delineation shown on the plan. Comments submitted by DEP suggested the site was within bordering land subject to flooding. The Commission reviewed FEMA maps and determined that the project site is not within this resource area.

Motion to close the public hearing for Lot 48 Woodworth Road (DEP FILE # 234-679) by Janet Carter Bernardo, seconded by Peter Oehlkers, approved 7-0-0. Motion to issue the Order of Resource Area Delineation by Janet Carter Bernardo, seconded by Peter Oehlkers, approved 7-0-0.

1065 SOUTH STREET (DEP FILE # 234-684) - continued NOTICE OF INTENT

L. Standley opened the continued public hearing at 9:25 p.m. She stated that the hearing had been continued for submission of a completed NOI and revised plans. Mark Santora was present on behalf of the property owner. He reviewed the items that had been submitted to complete the NOI application including: (1) Bylaw Notice of Intent application, (2) property book & page, (3) wetland delineation forms, and (4) copies of the checks. A DEP File Number had not been issued. He added that the project plans had been revised to show erosion controls as well as proposed restoration areas with an associated planting list. Mr. Santora stated that most of the work will occur within a paved area and that he does not anticipate erosion problems. He requested that the Commission approve the use of 6-inch diameter straw wattles. L. Standley stated that the issues raised at the last hearing had been addressed and that she was satisfied with the revised plans. She would like the Commission to add a condition requiring erosion controls on the opposite side of the street at the top of slope. The applicant's representative agreed to this condition.

Motion to close the public hearing for 1065 South Street (DEP FILE # 234-679) by Janet Carter Bernardo, seconded by Peter Oehlkers, approved 7-0-0.

32 CANTERBURY LANE (DEP FILE # 234-671) - continued NOTICE OF INTENT

L. Standley opened the continued public hearing at 9:35 p.m. Rachel Watsky was present on behalf of the applicant. She explained the applicant is now looking at modifying the grading on the lot to direct flow away from the house. The plans are still being modified and R. Watsky requested a continuance to the Commission's next meeting.

Motion to continue the public hearing for 32 Canterbury Lane (DEP FILE # 234-671) to October 24, 2013 at 9:00 p.m. by Janet Carter Bernardo, seconded by Peter Oehlkers, approved 7-0-0.

OTHER BUSINESS

216 WASHINGTON STREET (DEP FILE # 234-592) - CERTIFICATE OF COMPLIANCE REQUEST

L. Standley stated that the Commission had conducted a site visit and determined that the "as-built" plan did not reflect either the work that occurred at this site or the approved plan. D. Simonelli submitted a revised as-built plan. She noted that the property owners had installed a stone walkway and had reinstalled plantings. Some of the new plantings were installed on the abutting property. The applicant is seeking permission from the owner of the adjacent lot to leave them in place. J. Carter Bernardo pointed out that the as-built plan submitted with the Request for Certificate of Compliance for this project was not signed by the PLS. She informed D. Simonelli that the final plan should be stamped and signed. The Commission agreed to table the request pending revised plans and agreement from the adjacent property owner.

30 TAYLOR STREET (DEP FILE # 234-677) - ISSUE ORDER OF CONDITIONS

D. Anderson stated that the draft Order of Conditions was not available due to computer problems in the Conservation Office. L. Standley asked that the permit for the site include the modified planting plan and suggested that the Commission include a condition requiring that shrubs (18 to 36 inches in height) be added to the planting plan. D. Anderson will incorporate the proposed condition and will notify the applicant that the Order of Conditions will be issued at the October 24, 2013 meeting (one week late).

121 CHARLES RIVER STREET - REQUEST TO ALTER DRAINAGE DESIGN

D. Anderson stated that the Order of Conditions for this property required the applicants to inform the Commission if they intended to change the proposed infiltration method. The applicant submitted a request to install an alternative infiltration system in place of dry wells. L. Standley and J. Carter Bernardo stated that they were comfortable with the proposed change.

Motion to accept the modified drainage plan for 121 Charles River Street by Janet Carter Bernardo, seconded by Peter Oehlkers, approved 7-0-0.

COMMUNITY PRESERVATION COMMITTEE - RIDGE HILL TRAILS CONSTRUCTION FUNDING REQUEST

L. Standley and J. Carter Bernardo gave the Commission an update on the CPC funding request for constructing the boardwalk and bridge at Ridge Hill. They stated that the Board of Selectmen was in favor of funding the projects; however, the Finance Committee was opposed to due to the projected cost. Discussion as to the rationale for Fin Com opposition followed. The Commission agreed they had work to do in terms of informing Finance Committee and Town Meeting members about the benefits of the proposed trail improvements as well as the justification for the costs associated with construction. L. Standley explained that the Commission had to decide whether to keep the funding request on the warrant for Fall Town Meeting or to delay the article until the spring. She added that the Commission's concerns about the lengthy procurement process had been considered by the Town and that she was given assurances that the procurement process could be expedited.

Motion to withdraw the CPC Funding Request from the Fall Town Meeting Warrant by Janet Carter Bernardo, seconded by Peter Oehlkers, approved 7-0-0.

ABUTTER NOTIFICATION

P. Alpert expressed concern about the lack of information provided in abutter notifications. He inquired as to whether it would be possible to change the notification requirements to include the time of the hearing or, alternatively, to make a statement informing abutters that they could call the office or check the Conservation Commission website for a more accurate start time for each hearing. L. Standley stated that this change would require a modification to the Commission's Bylaw Regulations. The Commission agreed to discuss this at a future meeting.

Motion to adjourn the meeting by Janet Carter Bernardo, seconded by Peter Oehlkers, approved 7-0-0. The meeting was adjourned at 10:04 p.m.

NEXT PUBLIC HEARING

October 24, 2013 at 7:30 PM in the Public Service Administration Building, Charles River Room