

**TOWN OF NEEDHAM
CONSERVATION COMMISSION
MEETING MINUTES
Thursday, NOVEMBER 6, 2014**

LOCATION: Public Services Administration Building, Charles River Room

ATTENDING: Paul Alpert (Chair), Janet Carter Bernardo, Cory Rhoades, Sharon Soltzberg, Matt Varrell (Director of Conservation), Debbie Anderson (Conservation Specialist)

GUESTS: Floyd Alwon, Paul Beaulieu, Matthew Coll, Rebecca Coll, Michael Deychman, Frank Gallelo, David Horton, Therese Horton, Ron Lopez, Nick Rosenberg, Steven Sands, John Sullivan, Scott Scherbon

P. Alpert opened the public meeting at 7:45pm.

MINUTES:

Motion to approve the minutes of October 9, 2014 (as amended), by J. Carter Bernardo, seconded by S. Soltzberg, approved 4-0-0.

Motion to approve the minutes of October 23, 2014 (as amended), by J. Carter Bernardo, seconded by S. Soltzberg, approved 4-0-0.

ENFORCEMENT & VIOLATION UPDATES:

1302 SOUTH STREET – (DEP FILE #234-627)

Ardi Rrapi of Cheney Engineering described the project that had been approved under the existing Order of Conditions (DEP File #234-627). The Order had allowed for the removal of an existing detached garage located at the top of the driveway, pumping and filling of two (2) cesspools, construction of a house addition, removal of an eastern white pine tree, construction of three (3) retaining walls and expansion of the existing gravel driveway. The subject of the violation is paving of the driveway that was to remain gravel per the approved Order of Conditions within the 100-foot and 25-foot Buffer Zones. Matthew Coll, the homeowner, stated that they were under the impression from their contactor, Musto Paving, that pre-approvals were not required to pave the driveway. Mr. Coll explained the reason behind the driveway paving was to keep the gravel from washing down the driveway and possibly entering the wetlands.

J. Carter Bernardo questioned now that the driveway is paved, where does the stormwater from the driveway go? A. Rrapi noted that the topography is shown on the Plan provided. Existing topography allows for runoff to flow down the steep driveway onto the road and into a catch basin near the wetlands. J. Carter Bernardo questioned whether the existing drywells may have additional capacity. The Commission determined a site visit was necessary. M. Varrell will coordinate with the homeowner to set up a time for the Commission to visit the site.

10-12 CHARLES STREET

M. Varrell reported that the Applicant will attend the November 20th, 2014 Conservation Commission meeting to give the Commission an update on the timeline for submitting the after-the-fact filing for parking lot re-paving.

HEARINGS

695 CHARLES RIVER STREET – REQUEST FOR DETERMINATION OF APPLICABILITY

Applicant: Steve Sands

Project: Installation of an emergency generator powered by natural gas. A trench 36 inches deep by 24 inches wide to be excavated to install utility connections. Soil from the trench will be stockpiled adjacent to the trench and will be back-filled once utility connections are installed. One tree will be removed and will be replaced by two (2) eastern white pine trees within the 100-foot Buffer Zone. An area of concrete washout in the wetland restoration area is to be removed.

Present for the Applicant: Scott Scherbon, Tri-State Generator and Steve Sands, Applicant.

Supporting Documents include:

- ❑ Request for Determination of Applicability and supporting documents, received October 23, 2014
- ❑ Needham Wetlands Protection Bylaw Application for Permit, received October 23, 2014
- ❑ Plan entitled “RDA Plan, 695 Charles River Street, prepared by Scott Scherbon”, dated November 6, 2014

P. Alpert opened the Public Hearing at 8:00 p.m. Scott Scherbon of Tri-State Generator presented the Request to the Commission. Mr. Scherbon explained that the work had started prior to receiving approval from the Commission.

- A trench (2-feet wide and 3-feet deep) has been excavated from the front of the house to the rear of the house where the generator is to be installed, outside of the 100-foot Buffer Zone.
- The trench will remain open until NStar is finished with the gas meter modifications.
- Straw wattle barriers have been installed for erosion & sediment control.
- A tree was removed from the 100-foot Buffer Zone and will be replaced with two (2) eastern white pine trees, installed within the 100-foot Buffer Zone.

Comments from the Commission:

- The Commission discussed with the Applicant the exact location of the trenching and the generator.
- S. Scherbon stated that the concrete wash material had been cleaned up from the Buffer Zone restoration area.

Comments from the public:

- Neighbors, Therese and David Horton of 59 Locust Lane explained that they and other neighbors were concerned about runoff issues and flooding since the construction of the house at 695 Charles River Street. Mr. Sands noted that he had spoken to other neighbors and was told the runoff issues had only happened once during the height of construction. M. Varrell explained that now the soils are stabilized, he did not see any erosion into the wetlands during his site visit and feels the restoration plantings will help with any runoff issues. The Horton’s described the builder, James Fuller, as removing many trees and wondered if he was permitted to do so. P. Alpert suggested Conservation staff visit the site and make sure the remaining stumps show the trees removed had been permitted or are outside the Commission’s jurisdiction. After further discussion regarding the original permitting of the house and the issuance of the Partial Certificate of Compliance, it was determined staff did not need to visit the site.

Motion to close the public hearing for 695 CHARLES RIVER STREET, by J. Carter Bernardo, seconded by S. Soltzberg, approved 4-0-0.

Motion to issue a Negative Determination of Applicability for 695 CHARLES RIVER STREET, by J. Carter Bernardo, seconded by S. Soltzberg, approved 4-0-0.

1133 SOUTH STREET – REQUEST FOR DETERMINATION OF APPLICABILITY

Applicant: Michelle Hritz and Phillip Rayment

Project: Construction of a 263 s.f. two-story addition with full basement and the installation of a 232 s.f. patio to an existing single-family dwelling within the 100-foot Buffer Zone to Bordering Vegetated Wetlands.

Present for the Applicant: Paul Beaulieu of Field Resources and the Applicants Michelle Hritz and Phillip Rayment

Supporting Documents include:

- ❑ Request for Determination of Applicability and supporting documents, received October 23, 2014
- ❑ Needham Wetlands Protection Bylaw Application for Permit, received October 23, 2014
- ❑ Plan entitled “Conservation Commission Plan of Land, 1133 South Street, Needham, Mass.”, by Field Resources, Inc., dated October 23, 2014.

P. Alpert opened the Public Hearing at 8:15 p.m. Paul Beaulieu of Field Resources presented the Request to the Commission.

- The proposed project consists of construction of a 263 s.f. two-story addition with full basement and the installation of a 232 s.f. patio to an existing single-family dwelling.
- Mr. Beaulieu noted that comments he had received from M. Varrell included concern that an existing tree located in the area proposed for patio installation would be removed. Mr. Beaulieu confirmed that the proposed patio would be installed around the existing tree without the need for removal.
- Existing erosion & sediment controls consisting of staked haybales and silt fence will be maintained and the silt fence extended to protect the resource area. In some areas, the silt fence needs some attention to function properly.
- The homeowners are interested in installing plantings in the spring. Mr. Beaulieu presented a draft planting plan to the Commission to review. S. Soltzberg noted several of the proposed plantings were not native. The Commission determined that M. Varrell could review the planting plan with the homeowners closer to installation and approve the plantings through an exemption letter issuance at that time, presuming that all plantings are native species.

Comments from the Commission:

See above

Comments from the public:

None

Motion to close the public hearing for 1133 SOUTH STREET, by J. Carter Bernardo, seconded by C. Rhoades, approved 4-0-0.

Motion to issue a Negative Determination of Applicability for 695 1133 SOUTH STREET, by J. Carter Bernardo, seconded by C. Rhoades, approved 4-0-0.

65 CURVE STREET – *continued* NOTICE OF INTENT (DEP FILE #234-723)

Applicant: Hillcrest Development

Project: Proposed regrading of an existing single-family lot, including the removal of one (1) Norway maple tree, replacement with two (2) native trees and the construction of a stone retaining wall within the 100-foot Buffer Zone to Bordering Vegetated Wetlands.

M. Varrell reported that the Applicant had WITHDRAWN the Application.

OTHER BUSINESS

15-17 BIRCH STREET (DEP FILE #234-709) – MINOR MODIFICATION REQUEST

21-23 BIRCH STREET (DEP FILE #234-708) – MINOR MODIFICATION REQUEST

27-29 BIRCH STREET (DEP FILE #234-707) – MINOR MODIFICATION REQUEST

33-35 BIRCH STREET (DEP FILE #234-706) – MINOR MODIFICATION REQUEST

Jack Sullivan of Sullivan Engineering Group and the Owner, Ron Lopez, were present. Mr. Sullivan had originally presented the Requests for Modification to the Commission at the October 23, 2014 Commission meeting. J. Sullivan gave a brief overview of the reason for the Modification Requests. The Owner is looking to install sod along the rear of the properties up to the existing fence and install an irrigation system. He noted that historically, the area up to the fence had been maintained as lawn but has not been mowed for a period of time allowing for the establishment of shrubs and ground cover beyond a small mowed section. No trees are proposed for removal.

J. Sullivan had included a request for a waiver for work in the 25-foot Buffer Zone to Bordering Vegetated Wetlands with the Minor Modification Request submittal, but the Commission did not feel the Waiver Request submitted was adequate and requested J. Sullivan provide an analysis based on the “Waiver for Work in the 25-Buffer Zone” portion of the Town of Needham Wetlands Bylaw. The Commission requested the Waiver Request be in writing. The Commission found the revised Waiver Request to be adequate.

In addition, the Applicant requested permission to install PVC fencing between the lots to the chain link fence and the installation of arborvitaes between the units. Mr. Sullivan explained that at the Commission’s request, the requirement for the use of only organic pesticides and herbicides on the lawn will be inserted in the Condominium Rules and follow on the Units Deeds. The Plan was revised to show the 200-foot Riverfront Area line. The invasive species adjacent the existing lawn will be removed when the sod is installed. Lastly, the Applicant requested a Waiver from the Waiver Fee.

The Commission requested the Applicant provide the Commission with a copy of the Deed once it is recorded.

Motion to approve the minor modifications to the plans for 15-17 Birch Street (DEP File #234-709); 21-23 Birch Street (DEP File #234-708); 27-29 Birch Street (DEP File #234-707); and 33-35 Birch Street (DEP File #234-706) by J. Carter Bernardo, seconded by S. Soltzberg, approved 4-0-0.

Motion to waive the 25-foot Buffer Zone requirements for 15-17 Birch Street (DEP File #234-709); 21-23 Birch Street (DEP File #234-708); 27-29 Birch Street (DEP File #234-707); and 33-35 Birch Street (DEP File #234-706) by J. Carter Bernardo, seconded by S. Soltzberg, approved 4-0-0.

Motion to reduce the Waiver Fees to \$250/lot for a total of \$1,000 for 15-17 Birch Street (DEP File #234-709); 21-23 Birch Street (DEP File #234-708); 27-29 Birch Street (DEP File #234-707); and 33-35 Birch Street (DEP File #234-706) by J. Carter Bernardo, seconded by S. Soltzberg, approved 4-0-0.

28 ROBINWOOD AVENUE (DEP FILE # 234-714) – CERTIFICATE OF COMPLIANCE REQUEST

The attorney for the buyer, Nick Rosenberg, gave the Commission a brief overview of the completed project. The property owner/builder, Michael Deychman, was present. A request to Amend the Order of Conditions had been submitted due to issues with the original wetland delineation. The Commission had approved the revised wetland delineation through the Amended Order of Conditions. The permanent bounds have been installed at the edge of Bordering Vegetated Wetlands. M. Varrell noted that he had conducted a site visit and the plantings and mulch installation is complete and the site stable. A two-year plant monitoring requirement remains for the project. Only a Partial Certificate of Compliance can be issued. P. Alpert asked that Mr. Rosenberg inform his clients, in general, when they have wetland resources and Buffer Zones on and adjacent to their properties when purchasing a new home.

Motion to issue a Partial Certificate of Compliance for work 28 Robinwood Avenue (DEP File #234-714) by J. Carter Bernardo, seconded by S. Soltzberg, approved 4-0-0.

PERRAULT ROAD - REQUEST FOR RETURN TO COMPLIANCE LETTER RE: MEMORANDUM OF UNDERSTANDING

M. Varrell stated the discussion had been moved to the December 11, 2014 Conservation Commission Meeting

DISCUSSION OF CONSERVATION STAFF HOURS

M. Varrell explained that he and the Director of Planning, Lee Newman, had been working to revise the job descriptions for the staff of the Conservation Department to better reflect the actual work performed and make the roles and responsibilities of the Conservation Director and the Conservation Specialist more cohesive and integrated than they had been in the past and include more opportunities for professional development. The revised job descriptions were approved by the Towns Personnel Board in August 2014.

The Conservation Specialist position is currently funded for 20 hours per week. With expanding roles and responsibilities, as well as, the consistent workload, M. Varrell and L. Newman approached the Town Management with a plan to increase the positions hours incrementally over the upcoming fiscal years until the position is full-time at 37.5 hours per week. The first proposed increase in hours is for January of 2015 to 25 hours per week.

Currently, a portion (\$5,400) of the Specialist position is funded by the Commission's Wetlands Fund. M. Varrell is requesting the Commission allot additional funds (\$3,125) for FY2015 from the Wetlands Fund to cover the five (5) additional hours proposed to begin in January of 2015.

Motion to fund an additional \$3,125 from the Wetlands Fund to increase the Conservation Specialist portion an additional five (5) hours beginning in January of 2015 by J. Carter Bernardo, seconded by S. Soltzberg, approved 4-0-0.

UPDATE – WPA REVISED REGULATIONS

M. Varrell explained that the WPA Regulations had been revised and he had included a summary of the changes in the Commissions packages. The Conservation Department staff finds the revisions to be minor and will advise the Commission when any of the revisions pertain to projects in Needham.

Motion to adjourn the meeting by J. Carter Bernardo, seconded by S. Soltzberg, approved 4-0-0.

The meeting was adjourned at 9:40 pm.

NEXT PUBLIC HEARING

Thursday, November 20, 2014 at 7:30 PM in the Needham Public Library, Community Room.