

**TOWN OF NEEDHAM
CONSERVATION COMMISSION
MEETING MINUTES
Thursday, April 9, 2015**

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

ATTENDING: Paul Alpert, Peter Oehlkers, Cory Rhoades, Sharon Soltzberg, Matthew Varrell (Director of Conservation), Debbie Anderson (Conservation Specialist)

GUESTS: Robert Almy, John Engwer, Michael Juliano, Deborah Krieg, Jeff Leer, Blake Martin, John Rockwood, Vincent Roy, Diane Simonelli, Dorsey Yearly

P. Alpert opened the public meeting at 7:37 pm.

MISCELLANEOUS BUSINESS

MINUTES

None Reviewed.

ENFORCEMENT & VIOLATION UPDATES

280 NEHOIDEN STREET

M. Varrell stated he had attended the Court Hearing with Town Counsel, David Tobin, and that the Defendant, Mrs. Journalist had not attended. The Court Magistrate reviewed the materials produced by M. Varrell and D. Tobin regarding the violation and determined they had done everything properly. M. Varrell stated he is expecting the court to send out notification to Mrs. Journalist and the Town confirming the court's findings.

450 CHESTNUT STREET

M. Varrell reported that this project had just been approved by the Commission at the previous meeting. The Applicant had begun working without the required pre-construction meeting or erosion control installation. M. Varrell contacted Elite Homebuilders and they have since installed the erosion controls and the DEP sign. A pre-construction meeting has been scheduled for the next week. M. Varrell has not yet issued an Enforcement Order or fines for the violation.

P. Alpert asked if the house had already been torn down. M. Varrell confirmed that it had. M. Varrell had stopped the work with the exception of installing erosion controls. The Commission discussed the five (5) Conditions that had been violated. There was no one at the meeting representing the Applicant. The total fine the Commission determined to be appropriate is \$1,500 (\$300/violation). If the Applicant wishes to discuss the fine with the Commission, they are welcome to come to the April 23, 2015 meeting.

Motion to issue a fine in the amount of \$1,500 to Elite Homebuilders for violations of their Order of Conditions for work at 450 Chestnut Street (DEP File #234-729) by S. Soltzberg, seconded by Cory Rhoades, approved 3-0-1, P. Oehlkers abstained

HEARINGS

10-16 CHARLES STREET – *continued* NOTICE OF INTENT (DEP FILE #234-727)

Applicant: Robert Wallace and Kathleen Powers

Project: The project consists of after-the-fact permitting for resurfacing of an existing parking area and retrofitting of stormwater management best management structures and practices. The filing is the result of an Enforcement Order.

Present for the Applicant: Michael Juliano

Supporting Documents include:

- WPA Form 3 – Notice of Intent and supporting documents received February 12, 2015
- Needham Wetlands Protection Bylaw Application for Permit received February 12, 2015
- Plan entitled: “Site Plan C-1 10-16 Charles Street Located in Needham Massachusetts”, prepared by Eaglebrook Engineering & Survey, LLC, stamped and signed by Michael J. Juliano, P.E. #34003, dated 2/5/15.
- Letter to the Needham Conservation Commission (including revised Long Term Pollution Prevention Plan, Construction Period Stormwater Pollution Prevention Plan, and Operation and Maintenance Plan) from Eaglebrook Engineering & Survey, LLC, dated March 30, 2015.
- Waiver Request letter prepared by Eaglebrook Engineering & Survey, LLC, submitted April 13, 2015.
- **Plan entitled: “Site Plan C-1 10-16 Charles Street Located in Needham, Massachusetts”, prepared by Eaglebrook Engineering & Survey, LLC, stamped and signed by Michael J. Juliano, P.E. #34003, dated 2/5/15 (revised 3/30/15).**

P. Alpert opened the public meeting at 7:50 p.m. M. Juliano represented the Applicant. M. Juliano explained that the plan had been revised based on the Commissions comments including:

- Eliminating the proposed catch basin as discussed.
- Eliminated the proposed pipe outfall as discussed.
- The compensatory flood storage size was increased.
- A planting detail plan was added for the discharge point.
- Changes to the inspection and maintenance plan for the trench were made.
- He addressed the comments made by DEP in a letter dated March 30, 2015.
- Mr. Juliano discussed the classification of the soils present on-site and their infiltration values.
- A cut and fill table was added to the plan per DEP comments.

Comments from the Commission:

- P. Alpert asked if the response letter had been sent to DEP. Mr. Juliano replied that it had been sent. M. Varrell added that DEP typically issues initial comments with the file number, but does not issue additional comments.
- M. Varrell is satisfied that DEP’s comments have been adequately addressed by the Applicant and noted that the Regulations are written to give the Commission some leeway with regard to compensatory flood storage.
- S. Soltzberg asked if there were any invasive species located along the bank. M. Varrell noted that oriental bittersweet had been observed but cautioned against too much plant removal that may destabilize the bank.
- P. Alpert noted that a formal Waiver Request for work in the 25-foot Buffer Zone had not been submitted by M. Trudeau. Mr. Juliano pointed out a section in his submittal that addressed the Waiver Request. P. Alpert stated that the section does cover the first part of the Waiver Request

but the second part is not addressed. The format needs to be changed as well. The information needs to be submitted for review by April 16, 2015.

- M. Juliano stated that he was not available to come to next meeting. P. Alpert stated as long as the required information was submitted and was correct Mr. Juliano would not need to be present at the meeting for the Commission to close and issue the Permit. If there are any issues, they can just continue it to the next meeting.
- P. Alpert explained the Commission wanted a date certain that the work would be completed. M. Juliano stated he would ask the Applicant. The Commission suggested a deadline of September 1, 2015 to complete the work.
- The Commission is requiring parking lot sweeping to be done twice a year. Once in the spring and once in the fall.
- Records of stormwater maintenance and repair work must be kept and submitted to the Commission annually by December 1st of each year.

Comments from the public:

None

Motion to continue the public hearing for 10-16 CHARLES STREET (DEP File #234-727) for the submittal of a formal Waiver Request to April 23, 2015 at 7:45 p.m. by C. Rhoades, seconded by P. Oehlkers, approved 4-0-0.

FREMONT & CHARLES STREETS – REQUEST FOR DETERMINATION OF APPLICABILITY

Applicant: Teleport Communications America, LLC

Project: The project consists of the installation of a 4-inch PVC telecommunications conduit between the existing manhole and a proposed new manhole and further extension of the conduit to areas beyond the jurisdiction of the Conservation Commission. In addition, the Applicant is proposing to mill and overlay the pavement within the “Private Way” portion of Freemont Street located between the northerly sideline of Wexford Street and the Charles River. All of the work is proposed to occur outside of the 25-foot Buffer Zone within existing paved areas.

Present for the Applicant: Dave Edgar of Siena Engineering Group, Inc.

Supporting Documents include:

- **Plan entitled: “Needham Add-A-Lane Needham, MA., Conduit Placement Plans”, 7 sheets, prepared by Siena Engineering Group, Inc., dated 2/19/15 (revised 4/15/15).**

P. Alpert opened the public meeting at 8:05 p.m. Dave Edgar represented the Applicant and reviewed the proposed project.

- The project consists of conduit installation within the 200-foot Riverfront Area and 100-foot Buffer Zone. Within the 100-foot Buffer Zone to BVW, the conduit installation is approximately 60 feet. Within the 200-foot Riverfront Area, installation is approximately 300 feet.
- The trenching depth will be 36 to 48 inches.
- The proposed work is completely within paved areas and will be restored.
- Silt fence and straw bales are proposed for erosion and sediment controls. Silt sacks are proposed in all catch basins adjacent to the work site.
- The project has been approved by the Board of Selectmen.

- D. Edgar explained that, as part of this project, they would like to include the milling and overlay of the portion of Freemont Street that is a private way. If possible, they would like to have this additional work approved under this RDA.
- D. Edgar explained the project is driven by the Route 128 Add-A-Lane project, which requires the relation of the conduit.

Comments from the Commission:

- P. Alpert asked when they would like to get the work done. D. Edgar stated within a month or so.
- S. Soltzberg asked for clarification as to where the proposed work would take place.
- M. Varrell suggested the Commission continue the hearing to allow the Applicant time to revise and submit the plan to include depiction of the mill and overlay of the road.

Comments from the public:

None

Motion to continue the Request for Determination of Applicability for Freemont & Charles Streets to April 23, 2015 at 7:50 p.m., for a revised plan, by S. Soltzberg, seconded by C. Rhoades, approved 4-0-0.

86 PILGRIM ROAD – NOTICE OF INTENT (DEP FILE #234-7XX)

P. Alpert opened the Public Hearing at 8:15 p.m.

The Public Hearing was not properly advertised. The Applicant requested a continuance to the May 14, 2015 meeting.

Motion to continue the public hearing for 86 Pilgrim Road (DEP File #234-7XX) to May 14, 2015 at 7:45 by C. Rhoades, seconded by P. Oehlkers, approved 4-0-0.

46 BORDER ROAD - NOTICE OF INTENT (DEP File #234-731)

Applicant: Matthew Borrelli, Needham Enterprises, LLC

Project: The Applicant proposes to demolish and rebuild a single family dwelling with associated appurtenances including driveway, grading, and landscaping. Additionally, the Applicant proposes to restore Bordering Vegetated Wetlands through the planting of native shrubs. The majority of work is proposed within previously disturbed portions of the 200-foot Riverfront Area (to Rosemary Brook) and the 100-foot Buffer Zones to Bordering Vegetated Wetlands and Bank. Disturbed Riverfront Area will be mitigated by a restoration planting plan.

Present for the Applicant: No one

Supporting Documents include:

- ❑ WPA Form 3 – Notice of Intent and supporting documents received March 12, 2015
- ❑ Needham Wetlands Protection Bylaw Application for Permit received March 12, 2015
- ❑ Plan entitled: “Conservation Commission Site Plan of Land 46 Border Road Needham, Mass.”, prepared by Field Resources, Inc. stamped and signed by Bradley J. Simonelli, P.L.S. #47581, dated February 12, 2015.
- ❑ Letter from Leah D. Basbanes of Basbanes Wetland Consulting, dated 18 March 2015, requesting a Waiver of Regulations and Waiver of Filing Fees.

- Plan entitled: “Conservation Commission Site Plan of Land 46 Border Road Needham, Mass.”, prepared by Field Resources, Inc. stamped and signed by Bradley J. Simonelli, P.L.S. #47581, dated February 12, 2015 (revised March 19, 2015).
- **Plan entitled: “Conservation Commission Site Plan of Land 46 Border Road Needham, Mass.”, prepared by Field Resources, Inc. stamped and signed by Bradley J. Simonelli, P.L.S. #47581, dated February 12, 2015 (revised March 27, 2015).**

P. Alpert opened the public hearing at 8:35 p.m.

M. Varrell stated that the wetland boundary was still under consideration. Therefore, the Applicant requested a continuance to the April 23, 2015 meeting.

Motion to continue the Hearing for 46 BORDER ROAD (DEP FILE #234-731) to April 23, 2015 at 8:00 pm, for finalization of the wetland boundaries, by C. Rhoades, seconded by P. Oehlkers, approved 4-0-0.

LOT 101 (945) WEBSTER STREET – NOTICE OF INTENT (DEP FILE #234-733)

Applicant: Thomas Lambert, 945 Webster Street, LLC

Project: This project is part of a two-lot subdivision of a lot with an existing single-family dwelling. The project includes the proposed razing of an existing house which exists on both lots. Proposed work on the lot known as Lot 101 includes the demolition of a portion of the existing house; demolition of a portion of the existing pool patio; the construction of a single-family house with attached garage; installation of retaining walls; grading; drywell installation; tree removal, installation of mitigation plantings and removal of an existing shed located within the 25-foot Buffer Zone to Bordering Vegetated Wetlands. Portions of the new house construction are located within the 100-foot Buffer Zone.

Present for the Applicant: Diane Simonelli, Field Resources, Inc.

Supporting Documents include:

- WPA Form 3 – Notice of Intent and supporting documents received March 12, 2015
- Needham Wetlands Protection Bylaw Application for Permit received March 12, 2015
- Plan entitled: “Conservation Commission Site Plan of Land, 945 Webster Street (Lot 101), Needham Mass.”, prepared by Field Resources, Inc., stamped by Bradley J. Simonelli, P.L.S. No. 47581, dated 2/12/15 (revised 3/19/15).
- Letter requesting a Waiver for work in the 25-foot Buffer Zone at 945 Webster Street (Lot 101), Needham, Massachusetts, prepared by Basbanes Wetland Consulting, dated 3/18/2015.
- Plan entitled: “Conservation Commission Site Plan of Land, 945 Webster Street (Lot 101), Needham Mass.”, prepared by Field Resources, Inc., stamped by Bradley J. Simonelli, P.L.S. No. 47581, dated 2/12/15 (revised 3/23/15).
- Plan entitled: “Conservation Commission Site Plan of Land, 945 Webster Street (Lot 101), Needham Mass.”, prepared by Field Resources, Inc., stamped and signed by Bradley J. Simonelli, P.L.S. No. 47581, dated 2/12/15 (revised 4/9/15).

P. Alpert opened the public hearing at 8:45 p.m. D. Simonelli represented the Applicant and gave the Commission an overview of the proposed project.

D. Simonelli stated that, as requested at the previous meeting, the plan was revised to include the scientific names of the proposed plantings. In addition, the infiltration system has been moved upgradient as requested by J. Carter Bernardo.

Comments from the Commission:

- P. Alpert stated that J. Carter Bernardo was not present to review the changes to the infiltration design.
- S. Soltzberg reviewed the revisions to the planting plan including the addition of the scientific names and had no issues.
- P. Alpert noted the Commission requires new information (revised plans, etc.) to be submitted one week in advance for review. In this case the Commission received revised plans at the meeting.

Comments from the Public:

None

Motion to continue the Hearing for LOT 101 (945) WEBSTER STREET (DEP FILE #234-733) to April 23, 2015 at 8:15 pm, for review of additional material submitted, by S. Soltzberg, seconded by C. Rhoades, approved 4-0-0.

LOT 102 (945) WEBSTER STREET – NOTICE OF INTENT (DEP FILE #234-732)

Applicant: Thomas Lambert, 945 Webster Street, LLC

Project: This project is part of a two-lot subdivision of a lot with an existing single-family dwelling. The project includes the proposed razing of an existing house which exists on both lots. Proposed work on the lot known as Lot 102 includes the demolition of a portion of the existing house; demolition of the existing pool and patio area; construction of a single-family house with attached garage; installation of retaining walls; grading; drywell installation; tree removal, and installation of mitigation plantings within the 100-foot Buffer Zone to Bordering Vegetated Wetlands. Portions of the new house construction are located within the 100-foot Buffer Zone.

Present for the Applicant: Diane Simonelli, Field Resources, Inc.

Supporting Documents include:

- WPA Form 3 – Notice of Intent and supporting documents received March 12, 2015
- Needham Wetlands Protection Bylaw Application for Permit received March 12, 2015
- Plan entitled: “Conservation Commission Site Plan of Land, 945 Webster Street (Lot 102), Needham Mass.”, prepared by Field Resources, Inc., stamped by Bradley J. Simonelli, P.L.S. No. 47581, dated 2/12/15 (revised 3/19/15).
- Plan entitled: “Conservation Commission Site Plan of Land, 945 Webster Street (Lot 102), Needham Mass.”, prepared by Field Resources, Inc., stamped by Bradley J. Simonelli, P.L.S. No. 47581, dated 2/12/15 (revised 3/23/15).
- Plan entitled: “Conservation Commission Site Plan of Land, 945 Webster Street (Lot 102), Needham Mass.”, prepared by Field Resources, Inc., stamped and signed by Bradley J. Simonelli, P.L.S. No. 47581, dated 2/12/15 (revised 4/9/15).

P. Alpert opened the public hearing at 8:45 p.m. D. Simonelli represented the Applicant and gave the Commission an overview of the proposed project.

D. Simonelli stated that, as requested at the previous meeting, the plan was revised to include the scientific names of the proposed plantings. In addition, the infiltration system has been moved upgradient as requested by J. Carter Bernardo.

Comments from the Commission:

- P. Alpert stated that J. Carter Bernardo was not present to review the changes to the infiltration design.

- S. Soltzberg reviewed the revisions to the planting plan including the addition of the scientific names and had no issues.
- P. Alpert noted the Commission requires new information (revised plans etc.) to be submitted one week in advance for review. In this case the Commission received revised plans at the meeting.

Comments from the Public:

None

Motion to continue the Hearing for LOT 102 (945) WEBSTER STREET (DEP FILE #234-732) to April 23, 2015 at 8:15 pm, for review of additional material submitted, by S. Soltzberg, seconded by C. Rhoades, approved 4-0-0.

WELL 3 INSTALLATION – CHARLES RIVER STREET – *continued* NOTICE OF INTENT (DEP FILE #234-730)

Applicant: Town of Needham – DPW – Water & Sewer Division

Project: The proposed project includes the installation of a new municipal drinking water well to replace existing Well #3 and completion of an associated pumping test. Work is proposed within Bordering Land Subject to Flooding, Vegetated Wetlands, the 200-foot Riverfront Area to the Charles River and the 100-foot Buffer Zones to Bordering Vegetated Wetlands and Inland Bank.

Present for the Applicant: Vinny Roy, Superintendent of Needham Water & Sewer Division, Blake Martin and Robert Almy of Weston & Sampson

Supporting Documents include:

- ❑ Notice of Intent and supporting documents, received March 11, 2015
- ❑ Needham General Wetlands Protection Bylaw application, received March 11, 2015
- ❑ Plan entitled “Town of Needham, Massachusetts Well No. 3 Replacement”, prepared Weston & Sampson, dated April 2015, stamped by Francis M. Ricciardi, P.E. No. 41689
- ❑ Memorandum to the Town of Needham Conservation Commission from Robert Almy of Weston & Sampson, dated April 8, 2015.

P. Alpert opened the public hearing at 8:50 p.m. with the stipulation that if any abutters came for the 9:00 p.m. advertised time, they would need to begin the presentation again. Blake Martin gave the Commission an overview of the proposed project.

- The proposed project includes the replacement of Well #3 at 914 Charles River Street.
- The project consists of three parts:
 - Drilling the well
 - The pumping test will require a discharge to the Charles River but no trees or vegetation are proposed to be removed. An energy dissipation device will be employed to slow the discharge and prevent erosion.
 - Installation of a water main next to the pumping station.
- Straw wattles will be installed.
- Robert Almy explained the erosion controls will be placed slightly within the 25-foot Buffer Zone. A fire hose will be utilized during the 48-hour pump test and will run to the Charles River. Once the project is complete, the area will be returned to its previous condition with the exception of a new pump head protruding slightly from the ground.
- Blake Martin mentioned they had received a phone call from an abutter in Dover concerned about changes in lighting. There will be no change.

- The project has been approved by the Zoning Board of Appeals.
- A Waiver Request was submitted due to the presence of the hose and discharge into the Charles River during the pump test within the 25-foot Buffer Zone.

Comments from the Commission:

- M. Varrell asked if any additional fencing was necessary. V. Roy replied there was not.
- P. Alpert noted that as of 9:00 p.m., no abutters had arrived.

Comments from the Public:

None

Motion to close the public hearing for WELL #3 INSTALLATION AT 914 CHARLES RIVER STREET (DEP FILE #234-730) by C. Rhoades, seconded by S. Soltzberg, approved 4-0-0.

Motion to waive the 25-foot Buffer Zone requirements for WELL #3 INSTALLATION AT 914 CHARLES RIVER STREET (DEP FILE #234-730) by P. Oehlkers, seconded by C. Rhoades, approved 4-0-0.

Motion to issue an Order of Conditions for WELL #3 INSTALLATION AT 914 CHARLES RIVER STREET (DEP FILE #234-730) by S. Soltzberg, seconded by P. Oehlkers, approved 4-0-0.

OTHER BUSINESS

Continued REQUEST FOR CERTIFICATE OF COMPLIANCE – O TILLOTSON ROAD (DEP FILE #234-614)

John Rockwood was present for the Applicant. He explained the Notice of Intent was submitted for two reasons:

1. There was a drainage pipe that discharged to a swale that just ran over ground.
2. Landscape materials had been placed in various resource areas including Riverfront Area to Rosemary Brook, Floodplain, Bordering Vegetated Wetlands and Buffer Zones.

J. Rockwood stated that the wetland line could not be determined in some areas because of the debris. Once the debris was removed the wetland lines were adjusted accordingly. The As-Built Plan now depicts an accurate delineation line. The area was seeded once debris was removed. In addition, significant invasive species plant removal was conducted. The area was monitored for three years and reports were submitted.

D. Anderson had visited the site and explained that, although the approved work had been completed in compliance with the OOC, there appeared to be gardening debris from the Community Garden deposited into the wetlands. J. Rockwood will inform Mr. Petrini of the debris and ask to have it removed. In addition, Mr. Petrini should speak to the community gardeners and request they do not place debris in the wetlands.

Motion to issue a Certificate of Compliance for 0 Tillotson Road (DEP File #234-614) by S. Soltzberg, seconded by C. Rhoades, approved 4-0-0.

REQUEST FOR A MINOR MODIFICATION – 130 WINDING RIVER ROAD (DEP FILE #234-662)

The homeowner Deborah Krieg and her contractor, John Engwer were present. Mr. Engwer explained that this Minor Modification Request was mainly an after-the-fact request. P. Alpert confirmed that the plantings had already been installed and asked what the differences between the plans were. Mr. Engwer noted that revisions to the landscaping plan had greatly reduced the amount of lawn installed and increased the amount of plantings. S. Soltzberg pointed out that some of the plantings shown on the plan are not native. M. Varrell clarified that the approved planting plan called for two planting areas at either end of the yard adjacent the river. Mr. Engwer noted that the planting areas were doubled in size. Compost mulch was used on the slope to stabilize it. S. Soltzberg approved of the revised plantings. M. Varrell reminded the homeowner that the Commission should be notified prior to revisions of the approved plan taking place.

Motion to approve the Request for a Minor Modification to the Order of Conditions for 130 Winding River Road (DEP File #234-662) by C. Rhoades, seconded by P. Oehlkers, approved 4-0-0.

FULLER TRAIL DISCUSSION

M. Varrell provided an update regarding the Fuller Trail re-bidding. The bid opening had been the previous Friday and they had ended up with three bidders. There was a problem with one of the bids and the bidder was requesting it be allowed to be withdrawn. The options the Commission has as far as the bad bid are:

1. Allow the company to withdraw their bid.
2. Pursue their bid bond of ±\$10,000, but that option could result in a court case.
3. Require that the work be done for their submitted bid value.

M. Varrell had consulted with Carys Lustig from the DPW Procurement Division and her advice was to let them withdraw their bid. M. Varrell concurred. M. Varrell is familiar with the second low bidder and feels they would do a good job.

The Commission agreed there is no reason to go after the bid bond.

Motion to allow the withdrawal of the bid from Netco of Lexington and to release back to them their bond by S. Soltzberg, seconded by P. Oehlkers, approved 4-0-0.

Motion to adjourn the meeting by P. Oehlkers, seconded by C. Rhoades, approved 4-0-0.

The meeting was adjourned at 9:15 pm.

NEXT PUBLIC HEARING

Thursday, April 23, 2015 at 7:30 PM in the Public Services Administration Building, Charles River Room.