

**TOWN OF NEEDHAM  
CONSERVATION COMMISSION  
MEETING MINUTES  
Thursday, June 9, 2016**

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

ATTENDING: Janet Carter Bernardo, Artie Crocker, Stephen Farr, Peter Oehlkers, Alison Richardson, Cory Rhoades (arrived @ 7:40 p.m.), Sharon Soltzberg (arrived @ 7:40 p.m.), Matthew Varrell (Director of Conservation)

GUESTS: Gennady Agranovich, Emmanuel Belibasakis, Irene Belibasakis, Karon Skinner Catrone, Greg Dracon, Kacey Dracon, Joyce Hastings, Joel Kent, Shirley Klepadlo, Blake Martin, Steven Poole, Nancy Ridill, Diane Simonelli, Mary Trudeau, Michael Vaughn, Penny Vaughn, Gene Voloshin

J. Carter Bernardo opened the public meeting at 7:35 pm.

**MISCELLANEOUS BUSINESS:**

Motion to approve the Meeting Minutes of August 13, 2015 by S. Farr, seconded by A. Crocker, approved 5-0-0.

**ENFORCEMENT & VIOLATION UPDATES:**

**98 SUTTON ROAD**

M. Varrell explained that D. Anderson had been conducting a site visit at the neighboring property to 98 Sutton Road when she noticed that a shed had just been installed. She went over and asked the owner if he had a Permit for the shed installation because it was within the Conservation Commission's jurisdiction. He had replied that he didn't know a Permit was required. D. Anderson discussed the need to file an after-the-fact Request for Determination of Applicability for the shed. The RDA should be submitted by June 23<sup>rd</sup>.

**SUNNYSIDE ROAD**

M. Varrell explained that he and D. Anderson have been following up over the last few weeks on reported dumping of landscaping debris behind homes on Sunnyside Road. After some difficulty reaching the owner's suspected of the dumping, D. Anderson eventually spoke with them and advised them where the Buffer Zones were located in relation to their homes and that they could be fined if the dumping continued. The owners are now informed and an Enforcement Order and fines could potentially be issued for any future dumping.

J. Carter Bernardo asked if the Conservation Department could keep track of the properties reportedly dumping. M. Varrell stated they would be added to the "Permit Caution List". The neighbor affected by the dumping who resides at 30 Wayne Road, Gennady Agranovich, enquired whether they would be required to remove the debris. M. Varrell stated that Conservation staff will return and determine whether the debris needs to be removed.

**HEARINGS**

**546 CENTRAL AVENUE – NOTICE OF INTENT (DEP FILE #234-760)**

J. Carter Bernardo opened the Public Hearing at 7:45 pm.

D. Simonelli of Field Resources, Inc. presented the proposed project. She stated the following:

- The proposed project is located within the 100-foot Buffer Zone to Bordering Vegetated Wetlands, located off-site on Town owned property.
- The proposed project includes:
  - Removal of an existing “smokehouse” and the connection of the associated retaining wall with the adjacent retaining wall. *J. Carter Bernardo questioned the height of the new retaining wall section, D. Simonelli with follow up.*
  - The existing pool and associated patio will be removed. Several retaining walls will be reconfigured as well.
  - D. Simonelli stated that no infiltration is proposed. *M. Varrell explained that there is a large reduction (831 square feet) in impervious area that improves the current situation and recommends the Commission take that into consideration. J. Carter Bernardo accepted the recommendation that no infiltration will be required.*
  - *A. Richardson asked if there would be any filling. D. Simonelli stated there would not.*

***Motion to close the public hearing for 546 Central Avenue (DEP FILE #234-760) by S. Farr, seconded by S. Soltzberg, approved 7-0-0.***

**LINDEN/CYPRESS STREET– continued NOTICE OF INTENT (DEP FILE #234-741)**

J. Carter Bernardo opened the continued Public Hearing at 8:00 pm.

Steve Poole of Lakeview Engineering presented the proposed project.

*M. Varrell stated that the Commission has a copy of a memo he had sent to the Applicant two weeks ago highlighting some of the remaining issues. J. Carter Bernardo gave a brief review of the outstanding issues to Mr. Poole who had recently been hired by the Applicant. She explained that the main issue is the complaints of flooding on adjacent properties and how the proposed project will affect the flooding issue. J. Carter Bernardo had requested more in-depth calculations related to stormwater and stated she had received them from the Applicant.*

S. Poole asked J. Carter Bernardo for clarification of the stormwater issues and she described the significant ponding of water on the property in question and on the street adjacent. *J. Carter Bernardo stated that when the ground is dry, the water infiltrates relatively easily but when it’s saturated is when the ponding occurs. S. Poole described a conversation he had with the property owner and his willingness to pay for a drainage pipe up Cypress Street to hook into the Town drain to carry away stormwater and allow the abutters to tie into it with their sump pumps. J. Carter Bernardo expressed her concern that the pipe in Linden Street was at capacity and could not handle the additional flow from Cypress Street.*

*J. Carter Bernardo asked that the Applicant show through calculations that the abutters will not get any additional stormwater from the proposed project. S. Poole replied that he would submit the calculations that the Commission requires. A. Richardson inquired whether the Project Engineer had inquired to the Town Engineer whether there was capacity in the Linden Street drain for the additional stormwater from a new pipe in Cypress Street, as discussed. J. Carter Bernardo explained that the Town Engineer had provided the Commission with a memo stating he believed there is capacity.*

*Motion to continue the public hearing, for the submittal of additional information, for Linden/Cypress Street (DEP File #234-741) to July 14, 2016 at 7:45 p.m. by S. Farr, seconded by A. Crocker , approved 7-0-0.*

#### **EVERSOURCE RIGHT-OF-WAY – NOTICE OF INTENT (DEP File #234-759)**

J. Carter Bernardo opened the public hearing at 8:16 pm.

*Motion to continue the public hearing, at the Applicant's request, for the Eversource Right-of-Way project (DEP File #234-759) to June 23, 2016 at 7:45 p.m. by S. Soltzberg, seconded by A. Crocker , approved 6-0-1 (S. Farr recused).*

#### **108 LINDBERGH AVENUE (DEP FILE #234-751) – AMENDED ORDER OF CONDITIONS REQUEST**

J. Carter Bernardo opened the public hearing at 8:18 pm.

The Applicant Gene Voloshin was present. His representative, Mary Trudeau, presented the request to Amend the Order of Conditions. She stated the following:

- She explained that when the project was originally approved, the Applicant proposed to remove the existing in-ground pool and surrounding patio and retain the existing retaining wall which would have maintained the terraced yard.
- The proposed amendment to the project includes:
  - Removal of the existing retaining wall and grading the property so it is on level instead of terraced.
  - He would like to install a masonry block wall to tie into an existing retaining wall that runs along the easterly property line, and then fill would be placed up to the wall.
  - The proposed retaining wall would stay outside the 25-foot Buffer Zone.
  - The plantings depicted on approved landscape plan would still be installed as shown.

*J. Carter Bernardo questioned whether the proposed retaining wall was more than 4-feet in height and noted that it appeared very close to the property line. M. Varrell stated that he had shown the plan to the Building Department and they had determined that the wall as proposed on the plan would not require an approval through them. M. Varrell expressed concern regarding the ability to install the erosion control as depicted and still have room to build the wall adjacent. M. Trudeau replied that they could shift the wall forward 1-foot and gain more room to work. An 18-inch straw wattle would be placed behind the wall.*

*J. Carter Bernardo stated that the new grading would result in the stormwater flowing toward the rear of the property and the Town of Needham Conservation-owned property.*

Nancy Ridill of 102 Lindbergh Avenue discussed her concerns regarding drainage from the site. She is concerned the flow will back up between 102 & 108 Lindbergh Avenue. *J. Carter Bernardo asked if there was any ponding of water on either property after a recent heavy rain. Ms. Ridill and Mr. Voloshin replied there was not. J. Carter Bernardo stated that a swale should be maintained between the two properties to direct the runoff to the Conservation property and the wall should not create a barrier. M. Trudeau stated that a slight change in the proposed contour should work. Alison Richardson requested the Applicant update the proposed*

*Grading Plan including continuing some contours that don't follow through. J. Carter Bernardo requested the Applicant provide a cross-section of the swale.*

Penny Vaughn of 130 Lindbergh Avenue asked if the existing pile of dirt was going to remain as high as it is currently. G. Voloshin replied that it would not; it will be smoothed down to the proposed grade. *J. Carter Bernardo explained the purpose of the proposed drywell.*

*J. Carter Bernardo explained that the Hearing would be continued for the submittal of a plan showing revised grading and a cross-section of the proposed swale.*

***Motion to continue the public hearing, for the submittal of a revised plan and swale cross-section, for 108 Lindbergh Avenue (DEP File #234-751) to June 23, 2016 at 8:00 p.m. by S. Farr, seconded by A. Crocker, approved 7-0-0.***

**124 ELDER ROAD (DEP FILE #234-757) – continued NOTICE OF INTENT (DEP FILE #234-757)**

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

D. Simonelli of Field Resources, Inc. presented the additional information requested by the Commission regarding the proposed project. She stated the following:

- DEP has issued the filing number
- They had provided the Commission with the Arborist's Report regarding the crucial root zone of the silver maple tree and made the following plan modifications:
  - They re-located the proposed patio and reduced its size to protect the maple tree.
  - They modified the location of the proposed infiltration system.
  - The detail of the proposed patio was added.

***Motion to close the public hearing for 124 Elder Road (DEP File #234-757) by S. Farr, seconded by A. Crocker, approved 7-0-0.***

***Motion to issue an Order of Conditions for 124 Elder Road (DEP File #234-757) by S. Farr, seconded by A. Crocker, approved 7-0-0.***

**1516 CENTRAL AVENUE – NOTICE OF INTENT (DEP FILE #234-758)**

J. Carter Bernardo opened the public hearing at 8:45 pm.

The Applicant's Representatives, Joyce Hastings of GLM Engineering Consultants, Inc. and the contractor, Michael Lenahan presented the proposed project. J. Hastings stated the following:

- She explained that there is an un-named perennial stream flowing along the right side of the property. In addition there is an intermittent stream running across the front and left side of the property. Bordering Vegetated Wetlands consisting of a wet meadow along the intermittent stream and an emergent shrub swamp associated with the perennial stream are present.
- One of the proposed projects is to upgrade the existing septic system. The septic system currently resides in the driveway near the house. The replacement is proposed to be installed within existing lawn beyond the attached garage. There is no need to add fill to raise the area because it is higher than the surrounding land. The entire work area for the septic system is surrounded by fencing. Erosion controls are proposed.

- The second phase of the project is to construct an addition in an area to the left of the house that is currently patio, retaining walls and lawn.
- The final part of the project addresses an outstanding issue to comply with an Enforcement Order issued several years ago that was triggered due to un-permitted mowing of the meadows. The E.O. required that the owner submit a mowing plan to the Commission for approval that would include annual reports to be submitted to the Commission by the owner and landscaper stating they will comply with the mowing plan to be submitted to the Commission. The plan was never submitted.
- The intent of the owner is to be able to mow the meadows and pasture once a year to keep woody growth from overtaking the meadows. The mowing plan states the limit of mowing on the westerly side of the property will be the limit of BVW which would be delineated with bird boxes on poles interspersed with PVC pipe on both sides of the perennial stream.
- On the easterly side of the property there is a meadow that runs right up to the easterly property line. A perennial stream runs along the front of it and an intermittent stream runs through it. The original mowing limits set by the Commission in this area had been 10-feet off the Banks of the streams. The owner proposes the same limit with this mowing plan, also to be delineated with bird boxes on poles.
- Prior to the start of mowing, the markers/bird boxes would need to be in place and reviewed by Conservation Department staff. The staff would then be notified prior to mowing.

*P. Oehlkers stated that the proposed bird boxes sounded like a good way to demarcate the boundary of mowing. He did want to point out that the bird boxes would require maintenance. He felt that weekly checks during breeding season would be required to determine if only house sparrows were utilizing the nest boxes. J. Hastings suggested that the landscaper be put in charge of the bird box maintenance. M. Varrell suggested installing bird boxes that house sparrows would not utilize. The type of bird box could be approved prior to installation through a Special Condition. J. Hastings stated that annual checks of the bird boxes prior to mowing would be more likely than weekly checks.*

*J. Carter Bernardo stated that she was happy with the attempt to protect the wetlands and thinks of the bird boxes as a bonus. She asked M. Lenahan if he understood the mowing regime would be once a year in these areas. M. Lenahan replied that he would be present at every mowing done by his company.*

***Motion to close the public hearing for 1516 Central Avenue (DEP File #234-758) by S. Farr, seconded by A. Crocker, approved 7-0-0.***

***Motion to issue an Order of Conditions for 1516 Central Avenue (DEP File #234-758) by S. Farr, seconded by A. Crocker, approved 7-0-0.***

## **OTHER BUSINESS**

### **REQUEST FOR A CERTIFICATE OF COMPLIANCE – 36 ROBINWOOD AVENUE (DEP FILE #234-738)**

*M. Varrell stated that for the most part the project was completed in compliance with the Order of Conditions. The As-Built showed that the driveway was constructed larger than proposed by*

*approximately 225 square feet including a turnaround area in the front of the house. In addition, a few areas of wetland were filled with crushed stone. The owners were advised and the stone removed. M. Varrell approved the retention of some stone at the ends of each culvert.*

*The Order called for the installation of stone bounds with the Commission emblems attached to mark the resource area boundaries. The owner had concerns regarding his children tripping over the bounds so shrub plantings were approved to delineate the boundary. The emblems were placed on small stakes.*

*The owners had requested permission to put a swing-set in the 25-foot Buffer Zone. M. Varrell discussed this with J. Carter Bernardo and it was determined that the owner would be required to request the swing-set through a Request for Determination of Applicability. If it is relocated outside the 25-foot Buffer Zone, M. Varrell could approve it administratively. The owners chose to keep it outside the 25-foot Buffer Zone for now, therefore; M. Varrell approved it. The owners stated they intend to come back for permission to move the swing-set into the 25-foot Buffer Zone.*

*M. Varrell recommends a Partial Certificate of Compliance be used due to the 2-year plant monitoring requirement.*

***Motion to issue a Partial Certificate of Compliance for 36 Robinwood Avenue (DEP File #234-738) by S. Farr, seconded by A. Crocker, approved 7-0-0.***

### **30 WAYNE ROAD (DEP FILE #234-745) – REQUEST FOR MINOR MODIFICATION**

*M. Varrell explained that the Order of Conditions issued for this project was in response to an Enforcement Order issued by the Commission for filling and vegetation removal in an intermittent stream channel and associated BVW. The order had a Condition that the work be completed by June 1, 2016.*

The property owner, G. Agranovich, stated that he is asking for an extension of the deadline because he has had difficulty finding a contractor to do the project. He is meeting with a contractor in the next few days. The contractor told him he would not be able to start the project for three weeks.

***Motion to grant a Minor Modification to revise the deadline for the completion of work at 30 Wayne Road (DEP File #234-745) to September 1, 2016 by S. Farr, seconded by A. Crocker, approved 7-0-0.***

### **86 PILGRIM ROAD (DEP FILE #234-734) – REQUEST FOR CERTIFICATE OF COMPLIANCE**

The homeowner, Joel Kent was present. *M. Varrell stated that D. Anderson went out to do the site inspection and found no issues. The only deviation was that the owner had requested permission to install a handicapped accessible ramp but it was not installed in that location. The owner stated that the ramp was installed on the opposite side of the house.*

***Motion to issue a Certificate of Compliance for 86 Pilgrim Road (DEP File #234-734) by S. Farr, seconded by A. Crocker, approved 7-0-0.***

**1421 CENTRAL AVENUE (RECYCLING & TRANSFER STATION) – NEEDHAM  
PUBLIC WORKS DEPARTMENT REPAIR/MAINTENANCE ACTIVITY  
NOTIFICATION FORM (DEP FILE #234-630)**

*M. Varrell described a gabion wall that is in a state of disrepair at the RTS. They would like to replace it and it is located in the 100-foot Buffer Zone. M. Varrell showed that it could be permitted under the DPW General Permit as a maintenance activity instead of requiring its own Permit. M. Varrell recommended silt sacks be placed in the nearby catch basins during construction.*

***Motion to approve the maintenance activity at 1421 Central Avenue under the DPW General Permit (DEP File #234-630) by S. Soltzberg, seconded by S. Farr, approved 7-0-0.***

**92 SUTTON ROAD (DEP FILE #234-653) – MINOR MODIFICATION REQUEST**

The owners Emmanuel Belibasakis and Irene Belibasakis explained that they are proposing to install a shed on their property adjacent to Alder Brook. He would like to install it approximately 15-feet from the edge of the Brook, outside of the drain easement. *J. Carter Bernardo inquired whether the shed would be placed on blocks and how large it will be. The owner replied that it would be on blocks and 10' x 14'. J. Carter Bernardo commented on how green the owner's grass is in the photos presented and asked that he cut down on the fertilizer near the stream. The owner explained that portions of the bank wall of the stream are crumbling. J. Carter Bernardo directed them to the DPW Department to follow-up. M. Varrell reminded the owner to request a Certificate of Compliance once the work is complete.*

***Motion to grant a Minor Modification to install a shed approximately 15-feet from the Bank of Alder Brook at 92 Sutton Road (DEP File #234-653) by S. Farr, seconded by A. Crocker, approved 7-0-0.***

**914 CHARLES RIVER STREET (DEP FILE #234-730) – MINOR MODIFICATION REQUEST**

Blake Martin of Weston & Sampson described the proposed modification. He stated the project is the new Well #3. He stated they had their first construction meeting with the driller, Frank G. Sullivan. His rig is a fairly high cable tool rig. The rig pounds in the pipe but excavates out the inside and requires a little more working room around the back side of the well. Two pine trees and the top of an oak tree need to be removed but they plan to plant 2 white pine trees and 2 oak trees when the project is complete. In addition, they are requesting to spread some of the drill spoils out.

***Motion to grant a Minor Modification to the plans for 914 Charles River Street (DEP File #234-730) by S. Farr, seconded by A. Crocker, approved 7-0-0.***

*Motion to adjourn the meeting by S. Farr, seconded by A. Crocker, approved 7-0-0.*

*The meeting was adjourned at 9:45 pm.*

**NEXT PUBLIC MEETING**

*Thursday, June 23, 2016 at 7:30 PM in the Public Services Administration Building, Charles River Room.*