

**TOWN OF NEEDHAM
CONSERVATION COMMISSION
MEETING MINUTES
Thursday, June 23, 2016**

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

ATTENDING: Janet Carter Bernardo, Peter Oehlkers, Alison Richardson, Sharon Soltzberg, Matthew Varrell (Director of Conservation), Debbie Anderson (Conservation Specialist)

GUESTS: Michael Deychman, Ross Donald, Jeremy Fennell, George Giunta, Jr., Richard Howell, Tom Lambert, Dave LaPointe, Michael Leabman, Sarah Leabman, Lynne Salzman, Warren Salzman, Gene Voloshin, Michael Zylich

J. Carter Bernardo opened the public meeting at 7:33 pm.

MISCELLANEOUS BUSINESS:

None

ENFORCEMENT & VIOLATION UPDATES:

None

HEARINGS

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

J. Carter Bernardo opened the public hearing at 7:45 pm.

M. Varrell stated that he had conducted a site walk with the Applicant and was advised that the Applicant was requesting to have the delineated wetland boundary approved as part of the Notice of Intent. M. Varrell requested several revisions to the wetland delineation. The current plan under review by the Commission shows the revised wetland boundaries.

Jeremy Fennell from Epsilon Associates and Michael Zylich from Eversource Energy presented the proposed project. J. Fennell explained this proposed project is for geotechnical borings in preparation for a future project. The Eversource Right-of-Way parallels the MBTA line in this area. They discussed how they plan to access the areas for the work. Erosion controls are proposed. The type of equipment used will be a drill rig and support truck. The drilling method was explained.

M. Varrell stated that the borings are an exempt activity under the Act and the Bylaw. It is the site access that has triggered the review. A. Richardson asked what the future project will entail. J. Fennell replied that Eversource is looking to characterize soil within the proposed structure locations for the West Roxbury to Needham Reliability Project. The project will separate out one of the existing lines and attach it to a new tower. M. Varrell added the potential future Reliability Project is currently undergoing review under MEPA. Several areas of wetlands will require crossing for access and swamp maps will be utilized in those areas.

A mapped perennial stream flows beneath the Eversource Right-of-Way. It was observed that the stream was dry for four (4) days in a row and they are requesting the stream designation be

changed to intermittent based on these findings. Once the borings are completed the areas will be restored. There will be very limited disturbance to these areas due to the fact that the areas were previously cleared by Eversource Vegetation Management. M. Varrell stated that Bordering Vegetated Wetlands temporary impacts would be approximately 832 square feet. P. Oehlkers requested that Conservation staff monitor the project closely.

Motion to close the public hearing for the Eversource Right-of-Way borings project (DEP File #234-759) by S. Soltzberg, seconded by P. Oehlkers, approved 4-0-0.

Motion to approve the Waiver Request for work in the 25-foot Buffer Zone for the Eversource Right-of-Way (DEP File #234-759)

Motion to issue an Order of Conditions for the Eversource Right-of-Way (DEP File #234-759) by P. Oehlkers, seconded by A. Richardson, approved 4-0-0.

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

J. Carter Bernardo opened the public hearing at 8:00 pm.

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

The Applicant's Representative, Michael Deychman, stated that the proposed retaining wall was changed to two retaining walls less than 4-feet in height. In addition, rip-rap was added to the end of the pipe in the proposed swale to prevent wash out. J. Carter Bernardo expressed concern that the proposed grading would not work in the area of the driveway, however; that area is outside the Commission's jurisdiction.

Motion to close the public hearing, for 108 Lindbergh Avenue (DEP File #234-751) by A. Richardson, seconded by P. Oehlkers, approved 4-0-0.

Motion to issue an Amended Order of Conditions for 108 Lindbergh Avenue (DEP File #234-751) by P. Oehlkers, seconded by S. Soltzberg, approved 4-0-0.

TOWN OF NEEDHAM TRAILS – REQUEST FOR DETERMINATION OF APPLICABILITY

J. Carter Bernardo opened the public hearing at 8:05 pm.

D. Anderson presented the Generic Trails Maintenance Request for Determination of Applicability to the Commission. The request is for the issuance of a Negative Determination of Applicability (NDA) for generic trail maintenance on town-owned properties and trails owned by the MWRA, Department of Conservation and Recreation and Trustees of Reservations.

D. Anderson reviewed the proposed revisions to the existing NDA including the addition of two new properties, the Sudbury Aqueduct Trail and the Rail Trail. This maintenance is only on existing trails not for the creation of new trails.

Motion to close the public hearing for the Town of Needham Generic Trails Maintenance RDA by S. Soltzberg, seconded by P. Oehlkers, approved 4-0-0.

Motion to issue a Negative Determination of Applicability for the Town of Needham Trails Generic Maintenance Permit by S. Soltzberg, seconded by P. Oehlkers, approved 4-0-0.

OTHER BUSINESS

REQUEST FOR CERTIFICATE OF COMPLIANCE – DCR BARNES TRAIL (DEP FILE #234-663)

Dave LaPointe from Beals and Thomas, Inc. presented the Request to the Commission. Improvements were made to the existing paved pathway. Vegetation management was used to control the vegetation overtaking the pathway. The width of the pathway was reduced to 10-feet and some seating areas were added along its length. A handicapped accessible ramp was added on Third Avenue. M. Varrell noted that the grass seed has been slow to germinate and stabilize the areas. He does not believe there is a risk of erosion. The silt fence will remain in place until the areas are stabilized. Several trees that were removed as part of the project were replaced with four (4) new trees, along with additional shrubs. M. Varrell stated that the new plantings appeared healthy. The type of grass seed and when it was planted was discussed.

Motion to issue a Certificate of Compliance for the DCR Barnes Trail (DEP File #234-663) by A. Richardson, seconded by P. Oehlkers, approved 4-0-0.

INFORMAL DISCUSSION – NEEDHAM SPORTSMAN’S CLUB – TROUT POND IMPROVEMENTS (1346 GREAT PLAIN AVENUE)

The Representative for the Needham Sportsman’s Club, Richard Howell, presented the proposed project. He explained that the pond was originally an ice pond and has been a sportsman’s fishing pond for more than fifty years. The issue they are having is that the banks have been collapsing over the past several years and the banks are now dangerous to walk over. The club promotes “catch and release” so the fishermen need to get close to the banks to release the fish.

The remedy they are proposing is the potential installation of casting platforms constructed of a one-inch diameter gravel base held in place by a geotextile. They would install a couple of steps in each area as well to help prevent erosion. In addition, they are proposing to plant emergent vegetation along the edge of the pond to keep the soil in place. There will be no increase in impervious area. They also proposed the installation of a dock.

A. Richardson described the difficulty in growing what is proposed in such a shady area, which may be the reason nothing is growing there now. M. Varrell stated that the key part of the future application will be to demonstrate compliance with all applicable Performance Standards thoroughly.

REQUEST FOR MINOR MODIFICATION – CENTRAL AVENUE/ELLIOT STREET BRIDGE (DEP FILE #234-746)

M. Varrell explained that the bridge was to be closing on July 7, 2016. M. Varrell stated that the contractor had gained permission to access the river through the DCR land to perform fabrication activities and place the wooden braces on a barge to the bridge. In addition, the plan had called for the de-watering to take place on the existing roadway. The contractor is requesting to modify the plan to use a frac tank and/or a filter bag instead. The draft approval states they must keep 25-feet away from the Bank of the river and behind erosion controls.

Motion to issue a Minor Modification to the plans for work at the Central Avenue/Elliot Street Bridge (DEP File #234-746) by A. Richardson, seconded by P. Oehlkers, approved 4-0-0.

REQUEST FOR A PARTIAL CERTIFICATE OF COMPLIANCE – 1275, 1283 & 1297 CENTRAL AVENUE (DEP FILE #234-434)

Attorney George Giunta, Jr. represented the Developer. G. Giunta stated that in 2004 the developer obtained an Order of Conditions to demolish the existing single-family homes on the three lots and construct new homes which would serve as a compound. The builder constructed the two outer lots, 1275 and 1297 Central Avenue. During the construction, the builder deviated from the approved project and was issued an Enforcement Order. As a result of the Enforcement Order, the two lots constructed upon filed their own separate Notice of Intent filings to deal with the Enforcement issues on each lot.

The builder plans to file a Notice of Intent in the future for construction of a house on the empty 1283 Central Avenue lot. M. Varrell reported that the empty lot is now overgrown. The As-Built for 1297 Central Avenue showed permanent markers, however; M. Varrell could not locate them in the field. The existing retaining wall will act as the permanent boundary.

Motion to issue a complete Certificate of Compliance for 1275, 1283 and 1297 Central Avenue (DEP File #234-434) by S. Soltzberg, seconded by P. Oehlkers, approved 4-0-0.

REQUEST FOR A CERTIFICATE OF COMPLIANCE – 1275 CENTRAL AVENUE (DEP FILE #234-617)

During the construction of the house under (DEP FILE #234-434), the builder deviated from the approved project and was issued an Enforcement Order. As a result of the Enforcement Order, a separate Notice of Intent was filed to address the Enforcement issues on this lot.

Motion to issue a Certificate of Compliance for 1275 Central Avenue (DEP File #234-617) by S. Soltzberg, seconded by P. Oehlkers, approved 4-0-0.

REQUEST FOR A CERTIFICATE OF COMPLIANCE – 1297 CENTRAL AVENUE (DEP FILE #234-618)

During the construction of the house under (DEP FILE #234-434), the builder deviated from the approved project and was issued an Enforcement Order. As a result of the Enforcement Order, a separate Notice of Intent was filed to address the Enforcement issues on this lot.

Motion to issue a Certificate of Compliance for 1297 Central Avenue (DEP File #234-618) by S. Soltzberg, seconded by P. Oehlkers, approved 4-0-0.

REQUEST FOR A CERTIFICATE OF COMPLIANCE – 945 WEBSTER STREET (LOT 102) (DEP FILE #234-732)

The Applicant, Tom Lambert was present. D. Anderson explained that 945 Webster Street was the original lot that was divided into two separate lots (Lots 101 & 102). The 945 Webster Street parcel is known as Lot 102. The construction of the house project on this lot is complete with a few deviations noted:

- The deck is larger than proposed by 22 square feet and the stairs were changed.
- The patio was reconfigured and relocated.
- Proposed stepping stones were not installed.

Motion to issue a Certificate of Compliance for 945 Webster Street (Lot 102) (DEP File #234-732) by S. Soltzberg, seconded by P. Oehlkers, approved 4-0-0.

REQUEST FOR A CERTIFICATE OF COMPLIANCE – 947 WEBSTER STREET (LOT 101) (DEP FILE #234-733)

The Applicant, Tom Lambert was present. D. Anderson explained that 947 Webster Street was the original lot that was divided into two separate lots (Lots 101 & 102). The 947 Webster Street parcel is known as Lot 101. The construction of the house project on this lot is complete with a few deviations noted:

- The installation of two boulder walls on the south side of the house reduces the grading required.
- The shed proposed for removal is remaining and has undergone some renovation but is the same size.
- A patio that was not approved was installed and is 227 square feet in size. The patio is constructed of pervious pavers.

The site is stable and the required plantings installed with the exception of four (4) cluster birch trees that will be installed within the next few days. The Commission will only issue a partial Certificate of Compliance because of the two year plant monitoring requirement. The Commission asked that Conservation Department staff hold the partial Certificate of Compliance until the remaining trees are planted and a site visit is conducted.

Motion to issue a partial Certificate of Compliance for 947 Webster Street (Lot 101) (DEP File #234-733) to be held until the remaining four trees are installed and inspected by Conservation staff by S. Soltzberg, seconded by P. Oehlkers, approved 4-0-0.

REQUEST FOR A PARTIAL CERTIFICATE OF COMPLIANCE – 30 BRIDLE TRAIL ROAD (DEP FILE #234-229)

The property owners, Lynne and Warren Salzman, were present. D. Anderson explained that the Order of Conditions was issued during the construction of the subdivision in 1994 and was never closed out. L. Salzman stated that everyone else in their subdivision that had been a part of this Order had received partial Certificate of Compliance. The Order of Conditions was issued for the construction of a detention basin and a swale. Neither the detention basin nor the swale is located on their property. D. Anderson recommends issuance of a partial Certificate of Compliance.

Motion to issue a partial Certificate of Compliance for 30 Bridle Trail Road (DEP File #234-229) by A. Richardson, seconded by S. Soltzberg, approved 4-0-0.

REQUEST FOR A CERTIFICATE OF COMPLIANCE – 1490 CENTRAL AVENUE (DEP FILE #234-470)

The Applicant explained that they had renovated their house and added a bedroom which required them to upgrade their septic system. A portion of the addition was constructed in the 100-foot Buffer Zone as well. D. Anderson recommended issuance of a Certificate of Compliance.

Motion to issue a Certificate of Compliance for 1490 Central Avenue (DEP File #234-470) by A. Richardson, seconded by P. Oehlkers, approved 4-0-0.

REQUEST FOR USE OF RIDGE HILL RESERVATION

M. Varrell explained that a high school student contacted him and would like permission for a group of 10 people to use Ridge Hill Reservation to film a movie. The Commission would like the approval to require that drones not be used on Ridge Hill Reservation.

Motion to allow the use of Ridge Hill Reservation for the purpose of filming a movie without the use of drones by S. Soltzberg, seconded by A. Richardson, approved 4-0-0.

DISCUSSION ITEM – OPEN SPACE & RECREATION PLAN ADVISORY GROUP

M. Varrell stated that the Town was beginning the process of updating the Open Space & Recreation Plan. They are finalizing the contract with a consultant. It is expected that several Boards in Town will be part of the Advisory Group. The Conservation Commission will play an important role in the process. M. Varrell asked if any members of the Commission would like to represent the Commission in the Advisory Group. The Advisory Group will be looking for members of the public to join and help in the process.

An audience member, Ross Donald, expressed interest in serving on the Advisory Group. P. Oehlkers will consider representing the Commission on the Advisory Group.

ROUTES 128 ADD-A-LANE PROJECT - SITE VISIT

M. Varrell discussed a site visit to the Route 128 Add-A-Lane project mitigation planting area located in the median with D. Anderson and Dennis Lowry and Julia Stearns from AECOM. The mitigation plantings look good at this point. However, it has been a very dry season and the DEP is only allowing watering of the plantings for 30 days once the work is complete. The plantings are located in an old peat wetland that hardens when it so dry. D. Anderson had suggested writing a letter to DEP urging them to consider allowing a longer watering period. AECOM has also requested a revised watering schedule from DEP.

Motion to adjourn the meeting by S. Soltzberg, seconded by P. Oehlkers, approved 4-0-0.

The meeting was adjourned at 9:30 pm.

NEXT PUBLIC MEETING

Thursday, July 14, 2016 at 7:30 PM in the Public Services Administration Building, Charles River Room.