

**TOWN OF NEEDHAM
CONSERVATION COMMISSION
MEETING MINUTES
Thursday, December 22, 2016**

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

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

GUESTS: Ben Davis, Jonathan Davis, Rich Kirby, Tom Lambert, Diane Simonelli

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

MISCELLANEOUS BUSINESS:

NEW CONSERVATION COMMISSION MEMBER:

J. Carter Bernardo stated that of the several qualified Applicants interviewed to replace Sharon Soltzberg on the Conservation Commission. Sue Barber had been chosen and will begin in January once she is sworn in.

MEETING MINUTES:

Motion to approve the Meeting Minutes of December 8, 2016 by A. Crocker, seconded by P. Oehlkers, approved 4-0-0.

ENFORCEMENT & VIOLATION UPDATES:

CENTRAL AVENUE BRIDGE

M. Varrell reminded the Commission that he had given the contractors a short deadline to clean up the site and bring the erosion controls back to a functioning level. They had installed a double row of staked straw bales as requested and cleaned up the site to M. Varrell's satisfaction. The only remaining issues are to extend the erosion controls in several areas and an exposed slope will be covered in straw mulch to protect it from erosion for the winter. The Commission had requested that M. Varrell follow-up with the contractor regarding the platforms from the construction still within the river.

M. Varrell reported that his follow-up site visit found the site to be in compliance, the platforms removed from the stream and erosion controls extended. The only remaining item is the slope had not been stabilized with straw mulch, however; M. Varrell noted that the slope appears to be at low risk for erosion at this point whether they add the straw mulch or not.

1375 GREAT PLAIN AVENUE

M. Varrell reported that the Owner had submitted the Restoration Plan as required, however; a new enforcement issue with the Building Department has arisen. The existing shed which was installed within the past few years was constructed without a building permit. The shed is illegally located within the 20-foot setback per the Building Department. A. Richardson stated that the Restoration Plan submitted seems adequate. M. Varrell suggested the Commission wait for the situation with the Building Department to be resolved. If they simply remove the shed,

the implementation of the Restoration Plan through the Enforcement Order should suffice. If the owner opts to move the location of the shed out of the setback, the Commission will need to determine which permitting mechanism they will require to permit the shed and the restoration work.

HEARINGS

1409 GREAT PLAIN AVENUE – NOTICE OF INTENT (DEP FILE #234-773)

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

Rich Kirby of LEC Environmental Consultants, Inc. represented the Applicants, Ben and Jackie Davis. Mr. Kirby disclosed that he is currently working as a sub-consultant to Dore and Whittier Associates as part of the town's Hillside School project.

R. Kirby described the proposed project as somewhat unique as its main focus is in itself a mitigating measure. Approximately half the lot is developed and half is wooded. Rosemary Brook forms the northeastern property boundary. The entire property is located within the 200-foot Riverfront Area to Rosemary Brook. Bordering Vegetated Wetlands are associated with the stream. A portion of the existing lawn area is delineated as BVW due to underlying hydric soils.

The proposed project consists of the following components:

- The driveway descends towards a basement level garage. After significant rains, the stormwater pools at the bottom of the driveway, at times flooding into the garage. To attempt to relieve this flooding issue, the Applicant is proposing installing a stone trench at the end of the driveway to collect the stormwater and direct it to a grass swale which would discharge into a rain garden to be installed within the existing lawn. The rain garden would be within the 25-foot Buffer Zone. The rain garden will be planted with red maple saplings and several shrubs and herbaceous plantings.
- Installation of a privacy fence to enclose the backyard to contain the owner's small dog.
- A 380 square foot deck is proposed off the back of the house outside the 25-foot Buffer Zone. It will be a first floor deck with crushed stone beneath for drainage.
- An existing 290 square foot patio will be removed and the area restored to lawn.
- Four (4) trees are proposed for removal. The Application included letters from two Certified Arborists stating that two Silver Maple trees were "candidates for removal". A Linden Tree is growing close to the foundation of the house and they would like to remove it. In addition a Choke Cherry tree and a cluster of landscape shrubs are proposed for removal. Replacement with three (3) Red Maple trees is proposed.

The Commission discussed the proposed tree removal. The Commission will require the Applicant choose and install three (3) additional trees within the Buffer Zone or wetland for a total of six (6) replacement trees. The Applicant will leave an 8-10 foot snag when the Silver Maple at the property line is cut.

A Request for a Waiver for work in the 25-foot Buffer Zone was submitted by the Applicant.

Motion to close the public hearing for 1409 Great Plain Avenue (DEP File #234-773) by A. Crocker, seconded by P. Oehlkers, approved 4-0-0.

Motion to issue a Waiver for work in the 25-foot Buffer Zone for 1409 Great Plain Avenue (DEP File #234-773) by A. Crocker, seconded by A. Richardson, approved 4-0-0.

Motion to approve the request for a Waiver of the Waiver Fee for work in the 25-foot Buffer Zone for 1409 Great Plain Avenue (DEP File #234-773) by A. Crocker, seconded by A. Richardson, approved 4-0-0.

Motion to issue an Order of Conditions for 1409 Great Plain Avenue (DEP File #234-773) by A. Crocker, seconded by A. Richardson, approved 4-0-0.

68 PLEASANT STREET – *continued* NOTICE OF INTENT (DEP FILE #234-772)

J. Carter Bernardo opened the public hearing at 8:15 p.m.

Diane Simonelli from Field Resources, Inc. represented the Applicant, Tom Lambert. D. Simonelli noted that one of the reasons the hearing had been continued was for issuance of a DEP File Number, which has been issued. D. Simonelli stated that based on comments from the Commission, several modifications had been made to the plan. The plantings proposed to delineate the 25-foot Buffer Zone are now dispersed throughout the 25-foot Buffer Zone. A few trees had been added to the plan, as well. Removal of invasive species located on the property and on adjacent properties was discussed at the site visit with Conservation Department staff. The Applicant is not proposing an invasive species removal program due to the likelihood of re-infestation. Three (3) birdhouses are proposed to be installed on posts to delineate the 25-foot Buffer Zone. D. Simonelli stated that a Waiver Request had been submitted for work in the 25-foot Buffer Zone, as well as, a request to waive the Waiver Fee.

J. Carter Bernardo stated that there were several issues with the revised plan that had been submitted including:

- The plan was stamped, but not signed (as required) by the Professional Engineer.
- There was an issue with the lack of definitive plant species on the plan for the contractor to install. The plant list provided by the Applicant as a separate attachment is too broad for the Commission to approve. J. Carter Bernardo stated that perhaps including a few options for the trees and shrubs on the plan that would do well in this area would be helpful.
- Detail of the proposed birdhouses is required.
- In addition, the north arrow on the plan does not indicate the north direction accurately.
- A Waiver Fee was not included with the submittal.
- No DEP Field Data Forms were submitted with the Application and there appeared to be an issue with the identification of a prominent species located on the site in the report submitted. The DEP Data Forms are to be submitted.

J. Carter Bernardo stated the Commission would continue the Hearing for submittal of the revised plan and other documentation as had been discussed. The Applicant, Tom Lambert, stated that this would be a hardship for him as the cold weather would affect his ability to construct the new home foundation. He requested that the Commission allow him to demolish the structure and install the foundation while waiting for the continued Hearing at the next meeting if the Commission cannot Condition the requirements in the Order of Conditions. M. Varrell suggested the Applicant can contact the Building Department to request a Demolition and get foundation approval. M. Varrell will send an email to the Building Department

explaining the location of the proposed house and demolition are not an issue for the Commission.

Motion to issue a Waiver for work in the 25-foot Buffer Zone for 68 Pleasant Street (DEP File #234-772) by A. Crocker, seconded by A. Richardson, approved 4-0-0.

Motion to approve the request for a Waiver of the Waiver Fee for work in the 25-foot Buffer Zone for 68 Pleasant Street (DEP File #234-772) by A. Crocker, seconded by A. Richardson, approved 4-0-0.

Motion to continue the public hearing for 68 Pleasant Street (DEP File #234-772) for the revised Plan and submittal additional information to January 12, 2017 at 7:45 p.m. by A. Crocker, seconded by A. Richardson, approved 4-0-0.

25 MARR ROAD – continued NOTICE OF INTENT (DEP FILE #234-769)

J. Carter Bernardo opened the public hearing at 8:50 pm. She stated that the Applicant had requested a continuance to the January 26, 2017 meeting.

Motion to continue the public hearing for 25 Marr Road (DEP File #234-769), at the Applicant's request, to January 26, 2017 at 7:45 pm. by A. Crocker, seconded by P. Oehlkers, approved 4-0-0.

OTHER BUSINESS:

DISCUSSION ITEM – 1375 GREAT PLAIN AVENUE – BUFFER ZONE RESTORATION PLAN

This item was discussed at the beginning of the meeting during the miscellaneous business, enforcement/violation updates.

DISCUSSION ITEM – 92 SUTTON ROAD - REQUEST FOR WAIVER OF WAIVER FEE

M. Varrell explained that he had forgotten to ask the Commission to vote to waive the Waiver Fee for work in the 25-foot Buffer Zone at 92 Sutton Road.

Motion to issue a Waiver of the Waiver Fee for work in the 25-foot Buffer Zone for 92 Sutton Road by A. Crocker, seconded by P. Oehlkers, approved 4-0-0.

Motion to adjourn the meeting by A. Crocker, seconded by P. Oehlkers, approved 4-0-0.

The meeting was adjourned at 9:00 pm.

NEXT PUBLIC MEETING

Thursday, January 12, 2017 at 7:30 PM in the Public Services Administration Building, Charles River Room.