

**TOWN OF NEEDHAM
CONSERVATION COMMISSION
MEETING MINUTES
Thursday, February 23, 2017**

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

ATTENDING: Sue Barber, Janet Carter Bernardo, Artie Crocker, Stephen Farr, Peter Oehlkers, Cory Rhoades, Alison Richardson, Matthew Varrell (Director of Conservation), Debbie Anderson (Conservation Specialist)

GUESTS: Diane Buck, Sheldon Buck, Michael Deychman, Dan Hoffman, Tom Kealy, Mair Lustig, Richard Lustig, Bryan Picariello, Richard Rosenlev, Ardi Rrapi, Paul Seaburg, Diane Simonelli, Dan Wells

J. Carter Bernardo opened the public meeting at 7:30 p.m.

MISCELLANEOUS BUSINESS:

MEETING MINUTES:

Motion to approve the Meeting Minutes of January 26, 2017 by S. Farr, seconded by A. Crocker, approved 5-0-2 (J. Carter Bernardo & P. Oehlkers abstained).

ENFORCEMENT & VIOLATION UPDATES:

1375 GREAT PLAIN AVENUE

M. Varrell reminded the Commission that this Enforcement was related to removal of vegetation at the rear of the property and the construction of a shed without a Permit. The owner had been asked to file an after-the-fact RDA for the shed. In addition, the owner had violated Building Code in his placement of the shed in its current location and is being required to relocate the shed. The owner has submitted the RDA to be heard on the March 9, 2017 agenda.

HEARINGS

54 PERRY DRIVE – *continued* REQUEST FOR DETERMINATION OF APPLICABILITY

J. Carter Bernardo opened the public meeting at 7:45 p.m. She stated that she and P. Oehlkers had read the minutes regarding this project and signed Mullin's Rule forms stating the same.

The hearing had been continued for the submittal of a revised plan and a Waiver Request for work in the 25-foot Buffer Zone. Both have been received. The Applicant has requested a Waiver of the Waiver Fee. The Applicant, Mr. Rosenlev stated that the work proposed in the 25-foot Buffer Zone will consist of removing the existing play structure and potentially removing existing lawn and planting a native plant buffer. M. Varrell explained that any planting work the Applicant proposes would be an exempt activity but Mr. Rosenlev will go over any planting plans with M. Varrell prior to installation.

Motion to close the public hearing for 54 Perry Drive by S. Farr, seconded by A. Crocker, approved 7-0-0.

Motion to issue a Waiver for work in the 25-foot Buffer Zone by S. Farr, seconded by A. Crocker, approved 7-0-0.

Motion to Waive the Waiver Fee for work in the 25-foot Buffer Zone by S. Farr, seconded by A. Crocker, approved 7-0-0.

Motion to issue a Negative Determination of Applicability for 54 Perry Drive by S. Farr, seconded by A. Crocker, approved 7-0-0.

124 SOUTH STREET – continued NOTICE OF INTENT (DEP FILE #234-774)

J. Carter Bernardo opened the public meeting at 7:50 p.m. J. Carter Bernardo and P. Oehlkers read the minutes regarding this project and signed Mullin's Rule forms stating the same.

The Applicant's Representative, Paul Seaburg, stated that they had submitted revised plans and had responded to questions from the Commission. In addition, an Arborist Report had been submitted detailing the methods to be employed to protect the existing trees. The wetland line had been revised on the plan per M. Varrell's site visit findings. A detail of the retaining wall was submitted, as well as, a profile of the subsurface drainage structure. He explained the 27 square feet of the proposed sports court will be constructed in the 25-foot Buffer Zone. As mitigation, the Applicant is proposing to convert an area of existing lawn to a meadow and install a wetland restoration planting area.

J. Carter Bernardo expressed the Commission's concern that the 2-inches of proposed loam installation with the floodplain to re-establish lawn would be considered "fill" placement in the floodplain. The Commission discussed the proposed loam installation and determined they would not permit it within the floodplain. A. Richardson recommended the Applicant have their soil analyzed and perhaps they don't need loam. An existing wooden walkway within the BVW will be removed. M. Varrell stated the site did not contain a large amount of invasive species.

J. Carter Bernardo stated that she reviewed the stormwater calculations and had no issues. The proposed restoration areas and infiltration measures improve the site significantly and will improve the wetlands. No trees are proposed for removal and the existing trees will be protected. M. Varrell explained the wetland the Commission is protecting is fed mainly by municipal drainage.

Motion to close the public hearing for 124 South Street (DEP File #234-774) by S. Farr, seconded by A. Crocker, approved 7-0-0.

Motion to issue a Waiver for work in the Bordering Vegetated Wetlands and 25-foot Buffer Zone by S. Farr, seconded by A. Crocker, approved 7-0-0.

Motion to deny the Request to Waive the Waiver Fee for work in Bordering Vegetated Wetlands and the 25-foot Buffer Zone by S. Farr, seconded by A. Crocker, approved 7-0-0.

Motion to issue an Order of Conditions for 124 South Street (DEP File #234-774) by S. Farr, seconded by A. Crocker, approved 7-0-0.

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

J. Carter Bernardo opened the public hearing at 8:04 p.m.

The Applicant's, Dan and Tracy Hoffman and their Representatives, Dan Wells of Goddard Consulting, LLC and Landscape Designer, Wes Worth were present.

M. Varrell reported that, as required, the Abutters had been re-notified. D. Wells stated that the entire proposed project was re-designed. Additional wetland delineation has been done to show the entirety of wetlands located on the property not just those closest to the proposed work. A stream is located on the property which D. Wells stated Streamstats analysis had been done and results indicate the stream is intermittent. M. Varrell interjected that he had also completed Streamstats analysis which indicated the stream was perennial. M. Varrell and D. Wells agreed that the 200-foot Riverfront Area will not come into play for this project if the stream is determined to be perennial.

The existing conditions including the Wildlife Habitat analysis was discussed. The proposed project includes the installation of an in-ground pool, patio, lawn, and mitigation plantings. A total of sixteen (16) trees are proposed for removal including twelve (12) eastern white pine trees and two (2) oak trees. All of the proposed impervious area will be located outside of the 75-foot Buffer Zone. A. Richardson asked that the 18-inch oak in the restoration area be saved. W. Worth stated they had planned to remove it due to aesthetic reasons but could keep it if necessary. M. Varrell questioned some of the species choices to be installed; they appear to be more suited to wetlands. W. Worth stated he had success installing such species in similar areas on other projects.

The total existing roof area is currently being infiltrated. The additional 700 square feet of new impervious area located in the Buffer Zone mainly consists of the proposed pool. The runoff area will be approximately 200 square feet. J. Carter Bernardo would like the existing drainage system to be inspected during the project to ensure it is working properly. J. Carter Bernardo explained the Commission will require permanent demarcation at the 50-foot Buffer Zone. She suggested the Applicant look into a potential Deed Restriction for the wetland area. M. Varrell agreed that potential future changes to wetland laws may make it a good idea to pursue a Deed Restriction to ensure long-term preservation.

J. Carter Bernardo reviewed what the Applicant is required to submit prior to the next meeting, including the preservation of 18-inch oak tree, adding the 25-foot Buffer Zone to the plans, and the proposed monument locations on the plan. The Commission would like a brief O & M Plan to address fertilization and pool maintenance. M. Varrell suggested the Applicant add woody debris to the restoration area for wildlife habitat value.

Richard Lustig of 34 Alder Brook Lane asked for clarification of the proposed tree removal. The Applicant provided further description of the trees to be removed, as shown on the plan.

Motion to continue the public meeting for 25 Marr Road (DEP File #234-769), for additional information, to March 9, 2017 at 8:45 p.m. by S. Farr, seconded by A. Crocker, approved 7-0-0.

898 SOUTH STREET – REQUEST FOR DETERMINATION OF APPLICABILITY

J. Carter Bernardo opened the public hearing at 8:36 p.m.

Dan Wells of Goddard Consulting, LLC represented the Applicant. The purpose of the Request for Determination of Applicability is to re-designate the portion of a perennial stream located on

this property to an intermittent stream. Dry stream conditions were documented with four (4) photos showing the stream dry in 2014 which was outside of any listed drought conditions and provided the required evidence necessary for change of designation. Staff had reviewed the submission and agreed with the findings.

Motion to close the public hearing for 898 South Street by S. Farr, seconded by A. Crocker, approved 7-0-0.

Motion to issue a Positive Determination of Applicability for the designation change of the stream on 898 South Street from perennial to intermittent by S. Farr, seconded by A. Crocker, approved 7-0-0.

50 LEHIGH ROAD – NOTICE OF INTENT (DEP FILE #234-777)

J. Carter Bernardo opened the public hearing at 8:38 p.m.

D. Simonelli of Field Resources, Inc. represented the Applicant. She explained that although the lot is located in Needham, it is accessed through Wellesley. The proposed project consists of a house demolition and re-build. The driveway will be moved further from the wetlands than the existing driveway. There will be a decrease in impervious area within the 100-foot Buffer Zone of 36 square feet. Stepping stone pathways are proposed. Retaining walls are proposed to allow for grading changes. Drywells are proposed to infiltrate roof runoff from a portion of the proposed house.

The Applicant would like to remove eight (8) trees to expand the lawn. Instead of installing sixteen (16) trees as required in the Commission's Tree Removal Bylaw, the Applicant is proposing installing eight (8) trees and sixteen (16) shrubs. There is little understory and an abundance of trees on the lot. The shrubs would add another layer of vegetation. The 50-foot and portions of the 25-foot Buffer Zone will be demarcated by six (6) bird boxes with the Commission's placards affixed to them. A pervious paver patio is proposed and a detail is provided. The lawn area will increase by 2,800 square feet.

J. Carter Bernardo explained that the Town Engineer has asked the Commission to begin requiring all new projects that come before the Commission to infiltrate all of the roof runoff. In order to meet that criterion for this project, J. Carter Bernardo calculated the need for six (6) chambers as opposed to the four (4) chambers proposed to infiltrate a portion of the roof runoff.

Tom Kealy of 46 Lehigh Road asked about protecting the stream that flows near the area. D. Simonelli explained the use of erosion and sediment controls to protect the stream. Mr. Kealy replied that the stream flows all year round. M. Varrell suggested that Streamstats analysis documentation be submitted by the Applicant.

Motion to continue the public hearing for 50 Lehigh Road (DEP File #234-777, for the submittal of perennial vs. intermittent stream documentation and a revised plan showing the additional drywells to infiltrate all of the proposed impervious area to March 9, 2017 at 8:45 p.m. by S. Farr, seconded by A. Crocker, approved 7-0-0.

107 FOX HILL ROAD – NOTICE OF INTENT (DEP FILE #234-7XX)

J. Carter Bernardo opened the public hearing at 9:00 p.m.

Ardi Rrapi of Cheney Engineering, Inc. represented the Applicants, the McAllisters. J. Carter Bernardo re-iterated that the Town Engineer is requesting the Commission require the roof runoff for all impervious be infiltrated. A. Rrapi stated that John Rockwood of EcoTec, Inc. delineated the wetlands. A portion of the existing lawn area was delineated as wetland. The proposed project consists of removing the existing porch and deck and constructing an addition and new deck off the rear of the house. The proposed erosion control barrier will be located 26-feet from the wetlands and the stockpile area will be located outside the 100-foot Buffer Zone.

The impervious area will increase by approximately 400 square feet. J. Carter Bernardo asked if the depth to groundwater is known. A. Rrapi stated that it is not known at this point but it would be tested for during construction. If the groundwater is high they can try a different area, propose a rain garden or use a shallow Cultec system. J. Carter Bernardo would prefer they infiltrate. A. Rrapi stated that they may already have drywells for the existing roof runoff. He will know more during construction.

J. Carter Bernardo explained that the Commission will require permanent demarcation of the edge of wetland and since a portion of the wetland is located in the lawn, they will require the Applicants to stop maintaining that area. J. Carter Bernardo suggested a drywell be installed beneath the proposed stockpile for runoff from the garage. J. Carter Bernardo stated it could be conditioned in the Order of Conditions. She stated that an abutter has contacted her about the stormwater issues on the site. A revised plan will be provided based on site conditions found during the excavation. The Commission would prefer the Applicants do not use fertilizer on the site, due to the proximity to the wetland resources.

Motion to close the public hearing for 107 Fox Hill Road (DEP File #234-7XX) by S. Farr, seconded by A. Crocker, approved 7-0-0.

Motion to issue an Order of Conditions for 107 Fox Hill Road (DEP File #234-7XX) by S. Farr, seconded by A. Crocker, approved 7-0-0.

OTHER BUSINESS:

DISCUSSION ITEM – REQUEST FOR WAIVER OF THE WAIVER FEE – 9 ALDEN ROAD (DEP File #234-775)

M. Varrell explained that the Applicant had requested a Waiver of the Waiver Fee for the project at 9 Alden Road. The Commission voted to issue the Permit for the work and voted to accept the Waiver Request at the January 12, 2017 public meeting. The work proposed within the 25-foot Buffer Zone was for minor grading. M. Varrell noted that he had not asked the Commission to vote on the Request to Waive the Waiver Fee at that meeting. M. Varrell recommends the Commission Waive the Waiver Fee.

Motion to Waive the Waiver Fee for 9 Alden Road (DEP File #234-775) by S. Farr, seconded by A. Crocker, approved 7-0-0.

REQUEST FOR CERTIFICATE OF COMPLIANCE – 564 CENTRAL AVENUE (DEP FILE #234-464)

D. Anderson explained this project had been for a demo and re-build. The Applicant requested a Certificate of Compliance several months ago. At that time, Conservation Staff discovered that

the required drywells had not been installed. The Order of Conditions for the project had lapsed. The Commission issued an Enforcement Order requiring the Applicant to install the drywells. The drywells have now been installed and all other requirements satisfied. D. Anderson recommended the Commission issue a full Certificate of Compliance.

Motion to issue a Certificate of Compliance for 564 Central Avenue (DEP File #234-464) by S. Farr, seconded by A. Crocker, approved 7-0-0.

REQUEST FOR PARTIAL CERTIFICATE OF COMPLIANCE – 1332 GREAT PLAIN AVENUE (DEP FILE #234-570)

M. Varrell explained that the Applicant had requested a Certificate of Compliance several months previous. When M. Varrell visited the site he found that the Applicant had removed more vegetation from the Riverfront Area than was permitted. An Enforcement Order was issued requiring the submittal of a Restoration Plan for the Commission's approval. The Plan was approved and the restoration completed. The Applicant is requesting a Partial Certificate of Compliance for the house construction. There is a two-year monitoring requirement for the restoration plantings. M. Varrell recommended the Commission issue a partial Certificate of Compliance.

Motion to issue a Partial Certificate of Compliance for 1332 Great Plain Avenue (DEP File #234-570) by S. Farr, seconded by A. Crocker, approved 7-0-0.

REQUEST FOR CERTIFICATE OF COMPLIANCE – 108 LINDBERGH AVENUE (DEP FILE #234-751)

D. Anderson reported that the site is stabilized and she recommends issuing a Certificate of Compliance. J. Carter Bernardo recalled that an Abutter had issues regarding the proposed drainage and asked if the swale that was installed was satisfactory. M. Deychman replied that the Abutters were pleased with the swale and had no complaints of which he was aware.

Motion to issue a Certificate of Compliance for 108 Lindbergh Avenue (DEP File #234-751) by S. Farr, seconded by A. Crocker, approved 7-0-0.

REQUEST FOR CERTIFICATE OF COMPLIANCE – BABSON COLLEGE (DEP FILE #234-353)

M. Varrell stated that the Applicant had requested that any discussion on the Request be postponed to the next meeting.

REQUEST FOR CERTIFICATE OF COMPLIANCE – BABSON COLLEGE (DEP FILE #234-395)

M. Varrell stated that the Applicant had requested that any discussion on the Request be postponed to the next meeting.

REQUEST FOR CERTIFICATE OF COMPLIANCE – 67 BRIARWOOD CIRCLE (DEP FILE #234-540)

M. Varrell stated that there had been a requirement to demarcate the 50-foot Buffer Zone. The Applicant installed the Conservation Commission “No Disturb” emblems on 4-inch PVC pipes filled with concrete. The only issue was that some of the pipes were installed flush to the ground. Most were installed 8 to 12-inches off the ground and they are visible. He noted that the location of the drywell that was installed was not shown on the As-Built Plan submitted. There was a note in the file that stated the drywell had been installed properly. M. Varrell recommends issuance of a Certificate of Compliance.

Motion to issue a Certificate of Compliance for 67 Briarwood Circle (DEP File #234-540) by S. Farr, seconded by A. Crocker, approved 7-0-0.

COYOTE PRESENTATION – REVIEW

M. Varrell stated that the Coyote Presentation sponsored by the Conservation Commission was very well attended and informative.

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, March 9, 2017 at 7:30 PM in the Public Services Administration Building, Charles River Room.