

**TOWN OF NEEDHAM
CONSERVATION COMMISSION
MEETING MINUTES
Thursday, April 13, 2017**

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

ATTENDING: Sue Barber (7:40 p.m. arrival), Artie Crocker, Peter Oehlkers, Cory Rhoades (7:50 p.m. arrival), Alison Richardson, Matthew Varrell (Director of Conservation), Debbie Anderson (Conservation Specialist)

GUESTS: Andrew Adams, Patrick Caron, Hank Haff, Stephen Herzog, Mel Higgins, Andrew Louw, Riley Lund, Gregory McSweeney, Steven Popper, Mike Richard, Bill Sansone, Susan Shaver, Mike Toohill, Steven Ventresca, Jaime Walker, David Warner

P. Oehlkers opened the public meeting at 7:42 p.m.

MISCELLANEOUS BUSINESS:

MEETING MINUTES:

Motion to approve the Meeting Minutes, as amended, of March 23, 2017 by A. Richardson, seconded by C. Rhoades, approved 4-0-1 A. Crocker abstained.

ENFORCEMENT & VIOLATION UPDATES:

WELLESLEY COUNTRY CLUB

M. Varrell reported that off of Brookside Road is an isolated, locally jurisdictional wetland. On March 29, 2017 he conducted a site visit to determine what work had been done on-site for the golf course expansion. M. Varrell described finding a fairly significant erosion issue causing deposition of sediment into the isolated wetland. He also noted two unpermitted pipes in the 100-foot Buffer Zone. M. Varrell contacted the golf course and was met on-site by several golf course personnel to discuss the issue.

It was apparent to M. Varrell that the golf course management were aware of the issue but failed to report the issue to M. Varrell. With rain in the forecast, M. Varrell advised that erosion controls were to immediately be installed to stop further erosion into the wetland. M. Varrell advised them not to remove any of the sediment before appearing before the Commission. In addition, M. Varrell noted pipes being stored in the 100-foot Buffer Zone.

Mike Toohill of BSC Group and Bill Sansone, Golf Course Superintendent, were present to represent the golf course. M. Toohill stated that he met with golf course personnel on-site and directed the installation of erosion controls. P. Oehlkers inquired as to when this erosion issue was first noticed by golf course personnel. B. Sansone stated that after the snow had melted was when they first noticed the issue and planned to address the issue in-house during the spring.

M. Varrell used published rainfall data to discern which rain event may have caused the majority of the erosion and found March 15th to be the probable date. P. Oehlkers explained that the Commission can fine violators up to \$200/day for each violation until resolution. The March 15th date will be used as the starting date for this calculation, and M. Varrell observed the violation on March 29th which is the end date for the calculation, resulting in a fine of \$2,800. There was

discussion of the unpermitted pipes. M. Varrell suggested that new drainage calculations should be submitted to show what will be done to prevent this from re-occurring. M. Toohill requested that they be allowed to prepare a restoration plan under the Enforcement Order. The Commission agreed and stated the pipes need to be removed as well.

Motion to issue the Wellesley Country Club an Enforcement Order requiring the submittal of a Restoration Plan and revised drainage calculations by April 27th and to issue a fine of \$2,800 for erosion into the wetland by A. Richardson, seconded by S. Barber, approved 5-0-0.

190 EDGEWATER DRIVE

D. Anderson reported that Doug Sherman, the contractor for the project at 190 Edgewater Drive had started work prior to the required pre-construction meeting with Conservation staff. Erosion controls were in place. Mr. Sherman was present and apologized to the Commission for his oversight. D. Anderson stated that while on-site, Mr. Sherman had explained that during a recent storm, a pine tree had uprooted and lay across the construction access road. Mr. Sherman removed the tree and transplanted two trees that would have been removed during construction in its place. P. Oehlkers explained that with first time offenders, the Commission typically issues the violator a warning, as in this case.

170 WHITMAN ROAD

D. Anderson explained that she had been informed about unpermitted tree clearing at this address located on the Charles River. She attempted to make contact with the owner and left a business card with the housekeeper. Having not heard back, she visited the site again and investigated the rear of the parcel for signs of recent tree clearing along the river. Although she did not see very recent evidence of tree cutting, it was obvious that cutting had taken place. There were several areas with logs piled near stumps. In addition, several docks had been placed end to end off the Bank of the river, lumber was placed along the Bank of the river, and a boardwalk was constructed most likely to access an existing boardwalk located further into the wetland. Ownership of this area is in question after review of GIS Maps. The 170 Whitman Road lot does not actually continue all the way to the stream. A pork-chop shaped parcel extends from 140 Whitman Road to the stream. The Commission directed staff to continue following up and report back at a future meeting.

HEARINGS

50 SUNSET ROAD – *continued* NOTICE OF INTENT (DEP FILE #234-779)

P. Oehlkers opened the public hearing at 8:00 p.m.

M. Varrell stated that the hearing had been continued for revised plans including: adding the limits of the 25-foot Buffer Zone; limits of Bordering Land Subject to Flooding; adding contours; and providing drainage calculations. Riley Lund with Goddard Consulting presented the revised plan. The Commission had asked for the roof to be infiltrated, and the revised plan reflects this. They were unable to revise the plan to show the Bordering Land Subject to Flooding limit- however, other documentation showing its location had been provided.

Motion to close the public hearing for 50 Sunset Road (DEP File #234-779) by A. Richardson, seconded by A. Crocker, approved 5-0-0.

Motion to issue the Order of Conditions for 50 Sunset Road (DEP File #234-779) by A. Crocker, seconded by C. Rhoades, approved 5-0-0.

135 MAPLE STREET – continued NOTICE OF INTENT (DEP FILE #234-781)

P. Oehlkers opened the public hearing at 8:05 p.m.

M. Varrell reported that the hearing had been continued for lack of a DEP Filing number and for planting plan revisions. The Applicant, Andrew Adams and the wetlands consultant, Jaime Walker, were in attendance. Jaime Walker presented the planting plan revision. She explained that the Commission had asked the Applicant to increase the number of proposed plantings for the proposed removal of twelve (12) mature hemlock trees. They are proposing to replace them with sixteen (16) trees and sixteen (16) shrubs within the buffer zone and wetland. M. Varrell stated that the plan only indicates one (1) proposed permanent marker to denote the 25-foot Buffer Zone when three (3) markers are needed. M. Varrell noted that this requirement could be a Condition in the Order of Conditions.

Motion to close the public hearing for 135 Maple Street (DEP File #234-781) by A. Richardson, seconded by A. Crocker, approved 5-0-0.

Motion to issue the Order of Conditions for 135 Maple Street (DEP File #234-781) by A. Crocker, seconded by C. Rhoades, approved 5-0-0.

Motion to issue a Waiver for work within the Bordering Vegetated Wetland and 25-foot Buffer Zones by C. Rhoades, seconded by S. Barber, approved 5-0-0.

Motion to issue a Waiver of the Bylaw Waiver Fee by C. Rhoades, seconded by S. Barber, approved 5-0-0.

470 DEDHAM AVENUE (Fuel Facility) – continued NOTICE OF INTENT (DEP FILE #234-778)

P. Oehlkers opened the public hearing at 8:12 p.m.

The consultant from Weston & Sampson, Mike Richards, presented a brief review of the proposed fuel facility project which includes: the removal of three (3) underground storage tanks and existing fuel island; construction of a new fuel island with above-ground storage tanks; demolition of the existing salt shed; and re-paving the area and access drive. The project will include new stormwater controls which will exceed DEP Stormwater Standards. Additional benefits of the proposed project were discussed.

A. Richardson enquired about the proposed detention basin. M. Richards explained the detention basin would be vegetated, with sediment removal from the sediment forebay. P. Oehlkers stated that although J. Carter Bernardo did not review the stormwater calculations, the Commission is satisfied that the design exceeds the statutory requirements.

Motion to close the public hearing for 470 Dedham Avenue (DEP File #234-778) by A. Richardson, seconded by A. Crocker, approved 5-0-0.

Motion to issue the Order of Conditions for 470 Dedham Avenue (DEP File #234-778) by A. Crocker, seconded by S. Barber, approved 5-0-0.

470 DEDHAM AVENUE (UST Removal) – NOTICE OF INTENT (DEP FILE #234-782)

P. Oehlkers opened the public hearing at 8:18 p.m.

Steve Hertzog of Stearns, Foster & Wheeler represented the Town of Needham for the proposed underground storage tank removal project. S. Hertzog explained the proposed project is for the removal of an underground heating oil tank. The tank will be removed, the area backfilled and the area re-paved. The work will take place within the 100-foot Buffer Zone and the 200-foot Riverfront Area to the perennial stream that drains Needham Reservoir. Erosion controls are proposed. A frac tank will be utilized if dewatering becomes necessary.

Motion to close the public hearing for 470 Dedham Avenue (DEP File #234-782) by S. Barber, seconded by A. Crocker, approved 5-0-0.

Motion to issue the Order of Conditions for 470 Dedham Avenue (DEP File #234-782) by A. Crocker, seconded by S. Barber, approved 5-0-0.

O ROSEMARY MEADOW – REQUEST FOR DETERMINATION OF APPLICABILITY

P. Oehlkers opened the public hearing at 8:30 p.m.

Hank Haff of the Town of Needham, Public Facilities Department, Construction Division introduced the members of the project team, David Warner and Andrew Louw of Warner Larson, and Steve Ventresca from Nitsch Engineering. Mr. Haff described the project as a walking trail and outdoor classroom behind the proposed Hillside School. The Notice of Intent for the school project will be filed with the Commission at a later date. H. Haff explained that the project will take place on a 65-acre parcel of “water lands” owned by the Town of Wellesley via a licensing agreement.

The proposed walking trail will culminate at the top of a “knoll” in an upland wooded area where an outdoor classroom with some type of a seating wall is proposed. Andrew Louw, of Warner Larson, described the trail as a four-foot wide stonedust trail. No large trees will be removed; the trail will wind around the existing trees. There are several dead trees that the Town Arborist had determined may constitute a hazard that they are proposing to cut and leave as snags. A trail will wind back down from the knoll. A bridge (to be permitted through the future NOI) will connect the trail over the wetlands from the school.

The details of the licensing agreement with Wellesley were discussed. A. Richardson expressed her concern regarding the slope, erosion and the use of stonedust. The path will need to be handicapped accessible. David Warner stated that the material will be the same that was used at the Eastman School project and has been successful. M. Varrell explained the research that went into choosing this particular material. Andrew Louw stated that access for the construction access would cross over a narrow area of wetlands. Wetlands are to be protected with 4-foot wide plywood boards and straw wattles placed on both sides. The Notice of Intent will include a future restoration of this area.

The work on the trail will be conducted over the summer by the Student Conservation Association, pending approval of funding. The full Notice of Intent for the remainder of the work will be submitted in May.

Motion to close the public hearing for 0 Rosemary Meadow by A. Richardson, seconded by A. Crocker, approved 5-0-0.

Motion to issue a Negative Determination of Applicability for work at 0 Rosemary Meadow by A. Crocker, seconded by C. Rhoades, approved 5-0-0.

138 COUNTRY WAY – continued NOTICE OF INTENT (DEP FILE #234-780)

P. Oehlkers opened the public hearing at 8:50 p.m. D. Simonelli of Field Resources, Inc. presented on behalf of the Applicant. The abutter, Gregory McSweeney was present. G. McSweeney had been concerned about any runoff from the site entering his property. To address this concern, D. Simonelli enlarged the proposed man-made swale that will be used to divert any water flow away from the abutting property.

Other revisions to the plan include: re-locating the boulders to the wetland line where they will be labeled with the Conservation “emblem”; the debris area that is to be removed from the intermittent stream channel has been labeled on the plan; and coir log erosion controls were added to the area where the man-made channel will be filled in.

A. Richardson stated that the proposed swale should work to divert water flow away from the abutting property. The timeline of the project was discussed. D. Simonelli stated that the patio detail was revised based on Commission comments. The planting list was also revised.

Motion to close the public hearing for 138 Country Way (DEP File #234-780) by A. Crocker, seconded by C. Rhoades, approved 5-0-0.

Motion to issue the Order of Conditions for 138 Country Way (DEP File #234-780) by A. Crocker, seconded by C. Rhoades, approved 5-0-0.

Motion to issue a Waiver for work within the Bordering Vegetated Wetland and 25-foot Buffer Zones by C. Rhoades, seconded by S. Barber, approved 5-0-0.

Motion to issue a Waiver of the Bylaw Waiver Fee by A. Crocker, seconded by C. Rhoades, approved 5-0-0.

PERRAULT ROAD – NOTICE OF INTENT (DEP FILE #234-XXX)

P. Oehlkers opened the public hearing at 9:06 p.m. M. Varrell stated that the Applicant had requested a continuance to the April 27, 2017 meeting.

Motion to continue the public hearing for Perrault Road (DEP File #234-XXX), at the request of the Applicant, to April 27, 2017 at 8:00 p.m. by A. Crocker, seconded by A. Richardson, approved 5-0-0.

OTHER BUSINESS:

REQUEST FOR CERTIFICATE OF COMPLIANCE – 159 OXBOW ROAD (DEP FILE #234-756)

M. Varrell reported that the Order of Conditions had required that the Engineer submit test pit information after witnessing the work. This information has still not been received by the Engineer although they have responded via email that they will submit it as soon as possible. The Commission will table the Certificate of Compliance discussion until the April 27, 2017 Conservation Commission Meeting in anticipation of receiving the information from the Engineer.

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 May 11, 2017 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 May 11, 2017 meeting.

REQUEST FOR USE OF RIDGE HILL RESERVATION – COMMUNITY FARM

The president of the Needham Community Farm, Susan Shaver, and Patrick Caron, the Race Director, were present to ask permission to host a Trail Run at Ridge Hill Reservation this upcoming October to benefit the Needham Community Farm. The Commission discussed the state of disrepair that a portion of the trail is in, such as the Esker Trail down to the boardwalk. P. Caron stated it would be a 5K race and the preliminary route does include that portion of the Esker Trail. P. Oehlkers expressed his concern that some of the trails may not be suitable for a group of runners, but more single-file access. The proposed route was discussed. Erosion along the hill connecting the Esker Trail and the boardwalk was discussed. M. Varrell suggested that if they would like to volunteer to work to stabilize the connection by replacing the stairs, it would help them, as well as, the Town.

The number of runners is assumed to be in the range of 150 individuals. Parking constraints were discussed. The sensitivity of the meadow areas at Ridge Hill was discussed and the fact that no cars are allowed on the meadows. Porta-potties would be rented for the runners use. The Commission was generally favorable to the proposed use, but would like them to come back when they have more information regarding the proposed route, potential of repairing the trail connection, parking, number of runners and other logistics. A maximum of 50 parking spaces at Ridge Hill should be considered available for use.

REQUEST FOR USE OF RIDGE HILL RESERVATION – ROBERT WEBB

Mr. Webb was present to ask permission to use his personal aerial drone at Ridge Hill Reservation. He gave a demonstration of how the drone works and how loud it would be. He would like to get photos of Ridge Hill Reservation particularly during the fall when the leaves are changing. Mr. Webb does not intend to use the drone during the spring and summer when it may adversely affect nesting birds and wildlife. The Commission will not allow use of the drone at Ridge Hill from March 15th to August 15th each year.

Motion to allow Robert Webb the use of his drone at Ridge Hill Reservation from August 16th to March 14th each year by A. Crocker, seconded by A. Richardson, approved 5-0-0.

REQUEST FOR CERTIFICATE OF COMPLIANCE – 479 DEDHAM AVENUE (DEP FILE #234-212)

D. Anderson explained that this Request for a Certificate of Compliance is for an old project that was completed years ago. The property is located across from the PSAB Building and is

currently for sale. The project was the installation of rip-rap along a portion of the Bank of Alder Brook, a perennial stream. A stream flows into the main channel and the velocity had been causing erosion of the Bank. The addition of the rip-rap worked as intended. The area is stable, and no issues were noted. D. Anderson recommended the Commission issue a complete Certificate of Compliance.

Motion to issue a Certificate of Compliance for 479 Dedham Avenue (DEP File #234-212) by A. Crocker, seconded by A. Richardson, approved 5-0-0.

DISCUSSION ITEM – ANTI-LITTER FENCING AT TOWN OF NEEDHAM RECYCLING AND TRANSFER STATION

M. Varrell showed the Commission photos of the litter and plastic bags that end up being blown out of the Recycling and Transfer Station (RTS) and into the surrounding woods and wetlands. The RTS is proposing installation of anti-letter fencing in an attempt to alleviate this concern. Once the fencing is installed, RTS staff would periodically remove the accumulated trash from along the fence line. M. Varrell stated that the fence installation would be considered an exempt activity- however, he thought he would bring it to the Commission for discussion. The fencing will be staggered and should not be a barrier to wildlife movement. The Commission voted to allow the installation of the fencing as an exempt activity.

RIDGE HILL RESERVATION – TRIP ADVISOR VOLUNTEERING

P. Oehlkers explained that approximately 20-30 employees of Trip Advisor will be coming to Ridge Hill Reservation on April 21st for three hours to volunteer for projects. M. Varrell will direct them to remove small pine seedlings and invasive buckthorn from the meadows. They will pile what is to be removed, and the forestry department will dispose of it.

Motion to adjourn the meeting by A. Crocker, seconded by S. Barber, approved 5-0-0.

The meeting was adjourned at 10:15 pm.

NEXT PUBLIC MEETING

Thursday, April 27, 2017 at 7:30 PM in Town Hall, Selectmen's Chambers.