

**TOWN OF NEEDHAM  
CONSERVATION COMMISSION  
MEETING MINUTES  
Thursday, May 25, 2017**

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

ATTENDING: Sue Barber, Janet Carter Bernardo, Stephen Farr, Alison Richardson, Debbie Anderson (Conservation Specialist), Matthew Varrell (Director of Conservation)

GUESTS: Patricia Carey, Reg Foster, Hank Haff, Robert Hawes, Rich Kirby, Renee McDonough, Catherine McManus, Bob Place, Ganesh Rao, Mike Retsky, Michele Rogers, Diane Simonelli, Brian Sparrow, Steven Ventresca, David Warner, Wes Wirth

J. Carter Bernardo opened the public meeting at 7:40 p.m.

**MISCELLANEOUS BUSINESS:**

**MEETING MINUTES:**

*Motion to approve the Meeting Minutes, as amended, of April 13, 2017 by A. Richardson, seconded by S. Barber, approved 2-0-2 J. Carter Bernardo and S. Farr abstained.*

**ENFORCEMENT & VIOLATION UPDATES:**

**124 ELDER ROAD**

M. Varrell stated he was contacted via email by the builder, Brian Sparrow, regarding changes he was proposing to the landscaping plan for 124 Elder Road. M. Varrell responded that since B. Sparrow was considering modifications to the landscaping, that M. Varrell expected they would be meeting on-site for the required pre-construction meeting prior to the start of work. M. Varrell then received a phone call from Mr. Sparrow who stated that the project was almost complete. M. Varrell followed up with a site inspection and found the erosion controls in a state of disrepair, although B. Sparrow stated they were installed prior to the start of work.

Mr. Sparrow was in attendance and explained the reason for the violations. He stated that when he had done work requiring Conservation filings in the past, that the Engineering/Land Survey companies had taken the lead. In this case, he was working with Field Resources, Inc. and the process with them had worked differently, and his assumption that certain tasks had been completed was not accurate. He stated that once he met with M. Varrell, he immediately had additional erosion controls repaired and the soil testing completed.

J. Carter Bernardo explained the Commission's frustration with Applicants not reading their Permits thoroughly or at all. She stated that Field Resources, Inc. is often before the Commission and they often request the Commission to condition items they do not put on the plans. The site is stable; however, the Commission discussed the issuance of fines for the violations. M. Varrell stated that he had received an email from D. Simonelli of Field Resources, Inc. that included the email she sent to Mr. Sparrow reminding him to read his Permit thoroughly.

*Motion to issue a fine for five (5) violations at 124 Elder Road (Special Conditions # 8, 9, 10, 11 & 15) at \$200.00/day for a total fine of \$1,000.00 by S. Farr, seconded by A. Richardson, approved 4-0-0.*

## **898 SOUTH STREET**

The violation is to be discussed during the scheduled Hearing.

## **WELLESLEY COUNTRY CLUB**

M. Varrell stated that he had attended the pre-construction site meeting at the Wellesley Country Club and it went well.

## **HEARINGS**

### **33 MALLARD ROAD – NOTICE OF INTENT (DEP FILE #234-7XX)**

J. Carter Bernardo opened the public hearing at 8:03 p.m. J. Carter Bernardo stated that DEP had not yet issued a File Number.

D. Simonelli from Field Resources, Inc. presented the proposed project. She stated that the proposed project included the demolition of the existing house and the construction of a new house located partially within the 200-foot Riverfront Area of Rosemary Brook. The Applicant is proposing to infiltrate the first 1-inch of the stormwater from the entire roof. No trees will need to be removed for the project; however, some pruning is proposed. Some stockpiling is proposed within the 200-foot Riverfront Area during construction.

J. Carter Bernardo stated that there were numerous errors in the filing that made review of the submittal frustrating. It was not clear if the filing was a Notice of Intent or Request for Determination of Applicability, and there were many other errors and inconsistencies in the submission. J. Carter Bernardo requested that D. Simonelli resubmit the filing once she corrects the mistakes on the red-lined version that J. Carter Bernardo provided her. J. Carter Bernardo stated that a Request for Determination of Applicability filing may have been sufficient in this case as the work is located only within the outer 200-foot Riverfront Area and there is a road between the resource areas and the site. M. Varrell stated that any stockpiling should be located outside the dripline of any trees.

***Motion to continue the hearing for 33 Mallard Road (DEP File #234-7XX), for re-submission of a corrected application and issuance of the DEP file number, to June 8, 2017 at 8:00 p.m. by S. Farr, seconded by S. Barber, approved 4-0-0.***

### **898 SOUTH STREET – *continued* NOTICE OF INTENT (DEP FILE #234-785)**

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

The Applicant, Reg Foster, his Landscape Architect, Wes Wirth, and his wetlands consultant, Renee McDonough, were present. J. Carter Bernardo expressed the Commission's frustration that another violation has occurred on the property. She stated that a portion of an intermittent stream located in the horse pasture had been filled in with stone. R. McDonough of Goddard Consulting explained that she was notified by M. Varrell this past Tuesday of the violation and conducted a site visit Wednesday morning. She and her colleague Dan Wells examined the altered area for potential wetland resources. She stated that she and Mr. Wells were in agreement that they do not believe the area would be considered an intermittent stream channel as there was no discernable channel. She stated that, at most, the area may be considered BVW because of the

presence of hydric soils. However, it is their opinion that as the area is maintained grass, it would be considered “disturbed”, and therefore not a resource area. In addition, the Applicant had stated that he had never observed water flowing in this “swale.”

R. McDonough stated that the area in question does tend to puddle after it rains and as the horses walk over this area their hooves get muddy and there is the potential for injury. The owner decided that filling this “swale” with stone would be a more long-term solution to the problem than their current management strategy of re-seeding the area. They calculate that there is perhaps a 200 square foot BVW alteration. M. Varrell stated that he has visited the site with A. Richardson and they found the swale to continue and potentially connect two BVW areas. He added that the entire area is located within the 100-year Floodplain. R. Foster stated that his intent was to create a safe crossing area for his horses. J. Carter Bernardo stated that she believed if the fields were no longer maintained, the areas of wetland vegetation would expand. J. Carter Bernardo stated that mitigation for wetland/BLSF filling should be rolled into the current filing if the stone is to remain. M. Varrell asked that a soil profile in the area of the gravel deposition should be submitted. If photos can be produced showing the area filled with gravel from several years ago, the Commission may allow it.

R. McDonough updated the Commission on the additional materials they had requested, although not yet submitted for review. A draft Invasive Species Management Plan has been completed. Additional flags were installed upgradient of the GLM Engineering flags and a wetland border report completed. The required Waiver Request and a Wildlife Habitat Assessment and Stream Crossing Standards analysis have been prepared. The Ecological Restoration material and designation will be removed from the filing. The proposed bridge will be located outside of the Bank resource after revisions to the plan.

W. Wirth stated that the Site Plan has been revised to show the revised wetland line and Buffer Zones. J. Carter Bernardo pointed out that in some areas the erosion control line is shown within the wetland. W. Worth will correct the plan. Portions of the lawn within the wetland and Buffer Zone are to be removed and planted with native vegetation. A bridge diagram has been added to the plan. Proposed stepping stones in the area of the bridge will take up approximately 40 square feet of impervious area. J. Carter Bernardo asked for calculations of the total mitigation divided into two (2) categories within the Buffer Zone and outside the Buffer Zone. The crabapple tree to be removed for the service entrance was discussed. J. Carter Bernardo is not comfortable with the service entrance as it is located close to BVW. W. Wirth discussed a meeting he attended with several people from various town departments. The trees proposed for removal are okay as long as they are replaced within the right-of-way.

M. Varrell stated that they had discussed separating the vegetation proposed for removal into categories consisting of: hazard trees; invasive species; and crabapples removed for access, so proper mitigation can be calculated. He noted that any woody debris on the ground in the area of the proposed path needs to be preserved for habitat. They intend to stake out the trail for review prior to any work taking place. J. Carter Bernardo stated that no vegetation shall be cut prior to inspection and approval by Conservation staff. J. Carter Bernardo stated that the proposed service entrance located within the 25-foot Buffer Zone is a cause for concern and they asked the Applicant to consider removing it from the plan. W. Wirth stated that the stormwater calculations are not completed at this time; however, the grading was revised. J. Carter Bernardo stated pervious or porous pavement would be preferred over traditional pavement. W. Wirth stated that the proposed 6-foot high wooden fence has been changed to a 4-foot high gravity

stone wall with wildlife openings sized 2-feet by 1-foot in the base of the wall. M. Varrell would like to see justification of the sizing and frequency of the openings. A. Richardson has no issues with the proposed plant list.

***Motion to continue the public hearing for 898 South Street (DEP File #234-785), for additional information and plan revisions, to June 8, 2017 at 8:15 p.m. by S. Farr, seconded by A. Richardson, approved 4-0-0.***

### **HILLSIDE SCHOOL AT CENTRAL AVENUE – NOTICE OF INTENT (DEP FILE #234-787)**

J. Carter Bernardo opened the public hearing at 9:11 p.m. S. Farr recused himself from the Hearing.

Hank Haff of the Town of Needham, Public Facilities, Construction Division, asked the permitting “team” to introduce themselves including: Steve Ventresca and Catherine McManus of Nitsch Engineering; Michelle Rogers of Dore & Whittier Architects; Rich Kirby from LEC Environmental; and David Warner, Landscape Architect.

H. Haff stated that the walking trails proposed to access the knoll area have already been approved by the Conservation Commission through the RDA process. Steve Ventresca gave an overview of the proposed school project including the existing conditions plan. He explained the submission of a LOMA plan to get the Floodplain line adjusted. The Notice of Intent was filed for the Hillside School and Field Trail phases of the project. The wetland lines were approved as part of the Notice of Intent filing for the demolition of the existing buildings. The erosion control plan consists of the existing 12-inch compost socks from the demolition and additional controls consisting of silt fence and straw bales in certain areas per M. Varrell.

The Applicant’s consultant described the proposed stormwater management system, including the Stormwater Buffer Zone catch basin system. There was discussion about this new type of system. A clamshell or vac truck could be used to clean the catch basins. A compensatory flood storage plan was presented. The challenge of snow storage on-site was discussed. The Commission stated snow must be stored outside the 50-foot Buffer Zone and any areas of BLSF.

The proposed trail system around the existing farm pond was discussed. All the 25-foot Buffer Zone in the trail area will be restored after construction. The trail has been removed from the 25-foot Buffer Zone at the rear of the playing field. David Warner showed the location of the proposed chain-link fence that will be added to the plan to separate the play area from the field. A permeable aggregate stone path material is proposed in most areas. The same material had been used for the Eastman project. The role of the Town of Wellesley in the permitting process was discussed. The proposed playing field will be comprised of completely permeable turf with an underdrain system. The stream crossing area details were discussed.

Rich Kirby described the proposed farm pond enhancement plan. He stated that the pond does connect to Bordering Vegetated Wetlands, and they intend to improve wildlife habitat value through this project. The pond was created for irrigation and as a wash-out for the turkey barn through a corrugated pipe. There is a thick muck layer once you move a few feet from the edge. They plan to dredge the pond and make the elevation safe for children (3-4 feet deep) and deep enough to keep out cattails. A shallow shelf will be created around most of the pond through the use of boulders as the wall is nearly vertical presently. They will pull the grade back, creating

additional BVW. M. Varrell asked if there is an opportunity to add a log for turtles to bask. R. Kirby stated that he planned to add sunning rocks and logs to the plan. A. Richardson suggested adding a shrub for birdlife. A part of the O & M Plan will address maintaining the pond and to keep invasives out.

The Buffer Zone Restoration Area was discussed. Three trees are proposed for removal for the project. They are proposing installation of fourteen (14) trees for mitigation. Pennsylvania Sedge is proposed within the outdoor classroom area. The children will be sitting on natural wood “benches” in that area. Certain areas will be left to go natural but will be mowed once a year. Shade will be provided over the playground with installation of trees.

M. Varrell stated that the Application Summary was provided to Hank Haff for their reference. J. Carter Bernardo asked for details about the discharge outlets and erosion potential. The Commission plans to conduct a site visit and expects any new information to be submitted by June 12, 2017.

***Motion to continue the public hearing for the Hillside School at Central Avenue (DEP File #234-787) for additional information to June 22, 2017 at 7:45 p.m. by S. Barber, seconded by A. Richardson, approved 3-0-1, S. Farr recused.***

#### **OTHER BUSINESS:**

#### **REQUEST FOR A MINOR MODIFICATION – 0 ROSEMARY STREET (ROSEMARY RECREATION FACILITY: DEP FILE #234-764)**

Mike Retsky of the Town of Needham Public Facilities, Construction Division, discussed the proposed modification to the plans for the Rosemary Pool project. He explained that the original plan called for the use of a Porta-Dam system while work was being done to re-construct the Rosemary Pool within Rosemary Lake. The consultant from Porta-Dam had visited the site and through the use of probes, discovered that an unstable silty substrate in certain areas where the Port-Dam would be installed made it impossible to use the Porta-Dam system.

The contractor is now proposing the use of a water barrier dam. It is filled with the water that is pumped from between the existing coffer dam and the water barrier dam. They are double-bladder bags installed by hand. No sand bags are needed, and the water barrier dam footprint is not as wide as the Porta-Dam would have been, creating less disturbance overall. The project’s Environmental Consultant, Mary Rimmer, contacted Rachael Freed at DEP to discuss the modification. M. Retsky stated that he received a confirmation email from Ms. Freed that she had no issues with the change. The Army Corps of Engineers was also contacted and had no issues with the design change.

The Commission found the use of the water barrier dam to be an improvement over the Porta-Dam system. M. Varrell asked whether the bags were decontaminated between uses. M. Retsky stated that the bags are purchased new, not rented, so there is no chance for cross contamination between sites.

***Motion to approve a minor modification to the plans for 0 Rosemary Street (Rosemary Recreation Facility DEP File #234-764) by S. Farr, seconded by S. Barber, approved 5-0-0.***

## **PERRAULT ROAD – WAIVER ACCEPTANCE VOTE**

M. Varrell explained that there was no vote taken at the previous meeting regarding the Waiver Request for work in the 25-foot Buffer Zone and the Waiver of the Waiver Fee request.

*Motion to issue a Waiver for work within the 25-foot Buffer Zone by S. Farr, seconded by S. Barber, approved 3-0-1. A. Richardson abstained.*

*Motion to issue a Waiver of the Bylaw Waiver Fee by S. Farr, seconded by S. Barber, approved 3-0-1. A. Richardson abstained.*

*Motion to adjourn the meeting by S. Farr, seconded by S. Barber, approved 4-0-0.*

*The meeting was adjourned at 10:30 pm.*

## **NEXT PUBLIC MEETING**

*Thursday, June 8, 2017 at 7:30 PM in the PSAB located at 500 Dedham Avenue, Charles River Room.*