

**TOWN OF NEEDHAM
CONSERVATION COMMISSION
MEETING MINUTES
Thursday, October 12, 2017**

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

ATTENDING: Sue Barber, Stephen Farr, Bill Murphy, Peter Oehlkers, Alison Richardson, Debbie Anderson (Conservation Specialist), Kathryn Copley (minutes)

ABSENT: Janet Carter Bernardo, Artie Crocker

GUESTS: Kristen Capodilupo, Larry Capodilupo, Jeff Castellani, Matt Guarrera, Amy Gworek, Ron Lopez, Stephen Oler, John Rockwood, Larni Rosenlev, Richard Rosenlev, Chris Seariac, Diane Simonelli, Jack Sullivan, Jason Tuchin, Emily Walsh, Susan Whalen, a potential buyer for 111 Chestnut Street (name illegible).

P. Oehlkers (Acting Chair) opened the public meeting at 7:30 p.m.

MEETING MINUTES:

Approval of the minutes from the September 14 and September 28 will be tabled until the next meeting on October 26, 2017.

ENFORCEMENT AND VIOLATION UPDATES:

55 BRIARWOOD CIRCLE

John Rockwood from EcoTec represented the homeowner. The restoration plan has been implemented as per the Conservation Commissions request at the last meeting. Two and a half piles of debris still need to be removed. The home owner will have her son drag the debris up the hill. The invasive species were removed. Sixty plants and 200 plugs were planted. Shrubs were planted and mulched. The woody debris has been moved up the hill. The leaves were blown up the hill. A Notice of Intent will be filed for the wall as soon as the survey plan has been received.

1546 GREAT PLAIN AVENUE

John Rockwood from EcoTec represented the homeowner Richard Feeley and updated the Commission on the progress. A driveway contractor pushed soil about 60 feet into the abutting property and into wetlands. He is proposing an interim stabilization plan for the area to be stabilized until the spring when the work can continue. The proposal includes placing a compost sock at orange flags around the 71' x 40' piece of exposed area and mulch with straw until a Notice of Intent can be filed. The Notice of Intent will need to be signed by the homeowner and the abutter because work will need to be done on both properties.

J. Rockwood would like approval from the Commission to implement the proposed interim plan. The Commission had no issues with the proposed interim plan.

HEARINGS

SOUTHFIELD COURT POND - NOTICE OF INTENT (DEP FILE #234-7XX)

P. Oehklers opened the 7:45 p.m. public hearing.

Jeff Castellani and Emily Walsh of SOLitude Lake Management represented the Applicant. The DEP File # number has not been issued yet and the hearing will be continued.

A Certificate of Compliance is also being sought for the property. The Commission had some discussion of past aquatic control efforts. The Mass Department of Conservation and Recreation notified the predecessor of SOLitude Lake Management to control the parrot feather in the retention pond. J. Castellani indicated the parrot feather has been controlled and eradicated. They also did some hydro raking in order to remove build up organic material. Now there is algae bloom and duckweed covering the pond preventing native vegetation to grow. This will be covered in the Notice of Intent. They are putting together a management plan that uses a minimal amount of herbicide to control the algae bloom and duckweed.

The Notice of Intent is asking for the approval of the use several herbicides to control plant growth and maintain water quality control and minimize organic matter buildup. The company would like a variety of herbicides to be approved so that they have more options. It is desirable to control the spread of the cattails. A. Richardson indicated that preventing runoff of fertilizers from the grass would be beneficial; the Commission ideally should not just react to the problem it may be creating. This should be part of the management plan.

Stephen Oler a resident of Southfield Court noted that three years ago the pond was deeper and in good shape. The pond has a dam that has developed cracks in the foundation and water is leaking out of the pond making it more shallow than it used to be. This may be the change that has caused the current problems. E. Walsh reported that currently the aerator is not operational as it keeps getting clogged by the duck weed.

SOLitude will find out if fertilizer is being used to understand where the nutrients are coming from and look at the dam's condition.

Motion to continue the public hearing for Southfield Court Pond (DEP File #234-7XX) to October 26, 2017 at 9:00 pm by S. Farr, seconded by B. Murphy, approved 5-0-0.

SABRINA LAKE AQUATIC CONTROL- REQUEST FOR AMENDED ORDER OF CONDITIONS (DEP FILE #234-529)

P. Oehklers opened the 8:00 p.m. public hearing at 8:05 PM.

Jeff Castellani and Emily Walsh of SOLitude Lake Management represented the Applicant. Sabrina Lake is a very shallow water body. The company has been managing the lake since the early 1990's. Hydro-raking was permitted on the previous Orders of Conditions to remove leaf litter and organic matter at times.

Sabrina Lake is partially in Wellesley. SOLitude Lake Management will be requesting the use of hydro raking in Wellesley also.

It was noted that the order expires next year on June 19, 2018.

Motion to close the hearing for Sabrina Lake Aquatic Control by S. Farr, seconded by S. Barber, approved 5-0-0.

Motion to issue the Amended Order of Conditions for Sabrina Lake Aquatic Control (DEP FILE #234-529) by S. Farr, seconded by S. Barber, approved 5-0-0.

294-296 WEST STREET- REQUEST FOR DETERMINATION OF APPLICABILITY

P. Oehklers opened the 8:15 p.m. public hearing.

Jack Sullivan from Design Engineers is representing the homeowner Ron Lopez of North Shore Residential Development. The owner is proposing to demolish the existing house which is outside of the 100-foot buffer zone and build a two-family home. The property is across the street from a wetlands area. Norse Environmental was hired to flag the wetlands. There is a small portion of one of the paved driveways that will be in the 100-foot buffer zone. There is a 36" red maple tree right they are looking to remove at the 100-foot buffer zone and to mitigate they are proposing to plant three 3" caliper red maple trees along the site frontage. For demolition erosion control they are proposing 12" compost socks and a silt sack in catch basin.

Motion to close the hearing for 294-296 West Street by S. Farr, seconded by S. Barber, approved 5-0-0.

Motion to issue a Negative Determination of Applicability for 294-296 West Street by S. Farr, seconded by S. Barber, approved 5-0-0.

766 CHESTNUT STREET – ABBREVIATED NOTICE OF RESOURCE AREA DELINEATION (DEP FILE #234-794)

P. Oehklers opened the 8:30 PM public hearing.

D. Simonelli of Field Resources, Inc. represented the Applicant. The resource area shown on the plan is the same line that had been approved in a previous filing. The previous Order of Conditions has expired. The homeowner has gone into a nursing home and the family is putting the house on the market. They would like to be able to identify the wetlands area to potential buyers. D. Anderson walked the site and conditions have not changed.

Motion to close the hearing for 766 Chestnut Street by S. Farr, seconded by S. Barber, approved 5-0-0.

Motion to approve the Order of Resource Area Delineation for 766 Chestnut Street (766 Chestnut Street DEP File #234-794) by S. Farr, seconded by S. Barber, approved 5-0-0.

0 ROSEMARY STREET – *Continued* NOTICE OF INTENT (DEP FILE #234-793)

P. Oehklers opened the 8:45 p.m. public hearing. No further information has been submitted and a continuance was requested.

Motion to continue the public hearing for 0 Rosemary Street (DEP File #234-793) to October 26, 2017 at 8:30 pm by S. Farr, seconded by S. Barber, approved 5-0-0.

159 MARKED TREE ROAD – *Continued* NOTICE OF INTENT (DEP FILE #234-791)

P. Oehklers opened the 9:00 p.m. public hearing.

D. Simonelli of Field Resources, Inc. represented the Applicant. A revised plan was submitted yesterday that showed the proposed changes suggested by the Commission. An email requesting comment was sent to abutters however nothing had been received. Larger plants were substituted for smaller ones. The proposed edge of lawn is now shown on the drawings. A portion is along the fifty-foot buffer zone and then around the regraded area. Lawn can be placed within the 100-foot to 50-foot buffer zones as permitted by the State regulations.

Several abutters have voiced their concerns about losing their privacy. The builder is willing to sell portions of the property to these abutters in order to preserve their privacy. The abutters had proposed that the Town purchase some of this land however because the land has no access and is isolated this option was against Town policy.

A letter was received from abutters Larni and Richard Rosenlev of 54 Perry Drive. The letter was read into the record. They are requesting the hearing be continued until abutter can review the updated plans. They were concerned that they had not seen the updated plans. Several concerns were expressed regarding loss of wildlife habitat, fertilizer runoff, potential flooding of abutting property and loss of privacy.

It was noted that it is the abutter's responsibility to come into the Conservation office to view the submitted plans on file. It is not the responsibility of the property owner to send out plans to abutters. In this case the builder verbally told abutters he would share the plans. Abutters K. & L. Capodilupo from 19 Colonial Road reported that they have not received an updated plan as they were expecting.

The Commission requested that a final plan be submitted with the grading contours clarified.

Motion to continue the public hearing for 159 Marked Tree Road (DEP FILE #234-791) to October 26, 2017 at 9:00 p.m. by S. Farr, seconded by S. Barber, approved 5-0-0.

OTHER BUSINESS

81 CHARLES RIVER STREET – INFORMAL DISCUSSION

John Rockwood from EcoTec represented the homeowner Tobin Kelly. There was an Order of Conditions issued in 2012 for expansion of the yard, installing a deck, moving a shed, driveway work and installing an infiltration system. The work was done except for the deck. The mitigation area was planted. J. Rockwood inspected the mitigation area and determined that it is about 20% effective. The invasive species need to be treated again. The area needs to be replanted completely and monitored for two years. The Kellys are willing to do all of this.

The homeowner wants to install the deck and add an addition. The proposed addition is outside of the 100-foot buffer zone. The deck is 86 feet away from the wetlands. J. Rockwood is proposing that an As-Built be requested from the surveyor for the work that was done and request a partial Certificate of Completion excluding the mitigation work. The deck approved in the prior Order was never constructed.

REQUEST FOR CERTIFICATE OF COMPLIANCE - SOUTHFIELD COURT POND (DEP FILE #234-584)

It has come to the attention of the Commission that an aerator is now in the pond. It is unclear when it was installed and by whom. A former Order of Conditions issued in 2014 specifically states that use of an aerator is not allowed unless a Notice of Intent is filed. This was not done. The Commission cannot issue the Certificate of Compliance until this is resolved. The management company may have installed it. Discussion of the Certificate of Compliance Request will be continued to the next meeting and the Commission would like more information on the background and effect of the aerator. It was noted that aeration can help create healthy conditions in a pond.

REQUEST FOR CERTIFICATE OF COMPLIANCE - 914 CHARLES RIVER ST. (DEP FILE #234-730)

Chris Seariac, Water & Sewer Superintendent for the Town is seeking a Certificate of Compliance for the Well #3 project. Matt Varrell walked the site with Weston & Sampson Engineers and saw no issues. D. Anderson confirmed this as well.

Motion to issue the Certificate of Compliance for 914 Charles River Street (DEP FILE #234-730) by S. Farr, seconded by A. Richardson, approved 5-0-0.

REQUEST FOR CERTIFICATE OF COMPLIANCE- 190 EDGEWATER DRIVE (DEP FILE #234-702)

D. Anderson reported that the site is stable. The contractor attended the meeting and indicated that he had finished the project without the planned patio. He removed the compost sock. When the Conservation Department received the request for a Certificate of Compliance D. Anderson went to see the site and found that a landscaper had dumped loam in the erosion control and the flood plain and changed the grade. The Certificate of Compliance was not approved and since then the landscaper has removed the loam from the flood plain and restored the swale. D. Anderson reported that an As-Built plan has been received and the landscaping is back to grade.

Motion to issue the Certificate of Compliance for 190 Edgewater Drive (DEP FILE #234-702) by S. Farr, seconded by S. Barber, approved 5-0-0.

REQUEST FOR CERTIFICATE OF COMPLIANCE - 50 SUNSET ROAD (DEP FILE # 234-779)

D. Anderson reported that she made a site visit and there are no issues. The plan previously submitted was unclear whether the work had been done. The As-Built plan has been resubmitted showing the work has been completed.

Motion to issue the Certificate of Compliance for 50 Sunset Road (DEP FILE #234-779) by S. Farr, seconded by S. Barber, approved 5-0-0.

REQUEST FOR MINOR MODIFICATION - NEEDHAM ACCESSIBLE RESERVOIR TRAIL (DEP FILE #234-761)

An email was received from Patty Carey (copied to Matt Varrell) indicating that the contractor hit ledge while trying to install helical piles and they are now looking to drill rebar into the bedrock and add bracings and concrete piers on which to rest the boardwalk. In order to dewater the area for installation of the concrete piers a cofferdam will be installed and remain in place for approximately one month.

This method has more of an impact on the reservoir. Concern was expressed for water quality. It was felt that more information would be needed on the proposed work.

The Commission discussed approving the minor modification request is contingent upon submittal of additional information and review by Matt Varrell.

Motion to issue a Minor Modification for the Needham Accessible Reservoir Trail contingent upon review and comment by Matt Varrell and additional information provided to the Commission thru D. Anderson on the proposed method by S. Farr, seconded by A. Richardson, approved 5-0-0.

CULVERT BLOCKAGE ON RIDGE HILL TRAIL AT RIDGE HILL RESERVATION

D. Anderson reported that she had been notified by a member of the Wellesley Trails Committee that a portion of Beard Trail had washed away. Two to three yards of material had washed out a culvert. The brush and trees blocking the culvert were removed and placed on the bank. They are proposing to replace the washed out material with gravel and rocks to restore what had been there. The Commission indicated that they had no objection to the proposal.

ADJOURN:

Motion to adjourn by S. Farr, seconded by B. Murphy, approved 5-0-0. The meeting was adjourned at 9:22 p.m.

NEXT PUBLIC MEETING:

October 26, 2017 at 7:30 p.m. in the Public Services Administration Building, Charles River Room.