

**TOWN OF NEEDHAM  
CONSERVATION COMMISSION  
MEETING MINUTES  
Thursday, October 26, 2017**

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

ATTENDING: Janet Carter Bernardo, Sue Barber, Artie Crocker, Stephen Farr, Bill Murphy, Alison Richardson, Debbie Anderson (Conservation Specialist), Kathryn Copley (minutes)

GUESTS: Will Biedron, Patricia Carey, Ted Ciaric, Tony DelGaizo, Craig Ellis, Joseph Freeman, Steve Gentile, Hank Haff, David Kelly, James Lacasse, Don Mavor, Barry Noone, Steven Popper, Bryan Ricciardelli, Bruce Ricciardelli, Mike Richard, John Rockwood, Richard Rosenlev, Ardi Rrapi, Mary Trudeau, Susan Whalen

J. Bernardo (chair) opened the public meeting at 7:35 p.m.

**MEETING MINUTES:**

Approval of the minutes from the September 14, September 28 and October 16 will be tabled until the next meeting on November 9, 2017.

**ENFORCEMENT AND VIOLATION UPDATES:**

**55 BRIARWOOD CIRCLE**

John Rockwood from EcoTec represented the homeowner. He had four photos taken after the recent rain storm that showed erosion controls installed and working as intended. The two and a half piles of debris will be removed over the Thanksgiving weekend.

**1546 GREAT PLAIN AVENUE**

John Rockwood from EcoTec represented the homeowner Richard Feeley. He provided documentation updating the Commission on the restoration. The Notice of Intent will be filed after a surveyor can be hired to get a plan.

**HEARINGS:**

**456 CHESTNUT STREET – *Continued* NOTICE OF INTENT (DEP FILE #234-792)**

J. Bernardo opened the public hearing at 7:45 p.m. Mary Trudeau attended representing Barry Noone the property owner.

A professional engineer, Scott Henderson, was hired to do test pits on the property and determine whether infiltration chambers would be feasible on the lot. Applicant intends to infiltrate the first one inch of roof runoff.

A site plan was submitted today showing the proposed house and the proposed erosion control barriers. There are two phases proposed. Because the majority of the existing driveway will be used during construction the first phase places the erosion control barriers at the river bank. The owner was asked to place the erosion control at two feet off the edge of the driveway and then after the driveway has been removed move the erosion control further up the property.

The owner is requesting a waiver to do work within the 25-foot buffer zone because the owner will need to go into the buffer zone to eventually remove the existing driveway and install the restoration plantings. M. Trudeau submitted a waiver request letter to D. Anderson. The plan will be improving the buffer zone as a whole due to the removal of about 1,300 square feet of impervious cover of the bituminous concrete driveway from the 25-foot buffer zone. There will be no plantings within five feet of the river bank.

The Commission asked for a construction schedule detailing the order of steps such as pre-construction meeting, demolition of house, installation of erosion control, foundation excavation, etc.

The Commission expressed concern that the surface over the infiltration chamber should have more than 12" of soil above it detailed in the plan.

M. Trudeau suggested installing Feno Markers marking the 25-foot buffer zone to alert future homeowners where this zone is. This particular marker has anchors that prevent it from being easily removed.

The proposed plants are appropriate for the area. The house will have to maintain more than 26 feet from the edge of the wetlands. Four markers will be placed on the edge of the 25-foot buffer zone, and a construction schedule must be submitted by Monday, October 30<sup>th</sup>. The installation of the infiltration chamber needs to be witnessed by an engineer.

No grass is to be planted within the 25-foot buffer zone. Additional shrubs to be planted within the 25-foot buffer zone will be added bringing the quantity up to 24 shrubs from the approved list.

***Motion to close the public hearing for 456 Chestnut Street (DEP File #234-792) by S. Farr, seconded by S. Barber, approved 6-0-0.***

#### **44 ELDER ROAD – REQUEST FOR DETERMINATION OF APPLICABILITY**

J. Bernardo opened the public hearing at 8:00 p.m. Bruce Ricciardelli of Ricciardelli Construction attended the meeting. The applicant is looking for an approval to demolish the house at 44 Elder Road. They are not planning to demolish the existing shed.

***Motion to close the public hearing for 44 Elder Road by S. Farr, seconded by S. Barber, approved 6-0-0.***

***Motion to issue the Negative Determination of Applicability for 44 Elder Road by S. Farr, seconded by A. Crocker, approved 6-0-0.***

**61 PHEASANT LANDING - NOTICE OF INTENT (DEP FILE #234-7XX)**

J. Bernardo opened the 8:15 p.m. public hearing. John Rockwood from EcoTec represented the homeowner and applicant, Ted Clark.

There is an area of bordering vegetative plants in the center of the property. There is a water course easement which is a Conservation Restriction within the central portion of the property. Part of the existing deck protrudes into the Conservation Restriction and where there is also a small retaining wall. The applicant is proposing to remove all structures out of the Conservation Restriction and out of the easement. The existing deck will be torn down, the retaining wall will be removed and the area will be lightly graded by hand. The new deck on piers will be configured to avoid the conservation area. There will be a small connection to a proposed screened porch on the end of the house completely outside the 25-foot buffer zone. The screened porch is within an area of the existing deck, existing lawn and existing landscaping. The plan includes infiltration of one inch of roof runoff of the screened porch. The applicant proposes to re-naturalize the landscaped area with native shrubs within the 25-foot buffer zone near the property line. No trees will be taken down.

A new electrical connection to the house is being proposed. The homeowner would like to put an electrical charging port in the garage for an electric vehicle. The existing service would be moved and additional service installed.

The existing driveway will be removed, reduced in size and repaved. An infiltration trench off the foot of the driveway is being proposed. The applicant also proposes test pits during the driveway construction and will modify the plan if necessary. The driveway is being redone because the existing driveway is in poor condition and is partly on the abutter's property. There will be a net decrease of two square feet of impervious material. A rear concrete walkway will be removed and replaced with asphalt. The front walkway will be removed and replaced with bluestone walkway.

The applicant has requested a waiver to work in the 25-foot buffer and a waiver of the waiver fee.

***Motion to close the public hearing for 61 Pheasant Landing (DEP FILE #234-7XX) by S. Farr, seconded by A. Crocker, approved 6-0-0.***

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

J. Bernardo opened the 8:30 p.m. public hearing. Joseph Freeman of Beta Group gave an update. The access to the lake has been modified. A bank restoration plan has been submitted. The two-

road access has been reduced to a one ramp access in and out of the lake. The width has been reduced. The restoration area is a maximum estimate of 65 feet long. This includes the ramp and the wood timbers that will need to be replaced. It may end up being less than 60 feet long. The tree will remain and the stair will be replaced with precast concrete stairs.

They looked at the impact to Bordering Land Subject to Flooding. The 100-year flood elevation mark was used. They don't believe the ramp would pose a significant impact on the flow or storage in the lake. Craig Ellis of BETA Group indicated the project is anticipated to last eight months. BETA Group has responded to comments to the initial NOI about the project and given them to the Conservation Commission. Susan Whalen an abutter, indicated that they have not yet seen these responses. S. Whalen was given a copy of the responses. The Commission would like to have the feedback to the responses. It was confirmed that after this dredging project is complete that there are no plans to draw down the water level of the lake again.

Matt Varrell made several comments on the submittal and after listening to the last presentation of the project. He had concerns about wildlife issues. It is necessary to understand exactly the dewatering plan and the wildlife refuge depression area plan and have it outlined for the contractor, instead of deferring it to the contractor to address them. The plan was in the NOI and was in the final EIR as well. It will be indicated in the specifications and will be complied with.

The Commission determined that a SWIP will be required because the project will include earth excavation and land disturbance and will discharge to a water body. It will need to be submitted to the Conservation Office a minimum of 14 days prior to any land disturbance. The contractor will be responsible for preparing the documents and the Town would be one of the applicants as well. That will be included in the contract documents.

M. Varrell asked if a qualified biologist would be on hand to monitor the wildlife such as fish, amphibians and lizards on the site to relocate them. BETA indicated that this will be included. Guidelines will be included in the specifications for the contractor. The Commission would like the contractor to submit details on the depression by the outlet from the qualified biologist before the work begins.

M. Varrell also inquired whether Massachusetts Wildlife will be asked to restock the lake after the work is completed. Patty Carey indicated that they could be asked if it might be possible for them to stock the reservoir on Dedham Avenue and Rosemary Lake in the spring after the dredging project is complete.

A portion of the existing wooden board steps will remain as they are. The portion that is going to be removed to allow access to the lake bed will be replaced with 8-foot precast concrete steps with a wooden railing and the bank will be restored. The Commission asked for more detail for the replacement of the steps and the disturbed parking lot.

BETA Group was asked to investigate whether railings would be needed or whether the area would have to be handicapped accessible.

BETA has not yet applied for the water quality certification from DEP and U.S. Army Corps. The Commission is looking for more detail on the access area before, during and after the work, and the information can be included in the contract documents. Matt Varrell's comments will be forwarded to BETA.

The hearing will be continued.

***Motion to continue the public hearing for 0 Rosemary Street (DEP File #234-793) to November 9, 2017 at 8:00 pm by S. Farr, seconded by S. Barber, approved 6-0-0.***

#### **1407 CENTRAL AVENUE – REQUEST FOR DETERMINATION OF APPLICABILITY**

J. Bernardo opened the public hearing at 9:04 p.m. Mike Richard from Weston & Sampson presented. The purpose of the RDA is for limited tree clearing on the access path to access and conduct a series of test pits to determine the amount of overburden to bedrock as well as determine the subsurface soil conditions. This is right next to the Town's RTS facility and the entrance to the area is off the RTS entrance driveway. A mini tract excavator will be used. In order to access the test pit locations, 1 small diameter tree and 13 saplings need to come down. The wetland flags are visible. The site was walked with Matt Varrell and D. Anderson. The test pit sites have been staked in the field. The Town's workers will do the work. The site was walked with the equipment operator, Kevin Naughton, from Parks & Forestry. This is being done to gather information for locating the proposed Central Avenue Seasonal Storage Facility.

***Motion to close the public hearing for 1407 Central Avenue by S. Farr, seconded by A. Crocker, approved 6-0-0.***

***Motion to issue the Negative Determination of Applicability for 1407 Central Avenue by S. Farr, seconded by A. Crocker, approved 6-0-0.***

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

J. Bernardo opened the public hearing at 9:15 pm. The applicant has asked to continue the hearing.

***Motion to continue the public hearing for 159 Marked Tree Road (DEP File #234-793) to November 9, 2017 at 8:15 pm by S. Farr, seconded by A. Crocker, approved 6-0-0.***

D. Anderson received a report that machinery was at 159 Marked Tree Road down by the erosion control removing the debris. Field Resources was contacted and they went to the site. The machine took down a Norway maple tree and some ground vegetation. Field Resources submitted a plan to replace the tree with two others. Some of the neighbors are in discussion with the owner about the possibility of purchasing some of the forested area.

#### **SOUTHFIELD COURT POND – *Continued* NOTICE OF INTENT (DEP FILE #234-791)**

Going forward SOLitude Lake Management is proposing monitoring of the pond starting next year and treatments if needed. The proposal includes bi-weekly visits to do surveys. The main problem was parrot feather, filamentous algae and microscopic algae which was eradicated. The treatment was stopped for two years. However upon visiting the site this year they found filamentous algae coverage was 100%, duckweed is present and pickerel weed is growing on the edges.

There is also a dam issue. SOLitude Lake Management has been in communication with GZA GeoEnvironmental Inc. They are an environmental firm that repairs dams. The water level is lower than it was supposed to be. There are four landowners that abut the pond. Lawn clippings and fertilizer are going into the pond.

One of the Trustees was giving the contact information for GZA and is in communication with them. A meeting on site to review the situation is planned. If repair work on the dam is proposed it will be filed separately. Work on the dam should be done first.

SOLitude Lake Management is asking for the approval of the use of 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. A hydrorake would be brought in if needed and is included in the notice.

***Motion to close the public hearing for Southfield Court Pond (DEP File #234-795) by S. Farr, seconded by S. Barber, approved 5-0-1. J. Bernardo abstained.***

**456 CHESTNUT STREET – *Continued* NOTICE OF INTENT (DEP FILE #234-792)**

***Motion to approve a waiver to work within the 25-foot no disturb zone for 456 Chestnut Street (DEP FILE # 234-792) by S. Farr, seconded by A. Crocker, approved 6-0-0.***

***Motion to reduce the fee to \$500 for 456 Chestnut Street (DEP FILE # 234-792) by S. Farr, seconded by S. Barber, approved 6-0-0.***

***Motion to issue an Order of Conditions as amended for 456 Chestnut Street (DEP FILE #234-792) by S. Farr, seconded by A. Crocker, approved 6-0-0.***

**OTHER BUSINESS:**

**REQUEST FOR CERTIFICATE OF COMPLIANCE-71 LANTERN LANE (DEP FILE #324-611)**

The homeowner, Will Biedron, gave the history of the issue. A renovation was done to the house five to six years ago. At the end of the project a couple of storage containers were next to the driveway. Comcast ended up running cables around the yard and extends inside the buffer zones. An After the Fact Notice of Intent was filed.

D. Anderson has been to the property and approves of the work done.

***Motion to approve the Certificate of Compliance for 71 Lantern Lane (DEP FILE #234-611) by A. Crocker, seconded by S. Barber, approved 6-0-0.***

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

J. Bernardo opened the public hearing at 9:09 pm. James Lacasse of SOLitude Lake Management represented the applicant. A fountain was put into the retention pond by one of the homeowners in August 2016 without the knowledge of SOLitude Lake Management. The Order of Conditions stated no use of an aerator without filing a Notice of Intent. The Commission asked them to obtain this information in order for a Certificate of Compliance to be issued.

***Motion to issue a Certificate of Compliance for Southfield Court Pond (DEP FILE #234-584) by S. Farr, seconded by S. Barber, approved 6-0-0.***

**MINOR MODIFICATION REQUEST - 479 DEDHAM AVE. (DEP FILE #234-762)**

David Kelly of Kelly Engineering Group represented the requestor. The original property was divided to create two lots. The two properties were sold. The existing house on Lot A is to remain with interior renovations proposed. The owners of Lot B are planning to construct a house that is slightly smaller than what was proposed on the original plan but within the same footprint.

During the investigative process it was discovered that the DPW would not accept two homes going through the same sewer service. A new sewer service is proposed going through the same location as the previously proposed water and sewer service that would access across the driveway. No change in the limit of the work. The existing sewer connection will remain. The property owner is requesting a Minor Modification for this change.

***Motion to issue a Minor Modification for 479 Dedham Avenue (DEP FILE #234-762) by A. Crocker, seconded by B. Murphy, approved 6-0-0.***

**MINOR MODIFICATION REQUEST-107 FOX HILL ROAD (DEP FILE #234-776)**

An addition and deck are being added to the rear of the property. The proposed placement of the drywell at the rear left of the house drew concern from an abutter. The Commission requested that half of the roof be recharged. Test pits were dug and now instead of a drywell they are proposing three cultec chambers placed four feet from the surface. The total length will be 27 feet by 6 feet and part of it will be under the deck. The storage provided will be 155 cubic feet; 140 cubic feet was required. The property owner is requesting a Minor Modification for this change.

***Motion to issue the Minor Modification for 107 Fox Hill Road (DEP FILE #234-776) by A. Crocker, seconded by B. Murphy, approved 6-0-0.***

**MINOR MODIFICATION REQUEST - 470 DEDHAM AVE. (DEP FILE #234-778)**

A request for Minor Modification was received from the contractor of the Fuel Station Relocation project. Additional paving is being proposed and test pits are required. They are requesting a Minor Modification to allow the use of machinery to dig the test pits two feet deep instead of digging them by hand. The by-law states that a request for Minor Modification is needed. If they were being dug by hand it would be exempt.

D. Anderson indicated that the placement of the test pits is satisfactory.

***Motion to issue the Minor Modification for 470 Dedham Avenue (DEP FILE #234-778) by A. Crocker, seconded by S. Barber, approved 6-0-0.***

#### **MINOR MODIFICATION REQUEST - 585 CENTRAL AVE. (DEP FILE #234-787)**

Hank Haff, PFDC Senior Project Manager, and Don Mavor, Site Superintendent for Bacon Construction, attended. H. Haff presented a request for Minor Modification at the Sunita L. Williams school site. A plan was forwarded to the Commission regarding the request. After a walk through of the site with D. Anderson, a Minor Modification of the placement of the erosion control is requested. The change follows the same lines as the demolition contractor had in place. The original request consisted of two phases. H. Haff reviewed the original plan and the proposed change for the Commission. Bacon Construction is also recommending putting in a movable closure gate with the fence. The fence would not have to be moved later. The fence will have space at the bottom for wildlife to go under it because of the concrete bases. The gate would also allow a trapped deer to exit.

***Motion to issue the Minor Modification for 585 Central Avenue (DEP FILE #234-787) by A. Crocker, seconded by S. Barber, approved 5-0-1. S. Farr recused himself.***

#### **NEEDHAM ACCESSIBLE RESERVOIR TRAIL (NART) DISCUSSION**

Joseph Freeman of Beta Group represented the applicant. An outcrop of bedrock was struck during the installation of the helical piles for the fishing pier near the parking lot. The helical piles cannot be installed in that location. Drilled bearing plates are the proposed method. They would drill rebar into the bedrock and add bracings to rest the board walk on concrete piers. To do this the area would have to be dammed and dewatered. After reviewing several options the use of a coffer dam by Port-a-dam was chosen. A Port-a-dam would be installed and the area dewatered using a silt sack to control the sedimentation. The contractor would use hand tools to chip out the base on which the plates would be drilled in place.

It is anticipated that the dam would be in place for no more than 30 days. The final design does not change. Matt Varrell was informed of the process and approved this method.

#### **ADJOURN:**

**Motion to adjourn by S. Farr, seconded by A. Crocker, approved 6-0-0. The meeting was adjourned at 9:37 p.m.**



**NEXT PUBLIC MEETING:**

*November 9, 2017 at 7:30 p.m. in the Public Services Administration Building, Charles River Room.*