

**TOWN OF NEEDHAM
CONSERVATION COMMISSION
MEETING MINUTES
Thursday, May 23, 2019**

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

ATTENDING: Janet Carter Bernardo (Chair), Sue Barber, Artie Crocker, Stephen Farr, William Murphy, Alison Richardson, Debbie Anderson (Director of Conservation).

GUESTS: A.J. Alevizos, Josh Benet, Mike Boujoulian, Karon Skinner Catrone, Roy Cramer, Steve Gentile, Jay MacMullan, Mike Richard, Lauren Sullivan, Tim Williams

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

MINUTES: Minutes for the May 9, 2019 meeting were reviewed.

Motion to approve the minutes of May 9, 2019 by W. Murphy, seconded by S. Farr, approved 5-0-1 (S. Farr abstained).

ENFORCEMENTS AND VIOLATIONS

None.

HEARINGS:

None.

OTHER BUSINESS:

456 CHESTNUT STREET (DEP FILE #234-792) – REQUEST FOR PARTIAL CERTIFICATE OF COMPLIANCE

The Commission received a request for partial Certificate of Compliance for 456 Chestnut Street (DEP File #234-792). D. Anderson stated that the scope of work being requested for close-out include the demolition of the previous house, construction of the new house, removal of the driveway, and the placement of the required boulders with the emblems. The Applicant will still need to install the required mitigation plantings and submit the associated monitoring reports prior to requesting the complete Certificate of Compliance.

Motion to approve the partial Certificate of Compliance for 456 Chestnut Street (DEP File #234-792) by A. Crocker, seconded by S. Farr, approved 6-0-0.

NEEDHAM PUBLIC WORKS CENTRAL AVENUE STORAGE FACILITY (FEP FILE #234-818) – REQUEST FOR A MINOR MODIFICATION

Mike Richard from Weston and Sampson presented the minor modification request on behalf of Steve Gentile of the Needham Department of Public Works. The proposed modification included shifting the proposed basin and outlet to preserve an existing oak tree. M. Richard explained that precast concrete blocks will be used to

May 23, 2019

create a wall to address the slope, and that the erosion control line and limit of work would also shift to accommodate the new basin location. The basin would maintain the same storage capacity at each elevation and in total would move slightly further from the wetland area.

Motion to approve the minor modification for the Needham Public Works Central Avenue Storage Facility (DEP File #234-818) by A. Crocker, seconded by S. Farr, approved 5-0-1 (W. Murphy abstained).

30 & 60 CHARLES STREET – INFORMAL DISCUSSION – ALLIANCE RESIDENTIAL COMPANY (ROY CRAMER)

Roy Cramer and Mike Boujoulian, and A.J. Alevizos of Alliance Residential presented a conceptual plan to redevelop the properties at 30 and 60 Charles Street as part of an informal discussion for their due diligence. M. Boujoulian explained that they are seeking input to determine a level of confidence from all applicable Town Boards. M. Boujoulian stated that both sites are heavily developed and primarily impervious across both parcels. 30 Charles Street is currently used for storage of off-duty ambulances and 60 Charles Street currently serves as a granite and marble operations site. A drainage easement and two sewer easements exist on the two properties. M. Boujoulian stated that there is a hard slope down the bank to the river, dropping about fifteen feet to the river.

The proposed plan will include two residential buildings, separated by the existing easements. The work will include the “greening” of the easements, including a landscape design to create a vegetative buffer to the river where pavement currently exists. J. Carter Bernardo asked if there would be any disturbance of existing vegetation along the bank other than invasive species removal. M. Boujoulian explained that they there was no intention to remove any of the existing vegetation except selective removal of invasive species. M. Boujoulian also noted that they are considering creating trails along the river that may eventually connect to other existing or future trails.

Tim Williams of Allen and Major Associates began reviewing the stormwater planning for the sites, confirming that Needham has criteria for both volume and peak rates. T. Williams stated that they will submit a planting plan that focuses on the stabilization of the slope and top of the bank.

403 GROVE STREET (DEP FILE #234-833) – ISSUANCE OF ORDER OF CONDITIONS

Motion to issue Order of Conditions for 403 Grove Street (DEP File #234-833) by A. Crocker, seconded by S. Farr, approved 6-0-0.

Motion to allow work within the 25’ no disturb zone for 403 Grove Street (DEP File #234-833) by A. Crocker, seconded by S. Farr, approved 6-0-0.

Motion to waive the waiver fee for work within the 25’ no disturb zone for 403 Grove Street (DEP File #234-833) by S. Barber, seconded by W. Murphy, approved 6-0-0.

ENFORCEMENT DISCUSSION – 403 GROVE STREET

The Commission attended a site visit on May 14th to determine the extent of the hydro-raking violation. Josh Benet, the homeowner at 403 Grove Street had filed the Notice of Intent to clean up the stockpiled debris on his property from the hydro-raking activities conducted by Solitude Lake Management. The management of Sabrina Lake had received an Order of Conditions for chemical aquatic treatments with an amendment for

hydro-raking, with a special condition requiring Solitude to come back to the Commission prior to performing any hydro-raking activities. Lauren Sullivan of Solitude stated that the contract with the homeowner placed the burden on the homeowner to remove the hydro-raking debris, but that Solitude failed to comply with the Order of Conditions by not meeting with the Commission for further input and conditioning prior to hydro-raking.

J. Benet stated that Solitude was contracted by the Friends of Sabrina Lake to perform the management activities, and that his house was located on a small cove of the lake. He and a neighbor shared the cost for the extensive hydro-raking of the cove. A. Richardson noted the cut tree limbs and other debris amongst the stockpiled materials. L. Sullivan stated that tree cutting was not performed to get the equipment into the lake, but there was evidence that tree cutting occurred to get access for the hydro-raking along shallow banks from within the lake. J. Carter Bernardo suggested that the Commission review and approve the mitigation then discuss applicable enforcement and fines.

J. Bennet was in the process of hiring Jay MacMullan from MainStay Landscape for removal of the debris. J. MacMullan stated that the debris would need to be removed with a small excavator and skidsteer with additional hand-pulling of debris to establish the original grades. The machinery can gain access using an existing path and can load the material into trucks outside of the buffer zone for removal from the site. Knotweed will be cut to 6-inches throughout the summer and an injection application of Rodeo Herbicide will be applied prior to the dormancy season. The Conservation Staff will be notified prior to work to inspect the erosion controls, to observe the work, and notified after all work has concluded.

The Commission discussed enforcement for Solitude as well as the homeowner, to be included with fines. The violation occurred on the property at 403 Grove Street and as such the property owner is partly liable for the violation. However, the homeowner is working to improve the site and mitigate the alterations. The Commission will issue the homeowner a \$300 fine as a single day violation. Fines can be issued up to \$300 per day of the duration of the violation. Because Solitude has worked in Needham previously and is familiar with the Wetlands Protection Act, the Commission discussed the estimated cost had Solitude conducted the debris removal originally and considered the duration of the debris left out of compliance. J. Carter Bernardo stated that Solitude should have sent Matt Salem, who has previously been involved in the permitting process with Needham and noted to L. Sullivan that the frustration with Solitude was not personal to her. J. Carter Bernardo also noted that Solitude would not be allowed to hydro-rake in Needham any longer. The Commission decided to issue a \$6000 fine to Solitude for 20 days of violation. The Commission moved to waive the waiver fee for 403 Grove Street (DEP File #234-833).

Motion to issue separate Enforcement Orders for 403 Grove Street and for Solitude Lake Management by A. Crocker, seconded by A. Richardson, approved 6-0-0.

Motion to issue a one-day violation fine of \$300 to 403 Grove Street by S. Farr, seconded by S. Barber, approved 4-2-0.

Motion to issue a 20-day violation fine of \$6000 to Solitude Lake Management by S. Farr, seconded by S. Barber, approved 6-0-0.

723 CHARLES RIVER STREET – PROPOSED REMOVAL OF 40 HAZARD TREES – DISCUSSION WITH STAFF

D. Anderson had received a request from the homeowner of 723 Charles River Street to remove 40 hazard trees. D. Anderson noted that there are wetlands adjacent to the property and a lake across the street, with Riverfront

Area existing on the property. A meeting was held on the site on May 22 with D. Anderson and Kevin Naughton of the Parks and Forestry Department to review the trees proposed for removal. D. Anderson stated that approximately half of the proposed trees may appear hazardous and noted that she requested the property owner to solicit a wetland delineation and have an arborist provide a report on all the trees proposed to be removed. J. Carter Bernardo requested that D. Anderson set up a site visit with the Commission and the Parks and Forestry Department after receiving the arborist report and wetland information.

COMMISSION MEMBERS – JANET, ARTIE, AND PETER – TERMS TO EXPIRE 6/30/2019

D. Anderson stated that three Commission Members were nearing term expirations at the end of June. J. Carter Bernardo requested to start the process for re-appointments with the Select Board.

ADJOURN:

Motion to adjourn by A. Crocker, seconded by S. Farr, approved 6-0-0. The meeting was adjourned at 9:50 p.m.

NEXT PUBLIC MEETING:

June 13, 2019 at 7:30 p.m. in the Public Services Administration Building, Charles River Room.

May 23, 2019