

**TOWN OF NEEDHAM
CONSERVATION COMMISSION
MEETING MINUTES
Thursday, October 24, 2019**

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

ATTENDING: Janet Carter Bernardo (Chair), Sue Barber, Artie Crocker, Stephen Farr, Peter Oehlkers, Alison Richardson, Deb Anderson (Director of Conservation), Clay Hutchinson (Conservation Specialist).

GUESTS: Judy Dein, Howard Lipton, Ana Margulian, Susan McArthur, Matt Mrva, Pratik Pradhan, Alan Reisch, Bruce Ricciardelli, Bruce Ringwall.

J. Carter Bernardo opened the public meeting at 7:36 p.m.

HEARINGS:

56 PERSHING ROAD (DEP FILE #234-839) – NOTICE OF INTENT

J. Carter Bernardo opened the hearing at 7:46pm. Matt Mrva of Bohler Engineering presented the project. The proposed work consists of the demolition of an existing single-family house and the construction of a new single-family house. The parcel is located partially within Buffer Zone to a Bordering Vegetated Wetland, separated from the Resource Area by another parcel and driveway. The existing driveway will be moved outside of Buffer Zone. A series of landscaping beds and small retaining walls will be installed adjacent to the house. Three trees are proposed for removal and replacement to accommodate subsurface infiltration units to capture roof runoff. The Commission requested an updated planting plan with only native species prior to Staff issuing the Order of Conditions.

Motion to issue the Order of Conditions for 56 Pershing Road by S. Farr, seconded by S. Barber, approved 6:0:0.

77 WAYNE ROAD (DEP FILE #234-830) – REQUEST TO AMEND AN ORDER OF CONDITIONS

J. Carter Bernardo opened the hearing at 8:01pm. Bruce Ricciardelli, the Applicant, presented the proposed change in scope of work. The proposed work consists of the construction of a retaining wall at the back of the property between the 50-foot and 25-foot Buffer Zone boundaries. The wall will be 3.5 feet at its highest point from one side of the yard and diminish to the existing ground contour towards the opposite side abutting the back of the house foundation.

Motion to issue an Amended Order of Conditions for 77 Wayne Road (DEP File #234-830) by S. Farr, seconded by A. Richardson, approved 6-0-0.

723 CHARLES RIVER STREET (DEP FILE #234-838) – NOTICE OF INTENT

J. Carter Bernardo opened the hearing at 8:17pm. Bruce Ringwall of GPR, Inc., presented the project. The proposed work consists of the demolition of the existing single-family house and construction of a new single-family house with subsurface infiltration units for roof runoff, reconfiguration and expansion of the driveway, and construction of a garage and accessory structure. The Applicant had cut down 9 trees within the Buffer Zone prior to submitting the Notice of Intent application. B. Ringwall stated that there were two additional trees

proposed for removal and that the planting plan included at least 22 native species re-plantings to replace the removed and proposed to be removed trees at a ratio of 2:1.

B. Ringwall submitted revised plans at the meeting with one of the wetland areas reclassified as isolated rather than bordering. D. Anderson noted an existing drain structure in the vicinity of the wetland area and stated that there may be jurisdictional hydrologic connections. The Commission requested a site visit to review the wetland area and the overall site. The Commission also requested an updated planting plan and updated erosion control details. Judy Dein, an abutter to the project, expressed concern over the proposed grading and the flow of additional stormwater from the site to her property. The Commission requested the Applicant add a swale at the base of the slope on the western property boundary to redirect the immediate runoff from the yard.

Motion to continue the public hearing for 723 Charles River Street (DEP File #234-838) to November 14, 2019 at 7:45pm by S. Farr, seconded by S. Barber, approved 6-0-0.

OTHER BUSINESS:

233 COUNTRY WAY – ENFORCEMENT DISCUSSION

Susan McArthur of McArthur Environmental Consulting LLC represented the homeowners for the discussion. Staff provided a summary of the Enforcement Order and site history. As required by the previously issued Enforcement Order, the homeowners hired S. McArthur to perform a delineation of the wetland area and provide a restoration planting plan. S. McArthur stated that the wetland is an isolated wetland that lacks a jurisdictional buffer zone, explaining that the proposed restoration plan will be implemented only within the boundaries of the wetland area. Staff noted that Town maps showed that there may be hydrologic connections upgradient and downgradient from the wetland area. The Commission requested that Staff inspect on-site conditions and confirm any hydrologic connections with the Department of Public Works to determine if the wetland was jurisdictionally bordering or isolated. The restoration plan proposed planting in the Spring season as it may be too late in the Fall season for successful plant survivability.

54 PHEASANT LANDING ROAD – RATIFY ENFORCEMENT ORDER

D. Anderson stated that Staff had met with Counsel about how to handle the issuance of fines for unpermitted tree removal in wetland jurisdiction under the Town Bylaw. Staff noted that the Bylaw has specific fine amounts per violation. Staff recommended a \$700 fine for the unpermitted removal of three trees and wetland vegetation per the violation discussion at the October 10, 2019 meeting. Staff also presented the drafted Enforcement Order per the October 10, 2019 discussion with the homeowner for 54 Pheasant Landing Road.

Motion to issue a violation fine of \$700 for the unpermitted cutting of three trees and removal of wetland vegetation to the owners of 54 Pheasant Landing Road by S. Farr, seconded by S. Barber, approved 6-0-0.

Motion to ratify the Enforcement Order issued to 54 Pheasant Landing Road made by S. Farr, seconded by A. Richardson, approved 6-0-0.

403 GROVE STREET – SOLITUDE APPEAL UPDATE

Staff updated the Commission about the status of the appeal of the fines issued to Solitude Lake Management for violations resulting from the Sabrina Lake Dredging project. Staff attended the court hearing with Town Counsel and Solitude representatives. The Clerk Magistrate upheld a \$1500 fine, from the original \$6000 fine, to be paid

by Solitude Lake Management to satisfy the non-criminal disposition fine. Solitude has 30 days to submit payment to the Town.

ADJOURN:

Motion to adjourn by S. Farr, seconded by P. Oehlkers, approved 6-0-0. The meeting was adjourned at 9:43p.m.

NEXT PUBLIC MEETING:

November 14, 2019 at 7:30 p.m. in the Public Services Administration Building, Charles River Room.