

**TOWN OF NEEDHAM
CONSERVATION COMMISSION
MEETING MINUTES
Thursday, August 22, 2013**

LOCATION: Public Services Administration Building, Charles River Room

ATTENDING: Lisa Standley, Janet Carter Bernardo, Artie Crocker, Stephen Farr, Patricia Barry (Agent), Debbie Anderson (Assistant)

GUESTS: Walter Armstrong, Anne Bauman, Joel Beeders, Joe Centola, Desiree Fyler, Don Fyler, Scott Goddard, Amy Gwan, Jeffrey Hirsch, Dale Hobbs, Mark Manganello, Mike Richards, Joan Rueppel, Diane Simonelli

L. Standley opened the public meeting at 7:32 p.m.

MULLEN RULE CERTIFICATIONS

P. Barry accepted written certifications from Artie Crocker and Stephen Farr that they missed no more than one session of the hearings pertaining to 649 South Street (DEP File #234-667) Notice of Intent and 121 Charles River Street (DEP File #234-672) Notice of Intent and that they examined all evidence received at the missed session including a transcript of the meeting in accordance with MGL Chapter 39, Section 23 D Adjudicatory Hearings.

MINUTES

The Conservation Commission deferred the approval of the August 8, 2013 meeting minutes to the September 12, 2013 public meeting as S. Farr and A. Crocker were not present at the August 8, 2013 public meeting.

ENFORCEMENT & VIOLATION UPDATES:

RATIFY BIRCH STREET ENFORCEMENT ORDER

P. Barry explained that there was a complaint of erosion and sedimentation from construction on Birch Street going into a catch basin located within the 100-foot buffer zone. The project is operating under a NPDES General Permit for construction, but is not in compliance. P. Barry noted that the catch basin ultimately outlets into a wetland. P. Barry required that the contractor install erosion controls and cover the gravel pile. They complied. L. Standley explained to the Commission that this was an instance where the work was not located in their jurisdiction but jurisdiction can be extended when an activity outside of the 100-foot buffer zone damages a wetland. The Commission found a total of three violations including: (1) discharge of silt into the buffer; (2) discharge of silt through a catch basin into the bordering vegetated wetlands; and (3) installation of crushed stone in the buffer without a permit for a total fine of \$600. L. Standley asked that P. Barry add the discharge of silt at the outlet into the wetland to the Enforcement Order.

Motion to ratify the Enforcement Order for Birch Street as drafted with the addition of the silt discharge from the catch basin into the wetland and including the issuance of a \$600 fine by S. Farr, seconded by A. Crocker, approved 4-0-0.

25 MARR ROAD

P. Barry explained that she had met with D. Bamel and he is hiring Verne Porter to do a survey and help file the Notice of Intent Application. He was unable to attend the meeting. P. Barry also spoke with Bill Ulrich and he indicated that he had not given permission for any work to be done on his property.

Motion to ratify the Enforcement Order for 25 Marr Road as drafted by S. Farr, seconded by A. Crocker, approved 4-0-0.

20 CANTERBURY LANE

P. Barry explained that she spoke with the owner and that they will submit an after-the-fact Notice of Intent Application for the installation of the sports court. They indicated that they may want to install a patio and will include it under the same filing.

16 CENTRAL AVENUE

P. Barry explained that she had spoken to Denise Bartrone at NSTAR and she indicated that they would be filing an after-the-fact Notice of Intent.

HEARINGS

32 CANTERBURY LANE (DEP FILE #234-671) – continued NOTICE OF INTENT

The Applicant requested a continuance of the hearing to the September 12, 2013 public hearing.

Motion to continue the public hearing (per the Applicant's request) for 32 Canterbury Lane (DEP File #234-671) to September 12, 2013 at 8:00 p.m. in the PSAB – Charles River Room by S. Farr, seconded by Artie Crocker, approved 4-0-0.

30 TAYLOR STREET (DEP FILE #234-677) – NOTICE OF INTENT

L. Standley opened the public hearing at 8:00 p.m. The Applicant, Joe Centola, was present, as well as his Representative Scott Goddard. S. Goddard explained that the project consists of a demolition and rebuild. S. Goddard noted that no wetland resources are located on the 30 Taylor Street property but are on the adjacent 38 Taylor Street property. He reminded the Commission that a permit was issued recently for proposed work at 38 Taylor Street and that he had delineated the wetland resources for that filing and is therefore using the approved delineation for this filing as well. S. Goddard stated that, in his opinion, a portion of the wetland is degraded by leaf dumping and construction debris such as asphalt. Another area has been overtaken by Norway maple and has a sparse understory. The proposed house is partially located within the footprint of the existing house and further away from the wetland.

As part of the proposed project, the Applicant proposes to remove 22 trees, re-grade and extend the limit of lawn within the 50-foot buffer. The Applicant proposes the installation of a loose boulder retaining wall along the 25-foot buffer. S. Goddard indicated that the Applicant intends to submit a planting/mitigation plan to the Commission for their approval. The Applicant submitted a Waiver Request for work within the 50-foot buffer zone. S. Goddard explained that, in his opinion, the proposed project would have a net benefit to the site as a whole. He noted that a wildlife habitat evaluation required for the proposed project was submitted, and that no important wildlife features were identified in the area. S. Goddard stated that the addition of the stone wall would create habitat and the removal of Norway maples and rubble would improve wildlife habitat. In addition, S. Goddard mentioned that the proposed planting plan would include the installation of 44 trees for mitigation. S. Goddard suggested that the Applicant would be amenable to the issuance of a deed restriction on the more environmentally significant portion of the lot.

L. Standley said that the Conservation Commission would need to visit the site. S. Goddard verified that the plan dated August 17, 2013 is intended to supersede the August 5, 2013 plan. L. Standley noted that a

landscape plan had not been submitted, the only erosion controls shown on the proposed plan are filtermitts one-foot tall which are not adequate given the amount of earthwork required. L. Standley stated that the list of trees to be removed are not identified to species level. In addition, L. Standley requested that the Applicant submit a cross-section of the proposed retaining wall. L. Standley asked that the proposed limit of work be staked and the trees slated for removal be marked on-site prior to the Commission's site visit.

J. Carter Bernardo asked if the proposed plan included infiltrating roof runoff and requested the Applicant consider infiltration. J. Carter Bernardo asked why the proposed stone wall could not be located at the upper edge of the 50-foot buffer. Don Fyler, an abutter at 22 Taylor Street expressed his concern regarding the effect the proposed grading would have on drainage onto his property. Jeff Hirsch, an abutter at 38 Taylor Street had similar concerns and questioned whether abutters are allowed to attend the Commission's site visit. L. Standley stated that abutters could attend with the property owner's permission. S. Goddard replied to the concerns by stating that the proposed driveway removal and replacement with grass would help to balance infiltration. S. Goddard stated that with existing conditions, the water drains towards 38 Taylor Street and will continue to do so. J. Carter Bernardo clarified that the mature trees slated for removal would remove more water than the proposed lawn.

Motion to continue the public hearing (for a site visit and submittal of additional information) for 30 Taylor Street (DEP File #234-677) to September 12, 2013 at 8:15 p.m. in the PSAB – Charles River Room by S. Farr, seconded by A. Crocker, approved 4-0-0.

1143 SOUTH STREET (DEP FILE #234-613) – REQUEST TO AMEND ORDER OF CONDITIONS

L. Standley opened the public hearing at 8:27 p.m. The Applicant explained that the abutters were notified by hand delivery and they did not obtain signatures upon delivery. L. Standley stated that the signed Affidavit of Service would suffice as proof of delivery. The Applicant's landscape designer, Jonathan Keep, explained that the last phase of the project is to re-naturalize the landscape. The proposed 3-year invasive species removal plan includes the removal of invasive vines, shrubs and perennials from the edge and interior of the delineated wetlands. In addition, all the debris will be removed from the site. Native plantings are proposed along the area where the lawn meets the red maple swamp. A proposed wooded swamp planting is proposed to enhance the existing wetland. A portion of the existing driveway is proposed to be reconstructed using a porous paver system while the portion closest to the wetland will be completely removed and replaced with native plantings and a stone seating wall. The Applicant submitted a waiver for work in the 25-foot buffer and within the vegetated wetland along with a request to waive the waiver fee.

The Applicant proposes to remove two Norway spruce trees. L. Standley questioned the proposed installation of atlantic white cedar trees in the wetland as they do not occur naturally in this setting. L. Standley noted that the existing shrub edge appears to create a buffer for wildlife in a way the proposed herbaceous species would not, especially in winter. J. Keep explained that a dense growth of ferns is expected to provide good habitat value and that the adjacent wetland had a dense shrub layer. J. Carter Bernardo asked if the proposed landscape plan was strictly for aesthetic reasons. J. Keep replied that there is a way to design landscape to help the owner enjoy their property as well as provide habitat value. A. Crocker asked for clarification of an area on the plan. J. Keep replied that there is an area of invasive knotweed at the edge of lawn where they propose to remove the knotweed and plant herbaceous plants. J. Keep stated that they hope to introduce new native species to the area. L. Standley indicated that the Commission would like to do a site visit.

Motion to continue the public hearing (for a site visit) for 1143 South Street (DEP File #234-613) to September 12, 2013 at 8:30 p.m. in the PSAB – Charles River Room by S. Farr, seconded by A. Crocker, approved 4-0-0.

766 CHESTNUT STREET (DEP FILE #234-676) – ABBREVIATED NOTICE OF RESOURCE AREA DELINEATION

L. Standley opened the public hearing at 8:45 p.m. The property owner, Joan Rueppel and the Applicant Patrick Geraghty were present, as well as the Applicant's Representative, Diane Simonelli. D. Simonelli explained that the wetland resources had been delineated on-site by Leah Basbanes. D. Simonelli noted that a site walk was conducted with Patty Barry, Leah Basbanes and herself. P. Barry requested that several wetland flags be adjusted; this was done and is shown on the revised plan. D. Simonelli indicated that during the site walk, an inlet to the area described as a potential vernal pool was found. D. Simonelli stated that she thought that the inlet dismissed the possibility of a potential vernal pool. D. Simonelli provided the Commission with a letter from Leah Basbanes detailing the flag adjustments on the updated plan. D. Simonelli indicated that the Applicant may be moving forward with the submittal of a subdivision filing.

L. Standley noted that the letter refers to Floodzone A and indicated that there may be Bordering Land Subject to Flooding on the property but it is not shown. L. Standley indicated that the Commission could only make a finding on the bordering vegetated wetlands at this time. She explained that the lack of an inlet is not a defining characteristic for vernal pool designation and that definitive confirmation of a vernal pool can only be made in the spring.

Motion to close the public hearing for 766 Chestnut Street (DEP File #234-676) by S. Farr, seconded by A. Crocker, approved 4-0-0. The hearing was closed at 8:55 p.m.

Motion to issue an Order of Resource Area Delineation (for bordering vegetated wetland only) for 766 Chestnut Street (DEP File #234-676) by S. Farr, seconded by A. Crocker, approved 4-0-0.

470 DEDHAM AVENUE DPW GARAGE (DEP FILE #234-675) – NOTICE OF INTENT

L. Standley opened the public hearing at 9:00 p.m. Phaldie Taliep of the Needham Public Facilities Department, Mark Manganello of LEC Environmental Consultants, Inc. and Mike Richards of Weston & Sampson represented the Applicant, the Town of Needham. M. Richards explained that the proposed project is to construct a 4,998-square-foot Vehicle Storage Building for the Needham DPW. Portions of the proposed activities are located within the 100-foot buffer zones to Bordering Vegetated Wetlands and Bank, and within Previously Developed Riverfront Area associated with an unnamed perennial stream. The 6-bay garage will be constructed with steel-framing in a "slab-on-grade" foundation. M. Richards noted that while no sewer or water connections to the garage are proposed, a floor drain will connect to a proposed tight-tank north of the structure. The tank will be emptied by trucks.

M. Richards explained that the proposed building will be located entirely within the footprint of an existing paved parking lot, and will be constructed largely at existing grade, with less than a foot of fill material proposed to meet the existing elevation at the front of the garage and prevent stormwater from entering the building. Utilities will connect from the existing DPW building via trenching underground except for the electric which will be overhead.

An infiltration basin located on the grassed area will hold 1-inch of stormwater runoff. M. Richards explained that a drywell would be difficult to install as test pit results show the groundwater to be 24-35 inches below the surface. J. Carter Bernardo discussed the locations of the existing catch basins on site and asked for clarification as to which ones have oil separators installed. J. Carter Bernardo requested that oil separators be installed in more than one catch basin. A. Crocker asked why the proposed erosion controls did not extend to Dedham Avenue. L. Standley requested additional siltation controls around the infiltration basins. M. Richards agreed to add silt. S. Farr asked if erosion controls were proposed adjacent to the utility trench. M. Richards replied that they were not, as the trench would only be exposed for a day. The Commission asked if any trees were proposed for removal. M. Richards replied that the

project did not require any tree removal, however; the underground piping is proposed to near a tree. The Commission was concerned about damage to the trees roots and asked that the underground trench be moved.

Dale Hobbs of 479 Dedham Avenue asked how many vehicles the building will service. M. Richards replied that the garage has 6-bays to hold up to 12 vehicles. D. Hobbs voiced his concern about oil and anti-freeze runoff and noted the milky runoff from the outfall valve the previous year. P. Barry stated that the runoff may have been caused by soapy water from truck washing that may have entered the stream. L. Standley indicated that no further information was needed from the Applicant and that the installation of additional oil separators in the catch basins could be conditioned as well as the requirement to clean out the catch basins at the end of work.

Motion to close the public hearing for 470 Dedham Avenue DPW Garage (DEP File #234-675) by S. Farr, seconded by A. Crocker, approved 4-0-0. The hearing was closed at 9:30 p.m.

OTHER BUSINESS

20 JAMES AVENUE (DEP FILE #234-656) – CERTIFICATE OF COMPLIANCE REQUEST

P. Barry reported that she had conducted a site visit and the site appears stable and the plantings have been installed. J. Carter Bernardo questioned why the plan shows an existing fence encroaching onto an abutter's property. D. Simonelli indicated that she believed the fence was existing prior to the project. The Commission noted that the fence was not shown on the Notice of Intent plans. P. Barry stated that the pervious paver patio was installed per the plan. The Commission tabled the issuance of the Certificate of Compliance until either the portion of the fence encroaching on the abutter's property is removed or the owners of the abutting property sign a letter indicating that they accept the fence on their property.

131 OXBOW ROAD – PORTABLE CHICKEN COOP EXEMPTION LETTER REQUEST

The Applicant, Joel Beeder, was in attendance. P. Barry explained that the proposed project was to house 4 chickens in a mobile chicken coop. P. Barry stated that she had the Applicant file an exemption request because no excavation would take place. P. Barry noted that the chicken waste would be placed in a compost pile or bin?. The Applicant indicated that they could not locate the compost outside of the buffer because it would get wet from the existing irrigation system. L. Standley stated that the mobile chicken coop use did not constitute "work", therefore; the exemption request was appropriate.

Motion to approve the portable chicken coop at 131 Oxbow Road as an exempt activity by S. Farr, seconded by A. Crocker, approved 4-0-0.

649 SOUTH STREET (DEP FILE #234-667) – ISSUE ORDER OF CONDITIONS

Motion to issue the Order of Conditions, as amended, for 649 South Street (DEP FILE #234-667) by S. Farr, seconded by A. Crocker, approved 4-0-0.

121 CHARLES RIVER STREET (DEP FILE #234-672) – ISSUE ORDER OF CONDITIONS

Motion to waive strict compliance with the Bylaw Regulations for work in the 25-foot buffer zone by S. Farr, seconded by A. Crocker, approved 4-0-0.

Motion to issue an Order of Conditions, as amended, for the razing and re-building of a single-family home at 121 Charles River Street (DEP File #234-672) by S. Farr, seconded by A. Crocker, approved 4-0-0.

Motion to waive the waiver fee for 121 Charles River Street (DEP FILE #234-672) by S. Farr, seconded by A. Crocker, approved 4-0-0.

Motion to adjourn by S. Farr, seconded by A. Crocker, approved 4-0-0. The meeting adjourned at 9:50 p.m.

NEXT PUBLIC HEARING

September 12, 2013 at 7:30 p.m. in the Public Services Administration Building, Charles River Room