

TOWN OF NEEDHAM
CONSERVATION COMMISSION
MEETING MINUTES
Thursday, October 24, 2013

LOCATION: Public Services Administration Building, Charles River Room

ATTENDING: Lisa Standley, Paul Alpert, Janet Carter Bernardo, Artie Crocker, Stephen Farr, Peter Oehlkers, Sharon Soltzberg, Debbie Anderson (Acting Agent), Elisa Litchman (Assistant)

GUESTS: Philip Ades, Whitney Connaughton, Maurice Medoff, Ardi Rrapi, Carl Ship, Diane Simonelli, Matthew Varrell, Rachel Watsky, Erica Wright.

L. Standley opened the public meeting at 7:35 p.m.

MINUTES

Motion to approve the Minutes of October 10, 2013 by P. Oehlkers, seconded by S. Farr, approved 6-0-0.

ENFORCEMENTS

There were neither enforcement updates nor new enforcement issues to report.

Prior to the Hearings, Maurice Medoff, a resident at Valley Road, had requested to address the Commission. M. Medoff explained to the Commission that his home is located adjacent to Route 128 in the vicinity of Bridge IV and the Mass Highway Add-A-Lane Project. He doesn't feel that the project contractors are giving enough attention to the erosion control barriers, especially since the September 1st, 2013 rain storm which caused massive flooding in that area. He described some of the damage that his neighbors had to their homes on Valley Road since that storm. He stated that the hay bales and other erosion controls were insufficient to handle the storm and now in disrepair. He believes that the stormwater controls should be inspected to assess whether they should be repaired or replaced and that the Town of Needham and the MassDOT have lacked coordination of oversight as pertains to this project's stormwater management. M. Medoff would like the Conservation Commission to investigate whether there have been violations and if so, enforce compliance with the permit. L. Standley thanked M. Medoff for bringing the matter to the Commission's attention and will follow-up with Mass Highway. The Conservation Commission and Department will need to see if the Mass Highway contractor was in compliance with their permit and NPDES permit and if not, may take enforcement action.

L. Standley requested that Debbie Anderson, the Acting Agent, perform a site visit to the Great Plain Avenue/Bridge IV location and examine the erosion controls for disrepair and the wetland resources for signs of erosion and siltation damage. D. Anderson should contact the Mass Highway to inform them of the complaint and investigate the NPDES violation. If necessary, an Enforcement Order should be issued.

HEARINGS

463 CHARLES RIVER STREET (DEP FILE # 234-680) – continued NOTICE OF INTENT
0 CHARLES RIVER STREET (DEP FILE # 234-683) – continued NOTICE OF INTENT

L. Standley opened the public hearings at 7:45 p.m., noting that the DEP has still not issued any comments on either project and listed both as "under review" online. There was no additional information required.

Motion to close the public hearing for 463 Charles River Street (DEP FILE # 234-680) by P. Oehlkers, seconded by S. Farr, approved 7-0-0. The public hearing was closed at 7:48pm.

Motion to waive strict compliance with the Bylaw Regulations for work in the bordering vegetated wetlands at 463 Charles River Street by P. Oehlkers, seconded by S. Farr, approved 7-0-0.

Motion to issue an Order of Conditions, as amended, for the replacement and extension of a pedestrian boardwalk at 463 Charles River Street (DEP File #234-680) by P. Oehlkers, seconded by S. Farr, approved 7-0-0.

Motion to close the public hearing for 0 Charles River Street (DEP FILE # 234-683) by P. Oehlkers, seconded by S. Farr, approved 7-0-0. The public hearing was closed at 7:49pm.

Motion to waive strict compliance with the Bylaw Regulations for work in the 25-foot buffer zone to bordering vegetated wetlands at 0 Charles River Street by P. Oehlkers, seconded by S. Farr, approved 7-0-0.

Motion to issue an Order of Conditions, as amended, for the replacement of a pedestrian bridge at 0 Charles River Street (DEP File #234-683) by P. Oehlkers, seconded by S. Farr, approved 7-0-0.

1012 SOUTH STREET (DEP FILE # 234-686) – continued NOTICE OF INTENT

L. Standley opened the public hearing at 8:00 p.m. Ardi Rrapi from Cheney Engineering represented the property owner. He explained that the proposed plans have been revised. The revised plans have replaced the culvert, originally proposed as two pipes grouted inside a box culvert, with a open box culvert. The two proposed haybales for the piped stream discharge were moved out of the channel, up the Bank. He submitted a revised waiver request prepared by Goddard Associates, and noted that the applicant is requesting that the waiver fee be dismissed.. A. Rrapi also stated that the erosion control line has been staked. **Motion to close the hearing for 1012 South Street (DEP FILE # 234-686) by P. Oehlkers, seconded by S. Farr, approved 7-0-0.** The public hearing was closed at 8:08pm.

Motion to waive strict compliance with the Bylaw Regulations for work in the 25-foot buffer zone to bordering vegetated wetlands and Bank at 1012 South Street by P. Oehlkers, seconded by S. Farr, approved 7-0-0.

Motion to issue an Order of Conditions, as amended, for the re-paving the existing driveway and replacing the existing 6-inch water line with a new 8-inch water line at 1012 South Street (DEP File #234-686) by P. Oehlkers, seconded by S. Farr, approved 7-0-0.

Motion to reduce the waiver fee to \$500.00 by P. Oehlkers, seconded by S. Farr, approved 7-0-0.

415 WARREN STREET - LOT 2A (DEP FILE # 234-670) - continued NOTICE OF INTENT

415 WARREN STREET - LOT 2B (DEP FILE # 234-669) - continued NOTICE OF INTENT

L. Standley opened the public hearings at 8:16 p.m. Rachel Watsky of Goddard Consulting and Ardi Rrapi from Cheney Engineering were present on behalf of the applicant. R. Watsky explained that the Commission had requested a new planting plan at the last meeting. She submitted a revised site plan with mitigation plantings for the proposed tree removal. The revised plans show he erosion controls on the Lot 2A plan moved per the Commission's comments. She stated that the proposed replacement trees on the two lots are unevenly distributed due to the limitations of planting area on Lot 2A, that each proposed house will now have two runoff drywells, and the houses' footprints have been moved as far forward (near the street) as possible. The proposed planting plan includes four types of trees and has proposed 43 total trees. A. Crocker had concerns for the numerous trees proposed for removal and asked for clarification on the plans. A. Rrapi noted that a number of the trees to be removed are located in the proposed building envelope, and that only the trees to be removed outside of the building envelope were marked with an X.. A. Crocker asked what protection would be provided for the increased runoff and asked if the size of the dry wells could be increased. J. Carter Bernardo suggested that the Commission may want to require shrubs be installed in the swale to reduce runoff.

Motion to close the public hearings for 415 Warren Street - Lot 2A (DEP FILE # 234-670) & 415 Warren Street - Lot 2B (DEP FILE # 234-669) by P. Oehlkers, seconded by S. Farr, approved 7-0-0. The public hearing was closed at 8:33pm.

25 MARR ROAD (DEP FILE # 234-685) – continued NOTICE OF INTENT

D. Anderson explained that the applicant requested that the hearing be continued to December 12, 2013 for additional time for the surveyors to meet and discuss the inconsistencies between the site plans submitted to the Commission. **Motion to continue the public hearing for 25 Marr Road (DEP File #234-685) to December 12, 2013 at 7:45pm by P. Oehlkers, seconded by S. Farr, approved 7-0-0.**

16 CENTRAL AVENUE - NSTAR (DEP FILE # 234-681) - continued NOTICE OF INTENT
BIRCH STREET - NSTAR (DEP FILE # 234-682) - continued NOTICE OF INTENT

D. Anderson stated that the applicant has withdrawn both Applications and will be submitting Requests for Determination of Applicability for these projects.

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

L. Standley opened the public hearing at 9:00 p.m. Rachel Watsky of Goddard Consulting represented the Applicant. R. Watsky provided new plans and explained that the plans propose to replace the existing grate in the BVW with a beehive grate and show a proposed berm to contain overflow from the wetland. **Motion to continue the public hearing for 32 Canterbury Lane (DEP FILE # 234-671) (for additional information) to November 7, 2013 at 8:15pm by P. Oehlkers, seconded by S. Farr, approved 7-0-0.**

1133 SOUTH STREET (DEP FILE #234-688) – NOTICE OF INTENT

L. Standley opened the public hearing at 9:15pm. Diane Simonelli from Field Resources represented the Applicant. D. Simonelli explained that the proposed project includes abandoning the existing septic system and constructing a new septic system with associated leaching field. She noted that there are bordering vegetated wetlands on the abutter's property. D. Simonelli stated that an existing weeping willow tree needs to be removed due to the design. She indicated that, subsequent to the NOI filing, the design of the septic system has been elongated so that it is not within the Edison easement. The applicant still needs to go back to the Board of Health for approval. The Commission noted that there is no 50-foot wetland buffer zone line on the plan. They requested that D. Simonelli check the measurements and show the 50-foot wetland buffer zone line on the revised plans and include the limit of lawn. The Commission asked why the new septic system could not be installed in front of the house, where it would be further from the wetland. D. Simonelli noted that the Applicant felt that installing the septic in the front lawn would decrease the value of the property, and that an existing water line is incompatible with a septic system. **Motion to continue the public hearing (for revised plans) for 1133 South Street (DEP File #234-688) to November 7, 2013 at 8:30pm by P. Oehlkers, seconded by S. Farr, approved 7-0-0.**

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

L. Standley opened the public hearing at 9:30 pm. She stated that this was an "after the fact" Notice of Intent. Diane Simonelli from Field Resources represented the Applicant. D. Simonelli explained that the owner was unaware that there were wetlands on the abutting property until these were delineated in August 2012. A sports court (approximately 41 feet x 30 feet) had been constructed outside the 25-foot no disturb zone, along the property line. The fence along the property line was installed by a previous owner who had a backyard pool, which was removed in 2008. The current owners purchased the house in 2010. The Commission expressed concern that no stormwater control or infiltration devices were proposed for the large area of impervious surface. J. Carter Bernardo asked what the pitch of the court is and where the runoff is directed. The owners explained that the runoff is directed to the driveway. J. Carter Bernardo suggested that the owners redirect the runoff from a downspout to the lawn, rather than to the driveway, to minimize impacts to groundwater. **Motion to close the public hearing for 20 Canterbury Lane (DEP FILE # 234-671) by P. Oehlkers, seconded by S. Farr, approved 7-0-0.** The public hearing was closed at 9:33pm.

Motion to issue the after-the-fact Order of Conditions for the installation of a sports court at 20 Canterbury Lane (DEP File #234-671) by P. Oehlkers, seconded by S. Farr, approved 7-0-0. Motion

to waive the doubling of the filing fee for an after-the-fact Notice of Intent submission by P. Oehlkers, seconded by S. Farr, approved 7-0-0.

OTHER BUSINESS

216 WASHINGTON STREET (DEP FILE # 234-592) - CERTIFICATE OF COMPLIANCE

This project had been tabled pending receipt of a letter from the abutter regarding the plantings, some of which are located on the abutting property. The Commission is in receipt of a letter from the abutting property owner approving the location of the plantings on his property. D. Simonelli submitted a revised as-built plan, now stamped and signed by the surveyor. **Motion to issue the Certificate of Compliance for 216 Washington Street (DEP File #234-592) by P. Oehlkers, seconded by S. Farr, approved 7-0-0.**

30 TAYLOR STREET (DEP FILE # 234-677) - ISSUE ORDER OF CONDITIONS

The Commission discussed the draft Order of Conditions and agreed that the Order should include replacing 50 percent of the white pines proposed to be planted between the limit of lawn and the stone wall with native deciduous trees, for a total of 30 replacement trees, and that the Applicant plant a minimum of 15 native shrubs, 18-36 inches in height, between the limit of lawn and the top of the stone wall, interspersed with the restoration trees. **Motion to issue the Order of Conditions, as amended, for 30 Taylor Street (DEP File #234-677) by P. Oehlkers, seconded by S. Farr, approved 7-0-0.**

1480 CENTRAL AVENUE (DEP FILE #234-389) – CERTIFICATE OF COMPLIANCE REQUEST

L. Standley noted that the survey certificate noted relatively deviations from the original Order of Conditions. Two trees were taken down. Kristen Phelps had made a site visit and found one stump. Mr. Ship, the Applicant stated that the trees were arborvitaes and had been destroyed by a storm. L. Standley explained that removing trees requires a permit from Conservation. He replied that he had planted eight dogwoods behind the garage. .

Motion to issue the Certificate of Compliance for 1480 Central Avenue (DEP File #234-389) by P. Oehlkers, seconded by S. Farr, approved 7-0-0.

40 WILDWOOD DRIVE (DEP FILE #234-610) – CERTIFICATE OF COMPLIANCE REQUEST

Kristen Phelps had conducted a site visit and noted that markers permanently demarcating the 25-foot wetland buffer are not in place. She also noted that the plantings stipulated in the Minor Modification from May 2012 are not there. The Conservation Department will contact the owner/applicant to notify them that their request has been tabled until the permanent markers required by Special Condition #25 are installed.

Motion to table the request for Certificate of Compliance for 40 Wildwood Drive (DEP File 234-610) by P. Oehlkers, seconded by S. Farr, approved 7-0-0.

48 WOODWORTH ROAD (DEP FILE #234-491)- CERTIFICATE OF COMPLIANCE REQUEST

L. Standley noted that the wrong box on the Request form had been checked off by the Applicant regarding the Certification. The Conservation Department corrected the Certification as “Invalid Order of Conditions” since work never commenced. **Motion to issue the Certificate of Compliance for 48 Woodworth Road (DEP FILE #234-491) by P. Oehlkers, seconded by S. Farr, approved 7-0-0.**

VARIOUS CULVERT LOCATIONS (DEP FILE #234-630) – DPW GENERAL REPAIR/MAINTENANCE ACTIVITY NOTIFICATION

132 Forest Street – Kristen Phelps documented the site conditions and concluded that there is not much of an existing channel. The culvert is essentially blocked. **Motion to approve the proposed DPW Maintenance Activity at 132 Forest Street to 84 Glendale Avenue by P. Oehlkers, seconded by S. Farr, approved 7-0-0.**

Rosemary Brook – Kristen Phelps report stated that the sediment is located in a flowing perennial stream which requires that a Notice of Intent application be submitted to the Conservation Department. The Commission voted to not authorize this maintenance work and the department will inform DPW.

Reservoir Brook Culvert Cleaning – Kristen Phelps reported that this brook is a flowing perennial stream and not eligible for work unless a Notice of Intent application is submitted.

Charles River Street Culvert (abutting 737 Charles River St.) – Kristen Phelps noted that this is an intermittent stream. **Motion to approve the proposed DPW Maintenance Activity at the 737 Charles River Street culvert by P. Oehlkers, seconded by S. Farr, approved 7-0-0.**

1065 SOUTH STREET (DEP FILE #234-684) – ISSUE ORDER OF CONDITIONS

Motion to issue the Order of Conditions, as amended, for the installation of a proposed driveway and installation of a sewer in South Street (DEP FILE #234-684) by P. Oehlkers, seconded by S. Farr, approved 6-0-1.

Motion to adjourn the meeting by P. Oehlkers, seconded by S. Farr, approved 7-0-0.

The meeting was adjourned at 9:47 p.m.

NEXT PUBLIC HEARING

November 7, 2013 at 7:30 PM in the Public Service Administration Building, Charles River Room