

TOWN OF NEEDHAM
CONSERVATION COMMISSION
MEETING MINUTES
Thursday, November 21, 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)

GUESTS: Joyce Hastings, David Kelly, John Rockwood, Walter Upton, John Zajonc

Standley opened the public meeting at 7:30 p.m.

MINUTES

Motion to approve the Minutes of November 7, 2013 as amended by S. Farr, seconded by S. Soltzberg, approved 7-0-0.

ENFORCEMENTS

MASS HIGHWAY - 128 ADD-A-LANE

D. Anderson stated that she and Kristen Phelps were scheduled to meet Mr. Medoff of Valley Road on-site to address his concerns regarding whether the contractor was in compliance with the Order of Conditions. The Town Engineer indicated that the flooding was caused by the fact that the drainage system was not designed to handle a 100-year storm such as the one that occurred on September 1, 2013.

HEARINGS

16 CENTRAL AVENUE – REQUEST FOR DETERMINATION OF APPLICABILITY

L. Standley and S. Farr recused themselves from the hearing. P. Alpert opened the public hearing at 7:45 p.m. Tom Keough of AECOM represented the Applicant. T. Keough explained that this was an after-the-fact filing. The work was completed and consisted of excavating a 4-foot by 5-foot hole in the pavement to install a gas line to the main in Central Avenue to provide gas service to the residents of 16 Central Avenue. A trench was excavated in the lawn from the main to the residence to carry the gas line. The disturbed area was loamed and seeded once the work was complete. P. Alpert asked how long the work had taken. T. Keough replied 2 days. P. Alpert questioned whether erosion controls were installed. T. Keough replied that he was not positive. T. Keough added that the work was located 80-90 feet from the river.

J. Carter Bernardo asked why the Applicant failed to file with the Commission for a Permit prior to the work being done. T. Keough explained that the Project Manager with NSTAR, Denise Bartone, did not know about the project until the Commission issued the Enforcement Order. It had “slipped through the cracks”. P. Alpert noted that he had noticed the work being done and

knowing the Commission had not issued a Permit, contacted the Commission Director to investigate.

Motion to close the public hearing for 16 Central Avenue by S. Soltzberg, seconded by J. Carter Bernardo, approved 5-0-2 (L. Standley and S. Farr recused). The hearing was closed at 7:55 p.m.

Motion to issue a Negative Determination of Applicability for 16 Central Avenue by S. Soltzberg, seconded by J. Carter Bernardo, approved 5-0-2 (L. Standley and S. Farr recused).

BIRCH STREET – REQUEST FOR DETERMINATION OF APPLICABILITY

L. Standley and S. Farr recused themselves from the hearing. P. Alpert opened the public hearing at 8:00 p.m. Tom Keough of AECOM represented the Applicant. T. Keough explained that this was an after-the-fact filing. T. Keough stated that the work was to install a gas main in Birch Street. All of the work occurred in existing asphalt and no vegetation was removed. He explained that the reason the Applicant did not file for a Permit for the work from the Conservation Commission was due to a miscommunication between NSTAR and the contractor regarding who was going to file.

Motion to close the public hearing for Birch Street by S. Soltzberg, seconded by J. Carter Bernardo, approved 5-0-2 (L. Standley and S. Farr recused). The hearing was closed at 8:05 p.m.

Motion to issue a Negative Determination of Applicability for Birch Street by S. Soltzberg, seconded by J. Carter Bernardo, approved 5-0-2 (L. Standley and S. Farr recused).

731 SOUTH STREET (DEP FILE #234-689) – NOTICE OF INTENT

L. Standley opened the public hearing at 8:15 p.m. David Kelly represented the Applicant, Budge Upton, who was present. D. Kelly explained that the plot had been divided into two legal lots several years ago. The proposed project consists of extending the existing driveway to access a proposed house (located outside the 100-foot buffer zone) on the rear lot. The Applicant's wetland consultant, John Rockwood of EcoTec, was present. D. Anderson stated that she had visited the site and she agreed with Mr. Rockwood's bordering vegetated wetlands delineation. D. Kelly explained that a second series of wetland flags shown on the plan submitted delineated a portion of a potential vernal pool located mainly on the abutting property. D. Kelly noted that the Applicant did keep all of the proposed work more than 100-feet from the boundary of the potential vernal pool. D. Kelly explained that the existing driveway would act as a common driveway then continue to access the proposed house at the rear.

D. Kelly noted that the proposed work would be in existing lawn and they planned to match the existing grade as much as possible but would need to place a small amount of fill near the existing retaining wall. The total additional impervious area would be 8,000 square feet. A recharge system has been proposed to infiltrate roof runoff from the house and garage to 1-inch. Soil test pits results showed B Class soils but D. Kelly reported some boulders are present and they may need to adjust the location of the utilities to avoid the boulders.

D. Kelly submitted a revised plan. The changes include proposed removal of a 12-inch oak tree, due to its poor health, that they originally planned to save. A hemlock tree that is in good condition will be retained. The proposed driveway has been moved further from the wetland and

will require the removal of three (3) trees which are leaning. D. Kelly requested that the Commission allow the Applicant to submit a landscape plan when they are further along planning the project, perhaps as a Condition in the Order of Conditions. The Commission questioned how many trees total were proposed for removal. D. Kelly explained that he had completed a preliminary tree inventory which includes: (1) one 12-inch white pine tree; (2) three oak trees; (3) a clump of 2 to 5-inch saplings; (4) one 36-inch oak tree (leaning heavily); (5) three ornamental cherries; and (6) 5-inch oak trees. D. Kelly submitted photos of the trees to the Commission. L. Standley noted that the Commission cannot close the Hearing as new plans had been submitted. L. Standley noted that the trees are not shown on the plan. J. Carter Bernardo asked where the runoff from the proposed driveway would go. D. Kelly replied that the driveway will be pitched towards the lawn. P. Oehlkers asked if the koi pond shown in the photos was empty. Mr. Upton replied that it had been empty for years. P. Alpert noted that the erosion controls were located within the 25-foot buffer zone. D. Kelly reported that the erosion controls had been pulled out of the 25-foot buffer zone on the revised plans. S. Soltzberg asked if D. Kelly was familiar with the Commission's Tree Removal Policy. D. Kelly replied that he was familiar with the 2:1 replacement policy.

Motion to continue the public hearing (for review of the revised plan) for 731 South Street (DEP FILE # 234-689) to December 12, 2013 at 8:30 p.m. by S. Farr, seconded by S. Soltzberg, approved 7-0-0.

166 VALLEY ROAD – REQUEST FOR DETERMINATION OF APPLICABILITY

L. Standley opened the public hearing at 8:30 p.m. No one was present to represent the Applicant. L. Standley explained that the proposed work included the removal of a dilapidated shed in the 100-foot buffer zone to bordering vegetated wetlands. The work would be done by hand and the debris removed from the site.

Motion to close the public hearing for 166 Valley Road by S. Farr, seconded by S. Soltzberg, approved 7-0-0. The hearing was closed at 8:35 p.m.

Motion to issue a Negative Determination of Applicability for 166 Valley Road by S. Farr, seconded by S. Soltzberg, approved 7-0-0.

LINDEN STREET & CYPRESS STREET (DEP FILE #234-6XX) – NOTICE OF INTENT Withdrawn at the Applicant's Request

921 SOUTH STREET (DEP FILE #234-690) – NOTICE OF INTENT

L. Standley opened the public hearing at 9:00 p.m. L. Standley noted that the proposed project was located in 200-foot Riverfront Area and abutting Town Property containing Farley Pond. Joyce Hastings represented the Applicant, Jonathan Bracken. J. Hastings explained that the existing retaining wall was the limit of work and was located 130 feet from the headwall of the stream at the closest point. J. Hastings explained that a portion of the proposed project would eliminate a portion of the existing driveway and construct a garage in its place as Re-Development of the 200-foot Riverfront Area. The proposed addition would be located completely in existing lawn and the roof runoff would be captured by 3 cultec drywells.

L. Standley stated that the filing should not have been filed under the Local Bylaw as the Bylaw does not regulate Riverfront Area. J. Hastings agreed that the proposed work was not considered exempt as an accessory to the existing structure. L. Standley stated that the only work

considered “new development” would be the family room addition. J. Carter Bernardo asked for the recharge chamber detail and questioned where the existing propane tank would be relocated. A. Crocker asked for an explanation of the driveway drainage. J. Hastings explained that the driveway drains to a low point in the lawn, not to the street. J. Carter Bernardo asked that the erosion controls be moved to the upper side of the existing retaining wall. J. Hastings agreed to the change in location of the erosion controls.

Motion to continue the public hearing (for a revised plan) for 921 South Street (DEP FILE # 234-690) to December 12, 2013 at 8:45 p.m. by S. Farr, seconded by S. Soltzberg, approved 7-0-0.

1560 GREAT PLAIN AVENUE – REQUEST FOR DETERMINATION OF APPLICABILITY

D. Anderson stated that the Applicant had requested a continuance to properly notify the abutters.

Motion to continue the public hearing (at the Applicant’s request) for 1560 Great Plain Avenue to December 12, 2013 at 8:15 p.m. by S. Farr, seconded by S. Soltzberg, approved 7-0-0.

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

D. Anderson stated that the Applicant had requested a continuance to complete the revised plan.

Motion to continue the public hearing (at the Applicant’s request) for 1133 South Street to December 12, 2013 at 8:45 p.m. by S. Farr, seconded by S. Soltzberg, approved 7-0-0.

OTHER BUSINESS

685 & 689 CHARLES RIVER STREET (DEP FILE #234-636) – CERTIFICATE OF COMPLIANCE REQUEST

D. Anderson reported that she had visited the site and found that the work was done in compliance with the Order of Conditions and the site was stable. She noted that only a partial Certificate of Compliance could be issued as there is a 2-year restoration area monitoring period Condition in the Order of Conditions.

Motion to issue a Partial Certificate of Compliance for 685 & 689 Charles River Street (DEP FILE # 234-636) by S. Farr, seconded by S. Soltzberg, approved 7-0-0.

130 WINDING RIVER ROAD (DEP FILE #234-662) – RIVERBANK PLANTING PLAN APPROVAL

D. Anderson explained that the Applicant had submitted a Riverbank Planting Plan for the Commission’s approval per a Special Condition in the Order of Conditions. The Commission discussed the proposed plan. The Applicant has proposed installing plantings along the lower bank. Due to the steep slope and the chance of disturbance causing erosion while installing plantings, the Commission agreed to request that the Applicant modify the planting plan to remove any proposed plantings along the lower bank. The Applicant submitted an invasive species removal plan which includes removal of bittersweet and other invasives from the river bank by manually digging them out. The Commission agreed that, due to erosion concerns, they would request that the Applicant “cut and paint” the stems with an approved herbicide such as roundup, leaving the roots intact.

Motion to accept the plan for planting and invasive species control, as amended, for 130 Winding River Road by S. Farr, seconded by S. Soltzberg, approved 7-0-0.

56 WINDING RIVER ROAD (DEP FILE #234-648) – MINOR MODIFICATION REQUEST

L. Standley explained that the Minor Modification Request is to revise the proposed plantings approved for installation in the Buffer Restoration area. The Applicant's landscaper submitted a letter stating her concern that the original proposal which calls for the installation of 5 full-size canopy trees and 8 shrubs in a 750-square foot area would create an overcrowding situation and suggesting installing two (2) red maple trees and that the remaining plantings consist of smaller tree species and shrubs.

Motion to accept the revised planting plan at 56 Winding River Road (DEP File #234-648) as a minor modification not requiring an Amendment to the Order of Conditions by S. Farr, seconded by S. Soltzberg, approved 7-0-0.

608 CHESTNUT STREET – HAZARD TREE REMOVAL REQUEST

D. Anderson explained that NSTAR had contacted Edward Olsen, Superintendent of the Needham Parks & Forestry Division to examine three potentially hazardous trees at 608 Chestnut Street located in the 100-foot buffer zone to bordering vegetated wetlands. E. Olsen agreed with NSTAR that there was one dead pine tree, a maple tree with considerable cavity damage and a small diameter oak tree leaning towards the road. Photos were provided to the Commission of the hazard trees. The Commission required that six-foot snags remain for animal habitat value.

Motion to approve the request to remove three hazard trees, leaving a six-foot snag, at 608 Chestnut Street as an exempt minor activity by S. Farr, seconded by S. Soltzberg, approved 7-0-0.

0 CHARLES RIVER STREET (NGWP #12) – OFF-SITE MITIGATION ALTERNATIVES – DISCUSSION

J. Rockwood and D. Kelly represented the Applicant. J. Rockwood explained that they were before the Commission to discuss proposals for off-site mitigation alternatives to meet Condition #45 of the Order of Conditions for 0 Charles River Street (NGWP #12). The alternatives proposed include: (1) installing signs along the roadway warning the public to watch for amphibians crossing during their migration to the vernal pools; (2) installing interpretive signs at Ridge Hill vernal pools to educate the public; (3) work to certify four vernal pools at Ridge Hill; and (4) invasive species control effort at Ridge Hill. The Commission discussed the various options. L. Standley questioned the value of certifying vernal pools on Conservation land that was already protected. The idea of interpretive signage at the vernal pools, if done in a meaningful way, was discussed, as well as installing amphibian crossing signs along the road if used at the proper time of year.

L. Standley mentioned that since it is considered a scenic roadway, any proposed roadway signs would need to go before the Town's Design Review Board and that temporary signs may be more effective. The Commission discussed the invasive species removal option. S. Soltzberg recommended controlling the Japanese knotweed on Charles River Street. L. Standley explained that the Commission did not expect complete eradication of the Japanese knotweed or a several

yearlong effort. A good faith effort of one to two years would be sufficient. Another invasive species that was mentioned as a possible option for control was oriental bittersweet. J. Rockwood stated that he assumed the Commission would require a certified professional to apply herbicide to the stands of japanese knotweed located adjacent to the Ridge Hill entrance. The oriental bittersweet removal effort along the trail would require the submittal of a trail maintenance determination form. J. Rockwood expressed that perhaps working to certify two vernal pools and working to control either the oriental bittersweet or japanese knotweed at the locations discussed at Ridge Hill sounded reasonable. A written proposal describing the proposed compliance with Condition 45 will be submitted for Commission review.

D. Kelly explained that the owners would like to begin the work as soon as possible now that the project is out of the court system. The Applicant is concerned with Condition #28 of the Order of Conditions which states that “no construction activity can take place between September 1st and February 1st”. The Applicant would like to begin clearing and grading work to rough-in the roadway as soon as possible. They would like to rough grade for 125-feet and stabilize. J. Rockwood explained that the Condition came forth from the Algonquin Order. They propose installing erosion controls with gaps every 50-feet to allow for amphibian crossing. The Commission noted that the amphibians are active, not during the day so there would be little disturbance caused by the construction vehicles. The only issue would be open trenches. D. Kelly assured the Commission that there would be no open trenches and agreed to install informational signage during construction to educate the workers. L. Standley suggested a modification to Condition #28 stating that if the vernal pool dries up early (no further amphibian movement would occur), the end date can be earlier than September. The Applicant would need to request a Minor Modification for this change.

D. Kelly discussed the SWPPP Plan preparation including the “snow management plan”. The Commission agreed that the SWPPP and the NPDES permit could be sent to the Conservation staff for review and circulated to the Commission.

RIDGE HILL EVENTS – DISCUSSION

L. Standley discussed a plan to publicize the CPC Warrant Article for funding the reconstruction of the two Ridge Hill bridges. One element of the plan could be monthly events at Ridge Hill. P. Oehlkers recommended renaming the Swamp Trail in honor of Timothy Otis Fuller, a well-known naturalist. L. Standley noted that in the 1880’s and 1890’s Mr. Fuller wrote and illustrated a field guide to birds of Needham and collected plant specimens at Ridge Hill and other locations. P. Oehlkers and A. Crocker suggested creating a Facebook page for Ridge Hill.

Motion to adjourn the meeting by S. Farr, seconded by S. Soltzberg, approved 7-0-0. The meeting was adjourned at 9:55 p.m.

NEXT PUBLIC HEARING

December 12, 2013 at 7:30 PM in the Public Service Administration Building, Charles River Room.