

**TOWN OF NEEDHAM  
CONSERVATION COMMISSION  
MEETING MINUTES  
Thursday, March 13, 2014**

LOCATION: Public Services Administration Building, Charles River Room

ATTENDING: Lisa Standley, Paul Alpert, Janet Carter Bernardo, Artie Crocker, Stephen Farr, Peter Oehlkers, Sharon Soltzberg, Matt Varrell (Director of Conservation), Debbie Anderson (Conservation Specialist)

GUESTS: Paul Beaulieu, Kyle PJ, Scott Goddard, Constance Barr, Andrew Bejian, Stacey Brenner, David Nectow, Les Worth, Jill & Bruce Krana

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

**MINUTES**

**Motion to approve the Minutes of February 27, 2014 (as amended) by P. Alpert, seconded by P. Oehlkers, approved 7-0-0.**

**ENFORCEMENT & VIOLATION UPDATES**

**130 SOUTH STREET**

M. Varrell stated that he had spoken to Brent Powers at the MA Natural Heritage and Endangered Species Program (NHESP) regarding the 130 South Street Enforcement. M. Varrell had sent a copy of the Conservation Department's latest enforcement correspondence to NHESP due to the fact that a portion of the property is located within Priority and Estimated Habitat. M. Varrell described the history of the Enforcement action to B. Powers. B. Powers told M. Varrell that NHESP was satisfied to let the Conservation Commission take a lead in resolving the Enforcement issue but offered their assistance if necessary and would like to be kept informed. L. Standley asked M. Varrell if B. Powers mentioned what species was mapped in this area. M. Varrell stated that B. Powers thought it was a dragonfly and perhaps a mussel in the river.

**HEARINGS**

**450 SOUTH STREET (DEP FILE #234-699) – NOTICE OF INTENT**

L. Standley opened the public hearing at 7:45 pm. Paul Beaulieu of Field Resources represented the Applicant and presented a revised plan showing proposed plantings. Kyle PJ, the general contractor, was also present. P. Beaulieu stated that the contractor had begun the work several months ago without an Order of Conditions under the Act and the Bylaw. When the contractor realized that there were wetlands located in the area, he came into the Conservation Department and spoke with the Acting Director, Debbie Anderson. D. Anderson stated that she had inspected the site and instructed the contractor to stabilize the site by installing erosion controls and cover the large pile of soil with a tarp. She then requested that they file a Notice of Intent for the work

completed and for the rest of the project. P. Beaulieu noted that at that point they were contacted by the Applicant to prepare the Notice of Intent.

The proposed project includes: reconstructing and extending a patio; installing retaining walls; a garden; a french drain; a blue stone walkway; and a fence. Additionally, the applicant proposes to remove four trees within the Bordering Vegetated Wetlands and the 100-foot buffer zone,. P. Beaulieu stated that the Applicant proposed to remove two hazardous white spruce trees down to the ground and leave snags of two dead white ash trees to provide wildlife habitat. P. Beaulieu noted that as part of the proposed planting plan, the Applicant would install three trees and many shrubs. P. Beaulieu described the remaining portions of the project including: replacing a damaged bluestone patio in the same location with a new bluestone patio; replacing cobblestone retaining walls along the patio with antique brick walls and stairs; installing a “tranquil” garden similar to the one shown on the submitted landscape information; and installing a fence along the eastern property line. He stated that there was also a new French drain to alleviate flooding behind the house.

The Commission discussed two existing French drains shown on the submitted plan. The drains currently discharge directly into the wetland. Kyle PJ stated that the drains were existing drains but at least one was filled with sediment. He indicated that they were able to clear one of the lines of mud without working in the wetland and the other was removed and repaired 5-feet outside the haybale line. The Commission asked whether there had been any earlier filings on the property. M. Varrell stated that a Negative Determination of Applicability was issued in 2006 for the demolition of an addition and construction of a garage. L. Standley stated that the Commission had not permitted the drain pipes that outlet into the wetland and they were in violation of the Act and the Bylaw. The Commission will require that they be removed. M. Varrell stated that at least one of the pipes appears to be functioning and that a sump pump is connected to one of the drainage pipes. L. Standley noted that the sump pump created an unpermitted non-stormwater discharge and was also a violation. Kyle PJ stated that his company took over the project and had assumed that everything already existing was approved. S. Soltzberg asked about the location of the haybale line. L. Standley noted that the haybales were located at the limit of lawn. The Commission asked for clarification as to where the proposed replacement trees were shown on the plan.

**Motion to continue the public hearing for 450 South Street (DEP File #234-699) for the submittal of revised plans and the review of new information, until March 27, 2014 at 8:15 pm by P. Alpert, seconded by P. Oehlkers, approved 7-0-0.**

### **190 EDGEWATER DRIVE (DEP FILE #234-702) – NOTICE OF INTENT**

L. Standley opened the public hearing at 8:15 pm. Scott Goddard of Goddard Consulting and the Landscape Architect, Les Worth, represented the Applicant. S. Goddard described the existing conditions. He indicated that the property includes an existing single-family home located on the Charles River. The resources located on site are the 200-foot Riverfront Area, Inland Bank and Bordering Land Subject to Flooding (BLSF). S. Goddard stated that the Bank was steep and well-defined and no Bordering Vegetated Wetlands were identified on the site. Lawn extends to the Bank with oak and pine trees interspersed in the lawn. An existing paved basketball court is located within the lawn.

S. Goddard described the proposed landscaping plan which includes; installing a 44-foot by 24-foot in-ground pool; patio; grading; and expanding an existing deck by 33%. A portion of the proposed grading would be located within Bordering Land Subject to Flooding, resulting in a minor loss of flood storage. As mitigation, a slight depression would be graded as a compensatory flood storage area and rain garden

S. Goddard reviewed the performance standards for the proposed work. Riverfront Area alterations would fall within minor exemptions accessory to a single-family house. The work proposed is within existing lawn and no new impervious area would be located within 100 feet of the river. The pool is located in the outer riparian area. The proposed patio around the pool will be pervious. The applicant proposes to remove four trees. One pine tree slated for removal is located within the BLSF. The proposed landscaping plan will mitigate for the tree removals by planting additional trees and shrubs.

L. Worth described the site, which currently contains a large number of invasive species, including: glossy buckthorn, bittersweet, multiflora rose, and burning bush. The project includes removing these plants. L. Standley asked what methods they planned to use to remove the invasives. L. Worth stated that they planned to remove the burning bush shrubs by digging them out. Smaller specimens of other species will be pulled by hand and larger specimens will be cut and painted with *Rodeo* herbicide. The proposed planting plan includes three flowering dogwoods and four magnolia trees.

J. Carter Bernardo noted that abutters to the property in the past have had concerns with swales and asked about the proposed grading. Jill and Bruce Krana, abutters at 200 Edgewater Drive asked about the effects the project would have on their property. S. Goddard stated that the Krana's property is at a higher elevation than 190 Edgewater so they would not be affected by drainage. J. Carter Bernardo asked if any soil testing had been done in the proposed rain garden location. S. Goddard replied that he had encountered fairly sandy soils during his delineation but no formal soil evaluation had been completed. L. Standley noted that the Commission would be unable to close the hearing as the project is under review by NHESP.

**Motion to continue the public hearing for 190 Edgewater Drive (DEP File #234-702), pending receipt of comments from NHESP, until March 27, 2014 at 8:30 pm by P. Alpert, seconded by P. Oehlkers, approved 7-0-0**

### **104 ELDER ROAD (DEP FILE #234-7XX) – NOTICE OF INTENT**

L. Standley opened the public hearing at 8:45 pm. Paul Beaulieu of Field Resources represented the Applicant. M. Varrell stated that there is an issue with the filing fees for the project so DEP has not yet issued a DEP file number. P. Beaulieu noted that they were in contact with DEP to work out the issues. P. Beaulieu stated that the proposed project included demolition of the entire residence, including removing the large driveway within the 200-foot Riverfront Area to Hurd Brook. He noted that the existing impervious area on the site is substantial and as a result of the proposed project, the footprint of the house will be enlarged but the overall impervious area will be reduced. The fence shown on the plan is existing and may have been installed for the pool that used to exist on site. J. Carter Bernardo asked if they knew the depth to groundwater on the site. P. Beaulieu replied that they did not know the depth but the proposed

infiltration system is shallow. J. Carter Bernardo noted that the Commission could Condition the requirement for a test pit.

L. Standley asked how the project complies with the Riverfront Standards. P. Beaulieu asked whether disturbing lawn would count towards the 5,000 square feet of disturbance limit. L. Standley replied that it did count. P. Beaulieu replied that perhaps they could remove the grading from the proposal so they would maintain the project below the 5,000 square feet of alteration threshold. The Commission asked that the revised plan show the filtermitt to be located at the revised limit of work line. P. Beaulieu noted that the tree to be installed would be chosen from the Needham approved tree list. The Commission asked that the proposed trees be shown on the plan. M. Varrell indicated that the delineation was accurate.

**Motion to continue the public hearing for 104 Elder Road (DEP File #234-7XX) for issuance of a DEP File #, a revised plan and Riverfront Area performance standard analysis until March 27, 2014 at 8:45 pm by P. Alpert, seconded by P. Oehlkers, approved 7-0-0**

## **OTHER BUSINESS**

### **FACILITIES WORKING GROUP – UPDATE**

A. Crocker noted that he, L. Standley, P. Alpert, and M. Varrell had attended a Facilities Working Group meeting that morning with members of the Board of Selectmen, Park & Recreation personnel and Public Facilities personnel. A. Crocker outlined the topics discussed at the meeting, including:

1. A discussion of a potential land swap between the Nike site and Ridge Hill Reservation and a discussion of access to the Nike site via Ridge Hill. L. Standley stated that the Facilities Working Group priorities were to find better locations for the Needham DPW, Fire & Police, Hillside School and School Administration. She noted that the Group did not feel that Ridge Hill would be an appropriate location for any of the priority uses but the Selectmen would still like the Conservation Commission to consider swapping 19 acres of Ridge Hill from Charles River Street to the buildings for the Nike Site for an undefined future use. L. Standley stated that she had suggested the Group look at one portion of the High Rock Town Forest by the rail trail for another use in the future rather than Ridge Hill, and added that Ridge Hill is protected under Article 97 and any change of use would be extremely difficult.
2. The existing schools were addressed especially the future of the Hillside School and whether a school would ever be located at DeFazio Field.
3. A. Crocker stated that the future location of the DPW was also discussed. The DPW wishes to keep the towns trucks in the same location as the DPW Administration versus the current situation where trucks and supplies are located in different areas throughout Town.

### **EAGLE SCOUT PRESENTATION – ANDREW BEJIAN (ROSEMARY LAKE TRAIL)**

Eagle Scout Candidate Andrew Bejian described his proposed project to the Commission. The proposed project's purpose is to maintain and improve the Rosemary Trail e including:

1. Clearing the entire path of leaves and overgrown vegetation;
2. Installing a welcome sign near Rosemary Pool;

3. Installing a kiosk at the beginning of the trail;
4. Installing street signs indicating where the trail begins;
5. Installing trail markers on trees; and
6. Clearing a small field of overgrowth, branches, and fallen debris in order to mow and weed wack the field to make it usable for classes by the Park & Recreation Department in the summer. Any organic debris removed will be placed in the woods.

L. Standley asked if the Park & Recreation Department had approved his plans. A. Bejian replied that he had been working with Karen Peirce from Park & Recreation and she would be overseeing the project. M. Varrell added that he had spoken to Karen Peirce and arranged to supervise the work if Karen Peirce was unavailable. L. Standley stated the importance of having the work supervised especially where the path runs through the wetlands. M. Varrell noted that he had met A. Bejian on-site and walked the trail pointing out areas of concern. M. Varrell asked if A. Bejian would be allowed to use motorized equipment on the field such as a mower and weed wacker. L. Standley replied that would be fine. M. Varrell offered to hang some flags to delineate the limit of work at the field. P. Alpert asked how many people A. Bejian expected to help with the project and how long he expected the project to take to complete. A. Bejian replied that he wasn't sure of the exact number yet, but anticipated 10-15 scouts from his troop and additional friends and family if necessary. He stated that he anticipated the work to take one to two days over one to two weekends. P. Oehlkers asked whether the timing of the project would interfere with birds such as the song sparrow nesting in the field area. L. Standley replied that she did not believe that the field provided habitat due to its small size and since the meadow is bisected by the trail.

**Motion to approve the Rosemary Trail project as presented by A. Bejian (under the Generic Maintenance Permit for the Needham Trails System) by P. Alpert, seconded by P. Oehlkers, approved 7-0-0.**

#### **REQUEST FOR SINGLE DAY USE OF RIDGE HILL – BRAKING AIDS RIDE**

L. Standley stated that the Commission had a request to use the parking lot at Ridge Hill for a staging area for the Braking Aids Ride in September. She noted that the Commission had approved this request for several years in a row and had found the race organizers and participants to be good stewards of Ridge Hill and have never had any problems with them.

**Motion to approve the request for a single day use of the Ridge Hill parking lot as a staging area for the Braking Aids Ride in September by P. Alpert, seconded by P. Oehlkers, approved 7-0-0.**

#### **DISCUSSION FOR SINGLE DAY USE OF RIDGE HILL FOR A “FALL FESTIVAL”**

M. Varrell stated that the Commission had received an enquiry from a resident interested in hosting a “fall festival” at Ridge Hill on October 24th. She is in the early stages of planning but Ridge Hill is her preferred site. She would like to discuss her proposed “festival” with the Commission if they would like more information in order to make an informed decision. L. Standley noted that it sounded like this type of use of Ridge Hill would be better suited on the Selectmen's portion of the property. P. Alpert stated that the people would most likely spill over into the fields for activities. L. Standley stated that the Commission's “off limits” areas could be made clear. L. Standley agreed to have the party come in and go over their proposed “festival”

with the Commission at a future meeting but reiterated that the proposed use would be more suited to the Selectmen's portion of the property.

**REQUEST FOR A SINGLE NIGHT USE OF RIDGE HILL FOR VALET PARKING**

M. Varrell stated that he had received an enquiry from a function planner interested in using the parking areas at Ridge Hill for valet parking for a resident's evening event being held in May. They anticipate needing parking for approximately 50 cars. They would like to pay to rent the parking areas for the evening. L. Standley replied that they would have to ask the Selectmen. The Commission discussed how many available parking spaces there were on the Commission's property and estimated there were approximately 25 spaces. L. Standley asked what time the parking areas would be in use. M. Varrell stated that the time to be 7:00 pm to approximately 10:00 pm. L. Standley stated that at the proposed time, Ridge Hill is closed to the public and not lighted. The consensus of the Commission was that the request was not an appropriate use of Ridge Hill.

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

The Applicant submitted the Request after the filing deadline, and it was not provided to the Commission in their packets. The Commission did not have time to review the Request prior to the meeting and tabled the discussion of the Request until the March 27, 2014 Public Meeting.

**REQUEST FOR MINOR MODIFICATION – 465-471 GROVE STREET (DEP FILE #234-700)**

L. Standley stated that the Applicant is requesting permission to begin tree clearing in advance of submitting a Planting Plan, as required in the Order of Conditions, so they can begin work removing the trees while the conditions are favorable. M. Varrell indicated that he had received a copy of the correspondence from the Office of Dam Safety approving the vegetation removal plan. The applicant's letter indicated that the planting plan would be submitted in four weeks.

**Motion to allow tree clearing in advance of the submittal of the Planting Plan as a Minor Modification to the Order of Conditions not requiring an amendment, by P. Alpert, seconded by P. Oehlkers, approved 7-0-0.**

**Motion to adjourn at 9:00 p.m. by P. Alpert, seconded by S. Farr, approved 6-0-0.**

**NEXT PUBLIC HEARING**

*March 27, 2014 at 7:30 PM in the Public Service Administration Building, Charles River Room*