

**TOWN OF NEEDHAM
CONSERVATION COMMISSION
MEETING MINUTES
Thursday, March 27, 2014**

LOCATION: Public Services Administration Building, Charles River Room

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

GUESTS: Magdalena Lofstedt, Justin McCullen, Kyle Piche, Kathy Rehl, John Rockwood, Vincent Roy, Diane Simonelli

L. Standley opened the public meeting at 7:33 p.m.

MINUTES

Motion to approve the Minutes of March 13, 2014 (as amended) by P. Alpert, seconded by S. Soltzberg, approved 4-0-0.

ENFORCEMENT & VIOLATION UPDATES

130 SOUTH STREET

M. Varrell stated that he had received a voicemail from the homeowner, Lana Sokolove. She indicated that she would not be filing for a Permit at this time as requested by the Conservation Commission. She requested a list of Consultants for her to contact who may be able to help her put together and submit the filing. The Commission instructed M. Varrell to send L. Sokolove the Consultant list and extend the deadline for submission until April 24, 2014.

HEARINGS

470/500 SOUTH STREET (DEP FILE #234-698) – ABBREVIATED NOTICE OF RESOURCE AREA DELINEATION

L. Standley opened the public hearing at 7:45 pm. Vincent Roy of the Needham Water & Sewer Department and Magdalena Loftstedt of CDM Smith presented the proposed project. Revised plans were submitted at the hearing. V. Roy stated that the proposed DPW project involves an 18-inch culvert drainage pipe located in an existing drainage easement between 470 and 500 South Street.

V. Roy stated that the roots of a weeping willow tree have grown into the pipe and obstructed the pipe. The Town received a call from abutters at 470 South Street regarding water bubbling out of an existing manhole. L. Standley reminded V. Roy that this hearing only pertains to approval of the wetland resources delineated on the site not the proposed work.

M. Loftstedt stated that the reason for this filing is that a portion of the pipe to be replaced is located within Bordering Vegetated Wetlands. They are hoping to stay below the 5,000 sq. ft. threshold for disturbance to avoid filing a 401 Water Quality Certification. M. Loftstedt stated that she had several site visits with M. Varrell to review the wetlands delineation. M. Varrell had concerns regarding portions of the delineation. M. Loftstedt changed/added flags to the delineation based on M. Varrell's comments. M. Varrell stated that the revised plan appears to

accurately represent the changes in the delineation he requested. M. Loftstedt stated that a tennis court had been constructed within the wetland many years ago; therefore, the wetland boundary goes around the court. The delineation stopped at the existing garden area and shed. L. Standley asked M. Loftstedt how the delineation was documented. M. Loftstedt stated that she provided Army Corp. Data Sheets, and the delineation was based on soils and hydrology due to the lawn. L. Standley stated that the delineation took place on properties not Town owned and asked if they had the owner's signatures on the Application. V. Roy stated that they did not have the owners signatures but that the owners were aware of and approved of the work. L. Standley stated that since the resulting ORAD will place an encumbrance on the owner's properties, the Commission will require signatures. P. Alpert stated that the revised plans need to be stamped and signed.

Motion to continue the public hearing to April 10, 2014 at 8:30 pm, for owner signatures and signed and stamped plans for 470/500 South Street (DEP File #234-698), by P. Alpert, seconded by S. Soltzberg, approved 7-0-0.

22 MILLER STREET (DEP FILE #234-703) – NOTICE OF INTENT

L. Standley opened the public hearing at 8:00 pm. John Rockwood of EcoTec represented the applicant, Justin McCullen. J. Rockwood stated the project scope includes installing a 200 sq. ft. deck and stairs with sona tube supports on the back of the existing house. A staked straw wattle would act as erosion and sediment control. The sod under the deck would be replaced with crushed stone. J. Rockwood stated that the project is located within the 25-foot buffer to the "lawn" wetland located to the rear of the house. The applicant is requesting a waiver for work in the 25-foot buffer and a waiver of the waiver fee as the work is in existing lawn. L. Standley stated that the application states that proposed mitigation consists of ten shrubs to be planted in the buffer zone. The Commission requested the mitigation plantings to be located within the wetland (lawn) area rather than the buffer zone.

L. Standley asked J. Rockwood to explain why the work qualifies for a waiver. J. Rockwood explained that the resource area does not protect the interests of the Act, there are no alternatives to the deck location, and that mitigation is proposed in the form of proposed native shrub plantings.

Motion to close the public hearing for 22 Miller Street (DEP FILE # 234-703) by P. Alpert, seconded by S. Soltzberg, approved 5-0-0.

Motion to waive the Bylaw regulations for work being conducted within 25 feet of a wetland by P. Alpert, seconded by S. Soltzberg, approved 5-0-0.

Motion to waive the Bylaw Filing Fee for work requiring a waiver by P. Alpert, seconded by S. Soltzberg, approved 5-0-0.

Motion to issue the Order of Conditions, as amended, by P. Alpert, seconded by S. Soltzberg, approved 5-0-0.

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

L. Standley opened the public hearing at 8:15 pm. Diane Simonelli of Field Resources represented the Applicant and presented a revised plan. D. Simonelli stated that the revisions to the plan include the addition of a cultec system and drywell to infiltrate the water from the french drain, sump pump and downspouts. D. Simonelli stated that the overflow would go into the existing pipe. D. Simonelli stated that prior to the installation of the french drain, the owners had problems with water in the basement. After a recent storm the basement was dry. L. Standley asked D. Simonelli for clarification of the planting plans as they relate to the plan of record. D. Simonelli stated that the three mitigation trees are shown on the plan of record but the rest of the proposed plantings were depicted on the planting plans. L. Standley asked what the species the mitigation trees were. D. Simonelli stated that she did not know.

D. Simonelli stated that any overflow from the drywell would be directed into the existing pipe for discharge into the wetland. L. Standley stated that the existing pipe is in violation and would need to be removed. D. Simonelli asked if the pipe were cut back outside of the 25-foot buffer, would the Commission be satisfied. M. Varrell stated that the plan needs to show to where the pipe will be pulled back, the methods of outlet stabilization, and how the disturbed area would be restored. J. Carter Bernardo stated that the Order could be conditioned to include the requirement of an inlet and outlet to the culvert chamber with the final outlet located outside the 25-foot buffer. The Commission indicated that the applicant needs to submit a revised plan showing the detail of the overflow and stabilization of the area at the end of the pipe; and to identify which native trees are to be installed for mitigation.

Motion to continue the public hearing for 450 South Street (DEP File #234-699), for the submittal of revised plans, until April 10, 2014 at 8:45 pm by P. Alpert, seconded by S. Soltzberg, approved 5-0-0.

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

M. Varrell stated that the Applicant had requested a continuance to the April 10, 2014 Conservation Commission Meeting.

Motion to continue the public hearing for 190 Edgewater Drive (DEP File #234-702) until April 10, 2014 at 9:00 pm by P. Alpert, seconded by S. Soltzberg, approved 5-0-0

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

L. Standley opened the public hearing at 8:45 pm. Diane Simonelli of Field Resources represented the Applicant. D. Simonelli stated that there is still an issue with the filing fees so DEP has not issued a File number. L. Standley stated that the Commission had continued the hearing for the submission of a revised plan, which they have not received and documentation on how the project meets the performance standards. D. Simonelli submitted a revised plan. D. Simonelli stated that the filtermitt sock and the limit of grading has been moved in as requested by the Commission, and that the area of proposed disturbance within the riverfront area has been reduced to 4,185 square feet. D. Simonelli stated that three trees are proposed for removal with mitigation provided by installing four trees. A drywell is proposed to capture all the runoff from the new impervious area. L. Standley asked why the builder is removing two of the trees. D. Simonelli stated that the way the trees are growing, the builder is afraid they will lean in over the house. She. Simonelli stated that the mitigation trees will be selected from the Needham tree list.

Motion to continue the public hearing for 104 Elder Road (DEP File #234-7XX), for issuance of a DEP File # and for the Commission to review the new information, until April 10, 2014 at 9:15 pm by P. Alpert, seconded by S. Soltzberg, approved 5-0-0.

OTHER BUSINESS

TRAIL MAINTENANCE ACTIVITY NOTIFICATION – ROSEMARY TRAIL

M. Varrell stated that this request for approval pertains to the annual spring trail cleanup undertaken by the general public at Rosemary Trail. L. Standley asked if this project had anything to do with the Eagle Scout project approved at the last Conservation Commission Meeting. M. Varrell stated that the Eagle Scout project would take place in May or June and center on the trails. M. Varrell stated that this project would focus more on the area surrounding the former scout building and would take place on April 12, 2014.

Motion to approve the Trail Maintenance Cleanup Activity at the Rosemary Trail on April 12, 2014 by P. Alpert, seconded by S. Soltzberg, approved 5-0-0.

TRAIL MAINTENANCE ACTIVITY NOTIFICATION – TEMPLE BETH SHALOM

M. Varrell stated that this request for approval pertains to the annual Temple Beth Shalom Tikkun Olam Day volunteer cleanup at Ridge Hill on April 6, 2014. The volunteers will be picking up trash and doing minor pruning along the front entrance of Ridge Hill on both sides of Charles River Street. L. Standley stated that she would prefer volunteer work at Ridge Hill to be supervised by a member of the Conservation Commission. L. Standley and P. Alpert stated they would be available to supervise. L. Standley asked M. Varrell if K. Peirce from Parks & Recreation discussed the project with him prior to filing the request. M. Varrell stated that she had not. L. Standley stated that she would prefer the Parks & Recreation Department discuss proposed projects located at Ridge Hill with the Conservation Department personnel prior to filing a request.

Motion to approve the Trail Maintenance Cleanup Activity at Ridge Hill on April 6, 2014 by P. Alpert, seconded by S. Soltzberg, approved 5-0-0.

TRAIL MAINTENANCE ACTIVITY NOTIFICATION – FUTURE BAY COLONY RAIL TRAIL

J. Carter Bernardo asked why the Commission was receiving this request. L. Standley stated that portions of the trail cross over streams and wetlands. M. Varrell stated that he had walked the rail trail with several staff members from the Town and the main focus of this cleanup is to pick up trash and debris and prune any overgrowth or weeds growing between the tracks. L. Standley stated that her only concern was supervision of the project. K. Peirce will already be supervising the Rosemary Trail cleanup on that date. J. Carter Bernardo stated that she would be available to supervise the Rosemary Trail Cleanup. K. Peirce would therefore be able to supervise the Bay Colony Rail Trail project.

Motion to approve the Trail Maintenance Cleanup Activity at the future Bay Colony Rail Trail on April 12, 2014 by P. Alpert, seconded by S. Soltzberg, approved 5-0-0.

REQUEST FOR CERTIFICATE OF COMPLIANCE – 174 CHARLES RIVER STREET (DEP FILE #234-631)

L. Standley stated this Certificate of Compliance request is for work done at the Walker Gordon Park and associated ball fields. M. Varrell stated that he had conducted a site visit. At the time there was still snow on the ground but it appeared that all disturbed areas has been sodded and were stabilized. L. Standley stated that the as-built plan submitted was slightly confusing due to “proposed work” noted on the plan. M. Varrell stated that the location of the proposed stone wall was slightly different but was located outside the Commission’s jurisdiction. L. Standley noted a difference in the proposed location of the 6-foot wide walkway. J. Carter Bernardo stated that the walkway was slightly closer to the wetlands but still outside of the 25-foot buffer. L. Standley asked M. Varrell if the picnic area and sundial had been installed. M. Varrell stated that it was.

Motion to issue a Certificate of Compliance for 174 Charles River Street (DEP FILE # 234-631) by P. Alpert, seconded by S. Soltzberg, approved 5-0-0.

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

L. Standley stated that the proposed modifications include: a revised planting plan; a slight widening of the proposed driveway; and a change from a proposed patio to a deck. L. Standley

noted the revised planting submitted states that all proposed plantings are native species but they are not. The Landscape Designer, K. Rehl, stated that the species were categorized by an on-line source as native species. L. Standley stated they were not all native to New England but the species planted in the corner closest to the river were native. K. Rehl stated that the proposed front porch shown on the original plan would no longer be installed.

Motion to accept the proposed modifications including: a revised planting plan; widening of the proposed driveway; and installing a deck instead of the proposed patio, as a minor modification to the Order of Conditions for 56 Winding River Road (DEP File #234-648) by P. Alpert, seconded by S. Soltzberg, approved 5-0-0.

RIDGE HILL - SINGLE DAY USE REQUEST – PARKING USE

L. Standley stated that she and M. Varrell had discussed the proposed use and M. Varrell was to get additional information from the party planner regarding the proposed use of the Ridge Hill parking areas for valet parking for an event held by a private citizen on May 9, 2014. L. Standley stated that the planner will provide lighting and police detail for the valet parking of up to 50 cars. M. Varrell stated that as a portion of the parking would be located on the Selectmen owned portion of Ridge Hill that the Board of Selectmen had discussed the use and had no issue with it. M. Varrell stated that the Town Manager, Kate Fitzgerald, stated that a fee of \$200 - \$300 seemed reasonable. The entire fee would go into the Conservation fund. L. Standley stated that when the entire house used to be rented out, the fee was \$650, so \$250 for the parking usage seemed reasonable. P. Oehlkers stated that he was concerned with overflow parking onto the fields. M. Varrell stated that he counted the parking spaces and there was plenty for 50 cars. Overflow should not be an issue. L. Standley suggested M. Varrell revise the previous contracts for the historical society usage of Ridge Hill and house rental to condition this usage. P. Alpert advised M. Varrell to email him the contracts for review.

Motion to authorize M. Varrell to coordinate with the party planner to allow parking on May 9, 2014 for the event for approximately 50 cars for \$250 by P. Alpert, seconded by S. Soltzberg, approved 5-0-0.

0 CHARLES RIVER STREET –

The Commission approved the seasonal frog warning sign submitted by the Applicant. M. Varrell will continue to work with the other Town departments to secure approval for installing the signs along Charles River Street.

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

NEXT PUBLIC HEARING

April 10, 2014 at 7:30 PM in the Public Service Administration Building, Charles River Room