

**TOWN OF NEEDHAM
CONSERVATION COMMISSION
MEETING MINUTES
Thursday, April 10, 2014**

LOCATION: Public Services Administration Building, Charles River Room

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

GUESTS: Kurt Federow, Reg Foster, Michael Lennon, Pete Pederson, Kyle Piche, Diane Simonelli, Steve Wiehe

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

MINUTES

Motion to approve the Minutes of March 27, 2014 (as amended) by S. Farr, seconded by Peter Oehlkers, approved 4-0-0.

ENFORCEMENT & VIOLATION UPDATES

130 SOUTH STREET

M. Varrell stated that he had sent Lana Sokolove the consultant list as she requested and informed her that the deadline for submission had been extended until April 24, 2014.

NEEDHAM GOLF COURSE

L. Standley stated that she had observed a potential violation at or adjacent to the Needham Golf Course. She noticed that the majority of the trees on the slope near the stream right after Hersey Station had been cut. S. Farr stated that he had noticed the violation as well. The Commission asked M. Varrell to contact the management of the golf course for an explanation of the activities.

19 PHEASANT ROAD

M. Varrell stated that, during a site visit to review the NOI for this property, he observed a violation at 19 Pheasant Road. L. Standley asked to defer discussion of the violation until the agenda item for the NOI.

Following the public hearing on the NOI, L. Standley stated that M. Varrell had observed a violation during the site inspection for the review of the NOI. A tree had been removed and bark mulch spread within BVW. Diane Simonelli, representing the applicant, explained that the homeowner had hired a company to “spring clean” his yard this year and they had cut a dead tree down, and mulched the area. The homeowner, Kurt Federow, stated that the previous landscaper had blown the yard debris into the back corner. He asked the new landscaper to remove the debris. K. Federow stated that a storm damaged tree that he felt was a hazard to his children was removed. M. Varrell stated that prior to his site visit, he had received an anonymous phone call

regarding tree cutting taking place in the wetland. He observed one recently cut stump and judged it to be from a dead tree. All other trees and saplings appeared to be un-touched. M. Varrell stated that six to twelve inches of bark mulch had been added making it difficult to determine what understory may have been present. K. Federow stated that the area had historically been mulched but he had let the area go until recently and instructed the landscaper to re-mulch the area. M. Varrell stated that the property includes the area on the opposite of stream and it appeared that area had been cleared of vegetation as well. K. Federow stated that the area on the other side of the stream appeared the same as it has been. M. Varrell suggested that since the site is stable, the Commission may consider leaving the mulch in place and requiring submittal of a restoration plan. L. Standley asked K. Federow if he knew there was a wetland there. K. Federow stated that he knew there was wetland in the area but not on his property. K. Federow stated that he would like to install a fence to keep his children away from the stream. The Commission agreed to require the submittal of a restoration plan including planting shrubs within the wetland and buffer zone to create an understory to increase natural wildlife habitat. **The Commission asked Mr. Federow to include the restoration plan with the additional NOI submittal plans.**

HEARINGS

SOUTHFIELD COURT (DEP FILE #234-584) – REQUEST TO AMEND THE ORDER OF CONDITIONS

L. Standley opened the public hearing at 7:45 pm. Mike Lennon of Aquatic Control Technology (ACT) represented the Applicant. M. Lennon stated that the species of concern in the pond is invasive parrot feather. The parrot feather was first discovered in the pond in 2010. . M. Lennon also stated that invasive water hyacinth was documented in the pond in 2012. Aquatic Control Technologies hand pulled the water hyacinth when it was discovered and contacted P. Barry in the Conservation Office. P. Barry sent a mailer to the neighbors regarding the water hyacinth and a neighbor freely admitted to installing the water hyacinth in the pond to help the “health” of the pond. M. Lennon stated that as of this date, to the best of their knowledge, no parrot feather has escaped the pond. It has been found and hand-pulled from the outlet stream. Under the existing OOC, ACT has been managing the parrot feather with chemical treatments. The pond was treated in 2010 and the parrot feather was approximately 95% under control, treated again in 2011 with 100% control. In 2012, issues within the homeowners association curtailed the treatment and ACT was not under contract. ACT was contracted in 2013 to treat the pond and observed significant growth of parrot feather. The pond was treated with *Renovate* and M. Lennon stated 100% control of submerged leafy stems was achieved.

M. Lennon stated that they were requesting this Amendment allow hydroraking to remove root system of the parrot feather in an attempt to achieve permanent control. He stated that he and M. Varrell met on site and discussed fragmentation and concerns with rhizome fragments of it going downstream into the Charles. M. Lennon stated that the proposed treatment is to chemically treat the pond this spring and when it dies back to hydrorake it in the fall. He stated that the hydrorake is basically a floating barge run by a motor utilizing a “york rake”. The hydrorake drags the sediment back then deposits it on the shore where it would be kept within silt fence or haybales until it is removed from the site and brought to an upland disposal site. This process would not

be considered dredging as it will only remove the top few inches of sediment which includes the root zone of the parrot feather.

M. Lennon stated that he believes that if they had not been brought in to treat the parrot feather it would most likely already be in the Charles River and if they don't continue to treat and monitor it, it will end up in the river. L. Standley asked if he had any conversations with either Natural Heritage or USDA's Invasive Plant Group. M. Lennon stated that he had not spoken to either but had reached out to the Division of Conservation and Recreation for their input but had not spoken to them yet. M. Lennon stated that they intended to hydrorake the entire pond but the eastern portion and the shoreline have the heaviest growth. They would first treat with an herbicide to remove the above-ground material then hydrorake to remove the remaining roots. L. Standley stated that part of application proposed installing an aerator. M. Lennon stated that the aerator would only be effective if the pond were hydroraked first to deepen it. L. Standley asked if the proposed barrier would keep the fragments from going downstream. M. Lennon stated the combination of the existing dam with the outflow that could be completely shut off during the process, an existing basin located downstream, and the proposed turbidity barrier to divide the pond in half during the hydroraking would provide the best scenario to keep fragments out of the stream and the Charles River.

J. Carter Bernardo asked if the homeowners were on board with the project and if any had offered their property for access and stockpiling of the sediment. M. Lennon stated that the proposed launching and stockpiling area would be located on the Association's property at 0 Southfield Court near the outlet. J. Carter Bernardo asked why they did not plan to dredge deeper. M. Lennon stated that to remove more sediment than proposed would require more extensive permitting and they only needed to go down as far as the parrot feather roots. M. Lennon stated that once completed, ACT would continue to monitor the pond. M. Lennon stated that the original Notice of Intent application did not recommend hydroraking because there was not enough information available at that time regarding parrot feather's life cycle in this part of the country. L. Standley said that, in her opinion, the proposed aerator installation would require the filing of a new Notice of Intent.

Motion to close the public hearing for Southfield Court (DEP FILE # 234-584) by S. Farr, seconded by P. Oehlkers, approved 5-0-0.

Motion to Amend the Order of Conditions for Southfield Court (DEP File #234-584) with several new Special Conditions, by S. Farr, seconded by P. Oehlkers, approved 5-0-0.

19 PHEASANT ROAD (DEP FILE #234-704) – NOTICE OF INTENT

L. Standley opened the public hearing at 8:10 pm. D. Simonelli of Field Resources, Inc. represented the Applicant, Kurt Federow. D. Simonelli stated that the wetlands consultant, Leah Basbanes, re-visited the site after M. Varrell indicated that he did not feel that the wetland delineation was accurate. . D. Simonelli stated that L. Basbanes did adjust the delineation slightly but her further examination of the soils, in her opinion, indicated upland soils below the hydric layer noted by M. Varrell. D. Simonelli stated that she would forward L. Basbanes' delineation documentation to M. Varrell once she received it. The wetland line will move to in front of the existing shed. D. Simonelli stated that the Applicant would be submitting a restoration plan for the area. L. Standley stated that, as the Applicant will be submitting significantly revised plans, the Commission would refrain from discussing the project any further

until the revised plans are available. J. Carter Bernardo asked for clarification of what the different colors on the plans represented. D. Simonelli clarified.

Motion to continue the public hearing to April 24, 2014 at 9:00 pm, for revised plans for 19 Pheasant Road (DEP File #234-704), by S. Farr, seconded by P. Oehlkers, approved 5-0-0.

1407 CENTRAL AVENUE – REQUEST FOR DETERMINATION OF APPLICABILITY

L. Standley opened the public hearing at 8:20 pm. Steve Wiehe of Weston & Sampson represented the Applicant, Pete Pederson of Brightfields. S. Wiehe stated that the proposed the Needham Solar Landfill Project will generate 3.7 megawatts of electricity through installation of 12,000 solar panels on top of the landfill cap. S. Wiehe stated that there is post-closure use and safety concerns with burying underground electric lines, so the conduits, until they come off of the cap, will be installed above ground so they do not come in contact with gases beneath the cap and create a hazard. S. Wiehe stated that, once the conduits reach the limit of the cap, the utilities are proposed to be buried underground and run along the road which borders a wetland.

S. Wiehe stated that M. Varrell had been to the site and had the Botanist adjust some of the flag locations. S. Wiehe stated that 96 linear feet of trench will be excavated in the 25-foot buffer zone. L. Standley asked for clarification of the plans. S. Wiehe stated that the erosion controls will be installed at the edge of the road, approximately two to three feet from the wetland. The excavation would be completed by backhoe and the excavated soil would be stored on the pavement until after the inspection and then backfilled. Areas found to have insufficient cover would be encased in concrete.

L. Standley asked what would happen to the two proposed staging areas, within the 100-foot buffer zone, at the completion of the project. S. Wiehe stated that it would be up to the Town to determine that but he had spoken to Hank Haff of Public Facilities - Construction Division who told him the areas in question are part of the Town's master plan for the RTF. The developer will use the portion of the mineral stockpile that is usable and the rest would be trucked offsite and the area left at grade. No restoration is proposed as part of the project. L. Standley asked about the staging area near the compost area. S. Wiehe stated that area would only be used for parking and possibly the site for a storage container during the work.

J. Carter Bernardo asked what the solar array would look like. S. Wiehe stated that the panels would be situated approximately 3-feet off the ground sloping down to 6-8" off the ground. Under the panels, they will remove the existing grass and install crushed stone. If runoff is determined to be an issue, piping may be installed to direct the flow; however they do not expect increased runoff. All of the existing basins have been checked and can accept the anticipated volumes. He noted that drainage will be evaluated as required by DEP under the landfill post-closure plans. L. Standley noted that a catch basin is located on the wetland side of the proposed trench and asked how this would be accommodated. S. Wiehe stated that the contractor would resolve any issues in the field by adjusting the conduit over or under any piping to the catch basin. S. Farr asked why they could not excavate the trench on the opposite side of the road from the wetland to stay out of the 25-foot buffer zone. S. Wiehe stated that if they moved the trench location it would require additional paving which would increase the project cost.

Motion to close the public hearing for 1407 Central Avenue by S. Farr, seconded by P. Oehlkers, approved 5-0-0.

Motion to waive the Bylaw regulations for work being conducted within the 25-foot Buffer Zone by S. Farr, seconded by P. Oehlkers, approved 5-0-0.

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

Motion to issue a Negative Determination of Applicability with Conditions as amended, by S. Farr, seconded by P. Oehlkers, approved 5-0-0.

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

L. Standley opened the public hearing at 8:35 pm. M. Varrell stated that the hearing had been continued for the submittal of owner signatures on the Application and for signed and stamped plans. M. Varrell stated that he was in receipt of the owner signatures and the signed and stamped plans.

Motion to close the public hearing for 470/500 South Street (DEP FILE # 234-698) by S. Farr, seconded by P. Oehlkers, approved 5-0-0.

Motion to issue the Order of Resource Area Delineation (ORAD) for 470/500 South Street by S. Farr, seconded by P. Oehlkers, approved 5-0-0.

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

L. Standley opened the public hearing at 8:45 pm. Diane Simonelli of Field Resources represented the applicant. L. Standley stated that the hearing had been continued for the submittal of a revised plan which had not been received. D. Simonelli said that the plans had been revised but were not submitted. She stated that one of the changes reflected on the revised plan is the overflow pipe to the wetland will be cut and capped and the PVC pipe redirected to the Cultec system and overflow into the proposed bubbler outlet. D. Simonelli stated that removing the pipe entirely would cause more damage than cutting and capping it. In addition, the plans provided by the landscape architect were revised to provide two areas on the westerly side of the property as replacement areas for the four proposed trees. L. Standley stated that the Commission would need time to review the plans once they were submitted.

Motion to continue the public hearing to April 24, 2014 at 9:15 pm, for review of revised plans for 450 South Street (DEP File #234-699), by S. Farr, seconded by P. Oehlkers, 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 24, 2014 Conservation Commission Meeting.

Motion to continue the public hearing for 190 Edgewater Drive (DEP File #234-702) until April 24, 2014 at 9:15 pm by S. Farr, seconded by P. Oehlkers, approved 5-0-0

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

L. Standley opened the public hearing at 9:15 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. D. Simonelli stated that she had been in contact with James Freely at DEP and had sent them a replacement check but as of today the fee had not cleared.

Motion to continue the public hearing for 104 Elder Road (DEP File #234-7XX), for issuance of a DEP File # until April 24, 2014 at 9:15 pm by S. Farr, seconded by P. Oehlkers, approved 5-0-0.

OTHER BUSINESS

RIDGE HILL - SINGLE DAY USE REQUEST – PARKING USE

M. Varrell stated that he had provided a draft contract to Paul Alpert for review of the single day use of the Ridge Hill parking facilities. P. Alpert's comments on the draft were provided to the Commission for review. P. Alpert requested M. Varrell have it reviewed by Town Counsel, David or Brian Tobin prior to sending out. M. Varrell stated that he will be meeting the party planner and the parking company at Ridge Hill to go over where specifically the cars are allowed to be parked. M. Varrell stated that the draft contract says parking "for up to 50 vehicles". He stated that the planner indicated approximately 50 vehicles. The Commission asked M. Varrell to find out the maximum number of cars the planner is expecting and revise the contract to reflect that number. M. Varrell stated that 70 cars should be the maximum approved. P. Alpert reiterated that M. Varrell have Town Counsel review the draft prior to sending it out.

RIDGE HILL

M. Varrell stated that he had examined the culvert at Ridge Hill near Cartwright Road. M. Varrell stated that he confirmed L. Standley's observation that the culvert is not blocked but that water overtops the culvert on occasion. M. Varrell suggested that perhaps this may be a good Eagle Scout bridge project. L. Standley stated that for now they should remove a potential blockage upstream and see if that helps. M. Varrell stated that located upstream there is a bend in the stream with some erosion and suggested the Department keep an eye on the area. M. Varrell stated that he noticed possible vandalism of the new Ridge Hill sign at Cartwright Road. M. Varrell will contact the DPW to ask if they repair the sign.

L. Standley stated that the recent "First Saturday of the Month" Ridge Hill Trail walk was very successful. She and P. Alpert also worked with a group from Temple Beth Shalom on Sunday April 6th. The group did minor trail maintenance (the trails were in great shape) and they picked up a good amount of trash along Charles River Street. L. Standley stated that several bikes passed her and entered Ridge Hill. Bikes are prohibited from Ridge Hill. L. Standley had asked M. Varrell to see about installing "No Bikes" signs along the driveway and Cartwright Road entrance where they will be noticeable.

Motion to adjourn at 9:20 p.m. by S. Farr, seconded by P. Oehlkers, approved 5-0-0.

NEXT PUBLIC HEARING

April 24, 2014 at 7:30 PM in the Public Service Administration Building, Charles River Room