

**TOWN OF NEEDHAM  
CONSERVATION COMMISSION  
MEETING MINUTES  
Thursday, May 22, 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: Denise Bartone, John Bruno, Karon Skinner Catrone, Mikhail Deychman, Hank Haff, David Halliwell, Fred Harrison, Richard Merson, Priscilla Murray, Steve Petrucci, Chris Porter, John Rockwood, Nick Rosenberg, Diane Simonelli, Chris Watt

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

**MINUTES**

**Motion to approve the Minutes of May 8, 2014 (as amended) by J. Carter Bernardo, seconded by A. Crocker, approved 7-0-0.**

**ENFORCEMENT & VIOLATION UPDATES**

**130 SOUTH STREET**

M. Varrell stated that he had received a message from Ms. Sokolove, stating that she had retained the services of a consultant (Beta Group) to prepare the restoration plan and Notice of Intent application, as required by the Enforcement Order. The Commission had asked M. Varrell at the May 8, 2014 meeting to record the existing EO against the deed for 130 South Street at the Registry of Deeds to memorialize the violation and make it known to future owners of the property. M. Varrell stated that he had not recorded the EO at the Registry yet and asked if the Commission would like him to postpone the recording, pending the submission of the Notice of Intent. The Commission agreed to postpone the recording of the EO for the time being.

**NEEDHAM GOLF CLUB**

P. Alpert asked M. Varrell if there was any update on the Needham Golf Club violation. P. Alpert noted it has been several weeks since they were before the Commission. M. Varrell stated that he had last spoken with Tim Hood prior to the May 8, 2014 Conservation Commission meeting and Mr. Hood indicated the Golf Club was still determining the proposed locations to install the replacement trees. P. Alpert requested that M. Varrell follow-up with Tim Hood.

**62 BROOKSIDE ROAD**

M. Varrell reported that J. Rockwood informed him that the homeowner, G. Russell, removed the woodchips from the Buffer Zone and intends to seed the areas with an appropriate meadow mix next week. J. Rockwood added that the homeowner removed approximately 60 cubic yards of woodchips by hand and site survey activities were ongoing.

## **HEARINGS**

### **50 ROBINWOOD AVENUE (DEP FILE #234-713) – NOTICE OF INTENT**

L. Standley opened the public hearing at 7:45 pm. John Rockwood represented the Applicant. J. Rockwood explained that the plans had been revised to address additional information requested by the Commission. J. Rockwood described the proposed project. The proposed project consists of: the demolition of the existing house and detached garage; removal of the existing paved driveway and walkways; the construction of a new single-family house; attached garage; deck; bulkhead; porch; and a new paved driveway. A trench drain, sump, and infiltration unit will be installed to infiltrate driveway runoff. A portion of the roof runoff will infiltrate to the rear of the house. J. Rockwood noted that one (1) hemlock tree is proposed for removal and will be replaced by two (2) native saplings in the 100-foot Buffer Zone. A portion of the wetland is within existing lawn. J. Rockwood stated the Applicant proposes to install sixteen (16) native shrubs within the “lawn wetland” area and install four (4) permanent stone bounds to demarcate the wetland edge.

J. Rockwood explained that the mulch located in the existing swing set/play area located within the 25-foot Buffer Zone would be removed and the area sodded. The slope at the rear of the property will be hydro-seeded or sodded immediately to stabilize it. J. Rockwood described the wetland as a forested wetland bordering on an intermittent stream that appears to rise from a seep on the property. J. Carter Bernardo asked about the suitability of the soils for the proposed drywell. J. Rockwood provided a brief description and J. Carter Bernardo indicated she was satisfied that the location appropriate.

**Motion to close the public hearing for 50 Robinwood Avenue (DEP FILE # 234-713) by J. Carter Bernardo, seconded by A. Crocker, approved 7-0-0.**

**Motion to issue the Order of Conditions, as amended (including plant monitoring requirement), for 50 Robinwood Avenue (DEP File #234-713) by J. Carter Bernardo, seconded by A. Crocker, approved 7-0-0.**

### **28 ROBINWOOD AVENUE (DEP FILE #234-714) – NOTICE OF INTENT**

L. Standley opened the public meeting at 8:00 pm. Karon Skinner Catrone represented the Applicant. She explained the proposed project consisted of the demolition of a single-family house and construction of a new single-family home. K. Catrone indicated she had found hydric soils within the existing lawn to the rear of the property. J. Carter Bernardo explained that in the past, the abutting property had illegally filled their wetlands (with subsequent restoration) which may have caused changes to drainage patterns on the 28 Robinwood property. K. Skinner Catrone added that she had been told the area where she found the hydric soils had once been a skating area and was lower than the surrounding grade. She stated that she had not submitted the DEP Bordering Vegetated Wetland Field Data Forms for vegetation in the original filing as the vegetation is grass. However, the Commission had requested that she submit the forms and she has.

K. Skinner Catrone stated that all of the proposed work will be located outside of the 25-foot Buffer Zone. A portion of the roof runoff will drain to a proposed drywell. A mitigation planting area is proposed within the Bordering Vegetated Wetlands. L. Standley noted that the existing shed located in the wetland was proposed for removal. L. Standley asked if the project would require any tree removal. K. Skinner Catrone replied that no trees would be removed. L. Standley asked how Ms. Catrone identified barnyard grass as noted on the field data form. K. Skinner Catrone replied that she had asked a botanist for identification. M. Varrell stated that

a revised plan had been submitted. The only revision was an increase in the number of proposed mitigation plantings.

J. Carter Bernardo questioned why the Applicant is proposing to infiltrate the runoff from only half the new roof. The Applicant, M. Deychman, stated the runoff from the front of the house would go to the street drain. J. Carter Bernardo encouraged M. Deychman to consider infiltrating all of the roof runoff to drywells. J. Carter Bernardo noted that the proposed drywell to the rear of the house was proposed at a depth of five (5) feet and questioned whether there would be two (2) feet of separation between the drywell and high groundwater. M. Deychman will revise the plans to install a drywell in the front of the house where there will be enough separation from the groundwater. He confirmed that no grading is proposed.

A. Crocker asked if the corner of the house foundation was to be installed up to the 25-foot Buffer Zone and how construction would occur disturbing the 25-foot Buffer Zone. The Commission voiced their concern that it would be difficult to excavate the foundation with only one foot of clearance to the 25-foot Buffer Zone. J. Carter Bernardo asked how the applicant proposed to demarcate the wetland boundary. The lawyer for the potential buyers asked for clarification of the wetland jurisdiction as his Client intended to continue maintaining the backyard as lawn. J. Carter Bernardo emphasized the “lawn wetland” area cannot be mowed but could potentially become an attractive yard feature.

**Motion to close the public hearing for 28 Robinwood Avenue (DEP FILE # 234-714) by J. Carter Bernardo, seconded by A. Crocker, approved 7-0-0.**

**Motion to issue the Order of Conditions, as amended, for 28 Robinwood Avenue (DEP File #234-714) by J. Carter Bernardo, seconded by A. Crocker, approved 7-0-0.**

#### **9-11 BIRCH STREET (DEP FILE #234-715) – ABBREVIATED NOTICE OF INTENT**

L. Standley opened the public hearing at 8:17 pm. D. Simonelli of Field Resources, Inc. represented the Applicant. D. Simonelli stated the wetland resources had recently been delineated for other projects on Birch Street and the same delineation was used for this project. The proposed project is the removal of two walkways and addition of new pervious walkways and patios, fence, a/c units and gas lines. The overall project will result in a decrease in impervious surface of 196 sq. ft. The proposed patio on the northerly unit will be fourteen (14) feet from the Bordering Vegetated Wetlands. D. Simonelli stated that a Waiver Request had been submitted for work in the 25-foot Buffer Zone and indicated the Applicant was requesting a Waiver of the Waiver Fee. J. Carter Bernardo asked for clarification as to where the wetland is located. D. Simonelli pointed out the wetland is located between West Street and 9-11 Birch. L. Standley noted that there was an error in the Narrative regarding the vicinity of Elder Road to the project.

**Motion to close the public hearing for 9-11 Birch Street (DEP FILE # 234-715) by J. Carter Bernardo, seconded by A. Crocker, approved 7-0-0.**

**Motion to waive the Bylaw regulations for work being conducted within the 25-foot Buffer Zone by J. Carter Bernardo, seconded by A. Crocker, approved 7-0-0.**

**Motion to waive the Bylaw Filing Fee for work requiring a waiver by J. Carter Bernardo, seconded by A. Crocker, approved 7-0-0.**

**Motion to issue the Order of Conditions, as amended, for 9-11 Birch Street (DEP File #234-715) by J. Carter Bernardo, seconded by A. Crocker, approved 7-0-0.**

#### **NSTAR- CENTRAL AVENUE – REQUEST FOR DETERMINATION OF APPLICABILITY**

P. Alpert opened the public hearing at 8:30 p.m. L. Standley and S. Farr recused themselves. The representative, David Halliwell of VHB, and Denise Bartone of NStar were present. P. Alpert stated the project consisted of installation of natural gas lines along Central Avenue from Marked Tree Road to Pine Street. D. Halliwell explained that portions of the proposed work are located within the 25-foot Buffer Zone and submitted a Waiver request. He noted that the entire project is proposed within the existing paved road. A total of 3,900 linear feet of 12-inch gas line and 2,500 linear feet of 8-inch gas line are proposed for installation. D. Halliwell explained that portions of the work will fall within the 100-foot Buffer Zone to Bordering Vegetated Wetlands and within the 200-foot Riverfront Area. The process involves excavating a 2 to 3-foot wide trench in the roadway and installing 50 to 400-feet of pipe a day within the trench. They will only excavate the length of trench that they will be able to complete installation in that day. Erosion controls consisting of straw wattles will be installed. Filter fabric will be installed in any catch basins adjacent to the work for erosion protection and removed as each section is completed. D. Bartone explained the work would take place on either side of the roadway and the straw wattles would be installed between the trench and the wetland resources. S. Soltzberg asked what is meant by the statement provided in Part C of the Waiver Request claiming "Strict compliance would likely have a greater impact to the wetland resource area". D. Halliwell responded if they were not able to install the pipe within the roadway then they would have to install it on either side where wetland resources are located, causing additional disturbance.

**Motion to close the public hearing for NStar – Central Avenue by J. Carter Bernardo, seconded by A. Crocker, approved 5-0-2.**

**Motion to waive the Bylaw regulations for work being conducted within the 25-foot Buffer Zone by J. Carter Bernardo, seconded by A. Crocker, approved 5-0-2.**

**Motion to waive the Bylaw Filing Fee for work requiring a waiver by J. Carter Bernardo, seconded by A. Crocker, approved 5-0-2.**

**Motion to issue a Negative Determination of Applicability for NStar – Central Avenue by J. Carter Bernardo, seconded by A. Crocker, approved 5-0-2.**

### **27 CURVE STREET (DEP FILE #234-710) – *continued* NOTICE OF INTENT**

L. Standley opened the public hearing at 8:45 pm. The Applicant, M. Deychman, was present. M. Deychman explained that the plan had been revised to reflect the following: (1) the proposed trees have been relocated off of the slope at the rear and are now proposed along the left and right property lines; (2) the proposed patios have been relocated from the rear of the units to the sides of the units; (3) the revised grading at the rear of the property allowed for a smaller retaining wall than originally proposed (now proposed to be 18 feet in length and a maximum height of 4 feet); and (4) the recharge system has been relocated further away from the retaining wall. L. Standley asked how M. Deychman was planning to stabilize the fairly steep slope above the retaining wall. M. Deychman replied they would need to install grass of some type. L. Standley recommended either sodding or installing seed with erosion control matting, due to the steepness of the slope and shady conditions. A. Crocker asked M. Deychman for clarification as to why the large retaining structure was no longer needed. M. Deychman responded that the large retaining structure had been necessary to provide a flat area for the proposed patios. The proposed patios have now been relocated to the sides of the units so the grading was revised.

**Motion to close the public hearing for 27 Curve Street (DEP FILE # 234-710) by J. Carter Bernardo, seconded by A. Crocker, approved 7-0-0.**

**Motion to issue the Order of Conditions, as amended, for 27 Curve Street (DEP File #234-710) by J. Carter Bernardo, seconded by A. Crocker, approved 7-0-0.**

## **OTHER BUSINESS**

### **273 NEHOIDEN STREET (DEP FILE #234-661) – REQUEST FOR CERTIFICATE OF COMPLIANCE**

M. Varrell stated that he had visited the site and the only deviation he noted from the approved plans concerned a walkway at the front of house. The plans called for the use of pervious pavers, however; an impervious brick walkway was installed. M. Varrell noted that any runoff from the walk would either drain onto the lawn and infiltrate or flow to the driveway where it will infiltrate via the installed trench drain and drywell.

**Motion to issue a Certificate of Compliance for 273 Nehoiden Street (DEP FILE # 234-661) by J. Carter Bernardo, seconded by A. Crocker, approved 7-0-0.**

### **465-471 GROVE STREET (DEP FILE #234-700) – REVIEW OF PLANTING PLAN**

L. Standley stated that the planting plan submitted specifies the installation of 30 shrubs and 10 trees. She noted all of the proposed plantings were native and appropriate to the site conditions. L. Standley pointed out that a note on the planting plan states “This plan asserts that every (3) shrubs and (4) ground cover are of equal value to (1) small tree” and that a second note on the plan states “If exact size or plant is not readily available at local nurseries, sizes or other native species shall be substituted as required”. L. Standley requested M. Varrell state in the approval document to the Applicant that the Commission does not agree that three shrubs and four ground cover are of equal value to one tree. In addition, M. Varrell should state in the cover letter referring to Note #2 on the Plan that substitutions must be approved by the Commission. M. Varrell noted that he had drafted an approval memo for the Commission’s approval.

**Motion to accept the Planting Plan for 465-471 Grove Street (DEP File #234-700), (including approval memo notations), by J. Carter Bernardo, seconded by A. Crocker, approved 7-0-0.**

### **TRAIL MAINTENANCE ACTIVITY NOTIFICATION – CHARLES RIVER TRAIL**

L. Standley stated the proposed activity is picking up trash along Charles River Street which does not require a formal vote by the Commission for approval. M. Varrell clarified that the activity is to be undertaken by the girl scouts and in addition to trash pickup, they are requesting permission to install a “letterbox” on the Charles River Trail which he noted is similar to “geocaching”. P. Alpert inquired if any girl scouts would be presenting the project to the Commission. M. Varrell stated they would not. P. Alpert stated he thought it was a great idea and may give more families a reason to visit Ridge Hill. J. Carter Bernardo asked if the Commission should specify they do not install it within the actual wetlands but on an existing trail. M. Varrell stated he would inform them of the requirement to locate the letterbox on existing trails.

### **RECYCLING AND TRANSFER STATION – INFORMAL DISCUSSION**

Hank Haff of the Public Facilities, Construction Department and Rick Merson of the Public Works Department, Administration Division introduced the project, which entailed proposed improvements to the materials and compost handling areas at the RTS. H. Haff handed out photos to the Commission. He stated that the RTS currently has materials handling area and a composting area. The approved solar project will be using the north compost area as their staging area with a potential staging area where the materials handling area is located.

H. Haff explained he had received a letter from the consultant (Weston & Sampson) stating the stockpiled mineral material could be used as fill anywhere within the RTS or for underlaying

roadway work, etc. He explained the makeup of the various stockpiles. He noted the compost area has been getting a lot of rutting and water pooling. The DPW has researched and determined the existing rock piles can be crushed and made into good material to use as a base under the compost area, on top of a filter fabric. He explained the current composting process that occurs throughout the year. He noted that a company called Agresource has been involved in the management of food waste that is now coming to the RTS. The addition of the food waste appears to be speeding up the composting process.

H. Haff noted the wetland flagging was done fairly recently for the Solar and Salt Shed projects. The long-term goal is to re-set the operation and make it run smoother. He stated that during a site walk with M. Varrell, they had discussed re-using some of the concrete blocks on the site to define the compost area edge similar to how it was done behind the materials handling area. They hope to begin processing the material out of the northern area during the summer before the leaves come in from residents during the fall. Once the upper area is cleared, they can use the crushed stone to set the base and the jersey barriers to contain the area. They need to clear the upper area in the near future so the solar project can commence.

L. Standley asked where the limit of the proposed base material would be. H. Haff stated it would be in the northern and central areas to try to achieve containment. L. Standley noted the idea is a good one and the Commission had been looking for ways to demarcate the areas from the wetland. L. Standley noted the Commission cannot permit this work without the submission of at least a Request for Determination of Applicability so the Commission can review the project as it involves work and grading within the buffer zone. M. Varrell stated that he could assist in the preparation of a filing.

#### **UPDATE - ALGONQUIN GAS UTILITY MAINTENANCE – BELLE LANE**

M. Varrell stated that he had received notice from Algonquin's consultant regarding maintenance work off of Charles River Street where it meets Belle Lane near the certified vernal pool. The maintenance work entails excavation of existing pipes but no work within Charles River Street. M. Varrell had met on site with the Consultant and was comfortable the work can be completed without impacts to the vernal pool or associated wildlife. Any existing erosion controls associated with the subdivision project that are disturbed will be re-installed. P. Alpert asked for further clarification of the project. M. Varrell stated that regular monitoring of the pipeline had shown an anomaly that could indicate possible corrosion. Due to this anomaly, Algonquin must dig up the pipe and check it for corrosion manually and repair the pipe, if necessary. The work is jurisdictional because it is within 100 feet of the vernal pool but does not require any filing as it qualifies as an exempt maintenance activity under the WPA and the Bylaw.

#### **BYLAW REGULATION – UPDATE DISCUSSION**

L. Standley stated that she had drafted proposed modifications to the Bylaw Regulations based on the Commission's current practices and recent experiences. P. Alpert and M. Varrell had also made suggestions for revisions. L. Standley asked that the Commission review the proposed changes in preparation for a formal hearing to be placed on the June 12, 2014 meeting agenda. P. Alpert clarified that the subject should be a hearing item on the Agenda and given a time and advertised. M. Varrell stated the time on the Agenda for this item will be 8:30 pm. on the 12th. P. Alpert clarified that M. Varrell's comments were in red and L. Standley's and P. Alpert's comments were in blue.

## **FENCING/SIGNAGE UPDATES**

M. Varrell informed the Commission that he had received updated quotes on the proposed Ridge Hill driveway fencing. He stated that it appeared the Commission had previously discussed two options. One option was the installation of a split-rail fence, the other a wooden guardrail. The total length of the area to be fenced is approximately 3,100 linear feet. M. Varrell stated that he had received quotes for both options from a local fence company for \$54,000 for the wooden guardrail and \$34,000 for the split-rail option. The job would need to go to bid. The Commission discussed the merits and disadvantages of both types of fencing. M. Varrell enquired as to the source of funding for the proposed project. L. Standley stated that based on discussions with the previous Agent there was money in the Conservation Fund. M. Varrell stated that the current balance of the Conservation Trust Fund was \$354,000, \$100,000 of which is already designated for the swamp trail project. S. Farr asked if the Commission had considered using boulders along the drive instead of fencing. He suggested the DPW could install boulders every six-feet or so. The Commission discussed this suggestion and felt boulders would be more natural looking and would deter motorists from driving over the fields. L. Standley asked M. Varrell to have a discussion with Hank Haff of the Public Facilities, Construction Dept. regarding the availability of boulders and DPW's assistance with the project.

M. Varrell stated he had draft sign examples drawn up for the Commission's review. One of the signs is specifically for Ridge Hill and includes a summary of the Ridge Hill regulations. The proposed signs will be 18-inches by 12-inches in size. Each sign will cost \$15. The other proposed signs would be installed in areas the Conservation Department/Commission deem to be problem "dumping areas" on Conservation land. M. Varrell stated an area adjacent to the Carol/Brewster Park would benefit from a "No Dumping" sign and L. Standley had a location in Mitchell Woods in mind. The only revision to the "No Dumping" sign is to change the "Thank you" at the bottom to "Police Take Notice". The Commission authorized the purchase of the signs with the proposed revisions.

## **FIRST SATURDAY WALKS AT RIDGE HILL**

L. Standley noted the next Ridge Hill walk is scheduled for June 7, 2014. P. Oehlkers and L. Standley will guide the walk together, possibly on the Esker Trail.

**Motion to adjourn at 10:10 p.m. by J. Carter Bernardo, seconded by A. Crocker, approved 7-0-0.**

**NEXT PUBLIC HEARING** *June 12, 2014 at 7:30 PM in the Public Service Administration Building, Charles River Room*