

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

LOCATION: Public Services Administration Building, Charles River Room

ATTENDING: Paul Alpert (Chair), Janet Carter Bernardo, Artie Crocker, Stephen Farr, Peter Oehlkers, Matt Varrell (Conservation Director), Debbie Anderson (Conservation Specialist)

GUESTS: Jon Davis, David Ecsedy, Fred Keylor, Larry Kolbe, Ruth Kolbe, David Miller, Syed Rizvi, John Rockwood, Janice Saulnier, Diane Simonelli, Marion Wasserman

P. Alpert opened the public meeting at 7:30pm.

**MINUTES**

**Motion to approve the Minutes of June 12, 2014 (as amended) by J. Carter Bernardo, seconded by S. Farr, approved 4-0-0.**

**ENFORCEMENT & VIOLATION UPDATES**

**120 CHARLES RIVER STREET**

M. Varrell explained that he was conducting a planned site visit at 125 Charles River Street when he observed unauthorized dumping of landscaping debris and storage of various materials (including a small cord wood storage shed) on town owned land immediately adjacent to Walker Pond within the 25-foot Buffer Zone to Bank. The homeowner, Robert Kiel, was at home and M. Varrell spoke with him. R. Kiel admitted the debris belonged to him and volunteered to remove it immediately. M. Varrell authorized the removal of the storage items, but advised R. Kiel that the landscape debris should not be removed until the violation could be discussed with the Commission at the July 10, 2014 public meeting.

M. Varrell suggested to the Commission that Enforcement action or fines may not be necessary at this time as the homeowner has offered to remedy the violation. P. Alpert was in agreement with the recommendation. M. Varrell will send a letter to Mr. Kiel requiring the removal of all debris, trash, and other materials (including the shed) from the 100-foot Buffer Zone by August 8, 2014. M. Varrell will conduct an inspection prior to the August 14, 2014 Conservation Commission meeting and report on the progress.

**130 SOUTH STREET**

M. Varrell reported that the Commission has not received the after-the-fact Notice of Intent application required from Mrs. Sokolove despite numerous correspondence and deadline extensions. M. Varrell has drafted an affidavit as a means to record the existing Enforcement Order with the Norfolk County Registry of Deeds if the Commission requests him to do so. P. Alpert stated that he has reviewed the wording and sent revisions to M. Varrell and plans to send the document to Town Counsel to review. The Commission will discuss a vote to record the affidavit at the July 24, 2014 Conservation Commission meeting.

**HEARINGS**

**125 CHARLES RIVER STREET – REQUEST FOR DETERMINATION OF APPLICABILITY**

P. Alpert opened the public hearing at 7:45 p.m. J. Rockwood of EcoTec represented the Applicant. J. Rockwood gave an overview of the existing resource areas including Walker Pond across Charles River Street, an intermittent stream and a perennial stream across Mosley Avenue. The proposed project consists of the construction of a second story addition on the existing single-family house with no change

to the house footprint, the installation of a drywell with associated downspout drain lines, the installation of a narrow stone path from the driveway to the front steps, the removal of a small damaged tree from the front yard and replacement with two saplings within the 100-foot Buffer Zone.

J. Rockwood explained that the project had been through the Board of Appeals and was approved contingent that runoff toward Moseley Avenue be addressed through the Building Commissioner or Conservation Commission. The contractor plans to dig the test pit for the infiltration system and as long as installation in this area is favorable, install the drywell. Drain lines will be installed in narrow trenches from the roof downspouts to the drywell. Currently, the front walk is mulch and a narrow stone pathway is proposed. One small damaged tree in front of the home will be removed and two replacement trees, species to be approved by M. Varrell, will be installed in the 100-foot Buffer Zone. The new walkway will be constructed using pervious stone. J. Rockwood noted that currently runoff does not infiltrate on site.

J. Rockwood will provide M. Varrell with test pit data when it is available. The Commission discussed whether a Notice of Intent filing was necessary to provide Riverfront Area alternatives analysis of the project. M. Varrell stated that 90% of the project would be considered redevelopment and, due to the scope of the project, a NOI would not result in the submission of significantly different information. Erosion controls consisting of compost filter sock will be installed as shown on the Plan and all areas disturbed by the project will be returned to grade and seeded or planted.

**Motion to close the Public Hearing for 125 Charles River Street by J. Carter Bernardo, seconded by S. Farr, approved 4-0-1.**

**Motion to issue a Negative Determination of Applicability for 125 Charles River Street by J. Carter Bernardo, seconded by S. Farr, approved 4-0-1.**

### **1191 GREENDALE AVENUE – REQUEST FOR DETERMINATION OF APPLICABILITY**

P. Alpert opened the public hearing at 8:05 p.m. Fred Keylor of H.W. Moore Associates, Inc. represented the Applicant. F. Keylor explained the proposed project is the installation of an irrigation well to be located between the existing hockey rink and tennis courts approximately 170 feet away from the Bank of the Charles River in an area that is currently lawn. The area was chosen, in part, because it is a level area with few trees. F. Keylor stated that access to the area would be via the hockey rink parking lot, onto a service road then continue over lawn. An erosion control consisting of a mulch sock is proposed. A supply line is proposed from the irrigation well to an existing tank. The proposed drilling depth for the well is approximately 400 feet. A dewatering and sedimentation control pit is proposed to be installed next to the well.

The well driller, Jon Davis of Ace Drilling, was present. The Commission enquired to the volume of water anticipated to enter the dewatering pit. J. Davis replied that an air rotary drill is used and it is driven by air and water. The drill brings earth and water to the surface where it discharges to the pit. The amount of material discharged will depend on the depth of the well. The dewatering pit will be dug by an excavator directly next to the pit and will be approximately 5'x5'x5'. When the project is complete, the pit will be backfilled. The Commission questioned whether a Notice of Intent filing was necessary. M. Varrell stated that due to the scope of the project, a NOI would not result in the submission of significantly different information. S. Farr suggested M. Varrell be notified prior to start of work so he is available to monitor the project which will take 1-2 days depending on the well depth.

M. Varrell stated that he had received comments on the project from abutters at 94 South Street, the Kolbes. P. Alpert noted the letter from the Kolbes would be part of the record. Ruth Kolbe asked how abutters are notified if the hearing is continued. P. Alpert explained that if the abutters are at the hearing, they will hear the continuance date and time announced. If they are not present, the continuation is posted

on the Town website and in Town Hall the Friday before the meeting. Larry Kolbe stated he was concerned that with the current lack of rain and mandatory watering restrictions in Needham that the proposed irrigation well at St. Sebastian's would be pulling more water out of the Town's supply. J. Davis explained that the well water is not connected to the Town's water supply; it is drawn from deeper down in the bedrock, not from surface water such as the Charles River. He added that the well was actually better for the residents because St. Sebastian's would have access to their own water supply and use less of the town's supply.

**Motion to close the Public Hearing for 1191 Greendale Avenue by J. Carter Bernardo, seconded by S. Farr, approved 5-0-0.**

**Motion to issue a Negative Determination of Applicability for 1191 Greendale Avenue by J. Carter Bernardo, seconded by S. Farr, approved 5-0-0.**

### **122 GROSVENOR ROAD (DEP FILE #234-718) - NOTICE OF INTENT**

P. Alpert opened the public hearing at 8:30 p.m. Diane Simonelli of Field Resources, Inc. represented the Applicant. M. Varrell noted that the Commission had received additional information on the project earlier in the day. D. Simonelli stated the proposed project includes the reconstruction of a single-family home outside of the Buffer Zone to Bordering Vegetated Wetlands. She described that the rear of the yard slopes steeply to the adjacent train tracks. The Applicant is proposing to regrade the yard and install a fence around the property. M. Varrell stated he had conducted a site visit and was concerned that the grading may adversely affect of two trees due to grading over their roots. D. Simonelli explained that an arborist had looked at the trees in question and felt that the bulk of the root system for the maple and cherry trees was outside of the proposed grading area. D. Simonelli added that the Applicant is now proposing to remove the cherry tree due to the arborist's report of a carpenter ant infestation compromising the health of the tree. The Applicant proposes mitigation with the installation of two replacement trees within the 100-foot Buffer Zone.

P. Alpert asked that the approximate location of the proposed mitigation trees be added to the plan. In addition, P. Alpert stated that he would like absent Commission Member, Sharon Soltzberg, to have the opportunity to comment on the proposed tree removal. The Commission discussed the proposed work and the fact that the fence installation and removal of the hazard tree are exempt activities. J. Carter Bernardo questioned how the grading would affect the water flow leaving the site. D. Simonelli replied the water would flow in the same direction, down the hill in the back. J. Carter Bernardo pointed out that the proposed 1:1 slope likely would not support grass. D. Simonelli replied that they could spread the contours out more. J. Carter Bernardo would like to see a 2:1 slope. D. Simonelli noted that the Applicant would like to use fill from the foundation digging to accomplish the grading, as well as, use two truckloads from another site.

D. Simonelli pointed out that the proposed plan includes allowing 18 feet of lawn at the rear of the property, outside of the fenced area to return to a natural state. Abutters Amy Wixon of 92 Grosvenor Road and Janice Saulnier of 130 Grosvenor Road asked for clarification of the location of the cherry tree. D. Simonelli showed them where the tree was located on the plan.

**Motion to continue the public hearing to July 24, 2014 at 8:00 pm, for submittal of revised plans for 122 Grosvenor Road (DEP File #234-718), by J. Carter Bernardo, seconded by S. Farr, approved 5-0-0.**

### **OTHER BUSINESS**

### **ELECTION OF CONSERVATION COMMISSION OFFICERS**

**J. Carter Bernardo nominated P. Alpert to the position of Conservation Commission Chairman, seconded by S. Farr, approved 5-0-0.**

**P. Alpert nominated J. Carter Bernardo to the position of Conservation Commission Vice Chairman, seconded by S. Farr, approved 5-0-0.**

### **GENERAL DISCUSSION OF PERMITTING REQUIREMENTS FOR 2<sup>ND</sup> STORY ADDITIONS**

M. Varrell asked the Commission to clarify their position on permitting requirements for proposed 2<sup>nd</sup> story additions with no change in footprint within the Commission's jurisdiction. He asked whether the Commission would require a Request for Determination of Applicability filing for such projects. He explained that historically the Conservation Department staff would review the project and if necessary, request the Contractor install erosion controls to protect the resources, even if no permit application was required. The Commission discussed the merits of keeping track of these types of projects and instructed Conservation staff to require the submittal of a Request for Determination of Applicability for any project, unless the project qualifies as an Exempt Activity.

### **PAYMENT OF INVOICE FOR TOWN MEETING BROCHURES**

M. Varrell explained that the invoice from Needham Press for brochures printed for the CPC Article at Town Meeting was never paid due to a misunderstanding. To complicate matters, the Town has entered Fiscal Year 2015 making it difficult to get the invoice from Fiscal Year 2014 paid through the Town. The total of the invoice is \$295. P. Alpert suggested the payment come out of the Conservation Commission's Trust Fund.

**Motion to pay Needham Press Invoice #2245 in the amount of \$295.00 to Needham Press from Account #2101.1710.000.00.0000.00.562.030.5780.101.00 for Town Meeting brochure printing by J. Carter Bernardo, seconded by S. Farr, approved 5-0-0.**

### **DISCUSSION OF MEETING MINUTES – GENERAL CONTENT**

M. Varrell and D. Anderson suggested to the Commission that the amount of detail that is currently incorporated into the Conservation Commission Meeting Minutes may be unnecessary. The Conservation Commission meetings are recorded and the recordings are retained as part of the public record on the Conservation Departments hard drive for review, if a more in-depth examination is necessary. D. Anderson has been researching other Town's Meeting Minutes and would like to incorporate ideas from her research with the ultimate goal of making the Minutes more concise and shorter but continuing to relay an accurate depiction of the Meetings.

D. Anderson suggested she draft two sets of Meeting Minutes from tonight's Meeting for the Commission's review and comment. One draft would remain in the existing format and the other would incorporate proposed changes. The Commission agreed to the proposal from Conservation Staff. P. Alpert requested D. Anderson continue to submit two drafts of the Meeting Minutes to the Commission for review to get a better idea of the proposed content of Minutes with different Meeting Agendas.

### **DISCUSSION OF RAIL TRAIL PERMITTING SCOPE**

M. Varrell explained to the Commission that he has been on the Trails Committee in Holliston for 20 years and has experience with the Rail Trail construction and permitting process. He stated that the Town Manager, Kate Fitzpatrick, is anxious for the project to get started. He asked the Commission what level of permitting they thought would be necessary for the project. He explained that no large trees were proposed for removal and only the rail ties would be removed so there would be minimal chance for erosion. He noted that the Request for Determination of Applicability process would be preferable and asked whether a formal wetlands delineation would be necessary if using the existing GIS information

would be adequate. P. Alpert stated that he was comfortable with using the existing GIS data as long as M. Varrell found it to be accurate. P. Alpert asked if erosion controls would be necessary. M. Varrell stated that for the Holliston Rail Trail erosion controls were implemented where they would make the most sense. The existing bridge over the Charles River cannot be saved and the estimate for the construction of a new bridge is \$1,200,000. P. Alpert suggested the Commission leave at M. Varrell's discretion whether an RDA request will suffice or a Notice of Intent is deemed necessary.

**HEMLOCK GORGE - NORTHERN TREE SERVICE, INC. – HERBICIDE APPLICATION**

M. Varrell stated that the Town had received a 21-day notification from Northern Tree Service, Inc. (on behalf of the MA Department of Conservation and Recreation) to apply herbicide at Hemlock Gorge.

**Motion to adjourn the meeting by J. Carter Bernardo, seconded by S. Farr, approved 5-0-0.**

**The meeting was adjourned at 9:20pm.**

**NEXT PUBLIC HEARING**

*Thursday, July 24, 2014 at 7:30 PM in the Public Services Administration Building, Charles River Room.*