

**TOWN OF NEEDHAM
CONSERVATION COMMISSION
MEETING MINUTES
Thursday, SEPTEMBER 25, 2014**

LOCATION: Public Services Administration Building, Charles River Room

ATTENDING: Janet Carter Bernardo (Acting Chair), Artie Crocker, Peter Oehlkers, Cory Rhoades, Sharon Soltzberg, Matt Varrell (Director of Conservation), Debbie Anderson (Conservation Specialist)

GUESTS: Claudia Carroll, Bob Collins, Veronica Franklin, Heidi Gross, Kristin Kent, Rob Lawrence, Ryan Lizewski, Eric Lowitt, Ned Mahoney, Ben McConchie, John Rockwood, Gordon Russell, Diane Simonelli,

J. Carter Bernardo opened the public meeting at 7:35pm.

MINUTES:

Motion to approve the minutes of August 28, 2014 (as amended), by P. Oehlkers, seconded by S. Soltzberg, approved 4-0-1. (C. Rhoades abstained)

Motion to approve the minutes of September 11, 2014 (as amended), by P. Oehlkers, seconded by C. Rhoades, approved 4-0-1. (P. Oehlkers abstained)

ENFORCEMENT & VIOLATION UPDATES

10 CHARLES STREET

M. Varrell stated he had received a call from a citizen alerting him that the owners of 10 Charles River Street had re-paved the entire parking lot adjacent to the Charles River at 10 Charles Street and enquired if they had an active permit to do the work. M. Varrell did not find an active permit for the work described and conducted a site visit. He determined re-paving work appeared to have occurred within the past month or two. M. Varrell also noted that it appeared they had treated some poison ivy on-site with an herbicide and he also noted a white, chalky material seeping out of a dumpster on-site. He does not believe the substance entered the river.

M. Varrell has not yet spoken to the business owner as the situation only came to his attention quite recently. Resource areas affected are the 200-foot Riverfront Area and possibly the 100-year floodplain (Bordering Land Subject to Flooding) to the Charles River. If they simply over-paved the existing parking lot without grinding then at least 1-inch of 100-year Floodplain filling will have occurred. M. Varrell drafted an Enforcement Order requiring an after-the-fact Notice of Intent submittal. J. Carter Bernardo asked if the E.O. talks about the need to comply with Stormwater Management Regulations in the Riverfront Area for re-development and improving existing conditions. M. Varrell stated it does.

The Enforcement Order states the owner must submit an after-the-fact Notice of Intent by October 23, 2014 to be heard at the November 6, 2014 public meeting. The E.O. requires the submittal of a MassDEP Stormwater Checklist. M. Varrell spoke with the Town Engineer, Tony DelGaizo, about the issue and he recommended M. Varrell ask the owner when the work was done, if any expansion occurred, and if any pavement grinding was done.

The Commission discussed whether to issue fines at this time. They will hold off on issuance of fines until they get more information from the owner.

Motion to issue an Enforcement Order to the owner of 10 Charles Street by P. Oehlkers, seconded by C. Rhoades, approved 5-0-0.

HEARINGS

28 WOODWORTH ROAD (LOT 48 WOODWORTH ROAD) – *continued* REQUEST FOR AN AMENDED ORDER OF CONDITIONS (DEP FILE #234-692)

Applicant: Michael Reddish

Project: The existing approval is for development of a single-family dwelling with a paved driveway and associated appurtenances within the 100-foot Buffer Zone to Bordering Vegetated Wetlands. The Amendment is related to the construction of a pool, pervious patio, 28' x 58' pool house, and fence. The project expansion will replace an approved paver patio and lawn areas and includes an additional Cultec recharge system. The proposed expansion will require the relocation of the previously approved Cultec recharge system.

Present for the Applicant: Diane Simonelli, Field Resources, Inc.

Supporting Documents include:

- Request for Amended Order of Conditions and supporting documents prepared by Field Resources, Inc., received August 21, 2014
- **Site Plan entitled “Conservation Commission Notice of Intent Plan, Lot 48 Woodworth Road, Needham, Mass.” prepared by Field Resources, Inc., final revision date August 11, 2014, stamped by Bradley J. Simonelli, P.L.S. #47581**

J. Carter Bernardo opened the public meeting at 7:45 p.m. D. Simonelli presented the proposed project to the Commission. D. Simonelli stated that the abutter notification issue has been resolved and presented soil test data for the proposed infiltration. The soil data is provided for testing of a revised infiltration location. The proposed Amendment to the project is for the installation of an in-ground pool and construction of a pool house. The patio around the pool is proposed to be installed with pervious material. Additional impervious area will be added through the installation of the infiltration system in the back. No additional trees are proposed for removal.

Comments from the Commission:

- A. Crocker asked for clarification regarding past tree removal for the project and mitigation.
- J. Carter Bernardo noted that the test pit locations are not shown on the plan. D. Simonelli replied that they had not located the test pit locations during survey but they are confident of the locations.

Comments from the public:

None.

Motion to close the public hearing for 28 WOODWORTH ROAD (LOT 48 WOODWORTH ROAD) (DEP FILE #234-692), by P. Oehlkers, seconded by C. Rhoads, approved 5-0-0.

Motion to issue the Amended Order of Conditions (as amended) for 28 WOODWORTH ROAD (LOT 48 WOODWORTH ROAD; DEP FILE #234-692), by P. Oehlkers, seconded by C. Rhoads, approved 5-0-0.

62 BROOKSIDE ROAD – *continued* NOTICE OF INTENT (DEP FILE #234-722)

Applicant: Gordon Russell

Project: Property Utilization and Management Plan including restoration activities associated with the unauthorized removal of trees from Bordering Vegetated Wetlands, Bordering Land Subject to Flooding

and the 100-foot Buffer Zone. The Applicant is also proposing the installation of a small “patio” area. The application is made in response to a verbal notice of violation to the Applicant. A portion of the unauthorized alteration occurred on land owned by the Town of Wellesley.

Present for the Applicant: Dr. John Rockwood

Supporting Documents include:

- ❑ WPA Form 3 – Notice of Intent and supporting documents received August 26, 2014
- ❑ Needham Wetlands Protection Bylaw Application for Permit received August 26, 2014
- ❑ “Wetland Resource Evaluation, 62 Brookside Road, Needham, Massachusetts,” prepared by EcoTec, Inc., dated August 26, 2014
- ❑ “Wildlife Habitat Evaluation and Supplemental Information on Cut Trees”, prepared by EcoTec, Inc., dated September 4, 2014
- ❑ “Site Report to Supplement Notice of Intent, 62 Brookside Road, Needham, Massachusetts,” prepared by EcoTec, Inc., dated August 26, 2014
- ❑ Plan entitled: “Conservation Commission Existing Conditions Plan, 62 Brookside Road, Wellesley, MA”, prepared by Field Resources, Inc., stamped and signed by Bradley J. Simonelli, P.L.S. No. 47581, final revision date 8/20/14.
- ❑ Plan entitled: “Conservation Commission Proposed Site Plan, 62 Brookside Road, Wellesley, MA”, prepared by Field Resources, Inc., stamped and signed by Bradley J. Simonelli, P.L.S. No. 47581, dated 8/20/14.

J. Carter Bernardo opened the public meeting at 8:10 p.m. Guests included Bob Collins, Wellesley Conservation Committee Chairman and Heidi Gross, Wellesley Natural Resources Commission Chairman and Mr. Gordon Russell, the Applicant. Dr. John Rockwood gave the Commission an update on the proposed project and went over the existing and proposed conditions plans that had been submitted with the filing.

Dr. Rockwood presented the following information:

- A site visit had taken place on September 20th with Mr. Collins and Ms. Gross from the Town of Wellesley and several members of the Needham Conservation Commission.
- A tree stand was noted on Town of Wellesley property and is to be removed.
- The project will move forward under a joint filing by the Applicant and the Town of Wellesley.
- The Natural Resources Committee in the Town of Wellesley is due to discuss the violation at their October 2, 2014 scheduled meeting.
- The Applicant is requesting to remove the remaining woodchips and get the areas seeded and mulched with an approved mulch medium.
- The meadow mowing extent and schedule was discussed as well as the proposed removal of fruit trees.
- The Commission approved mowing this October within the area previously mowed.
- The Applicant has proposed a path through the meadow to a small seating area. The width of the path and its maintenance was discussed as well as what the Applicant currently employs for herbicides and fertilizers. Mr. Russell stated that he has a landscaper and is unsure of what products are used. A width of 5-feet for the proposed path was proposed.

- Organic removal of invasive species was discussed including oriental bittersweet.
- Mr. Gordon suggested installing bird boxes on his property to encourage nesting birds.
- Ms. Gross described the mowing rationale, bird species habitat, tick habitat and invasive species policy in Wellesley.
- The timing of the filing was discussed. The Town of Wellesley will discuss what they want on their land and that will be integrated onto the filing plans for the Needham Commission. The Town of Wellesley will sign as an Owner on the Notice of Intent.

Comments from the public:

None.

Motion to continue the public hearing to a date uncertain, for information from Wellesley for the filing, for 62 Brookside Road (DEP FILE #234-722), by P. Oehlkers, seconded by C. Rhoades, approved 5-0-0.

0 MAP HILL ROAD/0 FOREST STREET (DEP FILE #234-717) – continued NOTICE OF INTENT

Applicant: Ben McConchie, Babson College - Office of Facilities Management and Planning

Project: Resurfacing of existing parking lots and repair of various infrastructure. Sullivan parking lot and adjoining pedestrian walkway is proposed for milling and overlay. Limited trenching is proposed within the Sullivan parking lot for drainage connections and telecommunication access. Trim parking lot is proposed for pothole repair and sealcoating. The project includes upgrades to the existing drainage system in the vicinity of the Central Services Building within the Sullivan parking lot. Various portions of the work are proposed within Bank, the 25-foot Buffer Zone and the 100-foot Buffer Zone to Bank, Bordering Vegetated Wetlands, and locally-regulated Water Bodies and Waterways.

Present for the Applicant: Ryan Lizewski and Kristin Kent of VHB, Inc.

Supporting Documents include:

- ❑ WPA Form 3 – Notice of Intent and supporting documents received May 22, 2014
- ❑ Needham Wetlands Protection Bylaw Application for Permit received May 22, 2014
- ❑ Plan entitled: “Proposed Resurfacing Plan and Utility Plan”, prepared by Vanasse Hangen Brustlin, Inc., stamped and signed by Ryan R. Lizewski, P.E. No. 49864, dated 5/16/14.
- ❑ Letter to Paul Alpert, Chair, Needham Conservation Commission from Thomas Keough and Ryan Lizewski, PE of Vanasse Hangen Brustlin, Inc., dated September 17, 2014.
- ❑ Revised Waiver Request Letter to Paul Alpert, Chair, Needham Conservation Commission from Thomas Keough of Vanasse Hangen Brustlin, Inc., dated September 17, 2014.
- ❑ Revised HydroCAD Report (undated; received September 18, 2014)
- ❑ **Stormwater Operation and Maintenance Plan Prepared for Babson College by Vanasse Hangen Brustlin, Inc., dated September 2014.**
- ❑ **Plan entitled: “C-1 Proposed Overview Plan”, prepared by Vanasse Hangen Brustlin, Inc., stamped and signed by Ryan R. Lizewski, P.E. No. 49864, final revision date 9/22/14.**
- ❑ **Plan entitled: “C-2 Proposed Resurfacing and Utility Locus Plan”, prepared by Vanasse Hangen Brustlin, Inc., stamped and signed by Ryan R. Lizewski, P.E. No. 49864, final revision date 9/22/14.**
- ❑ **Plan entitled: “D-1 Details”, prepared by Vanasse Hangen Brustlin, Inc., stamped and signed by Ryan R. Lizewski, P.E. No. 49864, final revision date 9/18/14.**

- **Plan entitled: “D-2 Details”, prepared by Vanasse Hangen Brustlin, Inc., stamped and signed by Ryan R. Lizewski, P.E. No. 49864, final revision date 9/18/14.**

J. Carter Bernardo opened the public meeting at 8:45 p.m. R. Lizewski explained they had submitted a revised plan based on Commission comments at the previous hearing. He noted the following changes to the plan:

- Notes were added to the Plan to instruct the contractor to replace all of the curbing, remove all the sand and to loam and seed the area where the sand deposition is to be removed, adjacent to the Trim Lot.
- The erosion controls were extended up the path and on either side of the trench. J. Carter Bernardo asked if the path were to be re-paved, R. Lizewski replied it would just be seal-coated. J. Carter Bernardo replied erosion controls would not be necessary in the area if it is only seal-coated.
- Dewatering notes were added.

Comments from the Commission:

- J. Carter Bernardo asked R. Lizewski to explain why work is proposed in the Bank. He explained that originally they had planned to pull the outfalls out of the resource area but this would result in a significant impact to the 25-foot Buffer Zone, in addition, there are Algonquin Gas Easement issues that constrain the limit of work.
- J. Carter Bernardo noted she had reviewed the Stormwater Designs and found them to be adequate.
- M. Varrell stated they had received an updated O & M Plan.

Comments from the public:

None.

Motion to close the public hearing for 0 MAP HILL ROAD/0 FOREST STREET (DEP FILE #234-717), by P. Oehlkers, seconded by C. Rhoads, approved 4-0-1. (C. Rhoades abstained)

Motion to issue the Order of Conditions (as amended) for 0 MAP HILL ROAD/0 FOREST STREET (DEP File #234-717) by P. Oehlkers, seconded by S. Soltzberg, approved 4-0-1. (C. Rhoades abstained)

Motion to waive the 25-foot Buffer Zone requirements for 0 MAP HILL ROAD/0 FOREST STREET (DEP File #234-717) by P. Oehlkers, seconded by S. Soltzberg, approved 4-0-1. (C. Rhoades abstained)

Motion to deny the waiver request for the Waiver Fee for 0 MAP HILL ROAD/0 FOREST STREET (DEP File #234-717) by P. Oehlkers, seconded by S. Soltzberg, approved 4-0-1. (C. Rhoades abstained)

OTHER BUSINESS

REQUEST FOR CERTIFICATE OF COMPLIANCE – 1285 SOUTH STREET (DEP FILE #234-499)

D. Anderson had drafted a memo outlining the deviations she noted from the approved plan including:

1. The approved landscape plan called for the installation of a “small” grass area to be maintained as lawn at the rear of the residence, with a large portion of the remaining property (with the exception of the “front lawn”), to be seeded as a meadow with a conservation mix. This “lawn” area was to be permanently demarcated with permanent markers. Areas beyond this lawn area were not to be mowed and allowed to grow as meadow.

Upon inspection, it was noted that either no Conservation seed mix had been utilized for the meadow or it had been utilized but mowed. The choice implemented to demarcate the lawn area

was large boulders which had been employed around the entire property to mark the edge of lawn. Some of the boulders and lawn had been installed on Town owned and a neighboring property.

2. Other deviations from the approved plan included: fulfillment of the restoration planting monitoring Special Condition requirements; installation of three (3) air condition condensers in the Buffer Zone; and a proposed wooden guardrail at the driveway entrance has not been installed per the approved plan.
3. An invasive species removal plan was described in the approved "Order of Conditions" but it is unknown if this was carried out.

The Commission discussed the need to at least pull the boulders outside of the 25-foot Buffer Zone and back on to the property, where it encroaches onto Town and neighboring property. M. Varrell noted that if they stopped mowing the proposed "meadow" areas, within a year meadow species would begin to populate.

The Commission discussed recommending to the Applicant they come in with a minor modification based on the residents needs of how much lawn area would be adequate and at the same time addressing the other deviations from the approved plan.

REQUEST FOR CERTIFICATE OF COMPLIANCE – 450 SOUTH STREET (DEP FILE #234-699)

D. Simonelli of Field Resources, Inc. represented the Applicant. The builder, Rob Lawrence, was present. J. Carter Bernardo questioned why the proposed patio ended up being larger than proposed. R. Lawrence explained that when the patio was proposed, they didn't realize the project was in the Buffer Zone to Bordering Vegetated Wetlands. He stated that once they realized they were in the Buffer Zone, they came to the Conservation Department, but the work had already started. D. Simonelli explained there was a lack of communication between the owner, contractor and Field Resources resulting in the start of work prior to receiving a modification to the permit.

D. Simonelli noted the patio ended up being 10-feet x 20-feet, several feet larger than proposed. The concrete pad for the patio was extended and covered in blue stone. She explained that all the recharge had been installed and submitted a revised plan showing the locations of the cultic systems. R. Lawrence explained the drainage improvements. He noted they were waiting for a receipt for the recharge systems and would submit it to the Commission once received. J. Carter Bernardo expressed the Commission's frustration that the Applicant had not come to them for a modification to the plans. M. Varrell stated he had no other issues with the project.

Motion to issue a Certificate of Compliance for work at 450 South Street (DEP File #234-699) by P. Oehlkers, seconded by C. Rhoades, approved 5-0-0.

REQUEST FOR CERTIFICATE OF COMPLIANCE – 89 LIVINGSTON CIRCLE (NGWP #6)

The current homeowner, Mr. Seligman, and prospective homeowner, Eric Lowitt were present. M. Varrell explained that the Order of Conditions for the project has expired. A portion of maintained lawn is located on Town of Needham property and was supposed to be restored as part of the filing with a natural seed mix. This work did not take place. M. Varrell stated the property is in the process of being sold, leaving little time to establish the restoration area. Prior to the submittal, M. Varrell had suggested to the homeowner that they install some woody vegetation to accelerate the restoration effort. The Applicant did install shrubs, trees and a natural mulch material. M. Varrell confirmed the raised planting beds were in fact removed as required.

M. Varrell explained that upon receiving the revised As-Built Plan today, he noted there is still an area of lawn approximately 15-feet wide encroaching on Town property. He noted that based on photos, this is not the only house in the area utilizing Town property as their own. The resource area being protected is a drainage ditch which is only protected under the Town Bylaw.

The current homeowner, Mr. Seligman, explained that they had not changed the rear of the property at all and simply inherited the issue. He offered to put money into escrow to use in case the plantings fail. The landscapers will come back to fertilize in the fall and spring. J. Carter Bernardo suggested the plantings may have come with a warranty. The Commission required the homeowner to permanently demarcate the back property line corners so the new homeowners recognize the boundary. J. Carter Bernardo requested, once the lot corners are marked, the homeowner contact M. Varrell to inspect the markers. D. Simonelli suggested the installation of iron rods 24-inches long, flush with the sod as markers.

Motion to issue a Certificate of Compliance for work at 89 Livingston Circle (NGWP #6) by P. Oehlkers, seconded by C. Rhoades, approved 5-0-0.

Motion to adjourn the meeting by P. Oehlkers, seconded by S. Soltzberg, approved 5-0-0.

The meeting was adjourned at 10:00pm.

NEXT PUBLIC HEARING

Thursday, October 9, 2014 at 7:30 PM in the Public Services Administration Building, Charles River Room.