

**TOWN OF NEEDHAM
CONSERVATION COMMISSION
MEETING MINUTES
Thursday, June 11, 2015**

LOCATION: Public Services Administration Building (PSAB), Charles River Room

ATTENDING: Paul Alpert, Janet Carter Bernardo, Stephen Farr, Cory Rhoades, Sharon Soltzberg, Matthew Varrell (Director of Conservation), Debbie Anderson (Conservation Specialist)

GUESTS: Jeff Birnbaum, Dan Callahan, Patricia Carey, Anna Connelly, Scott Goddard, Susan Opton, Anna Papok, Chris Porter, Michael Reddish, Scott Ridder, John Rockwood

J. Carter Bernardo opened the public meeting at 7:45 pm.

MISCELLANEOUS BUSINESS

MINUTES

Motion to approve the minutes of May 28, 2015, as amended by S. Soltzberg, seconded by S. Farr, approved 4-0-1 (J. Carter Bernardo abstained)

ENFORCEMENT & VIOLATION UPDATES

280 NEHOIDEN STREET

M. Varrell explained that he has not heard anything back from the courts or the homeowner. He spoke to Town Counsel, David Tobin and they discussed that it may be time to send a letter to the owner stating if they do not address the Enforcement Order within the next 30 days, the Enforcement Order will be recorded against the Deed. A fine was previously issued to the owner for the violation of dumping portions of a fence into the wetland on Town owned property. P. Alpert asked M. Varrell to talk to Town Counsel and ask if the Town has the fence removed from the Town owned property, can they send the owner a bill.

HEARINGS

28 ROBINWOOD AVENUE – NOTICE OF INTENT (DEP FILE #234-735)

Applicant: Christopher and Monique Porter

Project: The project consists of landscape improvements within existing lawn or landscaped areas. Project components include: new fencing, play area, pea stone patio, vegetable garden, stone steps, lawn renovations (including expansion of existing irrigation system), and installation of landscape plantings. The majority of the work is proposed within the 100-foot Buffer Zone to Bordering Vegetated Wetlands.

Present for the Applicant: The owner Chris Porter and the consultant, John Rockwood of EcoTec.

Supporting Documents include:

- ❑ WPA Form 3 – Notice of Intent and supporting documents received May 27, 2015
- ❑ Needham Wetlands Protection Bylaw Application for Permit received May 27, 2015
- ❑ Plan entitled: “L2.0 Area Plan Porter Residence 28 Robinwood Avenue Needham MA”, prepared by Terrascapes Landscape Design, dated 5/26/15.

J. Carter Bernardo opened the public meeting at 7:45 p.m. J. Rockwood presented the proposed project.

J. Rockwood explained that the entire lawn had been sodded as part of the house construction project. The lawn at the rear of the property presently consists of more moss than grass. The owner would like to re-sod that portion of the lawn outside the 25-foot Buffer Zone. An erosion control barrier will be installed at the 25-foot Buffer. In addition, a mulched play area, pea stone patio, vegetable garden, landscape plantings and lawn renovations are proposed. Stairs are proposed to go down a steep portion of the lawn within the 25-foot Buffer Zone. Invasive shrubs including burning bush will be removed and replaced with native plantings with the exception of some fruit trees. Several inkberry shrubs are proposed to shield the bounds that were installed. An existing wooden stockade fence will be replaced with a more “wildlife friendly” post and rail fence closer to the wetland and replaced with a vinyl fence closer to the house.

M. Varrell stated that the plan submitted does not have a stamp and signature but does reference a previous plan that was stamped and signed. The Commission will require the submittal of a stamped plan per the NOI requirements. M. Varrell stated the proposed mitigation did offset the work proposed in the 25-foot Buffer Zone. Waiver Requests were submitted. J. Carter Bernardo requested the owner re-adjust their roof leader near the driveway to go onto the lawn instead of the street.

Motion to close the public hearing for 28 ROBINWOOD AVENUE (DEP FILE #234-735) by P. Alpert, seconded by S. Farr, approved 5-0-0.

Motion to waive the 25-foot Buffer Zone requirements for 28 ROBINWOOD AVENUE (DEP FILE #234-735) by P. Alpert, seconded by S. Farr, approved 5-0-0.

Motion to grant a deduction of the Waiver Fee for 28 ROBINWOOD AVENUE (DEP FILE #234-735) from \$1000 to \$500 by P. Alpert, seconded by S. Farr, approved 5-0-0.

Motion to issue an Order of Conditions for 28 ROBINWOOD AVENUE (DEP FILE #234-735) by P. Alpert, seconded by S. Farr, approved 5-0-0.

1 ELIZABETH CIRCLE – NOTICE OF INTENT (DEP FILE #234-7XX)

Applicant: Jeff Birnbaum

Project: An after-the-fact application for disturbance of Riverfront Area. The Applicant previously removed nine (9) trees and graded the lot, stockpiling all topsoil. Proposed work includes re-landscaping of the lot, including planting of new trees and shrubs, sodding of the lawn, and installation of a patio and fire pit, which is partially within Riverfront Area. An existing fence is proposed to be replaced. The Applicant is proposing to remove an additional four (4) trees within Riverfront Area.

Present for the Applicant: Jeff Birnbaum

Supporting Documents include:

- WPA Form 3 – Notice of Intent and supporting documents received May 21, 2015
- Needham Wetlands Protection Bylaw Application for Permit received May 21, 2015
- Plan entitled: “Site Plan of Land in Needham, MA 1 Elizabeth Circle”, prepared by Everett M. Brooks Co., signed and stamped by Michael S. Kosmo, P.E. #31480 and Bruce Bradford, P.L.S. #38376, dated 11/4/14 (revised 5/18/15).
- Plan entitled: “Landscape Plan Birnbaum Residence Elizabeth Circle, Needham, MA”, prepared by Belmont Landscape & Tree, dated 4/15/15.

J. Carter Bernardo opened the public meeting at 8:00 p.m. M. Varrell stated DEP had not yet issued a File number. J. Birnbaum does not have the Abutter Certified Mailing return green cards with him to submit. J. Birnbaum explained the reason for the Notice of Intent filing.

J. Birnbaum stated this is a new house project and the entire house is located outside of the 200-foot Riverfront Area. The proposed work is to remove several additional trees and to landscape the entire property. The Applicant stated he had met with M. Varrell prior to starting the project and requested the removal of nine (9) hazard trees. M. Varrell spoke with P. Alpert and P. Alpert stated the tree removal would require a Permit. Having been given no address or phone number to contact J. Birnbaum, he sent the letter stating the requirement to file for a Permit to the 1 Elizabeth Circle address. J. Birnbaum explained when he did not hear back from M. Varrell he assumed it was okay to remove the trees and did.

J. Carter Bernardo asked why the plan shows the drain tying into the town drain and not infiltrating on-site. D. Anderson explained she had issued the Applicant a Demo Memorandum several months prior that approved the house demolition but stated any other work in the 200-foot Riverfront Area would require a Permit.

J. Birnbaum explained he would like to remove the additional trees because they are in the way of the area he wants to be lawn. M. Varrell reviewed the Riverfront Area standards with the Commission. J. Birnbaum explained they were replacing the trees at least 2:1 as per the Tree Replacement Guidelines. The Commission discussed the proposed landscaping plan. J. Carter Bernardo stated native trees are required. Portions of the erosion control need attention/replacement. The alternative analysis submitted was not adequate and needs to be revised. J. Birnbaum stated the site had been a dumping ground and he may have photos showing such. S. Soltzberg asked that he submit the species list of proposed trees for removal. M. Varrell stated that he had calculated the amount of Riverfront Area on the site as close to 5,000 s.f., not the 3,400 s.f. stated in the Application. J. Birnbaum will have his Engineer check the calculation. The proposed propane tank will be located outside the 200-foot Riverfront Area.

Motion to continue the public hearing (for submittal of additional information and the issuance of a DEP File number) for 1 ELIZABETH CIRCLE (DEP File #234-7XX) to June 25, 2015 at 8:00 p.m. by S. Farr, seconded by S. Soltzberg, approved 5-0-0.

86 PILGRIM ROAD – continued NOTICE OF INTENT (DEP FILE #234-734)

Applicant: Joel Kent

Project: The proposed project consists of the construction of a 1,200 square foot addition and 112 square foot deck to an existing single-family residence within the 100-foot Buffer Zone to Bordering Vegetated Wetlands and Inland Bank. Portions of the proposed project are located in the 25-foot Buffer Zone. Installation of mitigation plantings are proposed.

Present for the Applicant: No one

Supporting Documents include:

- WPA Form 3 – Notice of Intent and supporting documents received April 9, 2015
- Needham Wetlands Protection Bylaw Application for Permit received April 9, 2015
- Plan entitled: “Site Plan, 86 Pilgrim Road, Needham, MA.” prepared by H. S. & T. Group, Inc., stamped and signed by Hossein Haghanizadeh, P.E. No. 42529 and Daniel Tivnan, P.L.S. No. 40047, dated 5/4/2015.
- Documents titled “86 Pilgrim Road, NOI Submittal – Additional Information”, dated May 5, 2015.
- Planting Plan, received May 14, 2015.

J. Carter Bernardo opened the public meeting at 8:14 p.m. M. Varrell stated the Applicant had requested a continuance to the June 25, 2015 meeting.

Motion to continue the public hearing (at the request of the Applicant) for 86 PILGRIM ROAD (DEP File #234-734) to June 25, 2015 at 8:15 p.m. by S. Farr, seconded by S. Soltzberg, approved 5-0-0.

RIDGE HILL RESERVATION – NOTICE OF INTENT (DEP FILE #234-7XX)

Applicant: Needham Conservation Department

Project: Installation of a wooden footbridge over an intermittent stream. The footbridge will connect the Esker and Loop Trails in the northeast portion of Ridge Hill Reservation. Footings for the bridge will consist of crib-boxes or diamond piers. The footbridge will span the Bank of the stream and result in minor, temporary disturbance of Bordering Vegetated Wetlands and the 100-foot Buffer Zone to Bordering Vegetated Wetlands.

Present for the Applicant: M. Varrell and D. Anderson of the Needham Conservation Department.

Supporting Documents include:

- WPA Form 3 – Notice of Intent and supporting documents received June 4, 2015
- Needham Wetlands Protection Bylaw Application for Permit received June 4, 2015
- Plan entitled: “Ridge Hill Foot Bridge at Esker & Loop Trails Ridge Hill Reservation Needham, MA”, prepared by Needham Department of Public Works, signed and stamped by Anthony DelGaizo, P.E. #35445, dated 6/2/15.

J. Carter Bernardo opened the public meeting at 8:30 p.m. M. Varrell presented the proposed project.

M. Varrell explained the proposed project will be undertaken by the Student Conservation Association this summer as previously discussed. There is currently an existing bog bridge but it is really just logs that people have thrown in the stream. The proposed project includes replacing the bog bridge at a narrow point in the stream channel and re-routing the trail accordingly. The logs making up the current bridge will be removed. No erosion controls are proposed. Two crib boxes will be constructed and filled with stone and act as the footings on either side. Some invasive species control work may occur in wetland areas if time permits near where the bridge will be going. P. Alpert reported that he did receive an Abutter Notification for the project but lives very far from the proposed work at Ridge Hill; therefore, he will not recuse himself. The SCA will be closely monitored throughout the projects by the Conservation Dept. staff. The plan has been stamped by the Town Engineer.

Motion to continue the public hearing for RIDGE HILL RESERVATION – NOTICE OF INTENT (DEP FILE #234-7XX), for a DEP File Number, to June 25, 2015 at 8:00 p.m. by S. Farr, seconded by P. Alpert, approved 5-0-0.

OTHER BUSINESS

REQUEST FOR CERTIFICATE OF COMPLIANCE – 30 TAYLOR STREET (DEP FILE #234-677)

J. Carter Bernardo stated the request is for a Partial Certificate of Compliance because the proposed pool has not been installed and for required plant monitoring. Scott Goddard of Goddard Consulting represented the Applicant. S. Goddard stated the site is more or less stable. There are a few bare patches in the lawn. The plantings are installed in slightly different locations than proposed but are healthy. A pool had been permitted but has not been installed. The Applicant would like to leave the Permit open to keep the pool option open.

M. Varrell reported that the letter from Field Resources, Inc. stated the stone wall as being 163 feet long but it appears to be an error as M. Varrell measured it as 116 feet. S. Goddard noted that there is an additional 10-15 feet of natural area that has been left in its natural state although it was permitted for landscaping.

The fence referenced in the Order refers to installation if the pool is installed.

Motion to issue a PARTIAL Certificate of Compliance (with reference to Exhibit A) for 30 TAYLOR STREET (DEP FILE #234-677) by S. Farr, seconded by P. Alpert, approved 5-0-0.

REQUEST FOR CERTIFICATE OF COMPLIANCE – 36 ROBINWOOD AVENUE (NGWP #9)

The owner, Anna Connelly was present. The project is from 2004. Ms. Connelly stated that she just hadn't followed through. The project was completed in April of 2008. There was a required planting plan that had been implemented but there was a large die-off of plantings installed. Last fall Ms. Connelly installed new plantings to replace those that had died. She has replaced the dogwoods that died off in a new location where she hopes they will do better. The blueberries and elderberries were also relocated per advice of her wetlands consultant. J. Carter Bernardo expressed her frustration that the wetlands had been filled to begin with.

D. Anderson reported that she had visited the site and found it to be stable and in compliance. The wetland boundary will be reviewed when the builder comes before the Commission in the future. There was no 2 year plant monitoring requirement with this Order.

Motion to issue a Certificate of Compliance for 36 ROBINWOOD AVENUE (NGWP #9) by P. Alpert, seconded by S. Farr, approved 5-0-0.

REQUEST FOR CERTIFICATE OF COMPLIANCE – 36 ROBINWOOD AVENUE (NGWP #11)

D. Anderson stated that the Order had been issued for four trees that had been removed without a Permit and required replacement with four trees which have been installed.

Motion to issue a Certificate of Compliance for 36 ROBINWOOD AVENUE (NGWP #11) by P. Alpert, seconded by S. Farr, approved 5-0-0.

INFORMATIONAL PRESENTATION – ADA TRAIL AT NEEDHAM RESERVOIR PROJECT

Scott Ridder from Beta, Inc. presented the proposed project. The reservoir is approximately 12 acres in size. The resource areas have been delineated. The trail is existing but the Town would like to make it ADA accessible. S. Ridder described changes to the existing trail that would need to be made to make it accessible including the width of the trail and proposed materials including some elevated boardwalks in wet areas. Parking and access areas were discussed. Ideas to help disabled people get out to the water including a fishing dock were discussed.

Two existing wells on site are inactive and need to be removed as part of the project. They will be capped and sealed. The resulting areas may be able to be restored into wetlands. Footings for the boardwalk may be helical piles at worst case. M. Varrell will contact DEP to get their input before footings are chosen. The area of the spillway is proposed to have a bridge crossing to keep people outside of the DPW parking lot. The area on top of the dam will continue to include benches. A guide rope may be used on the outer part of the trail to aid sight-challenged people around the reservoir. There are currently no ADA trails in Needham. Areas where the vegetation will remain natural or maintained will be proposed. Mitigation areas were discussed. Erosion and sediment control was discussed, the Commission prefers mulch filled silt socks. J. Carter Bernardo suggested a clear and concise construction sequence will be important as well as a well-defined work area. The sediment issue and potential remediation from the DPW parking area was discussed.

P. Alpert asked when the project would be completed, what the potential cost may be and where the funding will come from. P. Carey stated the project had gone through Fin Com for the design funds and had gone through Town Meeting and then would go through CPC and Town Meeting for construction. The project could take place in Fiscal Year 2017.

REQUEST FOR A MINOR MODIFICATION – 28 (LOT 48) WOODWORTH ROAD (DEP FILE #234-491)

The Builder, Mike Reddish presented the Minor Modification request. He explained that an Arborist had come to the site and had reported that one pine tree on the site was a hazard. As the pool was being installed and Mr. Reddish was not on-site, the pool company had over-dug and impacted the roots of an additional pine tree. J. Carter Bernardo asked where on the site they were proposing to add four more replacement trees per the Commission's Tree Removal Guidelines. M. Varrell responded that the proposed replacement tree locations were not ideal as they were within existing un-disturbed woods. M. Varrell met with M. Reddish on-site and they found acceptable locations for the replacement trees. The replacement trees will be of a species already approved for use on the site. S. Farr expressed his concern locating two of the trees close to the house. M. Varrell stated as long as the trees are in the Buffer Zone and a revised plan is submitted showing the locations, the Commission has no issues.

M. Varrell did express concern that the second tree needs to be removed because it was not properly protected. J. Carter Bernardo asked if the drywells were tied into the street drain. M. Reddish stated that no the drainage will infiltrate back onto site. M. Varrell suggested they leave a 10-15 foot section of the tree to be removed in the woods to create habitat.

Motion to issue a Minor Modification approving the removal of two trees and replacement with four trees within the 100-foot Buffer Zone, including placing woody debris in the woods to create habitat, for (Lot 48) 28 WOODWORTH ROAD (DEP FILE #234-491) to be held pending submittal of a revised plan, by P. Alpert, seconded by S. Farr, approved 5-0-0.

DISCUSSION ON BOUNDARY MARKERS

M. Varrell explained to the Commission that they often require Applicants to install boundary markers to permanently delineate the resource areas to be protected. M. Varrell stated that a surveyor had approached him recently and asked if the Commission had thought of coming up with a label to place on the boundary markers to indicate what they are for so as to not confuse surveyors on the site as to their purpose.

M. Varrell had looked into markers to aid both surveyors and homeowners. M. Varrell showed the Commission photo examples of possible curb markers and potential cost. They could sell them at cost along with the necessary adhesive to affix them to the Applicant's markers. J. Carter Bernardo does not see the need for granite monuments to always be required since there are other options. The Commission approved the purchase and discussed the wording to be on the markers.

BOARD NOMINATIONS

Stephen Farr nominated Janet Carter Bernardo to the position of Conservation Commission Chairman, seconded by Sharon Soltzberg, approved 5-0-0.

Janet Carter Bernardo nominated Peter Oehlkers to the position of Conservation Commission Vice Chairman, seconded by Cory Rhoades, approved 5-0-0.

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

The meeting was adjourned at 10:05 pm.

NEXT PUBLIC HEARING

Thursday, June 25, 2015 at 7:30 PM in the Public Services Administration Building, Charles River Room.