

**TOWN OF NEEDHAM
CONSERVATION COMMISSION
MEETING MINUTES
Thursday, August 27, 2015**

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

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

GUESTS: Jeff Birnbaum, John Rockwood, Steve Volante

J. Carter Bernardo opened the public meeting at 7:30 pm.

MISCELLANEOUS BUSINESS:

ENFORCEMENT & VIOLATION UPDATES

11 NEWELL STREET

M. Varrell stated that the Commission had required the owner to submit an after-the-fact Request for Determination of Applicability filing regarding unpermitted installation of sod and a patio within the 100-foot Buffer Zone to Bordering Vegetated Wetlands. M. Varrell reported that the RDA Filing was submitted earlier in the day, as required.

30 WAYNE ROAD

M. Varrell stated that he had met with the owner's of 30 Wayne Road regarding the violation for unpermitted removal of vegetation, installation of a drain pipe and installation of stone in the intermittent stream channel and Bordering Vegetated Wetlands at the rear of their property. M. Varrell reviewed the permitting process for the restoration of the intermittent stream channel and wetlands. The owners indicated they were in the process of hiring a consultant to help them prepare and submit the permit application and restoration plan.

VOLANTE FARM – BEAVER UPDATE

Steve Volante attended the meeting to provide the Commission with an update on the beaver issues at Volante Farms. M. Varrell explained that the existing Emergency Certification expired on August 20, 2015 and is not extendable. As required, the licensed trapper submitted a letter to Tara Gurge of the Needham Health Department regarding the necessity to trap additional beavers that keep re-building the dam that had been breached. The trapper has to date trapped more than a dozen beavers on the Volante property. The additional beavers appear to be coming from the adjacent Town owned land. The adjacent property was at first thought to be owned by the Army Corps of Engineers but has since found to be owned by the Town.

M. Varrell stated that the situation is still considered an emergency due to the continued flooding of the fields, but suggested the Commission require the Volantes to submit a Notice of Intent application that can be conditioned to allow the Volantes a mechanism to address the flooding issue in the future without the need to issue an Emergency Certification. M. Varrell contacted the MassDEP to discuss the issue and DEP has no problem with issuing back to back Emergency Certifications in this instance but did suggest that an Order of Conditions would be an appropriate long-term solution. M. Varrell suggested the Commission issue a 30-day Emergency Certification to address the continuing problems. D. Anderson

asked if the trapper had looked in to other mechanisms to solve the issue beyond the trapping and killing of the beavers. S. Volante stated that the water in this area is not deep enough to support a non-lethal “beaver deceiver” to remedy the issue.

Motion to issue a 30-day Emergency Certification to Volante Farms to continue trapping of the beavers and breaching of the existing dam (with a requirement to file a subsequent Notice of Intent) by S. Farr, seconded by S. Soltzberg, approved 5-0-0.

HEARINGS

90 GLENDALE ROAD – NOTICE OF INTENT (DEP FILE #234-740)

Applicant: Aaron and Kelly Lieberman

Project: Removal of an existing patio and wooden deck and construction of a ±317 square foot home addition with full foundation on the location of the former deck. All work is proposed within the 100-foot Buffer Zone. The proposed limit of work is approximately 44.3 feet from the limits of an intermittent stream (Bank).

Present for the Applicant: Dr. John Rockwood of EcoTec, Inc.

Supporting Documents include:

- ❑ WPA Form 3 – Notice of Intent and supporting documents received August 13, 2015
- ❑ Needham Wetlands Protection Bylaw Application for Permit received August 13, 2015
- ❑ **Plan entitled: “Proposed Conditions Site Plan 90 Glendale Road Needham, Massachusetts”, prepared by Dellorco Associates, stamped and signed by Anthony M. Dellorco, R.P.S. #34303, dated 8/10/15.**

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

J. Rockwood explained that the proposed project was the installation of an addition to the existing single family home. The resource area is an intermittent stream. The proposed plan includes the removal of an existing deck and construction of the addition with a full basement in that location. The drainage from the existing roof and patio infiltrates by sheet flowing across the lawn and they intend to use the same infiltration mechanism for the addition. A majority of the existing house currently discharges into a subsurface infiltration system.

Motion to close the public hearing for 90 GLENDALE ROAD (DEP FILE #234-740) by S. Farr, seconded by S. Soltzberg, approved 5-0-0.

Motion to issue an Order of Conditions for 90 GLENDALE ROAD (DEP FILE #234-740) by S. Farr, seconded by S. Soltzberg, approved 5-0-0.

1 ELIZABETH CIRCLE – *continued* 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 five (5) 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, revised 6/25/15
- Document entitled “Alternative Analysis for 1 Elizabeth Circle”, received at the 6/25/15 Conservation Commission hearing.
- Document entitled “Alternative Analysis for 1 Elizabeth Circle”, dated August 19, 2015

J. Carter Bernardo opened the public meeting at 7:50 p.m. M. Varrell stated DEP had not yet issued a File number. M. Varrell stated that a revised alternatives analysis had been submitted along with a Landscaping Plan.

The meeting had been continued for the submittal of a revised alternatives analysis, Landscaping Plan, as well as the issuance of a DEP File number.

J. Birnbaum stated he had sent an entire new filing package to DEP earlier in the day. The Commission reviewed the proposed Landscaping Plan. The Commission requires all the proposed plants be native and the proposed trees must be at least 1.5” caliper in size. The Commission requested that the Applicant provide a revised Landscaping Plan that includes revisions, proposed plant sizes, and includes the 200-foot Riverfront Area line.

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 September 10, 2015 at 7:45 p.m. by S. Farr, seconded by S. Soltzberg, approved 4-0-1 (A. Richardson abstained).

257 COUNTRY WAY – continued REQUEST FOR DETERMINATION OF APPLICABILITY

J. Carter Bernardo opened the public hearing at 8:05 p.m. No one was present to represent the Applicant. A revised plan had been submitted. The Commission discussed that the proposed lily-of-the-valley groundcover was not a native plant. The Negative Determination of Applicability will require that no lily-of-the-valley be planted and instead substitute another native species.

Motion to close the public hearing for 257 COUNTRY WAY by S. Farr, seconded by C. Rhoades, approved 4-0-1 (A. Richardson abstained)

Motion to issue a Negative Determination of Applicability (with the no lily-of-the-valley condition) for 257 COUNTRY WAY by S. Farr, seconded by C. Rhoades, approved 4-0-1 (A. Richardson abstained)

OTHER BUSINESS

REQUEST FOR CERTIFICATE OF COMPLIANCE – 98 GROSVENOR ROAD (DEP FILE #234-728)

No one was present to represent the Applicant. M. Varrell explained the project involved re-grading of the back yard. In addition, M. Varrell noted during his site inspection that the Applicant had installed a 6-foot stockade fence with a gate to the rear. M. Varrell stated that the fence would have been improved under the exemption process but he was concerned that the gate in the fence provided easy access to dump

landscape debris off-site. He asked the Applicant's Surveyor, Field Resources, Inc. to inform the owners not to dump landscape debris behind the fence. C. Rhoades suggested that M. Varrell send a letter to the homeowner's stating the same. M. Varrell will prepare a letter to the new owners.

Motion to issue a Certificate of Compliance for 98 Grosvenor Road (DEP FILE #234-728) by S. Farr, seconded by C. Rhoades, approved 5-0-0.

REQUEST FOR CERTIFICATE OF COMPLIANCE – 54 DEERFIELD ROAD (DEP FILE #234-711)

No one was present to represent the Applicant. M. Varrell stated that the Permit was for an above ground pool installation and planting of five (5) blueberry shrubs as mitigation. M. Varrell found the work to be completed as proposed and the shrubs healthy.

Motion to issue a Certificate of Compliance for 54 Deerfield Road (DEP FILE #234-711) by S. Farr, seconded by C. Rhoades, approved 5-0-0.

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

The meeting was adjourned at 8:22pm.

NEXT PUBLIC HEARING

Thursday, September 10, 2015 at 7:30 PM in the Public Services Administration Building, Charles River Room.