

**TOWN OF NEEDHAM
CONSERVATION COMMISSION
MEETING MINUTES
Thursday, January 14, 2016**

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

ATTENDING: Janet Carter Bernardo (7:40 pm arrival), Stephen Farr, Peter Oehlkers, Corey Rhoades, Alison Richardson, Matthew Varrell (Director of Conservation), Debbie Anderson (Conservation Specialist)

GUESTS: Bryan Balicki, Jonathan Bracken, Roy Cramer, Kathy D'Addesio, Mikhail Deychman, Olga Geyyer, Victor Geyyer, Joyce Hastings, Bob Hentschel, Fred Keylon, Shirley Klepadlo, David Miller, John Mulvihill, Rob Olsen, Nancy Ridill, John Rockwood, Mary Trudeau, David Volante, Gene Voloshin, Christopher Watt

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

MISCELLANEOUS BUSINESS:

Motion to approve the Meeting Minutes of December 10, 2015, as revised, by S. Farr, seconded by C. Rhoades, approved 4-0-0.

ENFORCEMENT & VIOLATION UPDATES

None

HEARINGS

LINDEN STREET/CYPRESS STREET – *continued* NOTICE OF INTENT (DEP FILE #234-741)

Applicant: Jorge Oslan, Oak Street LLC

Project: Utility work to connect the proposed utilities from Cypress Street to existing utilities in Linden Street and for the construction of Cypress Street. Portions of the work are located within the 100-foot Buffer Zone to Bordering Vegetated Wetlands. The proposed limit of work is approximately 23 feet from the limits of BVW. One tree is proposed to be removed.

Present for the Applicant: No one

Supporting Documents include:

- ❑ WPA Form 3 – Notice of Intent and supporting documents received August 27, 2015
- ❑ Needham Wetlands Protection Bylaw Application for Permit received August 27, 2015
- ❑ **Plan entitled: “Notice of Intent Conservation Commission Plan and Profile Intersection of Cypress & Linden Street Needham, Mass.”, prepared by Field Resources, Inc., stamped and signed by Bradley J. Simonelli, P.L.S. #47581, dated 8/20/15.**

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

The Commission discussed the fact that the Applicant had not submitted the additional information that they had requested and the Hearing has been continued at the Applicant's request over several meetings. Abutters have arrived at several of the continued meetings only to be told that the Hearing has been continued again at the Applicant's request.

The Commission will continue to a date uncertain, require the Applicant to submit all the required additional information that was requested, re-notify abutters of the new Hearing date and pay to have the legal ad with the new Hearing date published in the newspaper.

Motion to continue the public meeting for Linden Street/Cypress Street (DEP File #234-741) to a date uncertain (the Applicant must submit the additional information requested, re-notify abutters of the new Hearing date and pay to advertise the new Hearing information in the newspaper) by S. Farr, seconded by C. Rhoades, approved 5-0-0

24 JARVIS CIRCLE – NOTICE OF INTENT (DEP FILE #234-747)

Applicant: Ruslan and Irina Faynstain

Owner: Louis and Lorraine Syatt

Project: Demolition of a single-family dwelling and construction of a new single-family home with associated appurtenances and landscaping; portions of which are located within the 100-foot Buffer Zone to Bordering Vegetated Wetlands.

Present for the Applicant: Michael Deychman

Supporting Documents include:

- ❑ WPA Form 3 – Notice of Intent and supporting documents received November 20, 2015
- ❑ Needham Wetlands Protection Bylaw Application for Permit received November 20, 2015
- ❑ **Plan entitled: “24 Jarvis Circle, Proposed Site Plan, Needham, MA”, prepared by Mikhail Deychman, stamped and signed by Richard A. Volkin, P.E. #22282, dated 11/8/15.**
- ❑ **Plan entitled: “24 Jarvis Circle, Drywell Detailed (Sheet 2 of 2), Needham, MA”, prepared by Mikhail Deychman, stamped and signed by Richard A. Volkin, P.E. #22282, dated 11/8/15.**

J. Carter Bernardo opened the public hearing at 8:00 pm.

J. Carter Bernardo stated that Hearing had been continued for the issuance of a DEP File Number, which has been issued.

Motion to close the public hearing for 24 Jarvis Circle (DEP File #234-747) by S. Farr, seconded by C. Rhoades, approved 4-0-0.

Motion to issue an Order of Conditions for 24 Jarvis Circle (DEP File #234-747) by S. Farr, seconded by C. Rhoades, approved 4-0-1 P. Oehlkers abstained.

1910 CENTRAL AVENUE – NOTICE OF INTENT (DEP FILE #234-748)

Applicant/Owner: Ryan and Alison Murphy

Project: The demolition of a 100+ year old 2-car garage destroyed by fire and the construction of a new garage in the same footprint and of the same size. The work is located within the 100-foot Buffer Zone to Bordering Vegetated Wetlands and Inland Bank and within the 200-foot Riverfront Area to the Charles River.

Present for the Applicant: No one

Supporting Documents include:

- ❑ **WPA Form 3 – Notice of Intent and supporting documents received November 24, 2015**
- ❑ **Needham Wetlands Protection Bylaw Application for Permit received November 24, 2015**
- ❑ **Plan entitled: “Site Plan 1910 Central Avenue Needham, Massachusetts”, prepared by Snelling & Hamel Associates, Inc., stamped and signed by John R. Hamel, P.L.S. #35029, dated 12/1/15.**

J. Carter Bernardo opened the public hearing at 8:05 pm.

J. Carter Bernardo stated that Hearing had been continued for the issuance of a DEP File Number, which has been issued.

Motion to close the public hearing for 1910 Central Avenue (DEP File #234-748) by S. Farr, seconded by C. Rhoades, approved 5-0-0.

Motion to issue an Order of Conditions for 1910 Central Avenue (DEP File #234-748) by S. Farr, seconded by P. Oehlkers, approved 4-0-1 C. Rhoades abstained.

108 LINDBERGH AVENUE – NOTICE OF INTENT (DEP FILE #234-751)

Applicant: Gene Voloshin

Owner: James and Patricia Griffith

Project: Demolition of a single-family home and in-ground pool and subsequent construction of a new single-family home with associated appurtenances and landscaping. An existing shed will be removed. A portion of the proposed work is located within the 100-foot Buffer Zone to Bordering Vegetated Wetlands.

Present for the Applicant: Representative – Mary Trudeau, Applicant – Gene Voloshin

Supporting Documents include:

- ❑ **WPA Form 3 – Notice of Intent and supporting documents received November 23, 2015**
- ❑ **Needham Wetlands Protection Bylaw Application for Permit received November 23, 2015**
- ❑ **Plan entitled: “Proposed Site Plan, 108 Lindbergh Avenue, Needham, MA 02494”, prepared by Mikhail Deychman, stamped and signed by Richard A. Volkin, P.E., dated 11/15/15, final revision date 12/17/15.**
- ❑ **Plan entitled: “Dry Well Detail, 108 Lindbergh Avenue, Needham, MA.”, prepared by Mikhail Deychman, stamped and signed by Richard A. Volkin, P.E., 11/15/2015.**

J. Carter Bernardo opened the Public Hearing at 8:10 pm.

M. Trudeau explained to the Commission that a revised plan had been submitted that included the revisions as requested by the Commission. The revised plan shows the extension of the erosion control barrier, the proposed grading, and labels the proposed patio as being constructed with permeable pavers. M. Trudeau noted one additional revision to the plan is the proposed reconstruction of the retaining wall near the pool rather than its removal as depicted on the previous plan. The Commission will have a Condition in the Order requiring the submission of a detail of the proposed retaining wall, prior to construction.

Nancy Ridill of 102 Lindbergh Avenue asked for clarification of the wall location.

Motion to close the public hearing for 108 Lindbergh Avenue (DEP File #234-751) by S. Farr, seconded by C. Rhoades, approved 5-0-0.

Motion to issue an Order of Conditions for 108 Lindbergh Avenue (DEP File #234-751) by S. Farr, seconded by A. Richardson, approved 4-0-1 C. Rhoades abstained.

292 FOREST STREET – NOTICE OF INTENT (DEP FILE #234-750)

Applicant/Owner: F & A Farms, Inc., Dave Volante

Project: This re-development project proposed at Volante Farms consists of demolition of the existing storage building and construction of two (2) new accessory barns with areas of 2,275 S.F. and 1,800 S.F. A stormwater management system is proposed to infiltrate stormwater runoff from the new buildings. In addition, the Applicant is proposing installation of a retaining wall and new gravel driveways. Portions of the proposed work are located within the 100-foot Buffer Zone. The proposed limit of work is approximately 26-feet from the limits of an intermittent stream (Bank).

Present for the Applicant: Owner – Dave Volante, Representative – Bryan Balicki of Sage Engineering

Supporting Documents include:

- ❑ WPA Form 3 – Notice of Intent and supporting documents received November 25, 2015
- ❑ Needham Wetlands Protection Bylaw Application for Permit received November 25, 2015
- ❑ **Plans entitled: “Volante Renovations 292 Forest Street Needham, MA 02492”, prepared by Sage Engineering & Contracting, Inc., stamped and signed by Frank DeMarinis, P.E. #41640, dated 9/16/15 (final revision 1-14-16).**

J. Carter Bernardo opened the Public Hearing at 8:33 pm.

Bryan Balicki of Sage Engineering explained that per the Commission’s request, the formal test pits had been done and the results were favorable for infiltration and the calculations previously submitted could be used. The Applicant had submitted a request asking the Commission to consider the planting of thirty-five (35) raspberry bushes, within the 100-foot Buffer Zone, as mitigation for the proposed tree removal as opposed to following the *Town of Needham Tree Replacement Guidelines* that require tree replacement at a 2:1 ratio. D. Volante explained that the area where the mitigation plantings would be installed borders one of the farm’s fields and trees installed in that area would shade out portions of the crop. He added that he is choosing raspberry bushes because that species is already growing along the Bank of the stream on the site.

The Commission asked if D. Volante was planning to harvest the berries for commercial use as stated in the written request. D. Volante explained that he would not “net” the shrubs or try and keep animals from eating the berries. There are too few shrubs to be commercially viable and the type proposed is not suitable for commercial use.

Motion to close the public hearing for 292 Forest Street (DEP File #234-750) by S. Farr, seconded by A. Richardson, approved 4-0-1 C. Rhoades abstained.

Motion to issue an Order of Conditions for 292 Forest Street (DEP File #234-750) by S. Farr, seconded by A. Richardson, approved 4-0-1 C. Rhoades abstained.

1191 GREENDALE AVENUE – NOTICE OF INTENT (DEP FILE #234-749)

Applicant/Owner: John Doherty, St. Sebastian’s School, Inc.

Project: The proposed project consists of activities associated with the Athletic Center Renovation and repair and repaving of the South Parking Lot. Work within jurisdictional areas, consisting of the 200-foot Riverfront Area and the 100-foot Buffer Zone, includes construction of a temporary construction access road, and repair and repaving of an existing paved parking lot.

Present for the Applicant: John Rockwood, EcoTec, Inc., Attorney Roy Cramer, Fred Keylon, H.W. Moore, Rob Olsen and David Miller of Robert Olson & Associates.

Supporting Documents include:

- ❑ WPA Form 3 – Notice of Intent and supporting documents received December 23, 2015
- ❑ Needham Wetlands Protection Bylaw Application for Permit received December 23, 2015
- ❑ “Catch Basin Cleaning Report, St. Sebastian’s School”, dated October 25, 2014, prepared by T.G. O’Connor Contracting Corp.
- ❑ “Storm Runoff Analysis and Operation and Maintenance Plan, St. Sebastian’s School Athletic Center, Needham, Massachusetts”, dated December 16, 2015, prepared by H.W. Moore Associates, Inc.
- ❑ Plans entitled:
St. Sebastian’s School, Athletic Center. 1191 Greendale Avenue, Permit Documents, dated December 22, 2015 (except as noted).
 - b. X-1 Existing Conditions (stamped and signed December 15, 2015);
 - c. C-1 Site Utility Plan;
 - d. C-2 Erosion Control Plan;
 - e. C-3 Site Details Plan;
 - f. C-4 Site Details Plan;
 - g. AS0.1 Site Mobilization Plan;
 - h. AS0.2 Site Preparation Plan;
 - i. AS1.0 Site Layout Plan;
 - j. AS1.1 Site Materials Plan;
 - k. AS1.2 Site Grading Plan;
 - l. AS1.3 Planting Plan;
 - m. AS4.1 Site Details;
 - n. AS4.2 Site Details; and
 - o. RF-1 Existing and Proposed Riverfront Area Conditions.

J. Carter Bernardo opened the Public Hearing at 8:47 pm.

J. Rockwood of EcoTec, Inc. introduced the other Representatives present for the project including: Attorney Roy Cramer, Fred Keylon, H.W. Moore, Rob Olsen and David Miller of Robert Olson & Associates.

David Miller of Robert Olson & Associates gave an overview of the proposed project. He noted that all of the proposed activities will take place within existing lawn areas. There will be no disturbance to the hockey rink or tennis courts during construction. Any re-grading that takes place will be to match the existing contours. The existing stone walkway will remain. D. Miller explained that they had hoped to move the existing power lines along the river underground but have been notified by the electric company that it would be quite an undertaking and expensive to do so. They now plan to leave the wires in place and have revised the planting plan to reflect new tree replacement locations.

D. Miller went over the proposed tree removals and mitigation planting plan. Some tree species to be installed include: River Birch, London Plane, Oaks, Ginko, Red Maple and Tulip trees. J. C. Bernardo inquired as to when the work would begin. D. Miller replied that they would start in the summer and the work would take approximately 15-months. A. Richardson commented that she was concerned about the creation of dust so close to the river and wetland vegetation during construction. David said that they are proposing construction procedures and requirements that will address that concern.

F. Keeler of H.W. Moore went over the stormwater and erosion control sections of the project. Currently the entire 2.5 acres of the project area drains to the basin adjacent to the river. There are deep-sump catch basins in use now on the site. J. C. Bernardo stated that she found the stormwater analysis and calculations submitted to have been done well. She questioned whether they additional treatment could be provided for the hockey rink parking lot runoff, especially in light of anticipated EPA mandates for the reduction of phosphorus to the Charles River. The Applicant agreed to investigate the possibility.

The construction access drive will be lined with crushed stone. A construction gate will be closed and locked at night. Staked straw bales and silt fence will be installed as shown on the plan submitted. Inlets will be protected by silt sacks and straw bales. The tennis court perimeter will have a double row of straw bales. Silt sacks will protect most catch basins and will be added to the hockey parking lot basins. The Commission is awaiting comments from the MA Natural Heritage and Endangered Species Program as a portion of the project is located within mapped Priority and Estimated Habitats. The Applicant stated that the plans will be revised to address the comments from the Commission.

Motion to continue the public hearing for 1191 Greendale Avenue (DEP File #234-749) for a revised planting plan and a response from NHESP to January 28, 2016 at 7:45 p.m. by S. Farr, seconded by C. Rhoades, approved 5-0-0

263 NEHOIDEN STREET – REQUEST FOR DETERMINATION OF APPLICABILITY

Applicant/Owner: Victor and Olga Geyyer

Project: After-the-fact Request for unpermitted installation of pervious paver patio and installation of sod within the 100-foot Buffer Zone to Bordering Vegetated Wetlands. The Request also includes permission for installation of wooden steps, a small pre-fabricated shed, fencing, and additional re-sodding of lawn.

Present for the Applicant: Owners Victor and Olga Geyyer

Supporting Documents include:

- ❑ WPA Form 1 – Request for Determination of Applicability dated December 29, 2015
- ❑ Needham Wetlands Protection Bylaw Application for Permit received December 29, 2015
- ❑ **Plan entitled: “Conservation Commission Site Plan, 263 Nehoiden Street, Needham, Mass”, prepared by Field Resources, Inc. final revision date September 15, 2011, REVISED BY OLGA GEYER ON 12/29/2015**

J. Carter Bernardo opened the Public Hearing at 9:30 pm.

The application is an after-the-fact submittal, resulting from a previous violation. O. Geyyer explained that the 400 sq. ft. patio they had installed was constructed with pervious pavers, specifically Uni-Lock brand pavers. In addition, they re-sodded the damaged lawn to the rear of the house. The application includes a request to re-sod damaged lawn to the side of the house. They are requesting approval for installation of a small shed less than 100 sq. ft. in size with no foundation and outside the 25-foot Buffer Zone. Along Nehoiden Street they would like to replace some sections of the existing fence and along the rear of the yard where the drop-off begins they want to install a white picket fence. M. Varrell suggested language be added to the Determination of Applicability stating no woody vegetation can be removed for the project. M. Varrell noted that as no erosion controls are proposed, a Condition should be added requiring there be no exposed soils for more than 24-hours during sodding installation.

An abutter from 273 Nehoiden Street, Christopher Watt, stated that he was okay with the proposed project, as long as the patio was constructed with permeable pavers.

Motion to close the public hearing for 263 Nehoiden Street by S. Farr, seconded by Cory Rhoades, approved 5-0-0.

Motion to issue a Negative Determination of Applicability for 263 Nehoiden Street by S. Farr, seconded by C. Rhoades, approved 5-0-0.

OTHER BUSINESS

DISCUSSION ITEM – CONSERVATION RESTRICTION FOR SUNLIFE ASSURANCE CO., ST. MARY STREET/ECHO ROAD

As discussed at the previous Meeting, M. Varrell contacted Conservation Commissioner, Attorney Cory Rhoades and asked him to review the language of the Conservation Restriction as submitted. Attorney Rhoades revised some of the language and Sunlife subsequently agreed to the revisions. As a notary was required to sign off, J. Carter Bernardo had signed the document in front of a notary public in the Conservation Office.

Motion to accept the Conservation Restriction submitted by the Sunlife Assurance Co. for St. Mary Street/Echo Road by S. Farr, seconded by C. Rhoades, approved 4-0-0.

REQUEST FOR MINOR MODIFICATION – 921 SOUTH STREET (DEP FILE #234-690)

Joyce Hastings represented the Applicant, Jonathan Bracken, who was also present. J. Hastings explained that the project was for an addition, which has been completed. A loose stone wall is located to the east of the garage addition. The stone wall is holding up approximately 2-feet of material. The owner is not able to bring the riding lawn mower up between the garage and the stone wall to access the yard. The owner is proposing to move the stone wall out 10-feet to create a flat access corridor for the mower to pass. The proposed work is within existing lawn and will not require the removal of any trees or shrubs. J. Hastings noted that the proposed work was outside the 100-foot Buffer Zone but within the 200-foot Riverfront Area.

M. Varrell asked for clarification as to whether they proposed moving the stone wall and then filling up to it. J. Hastings confirmed this was the plan. M. Varrell expressed concern that the addition of fill would kill the existing trees by filling over the roots. J. Hastings explained that the fill would not impact the tree roots in the location where it was proposed.

Motion to approve the Minor Modification to the plans for 921 South Street (DEP File #234-690) by S. Farr, seconded by C. Rhoades, approved 5-0-0.

REVIEW OF DRAFT ORDER OF CONDITIONS FOR CENTRAL AVENUE/ELLIOT STREET BRIDGE (DEP FILE #234-610)

The Commission reviewed the draft Order of Conditions for Central Avenue/Elliot Street Bridge (DEP File #234-610).

Motion to issue the Order of Conditions for Central Avenue/Elliot Street Bridge (DEP File #234-610) by S. Farr, seconded by A. Richardson, approved 4-0-1 C. Rhoades abstained.

CONTINUED DISCUSSION - REQUEST FOR CERTIFICATE OF COMPLIANCE – 40 WILDWOOD DRIVE (DEP FILE #234-610)

M. Varrell explained that the Applicant had applied for a Certificate of Compliance in 2013 but it was not granted because staff visited the site and found that the required permanent markers were not installed nor were with required plantings. M. Varrell spoke with the owner last summer and found a memo from P. Barry stating that installation of the proposed blueberry bushes was necessary but the permanent markers were not necessary. M. Varrell would like to insert a note requiring maintenance of the boundary plantings.

Motion to issue a Certificate of Compliance for 40 Wildwood Drive (DEP File #234-610) by S. Farr, seconded by C. Rhoades, approved 5-0-0.

CONSERVATION TRUST FUND

M. Varrell explained that the Commission has a CPA request in for \$50,000 to attempt to build back up the Conservation Trust Fund Account. He had researched past Meeting Minutes on the topic and found discussions that the Commission would like to keep the account with a minimum balance of \$250,000. His understanding of the purpose of keeping that amount of money in the account was in case a property came up for sale that the Town had interest in buying, the money could be used as a down payment to hold the property until the remainder of the funding was obtained. M. Varrell asked the Commission to reaffirm the monetary goal of \$250,000. The Fuller Trail project used up a portion of the fund leaving the balance at approximately \$212,000. He noted that the money invested from the account is doing very well.

The Commission discussed where the money originally came from and what it has been used for such as kiosks and signs. Other funding sources were discussed. J. Carter Bernardo noted that originally the Town Meeting would deposit money. M. Varrell agreed that his research showed \$5,000-7,000 deposited every year for a period of time. The Commission discussed if \$250,000 was still enough money to keep in in the account to meet their goals. M. Varrell will attend the CPA Meeting on January 27, 2016.

Motion to make it a goal of the Conservation Commission to have a minimum of \$250,000 available at all times in the Conservation Trust Fund by S. Farr, seconded by C. Rhoades, approved 5-0-0.

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

The meeting was adjourned at 9:50 pm.

NEXT PUBLIC HEARING

Thursday, January 28, 2015 at 7:30 PM in the Public Services Administration Building, Charles River Room.