

**TOWN OF NEEDHAM
CONSERVATION COMMISSION
MEETING MINUTES
Thursday, July 23, 2015**

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

ATTENDING: Janet Carter Bernardo, Peter Oehlkers, Cory Rhoades, Sharon Soltzberg, Matthew Varrell (Director of Conservation), Debbie Anderson (Conservation Specialist)

GUESTS: Karon Skinner Catrone, Greg Dracon, Michael Deychman, Tom Hughes, Michael Reddish, David Tocci

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

MISCELLANEOUS BUSINESS

MINUTES

Motion to approve the minutes of June 25, 2015, as amended, by P. Oehlkers, seconded by C. Rhoades, approved 4-0-0.

ENFORCEMENT & VIOLATION UPDATES

NONE

HEARINGS

275 HIGH ROCK STREET – REQUEST FOR DETERMINATION OF APPLICABILITY

Applicant: Alexander Kogan

Project: Removal of an existing bituminous driveway and re-vegetation of the area with lawn and, potentially, native trees. The majority of the project (including house demolition and reconstruction) is located outside the 100-foot Buffer Zone to off-site Bordering Vegetated Wetlands.

Present for the Applicant: Alexander Kogan

Supporting Documents include:

- ❑ Request for Determination of Applicability filing submitted July 9, 2015
- ❑ “Proposed Site Plan, 275 High Rock Street, Needham, MA.”, prepared by Mikhail Deychman, final revision date 7/21/15.

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

A. Kogan presented the proposed project to the Commission. The project includes removing the existing driveway in association with the demo and re-build of a single-family house located outside the 100-foot Buffer Zone. J. Carter Bernardo inquired if any trees would need to be removed. A. Kogan replied that all trees were to remain. The driveway will be removed from the Buffer Zone and installed outside the 100-foot Buffer Zone. M. Varrell explained that he had conducted a site walk and noted additional wetlands off-site to the northeast that had not been identified for the filing. In response M. Varrell had them add additional erosion controls to protect that area. Silt sacks will be installed in catch basins as directed by M. Varrell. J. Carter Bernardo asked that they consider infiltrating the roof runoff. When the

driveway is removed, the area will be loamed and seeded. They don't plan on removing the driveway until the end of the project.

Motion to close the public hearing for 275 HIGH ROCK STREET by P. Oehlkers, seconded by S. Soltzberg, approved 4-0-0.

Motion to issue a Negative Determination of Applicability for 275 HIGH ROCK STREET by P. Oehlkers, seconded by C. Rhoades, approved 4-0-0.

36 ROBINWOOD AVENUE – *continued* NOTICE OF INTENT (DEP FILE #234-738)

Applicant: David Tocci, Tocci Management

Owner: Anna Connelly

Project: Demolition of an existing single-family house and associated site features and the construction of a new single-family house with a porch, patio, sunroom, and associated site features including a paved driveway, utilities, fencing, infiltration facilities and associated grading, lawn and landscaping, a portion of which occurs in the 100-foot Buffer Zone to Bordering Vegetated Wetlands and Bank of an intermittent stream.

Present for the Applicant: David Tocci and Karon Skinner Catrone, Wetlands Consultant, Greg Dracon, potential buyer

Supporting Documents include:

- ❑ WPA Form 3 – Notice of Intent and supporting documents received June 25, 2015
- ❑ Needham Wetlands Protection Bylaw Application for Permit received June 25, 2015
- ❑ Plan entitled: “Wetlands Filing Plan Site Plan of Land for New Construction at 36 Robinwood Avenue Needham, Mass.”, prepared by Site Design Consultants, stamped and signed by George N. Giunta, P.L.S. No. 27011, dated 6/22/15 (revised 7/10/15).

J. Carter Bernardo opened the public meeting at 8:10 p.m. M. Varrell stated DEP had issued a file number.

K. Skinner Catrone represented the Applicant and presented the revised plan. The 25-foot Buffer Zone and limit of lawn were added to the plan as requested. The potential buyer, Mr. Dracon, is present and has a few modifications to the plan that he is proposing. The Engineer on the project is out of the country so the additional minor modifications are not shown on the latest plan submitted. Mr. Dracon is requesting the removal of two additional trees to create a better view. J. Carter Bernardo asked if he was open to installation of other species of trees beyond the Eastern White Pine proposed. He stated he was open to more variety. The Order of Conditions can be conditioned to allow for installation of ten (10) trees from the approved species list.

There is currently existing fencing along both sides of the property. Mr. Dracon would like to replace the fence with chain-link fence to contain his dogs. Portions of the proposed fence would be installed within wetlands but not cemented in place. M. Varrell explained that the fence exemption requires the fencing not be a barrier to wildlife. He noted that the neighbor had proposed installing post and rail fencing in a portion of the area that would not impede wildlife movement, however; Mr. Dracon would like to put privacy fencing there. M. Varrell stated if a privacy fence is installed it should be raised up to allow the movement of water and wildlife. M. Varrell requested a 6-inch gap at the bottom of the fence.

Mr. Dracon would like to maintain the lawn to where it is currently right up to the wetland line as opposed to stopping at the 25-foot Buffer line. J. Carter Bernardo asked if there are any permanent markers proposed to mark the wetland line. The Commission agreed that mowing would be allowed to within

10 feet of the wetland but would require permanent markers to prevent mowing beyond. M. Varrell suggested that they use granite bounds and affix the Conservation Commission emblems on top once they have been received. J. Carter Bernardo suggested alternatives such as boulders or a post and rail fence. The Applicant can propose permanent markers for the Commission's approval as long as they are high enough above the ground to be noticed by lawn service. The Commission will condition the Order of Conditions to require submittal of the revised plan prior to construction.

Motion to close the public hearing for 36 ROBINWOOD AVENUE (DEP File #234-738) by P. Oehlkers, seconded by S. Soltzberg, approved 4-0-0.

Motion to Waive strict compliance with the regulations for work within the 25-foot Buffer Zone by P. Oehlkers, seconded by C. Rhoades, approved 4-0-0.

Motion to require the full Waiver Fee of \$1,000 by P. Oehlkers, seconded by C. Rhoades, approved 4-0-0.

Motion to issue the Order of Conditions for 36 ROBINWOOD AVENUE (DEP File #234-738) by P. Oehlkers, seconded by C. Rhoades, approved 4-0-0.

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: **NO ONE**

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.
- Document entitled “Alternative Analysis for 1 Elizabeth Circle”, received at the 6/25/15 Conservation Commission hearing.

J. Carter Bernardo opened the public meeting at 8:30 p.m. M. Varrell stated DEP had not yet issued a file number and he had not received any new information from the Applicant. M. Varrell has a message into DEP to try and find out what the delay is with issuing the DEP number. M. Varrell will send Mr. Birnbaum a letter stating the date and time the Hearing is continued until and request that he follow up with DEP as well.

The meeting had been continued for the submittal of a revised alternatives analysis, submittal of a species list of proposed trees for removal, photos of the lot prior to the unauthorized work, as well as, the issuance of a DEP File number.

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 August 27, 2015 at 7:45 p.m. by P. Oehlkers, seconded by C. Rhoades, approved 4-0-0.

OTHER BUSINESS

CONSERVATION COMMISSION - POTENTIAL MEMBER

M. Varrell introduced Alison Richardson as a potential Conservation Commission member. She is attending the meeting to get an idea of how the meetings run.

JANET CARTER BERNARDO – REVIEW OF DISCUSSION WITH TOWN BUILDING COMMISSIONER, DAVID ROCHE

J. Carter Bernardo stated that several builders had come before the Commission recently stating that other Town Departments have been recommending that their new houses tie into the Town system with their stormwater runoff. J. Carter Bernardo explained that she spoke with the Town Building Commissioner, Dave Roche about the Conservation Commission's stance on attempting to keep stormwater on sites to nourish existing wetlands. David Roche explained that he asks three things of builders/homeowners: (1) that they first try to infiltrate on-site through implementation of drywells; (2) that they infiltrate on-site and have an overflow to the municipal system; and as a last choice (3) tie into the municipal system. She is happy that the Building Department is on the same page as the Commission.

EMERGENCY CERTIFICATION – VOLANTE FARM

M. Varrell explained that he had received a call from the Board of Health that there was an issue with beaver activity at Volante Farm. There appeared to be a true emergency in the form of flooding of the fields resulting from beaver activity. On July 21, 2015, M. Varrell issued an Emergency Certification to allow trapping of the beavers and breaching of the beaver dam in a controlled manner.

Steve Volante described the situation to the Commission. He showed them a map with the location of the dam and the various fields effected. He described the ponds located around the field edges as the ones that are flooding. He noted that they found beaver lodges approximately two years ago. The water level had been rising slowly but seems to have increased this past year. J. Carter Bernardo stated she had walked trails in the area where the dam is located and noted it had increased in size. S. Volante stated they had retained the services of Mike Callahan of Beaver Solutions. Mr. Callahan had set the traps the day before and has caught one beaver. M. Varrell explained that the Emergency Certification had two Special Conditions included: (1) removal of the dam must be conducted manually in a gradual fashion to allow flood waters to lower gradually and the width of the breach shall not exceed the width of the stream channel to prevent bank erosion; and (2) the Conservation Commission shall be informed three (3) days prior to the breaching activity.

The beavers will be euthanized because it is illegal to relocate them. M. Callahan believes there are probably 7-9 beavers present and the beavers will come back and re-populate the habitat. M. Varrell added that M. Callahan looked into installing a "Beaver Deceiver" device but the conditions prohibited this option. The Commission is requesting a full report be submitted from M. Callahan at the end of the effort. S. Volante stated that he is expecting a full initial report from Mike in the next couple of days. M. Varrell noted that the actual dam is not located on the Volante Farm property but on the adjacent Army Corp. of Engineers (ACOE) owned property. J. Carter Bernardo stated that Mr. Volante will need to notify the ACOE of the beaver control effort located on their property. P. Oehlkers questioned whether a long term plan should be examined since the area will most likely be re-populated by other area beavers and to keep the Commission from having to issue Emergency Certifications. A long term monitoring program should be discussed in the future.

Motion to approve an Emergency Certification for beaver control efforts at Volante Farm by P. Oehlkers, seconded C. Rhoades, approved 4-0-0.

REQUEST FOR CERTIFICATE OF COMPLIANCE – 27 CURVE STREET (DEP FILE #234-710)

Karen Skinner Catrone represented the Applicant. She stated that M. Varrell had some questions and the Engineer had provided a memo answering the questions. M. Varrell explained that the original Certificate of Compliance request submitted did not have the proper Engineers Certificate stating that the house was built in substantial compliance with the Permit. The original Certificate submitted was not stamped and signed by a Registered Engineer. M. Varrell had conducted a site walk and found several changes from the approved Plan, including installation of additional retaining walls. The Engineer, Mr. Volkin, provided M. Varrell with a revised letter based on M. Varrell's concerns. The issues include: (1) why additional retaining walls were constructed without approval; (2) the infiltration system is slightly different; (3) the patio is different; (4) the original As-Built Plan submitted showed one of the mitigation trees located outside the 100-foot Buffer Zone but the revised Plan shows it inside the 100-foot Buffer Zone; (5) the Permit had required cleanup of landscape debris within the 50-foot Buffer Zone, this has been completed but the required report has not been submitted; and (6) there is an area between the wall and erosion controls that is not completely stable although it has been seeded recently. M. Varrell stated that the erosion controls are still in place and should remain until the seed grows in and the area is stable. There was no mitigation area monitoring required in the Order of Conditions. Additional trees had been planted outside the Buffer Zone and all looked healthy.

J. Carter Bernardo explained that the required report regarding the debris removal and health of the mitigation plantings had not been submitted and the Commission asked why the report was not submitted when it is a requirement listed in the Order of Conditions. K. Skinner Catrone stated that she can submit the information to the Commission in a timely manner. The Commission discussed the fact that the dogwood plantings were of a variegated variety instead of a native species. The Applicant will install four (4) additional native shrubs in the Buffer Zone. The Commission will issue the complete Certificate of Compliance, however; M. Varrell will hold onto it until the Applicant submits the required reports and installs the four (4) additional native shrubs.

Motion to issue a Certificate of Compliance for 27 CURVE STREET (DEP FILE #234-710), M. Varrell will release the Certificate upon proof of additional native shrub installation and receipt of reports, by P. Oehlkers, seconded by S. Soltzberg, approved 4-0-0.

REQUEST FOR CERTIFICATE OF COMPLIANCE – 74 PILGRIM ROAD (DEP FILE #234-602)

K. Skinner Catrone explained that she had submitted a detailed report at the previous Meeting stated what plantings were in existence at this time. The Order of Conditions called for installation of fifty-three (53) shrubs and eighty-three (83) were actually installed. D. Anderson conducted the site visit and stated the wetland replication area was very healthy. D. Anderson explained that the Applicant had previously received a partial Certificate of Compliance and the two-year monitoring was the only piece remaining.

Motion to issue a complete Certificate of Compliance for 74 PILGRIM ROAD (DEP FILE #234-602) by P. Oehlkers, seconded by S. Soltzberg, approved 4-0-0.

REQUEST FOR PARTIAL CERTIFICATE OF COMPLIANCE – 28 WOODWORTH ROAD (DEP FILE #234-692)

D. Anderson stated this Partial Certificate of Compliance request is for house construction only. Field Resources, Inc. had provided the Engineer's Certificate. A deviation noted on the Certificate was the fact that the amount of structure located in the Buffer Zone actually decreased from what was proposed. D. Anderson noted that when she performed the site visit, the contractor was working on the pool installation, however: the erosion controls were in a state of disrepair. D. Anderson notified the Applicant, Michael Reddish, and the erosion controls were repaired. The cultec system has not been installed but the Applicant stated that it was to be installed within the next week. The Applicant is requesting the Partial Certificate of Compliance at this time to coincide with the closing date for the sale. The Partial Certificate of Compliance is for the house only. The Applicant still needs to install four (4) additional trees for the two (2) additional trees removed.

Motion to issue a Partial Certificate of Compliance for the house only at 28 WOODWORTH ROAD (DEP FILE #234-692) by S. Soltzberg, seconded by P. Oehlkers, approved 4-0-0.

REQUEST FOR MINOR MODIFICATION – NEWMAN FIELDS AND EASTMAN CONSERVATION AREA IMPROVEMENTS PROJECT (DEP FILE #234-726)

Tom Hughes of Hughes Environmental Consulting explained the reason for the Minor Modification request. He is working with Cataldo Landscaping, who is the contractor on the project. He explained that they have been installing the helical piles. The boardwalk on the plan ends at the wetlands line. The problem is it's a fairly low spot and the boardwalk will be approximately 18-inches above the aggregate path. They would like to extend the boardwalk until they hit grade. As the area is not in wetlands but in the Buffer Zone, they plan to use sleepers. In certain areas while installing the helical piles they hit bedrock at 3-feet and there are roots in that area that they can't get past. In order to prevent damaging the roots, they would like to use sleepers in that area as well. T. Hughes stated that they may have other occasions where they may need to substitute sleepers and hope the Commission will give M. Varrell permission to approve the substitutions. Sonotubes will have to be installed in pond.

As far as the matting is concerned, T. Hughes explained that the matting used so far is just below the 1,270 square feet as approved in the OOC. He would like to Commission to allow M. Varrell to approve the use of additional matting if deemed necessary. In addition, they are waiting to resolve the structural issues regarding the lateral stability through consulting the Structural Engineer. M. Varrell had drafted a letter approving the requested Minor Modifications.

Motion to approve the Minor Modifications, as stated in the draft letter, for the NEWMAN FIELDS AND EASTMAN CONSERVATION AREA IMPROVEMENTS PROJECT (DEP FILE #234-726) by P. Oehlkers, seconded by C. Rhoades, approved 4-0-0.

STAFF REPORT: STUDENT CONSERVATION ASSOCIATION PROJECT COMPLETION SUMMARY

M. Varrell showed the Commission photos of the bridge completed by the Student Conservation Association (SCA) at Ridge Hill Reservation. Steps were added and the diamond piers went in well. J. Carter Bernardo stated that Community Preservation Committee (CPC) had allotted \$10,000 for the project. SCA also removed approximately 3,500 s.f. of invasive plants from the meadow area, mainly glossy buckthorn. A total of 300 man-hours were spent on the various projects. They were able to cut several trees that had blown down from the area where the Fuller Trail Boardwalk will be installed. M. Varrell expressed great satisfaction with the work completed by the group and hopes to use them again for projects in the future if funding is granted.

Motion to adjourn the meeting by P. Oehlkers, seconded by C. Rhoades, approved 4-0-0.

The meeting was adjourned at 9:15pm.

NEXT PUBLIC HEARING

Thursday, August 13, 2015 at 7:30 PM in the Public Services Administration Building, Charles River Room.