

**TOWN OF NEEDHAM
CONSERVATION COMMISSION
MEETING MINUTES
Thursday, August 13, 2015**

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

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

GUESTS: Gennady Agranovich, Jeff Birnbaum, Kevin Doherty, Richard Kesner, Ed Olsen, Alison Richardson, Brandon Riley, Gene Voloshin

J. Carter Bernardo opened the public meeting at 7:34 pm.

MISCELLANEOUS BUSINESS

ENFORCEMENT & VIOLATION UPDATES

280 NEHOIDEN STREET

M. Varrell noted that he had received a note along with the \$300 Violation payment from the owner of 280 Nehoiden Street, Steven Little, stating that their tenant, Kathy Journalist, told her that she had contacted Town Council and told them she had nothing to do with the disposal of the fence located in the wetland behind the house but it may have been her son who currently resides in Florida. Mr. Little further explained that he was enclosing the payment for the fine in order to close out the issue.

The Commission agreed that at this point, M. Varrell should contact the Town DPW to remove the fencing.

30 WAYNE ROAD

D. Anderson introduced the homeowner, Gennady Agranovich to the Commission. Mr. Agranovich explained that the previous owner had told him that he had dug out the existing trench at the rear of the backyard at the base of a steep slope. Mr. Agranovich stated that this trench only holds water and breeds mosquitoes. In addition he complained of excess moisture in the house and rear yard. The purpose of the work he has been conducting without a Permit has been to install a french drain in the channel and install gravel. He stated that he did not realize the trench was considered wetland.

J. Carter Bernardo asked where the pipe he installed in the trench runs to. He stated it goes to the catch basin in the street and he received a permit to connect to it. D. Anderson explained that a neighbor had contacted the Conservation Department regarding machinery doing work in the channel and placement of gravel in the channel. D. Anderson stopped by the property and finding no one at home, left her contact information in the door, asked him to contact her, as well as, stopping all work immediately. When she did not hear back from G. Agranovich, she stopped by again the next day. At that time the contractor was there working and the piping had almost reached the street and the catch basin, D. Anderson stopped the work.

D. Anderson spoke with the Town DPW and they had issued a Permit for them to connect to the storm drain that morning, not realizing it was in the Conservation Commission's jurisdiction. After speaking with them, the DPW denied the connection to the storm drain. D. Anderson allowed them to fill in the open trench so it didn't pose a hazard to children.

J. Carter Bernardo explained that filling in a wetland is never allowed and stated Mr. Agranovich will have to remedy the situation by filing a Notice of Intent application describing how he will restore the wetland. The Conservation Department staff will provide him with a list of potential wetland consultants to retain to help him with the process. If he does not work within the timeline required, the Commission can begin issuing fines. M. Varrell explained the mechanism for Mr. Agranovich to potentially Appeal the Commission's decision. G. Agranovich complained about abutters dumping landscape debris and it ending up in the wetlands.

J. Carter Bernardo stated that the Commission will issue him an Enforcement Order requiring him to file a Notice of Intent Application detailing how he will restore the channel and wetlands. M. Varrell offered to sit down with Mr. Agranovich and explain to him the filing process and will provide him with a consultant list so he can hire a consultant to help him with his restoration plan.

Motion to issue an Enforcement Order to the owner of 30 WAYNE ROAD requiring the submittal of an after-the-fact Notice of Intent by October 8, 2015 or risk fines daily by S. Farr, seconded by P. Oehlkers, approved 5-0-0.

11 NEWELL ROAD

D. Anderson explained that an abutter had called concerned about their neighbor removing trees and bringing fill onto the neighbor's property. M. Varrell had received a request back in June for a hazard tree removal and fence installation exemption which he approved. They removed seven (7) hazard trees and installed the fence within the 100-foot Buffer Zone. D. Anderson's site visit confirmed the trees had been removed. The neighbor had indicated that the lawn may have been expanded. D. Anderson explained that the yard was completely disturbed and it appeared it was being prepared for re-sodding. The owner indicated that he thought M. Varrell had also given him permission to re-sod, which was not the case. D. Anderson spoke with the owner over the phone and he stated he would have erosion controls installed by the next morning to protect the resource area.

D. Anderson visited the site two days later and found the re-sodding almost complete and contractors in the middle of installing an un-permitted patio beneath their existing deck. J. Carter Bernardo stated that the owner should have submitted an RDA to the Commission for approval of the patio. The owner will be contacted and required to submit an after-the-fact Request for Determination of Applicability for the patio and re-sodding by August 27, 2016. If it is not submitted the Commission will issue an Enforcement Order.

HEARINGS

257 COUNTRY WAY – *continued* REQUEST FOR DETERMINATION OF APPLICABILITY

Applicant: Gene Voloshin

J. Carter Bernardo opened the public meeting at 7:55 p.m.

G. Voloshin explained that he had hired a Landscape Architect to work with the Site Engineer. G. Voloshin stated that he is no longer proposing to blast away the ledge at the front of the house. A small area (115 s.f.) of ledge adjacent to the driveway will be chipped away. Currently, a portion of the existing driveway is encroaching on the abutting property. He is proposing to widen the driveway slightly and change its shape. A stone column with a light fixture is proposed where the driveway is to be widened. In addition, several trees are proposed for removal. A three-foot high retaining wall at both entrances to the driveway is proposed.

A proposed planting list had been submitted to the Commission for their review. S. Soltzberg noted that most of the proposed plantings were native besides the lily-of-the-valley and *Vinca minor*. G. Voloshin will remove those from the planting list. J. Carter Bernardo noted that the plan submitted does not have a north arrow making it difficult to understand the directions in the narrative. In addition, the name of the street on the plan is incorrect. G. Voloshin will make the corrections. The Commission would like to have a plan from the landscape architect with a key identifying the proposed plantings and the number of shrubs calculated to replace trees to be removed.

Motion to continue the public hearing for 257 Country Way for a revised plan to August 27, 2016 at 8:00 pm. 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

Representative: Kevin Doherty

J. Carter Bernardo opened the public meeting at 8:07 p.m.

K. Doherty presented the revised project plan to the Commission. The main revision is that the proposed addition has been moved outside the 25-foot Buffer Zone. The erosion control will be expanded to the street. J. Carter Bernardo asked that if the proposed type of drywell does not work during construction due to depth of groundwater, to propose replacing it with a shallow system to the Commission. J. Carter Bernardo noted that a small portion of the proposed “handicapped ramp” is located in the 25-foot Buffer Zone. K. Doherty stated it would be a wood structure.

Motion to close the public hearing for 86 PILGRIM ROAD (DEP File #234-734) by S. Farr, seconded by S. Soltzberg, approved 5-0-0.

Motion to Waive strict compliance with the regulations for temporary disturbance within the 25-foot Buffer Zone by S. Farr, seconded by C. Rhoades, approved 5-0-0.

Motion to issue the Order of Conditions for 86 PILGRIM ROAD (DEP File #234-734) by S. Farr, seconded by C. Rhoades, approved 5-0-0.

41 BRENTWOOD CIRCLE – NOTICE OF INTENT (DEP FILE #234-739)

Applicant/Owner: Richard Kesner

J. Carter Bernardo opened the public meeting at 8:15 p.m.

R. Kesner presented the proposed project. The project includes the construction of a garage next to the house in an area that is currently bituminous driveway. Approximately 1/3rd of the end of the current driveway will be removed and landscaped. There will be no access from the house through to the garage. J. Carter Bernardo stated that the proposed haybale erosion controls should not be used and to use straw wattles or compost socks instead. M. Varrell noted that the plan submitted called the resource area a Bordering Vegetated Wetland while previous filings and direct observation characterize it as an Isolated Wetland which has no state jurisdiction only Town Bylaw jurisdiction. M. Varrell stated that the Permit can be issued under the Bylaw only.

D. Anderson stated that there is an outstanding Order of Conditions that needs to be closed out.

Motion to close the public hearing for 41 BRENTWOOD CIRCLE (DEP File #234-739) by S. Farr, seconded by C. Rhoades, approved 5-0-0.

Motion to issue the Order of Conditions under the Bylaw only for 41 BRENTWOOD CIRCLE (DEP File #234-739) by S. Farr, seconded by C. Rhoades, approved 5-0-0.

NEWMAN FIELDS AND EASTMAN CONSERVATION AREA IMPROVEMENTS PROJECT – REQUEST FOR AMENDED ORDER OF CONDITIONS (DEP FILE #234-726)

Applicant: Town of Needham

Representative: Edward Olsen, Needham Parks and Forestry and Brandon Riley of Weston & Sampson

J. Carter Bernardo opened the public hearing at 8:30 pm.

B. Riley stated that the project is well underway and being carefully monitored. He explained that they ran into an issue while excavating on-site. During the 2012 school renovations there were roof drains that had not been properly connected, creating areas of flooding where new pathways are being constructed. In addition, a number of PVC outlets that were draining window wells and assumed to be picked up with the new drainage work in 2012 were not. Some are draining window wells that have downspouts draining into them.

To remedy the situation, they are proposing revising the proposed location of two rain gardens and combine them into one rain garden in an area that is currently invasive plants and remove them. A 12-inch drain will pick up the roof drains. An outlet will be placed in the leaching galley which will be connected to a manhole which is connected to the rain garden. A rip rap spillway will allow the water out into the wetlands. J. Carter Bernardo asked if there will be a level spreader in use. J. Carter Bernardo asked E. Olsen to watch for erosion at the end. M. Varrell asked how the sizing of the proposed rip-rap was calculated. B. Riley stated they specified 3-inch to 6-inch stone. J. Carter Bernardo is concerned about the volume of water going through the system. They may want to consider a level spreader. M. Varrell suggested this may be an area where dormant live staking may be useful to hold the soil in place.

M. Varrell added that a group meets out at Newman Eastman on Friday mornings at 8:00AM, if anyone is interested in joining them for a tour.

Motion to close the public hearing for NEWMAN FIELDS AND EASTMAN CONSERVATION AREA IMPROVEMENTS PROJECT (DEP FILE #234-726) by S. Farr, seconded by C. Rhoades, approved 5-0-0.

Motion to issue the Amended Order of Conditions for NEWMAN FIELDS AND EASTMAN CONSERVATION AREA IMPROVEMENTS PROJECT (DEP FILE #234-726) by S. Farr, seconded by C. Rhoades, approved 5-0-0.

200 HARRIS AVENUE (POLLARD SCHOOL) – REQUEST FOR DETERMINATION OF APPLICABILITY

Applicant: Town of Needham

Representative: Edward Olsen, Needham Parks and Forestry

J. Carter Bernardo opened the public hearing at 8:45 pm.

E. Olsen explained this proposed project is not an “extreme field makeover” more of a “facelift”. A specialized piece of equipment will strip off the top 1.5-inches of the soil surface. They will bring in a piece of equipment to amend the soil in place. Next an irrigation system will be installed. They will re-edge the field. J. Carter Bernardo asked how close they maintain up to the surrounding wetlands.

E. Olsen replied that they currently mow within the 25-foot Buffer Zone. The erosion controls will be on the field itself. They plan to do the project after the Fourth of July in 2016.

Motion to close the public hearing for 200 HARRIS AVENUE (POLLARD SCHOOL) by S. Farr, seconded by C. Rhoades, approved 5-0-0.

Motion to issue a Negative Determination of Applicability for 200 HARRIS AVENUE (POLLARD SCHOOL) by S. Farr, seconded by C. Rhoades, approved 5-0-0.

OTHER BUSINESS

REQUEST FOR CERTIFICATE OF COMPLIANCE – 41 BRENTWOOD CIRCLE (NGWP #2)

J. Carter Bernardo stated that the project was from 2002. M. Varrell stated it had been completed and he had no issues.

Motion to issue a Certificate of Compliance for 41 BRENTWOOD CIRCLE (NGWP #2) S. Farr, seconded by C. Rhoades, approved 5-0-0.

REQUEST FOR CERTIFICATE OF COMPLIANCE – 238 ROSEMARY STREET (DEP FILE #234-372)

Jeff Birnbaum was present. J. Carter Bernardo commented that the As-Built shows the house is smaller than proposed and the driveway is larger than proposed. D. Anderson had conducted the site inspection and photographed the areas of deviation. The rear deck was built smaller than permitted. A porous patio was installed at the rear of the house instead of a second deck as proposed.

Motion to issue a Certificate of Compliance for 238 ROSEMARY STREET (DEP FILE #234-372) by S. Farr, seconded by C. Rhoades, approved 5-0-0.

REQUEST FOR CERTIFICATE OF COMPLIANCE – 90 GLENDALE ROAD (DEP FILE #234-678)

D. Anderson explained that they were supposed to have planted two red oak and two red maple trees for removal of two trees. They planted four eastern white pine trees instead. The swing set located within the 25-foot Buffer Zone was existing. D. Anderson had asked that the owners attend the meeting due to the amount of deviations.

Motion to issue a Certificate of Compliance for 90 GLENDALE ROAD (DEP FILE #234-678) by S. Farr, seconded by S. Soltzberg, approved 5-0-0.

PLAN REVIEW FOR APPROVAL – 36 ROBINWOOD AVENUE (DEP FILE #234-738)

M. Varrell explained that the Order of Conditions had just been approved at the previous meeting and there was a requirement to submit a revised plan prior to construction that showed the proposed fencing and bounds.

Motion to approve the revised plan for 36 ROBINWOOD AVENUE (DEP FILE #234-738) by S. Farr, seconded by C. Rhoades, approved 5-0-0.

EAGLE SCOUT PROJECT – FOOTBRIDGE

M. Varrell explained that an Eagle Scout named Kevin Murphy had come before the Commission the previous fall about a project where he is proposing to replace a dilapidated footbridge on the Charles River Trail. He has requested some funding for materials for the project. M. Varrell is hoping to get a parts list from him soon so he can get prices and order the materials. J. Carter Bernardo noted that the Commission had never assisted a scout monetarily with a project. M. Varrell had indicated to Kevin that it would probably cost around \$500 to complete the project. M. Varrell will order the wood and Kevin will pick it up. The Commission will deal with any other scout requests for funding on a case by case basis.

Motion to approve the use of up to \$500 of Conservation Trust Fund money for repairs to an existing footbridge on the Charles River Trail in support of an Eagle Scout project by S. Soltzberg, seconded by P. Oehlkers, approved 5-0-0.

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

The meeting was adjourned at 9:45pm.

NEXT PUBLIC HEARING

Thursday, August 27, 2015 at 7:30 PM in the Public Services Administration Building, Charles River Room.