

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

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

ATTENDING: Janet Carter Bernardo, Artie Crocker, Stephen Farr, Peter Oehlkers, Alison Richardson, Cory Rhoades (arrived @ 7:40 p.m.), Matthew Varrell (Director of Conservation), Debbie Anderson (Conservation Specialist)

GUESTS: Paul Beaulieu, Edward T.T. Chiang, Kathy Daddesio, Michael Deychman, Shirley Klepadlo, Jorge Oslan, Vlad Vilkomir

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

MISCELLANEOUS BUSINESS:

Motion to approve the Meeting Minutes of May 12, 2016 by S. Farr, seconded by P. Oehlkers, approved 5-0-0.

ENFORCEMENT & VIOLATION UPDATES:

24 JARVIS CIRCLE

M. Varrell explained that there is an existing Order of Conditions for 24 Jarvis Circle. He had received a request for permission to install fencing on the property through an exemption request. M. Varrell was under the impression that the project had not started as the Applicant never requested a time for a pre-construction meeting by Conservation staff as required in the Order. M. Varrell was concerned that work had commenced and conducted a site visit.

M. Varrell reported that when he went to the site, the proposed house had been completely constructed without a pre-construction meeting. Erosion controls had been installed but were in a state of disrepair. The builders, Vlad Vilkomir and Michael Deychman were present. M. Varrell stated that in one area the erosion control had failed and a small amount of sediment went beyond approximately 10-feet but remained in the Buffer Zone only.

M. Varrell met with V. Vilkomir at the site and explained the requirements that were not met prior to the start of construction including: lack of a pre-construction site meeting with Conservation staff and lack of submittal of drywell information before the start of work, as required. M. Varrell conducted a site visit the following day and the erosion controls had been maintained. In addition, M. Varrell had requested they rake up the area of sediment deposited beyond the erosion control and install seed. The Applicant complied with the request.

M. Varrell issued an Enforcement Order to the Applicant based on the lack of complying with several pre-construction requirements including: submittal of detail for the proposed pervious pavers (which has since been received); M. Varrell had not received the contact information for the site Supervisor; the Order of Conditions was not available on-site; the soil test pit information had not been submitted (which has since been received); the pre-construction meeting was never requested by the Applicant nor was the required three (3) day notice prior to the start of work received.

The Applicant/builder, Vlad Vilkomir agreed with the facts as outlined by M. Varrell. V. Vilkomir stated that he was only made aware that the pre-construction meeting had not taken place when he was cc'd on an email that M. Varrell had sent to M. Deychman that reminded him that the pre-construction meeting still needed to take place prior to construction. V. Vilkomir explained that he had not received a copy of the OOC and takes responsibility for not following up.

J. Carter Bernardo questioned how they planned to install the pervious paver patio. She explained that for the pavers to work properly they must sit atop at least 12 to 18" of crushed stone. The Commission will require a detail including the proposed depths of each layer beneath the pavers. J. Carter Bernardo asked about the results of the test pit for the drywell. The project Engineer, Michael Deychman replied that they are planning to do the test when they install the drywell. J. Carter Bernardo stated it should have already been done. M. Deychman stated "he forgot" to do the test pit during the construction. J. Carter Bernardo stated that prior to constructing this drywell and in the future, the Applicant is required to use a Certified Soil Evaluator to conduct a test pit evaluation and submit the proper paperwork including the soil profile to the Commission for review, prior to construction. A. Richardson reminded the Applicants that once the homeowner determines the specifications for the proposed patio, the Commission will need the updated scope.

The Commission discussed the six (6) individual violations to determine the total fine to impose.

Motion to issue a non-criminal fine in the amount of \$1,200 for six (6) separate Bylaw violations at 24 Jarvis Circle by P. Oehlkers, seconded by S. Farr, approved 6-0-0.

FENCING ALONG THE CHARLES RIVER BETWEEN WHITMAN ROAD AND THE VADERGOLT'S PROPERTY

M. Varrell explained that he had been notified about a chain-link fence located at the Charles River between Whitman road and the Vandergolt's property. At least one of the fence posts is installed in the Bank to the Charles River and can affect local wildlife negatively. M. Varrell has not conducted a site visit to examine the fence yet but will inform the Commission of his findings after his site visit. M. Varrell suggested the fence may have been installed by the gas company along the Algonquin gas easement.

HEARINGS

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

J. Carter Bernardo opened the continued Public Hearing at 7:50 pm.

Paul Beaulieu of Field Resources, Inc. and Edward T.T. Chiang, P.E. presented the proposed project.

E. Chiang distributed a revised plan to the Commission and explained the only revision was the addition of the test pit data. He stated that the results of the soil test pit were not favorable and the water table is high in this area, 3-feet below grade. They may need to raise the elevation slightly to achieve to 2-foot groundwater separation for the stormwater systems. *J. Carter Bernardo stated that the bottom of the system can be located at the mottles.* E. Chiang stated they could raise the system up to 6-inches without changing the grade. If necessary they could

opt for a shallower, wider system. Swales are located on both sides of the driveway with a catch basin at the end to prevent drainage from going on the neighboring properties. The increase in stormwater to the system has been approved by the Town Engineer.

J. Carter Bernardo stated that she had contacted the Town Engineer, Tony Delgaizo, via email to inquire whether the Linden Street drainage system has the capacity to handle new stormwater entering Linden Street during a storm event. J. Carter Bernardo read portions of the Town Engineer's response into the record including; "that the drainage on Linden Street had been reviewed as part of the Planning Board approval process and it is capable to handle the subdivision's additional drainage during normal rain events such as those you are required to design for..".

J. Carter Bernardo stated the Applicant had been required to provide the Commission with several documents, which they have. A. Richardson had questions regarding the test pit locations and the profile of the proposed stormwater system.

M. Varrell stated that he had sent an email to Stephen Poole inquiring whether the Commission had been given the most recent and final revised plan set. In addition, M. Varrell requested a copy of the final Operations & Maintenance Plan. Paul Beaulieu stated that the only changes in grading would be in response to site conditions during construction. J. Carter Bernardo asked M. Varrell to make sure there is a condition stating that a Professional Engineer observe the installation of the drywell and submit a report and an As-Built of the system as well. Edward T.T. Chiang, P.E. stated he would be the P.E. observing installation. M. Varrell requested in addition to two copies of the final plan set that they submit two copies of a final, clean O & M plan. C. Rhoades asked whether Cypress Street is a public or privately owned paper street. Paul Beaulieu described the history of the street. The street is now a subdivision road by Planning Board standards.

P. Beaulieu discussed drainage, their sump pump discharge and the proposed swale with neighbors, Kathy Daddesio and Shirley Klepadlo. Jorge Oslan, the owner of the project property described the drainage situation after he purchased the property and how he requested the Engineer to provide a catch basin at the low point. He suggested that the neighbor's sump pumps discharge into the proposed catch basin instead of into the street.

Motion to close the public hearing for Linden/Cypress Street (DEP File #234-741) by S. Farr, seconded by C. Rhoades , approved 6-0-0.

Motion to approve a waiver request from Town Regulations for work to install catch basins in the street within the 25-foot Buffer Zone for Linden/Cypress Street (DEP File #234-741) by S. Farr, seconded by C. Rhoades , approved 6-0-0.

Motion to issue an Order of Conditions for Linden/Cypress Street (DEP File #234-741) by S. Farr, seconded by C. Rhoades, approved 6-0-0.

98 SUTTON ROAD – REQUEST FOR DETERMINATION OF APPLICABILITY

J. Carter Bernardo opened the public hearing at 8:16 pm.

The property owner, Stephen Dewey stated that he had a shed in the same location on his property for the last 15 years. He explained that during a wind storm in late January, a tree limb had fallen onto the shed, damaging it. He tried to hire someone to fix the damage but after some time and little luck hiring someone, decided to replace the shed. He stated that he contacted the

Town of Needham Building Department and was that as long as the shed was under 100 square feet and at least 5-feet from the neighboring property, a permit was not required from them. He stated he was not instructed by the Building Department to contact the Conservation Department to find out if a Permit may be necessary from them.

J. Carter Bernardo asked about the resource areas. S. Dewey explained that an intermittent portion of Alder Brook is located along the rear property line. S. Dewey stated that the armored banks of the channel in this area are beginning to crumble. He explained that kids cut through his yard to go to the Pollard School and he hopes he wouldn't be liable if they were injured because of the wall being in a state of disrepair. He noted that D. Anderson happened to be conducting a site visit at a neighboring property when the Reeds Ferry shed company arrived. The shed is smaller than the original and sits on six (6) concrete blocks.

D. Anderson stated that she had left Mr. Dewey a message on his phone relating to the discovery that there was an old open Permit on the property for an addition constructed 30-years ago that should be closed out. Mr. Dewey replied that his father was the previous owner and had apparently unintentionally failed to request to close out the permit, as required. *D. Anderson explained that the Order of Conditions for that project had never been recorded at the Registry of Deeds as required. In order to close out the permit, D. Anderson will get a copy attest of the Order from the Town Clerk so Mr. Dewey can record it at the Registry, then he can request the Certificate of Compliance and record that against the OOC to close out the Permit. He will submit a copy of the recording information to the Conservation Department to close out the Permit file.* Mr. Dewey agreed to close out the filing.

Motion to close the public hearing for 98 Sutton Road by S. Farr, seconded by C. Rhoades , approved 6-0-0.

Motion to issue a Negative Determination of Applicability for 98 Sutton Road by S. Farr, seconded by C. Rhoades, approved 6-0-0.

OTHER BUSINESS

COMMUNITY PRESERVATION COMMITTEE REPRESENTATIVE

M. Varrell explained that the Community Preservation Committee needs a new representative from the Conservation Commission to serve on the Committee. While it is not mandatory, M. Varrell explained that it would be prudent for them to have a member to speak for Conservation related projects. P. Oehlkers served for the past couple of years. He is moving on to help with the Open Space and Recreation Plan Advisory Group, therefore; there is an opening on CPC. M. Varrell discussed the time commitment. J. Carter Bernardo gave some insight into her personal experience working on the CPC.

A. Richardson asked about the length of the commitment. J. Carter Bernardo replied from one year up to the six year limit. A. Richardson stated that she has too many commitments already. P. Oehlkers described his experience on the Committee. The Commission will wait a few weeks to discussion the matter again when S. Soltzberg returns and they have time to check their schedules.

UPDATE TO RIDGE HILL RESERVATION REGULATIONS

M. Varrell reminded the Commission that, previously, a request had been received from a group to film a movie at Ridge Hill Reservation, which the Commission approved. A condition of the approval had been that no drones be used on the property without prior permission. He explained that as more people are using drones, perhaps the “no drone or other remote control flying device usage” on Ridge Hill property should become part of the Regulations. M. Varrell went over the existing Regulations, and created a draft revision for the Commission to review and approve including the “no drone” policy and a few other minor edits.

Motion to accept the revisions to the Ridge Hill Reservation Regulations, as discussed, by S. Farr, seconded by C. Rhoades, approved 6-0-0.

SUNLIFE CONSERVATION RESTRICTION

M. Varrell reminded the Commission that they had recently signed a Conservation Restriction for the Sunlife property. The representative from Sunlife then sent it to the State for approval. The State had edits to the Restriction. The representative asked M. Varrell if he could use the original signature page and attach it to the document now including the edits from the State. M. Varrell sent a copy to Town Council to review the minor edits, he had no issue. The Commission should review the copy with the edits and sign-off again.

Motion to accept the revised Conservation Restriction for the Sunlife Assurance Company of Canada with the Grantee being the Town of Needham by S. Farr, seconded by C. Rhoades, approved 6-0-0.

WALKER POND – ALGAE

M. Varrell explained he has received numerous calls recently regarding an overgrowth of algae and weeds at Walker Pond. There must be an underlying reason for the eutrophication. The neighbors are blaming the baseball field for adding nutrients to the pond. The Parks and Forestry Superintendent, Ed Olsen stated to M. Varrell that the fields are not overly fertilized. This appears to be somewhat of a historic issue.

M. Varrell had been approached approximately a year ago by some Walker Pond neighbors looking to potentially raise funds to hire a company to hydro-rake the pond. The neighbors have come back with a proposal for the work and M. Varrell wants the Commission's feedback. Should the Conservation Department prioritize helping the neighbors with either having them pay for the project and the Commission helping with the permitting or work out an agreement where the Town pays for part of it and the neighbors pay for part of it? The Town owns approximately two-thirds of the pond and the rest is privately owned. The proposal from Solitude for one year of treatment is around \$6,000. In the past, the treatment was done for two or three years in a row to be most effective but until the source of the nutrients is found, it will continue to be eutrophic.

The new NPDES Permit fits into this issue in that they need to help eliminate potential sources of nutrients through educating the owners. A. Richardson stated that she does not believe investing the \$6,000 in the project at this point would be the best way to find a solution. The sources need

to be located and controlled first and a Feasibility Study completed to help determine the next step.

M. Varrell suggested perhaps the Town could put a request into the CPC for funds to complete a study of Walker Pond and if the neighbors want to pursue the treatment option, the Commission could help them with the permitting aspect. The Commission would require a Notice of Intent submission for the use of herbicides and/or raking in the pond. The Town can be the Applicant, thereby, waiving the filing fees. M. Varrell will follow-up with the neighbors.

CONSERVATION PAMPHLET

D. Anderson showed the Commission the new Conservation Commission pamphlet created for the public and described how it will help the public learn about the importance of wetlands and direct them to the Conservation Department if they have a potential project near wetlands. Some of the pamphlets will be setup at the Building Department to alert the public of wetland resources when they are stopping by for Building Permits.

In addition, she showed the Commission, the newly created “reminder cards” to be sent to the public to remind them of monitoring deadlines, permit expiration dates and the need to request Certificates of Compliance for Order of Conditions due to expire. She explained the creation of a database to follow dates for monitoring report requirements.

Motion to adjourn the meeting by S. Farr, seconded by C. Rhoades, approved 6-0-0.

The meeting was adjourned at 9:45 pm.

NEXT PUBLIC MEETING

Thursday, July 28, 2016 at 7:30 PM in the Public Services Administration Building, Charles River Room.