

**TOWN OF NEEDHAM
CONSERVATION COMMISSION
MEETING MINUTES
Thursday, September 15, 2016**

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

ATTENDING: Janet Carter Bernardo, Stephen Farr, Peter Oehlkers, Alison Richardson, Cory Rhoades (arrived @ 7:35 p.m.), Sharon Soltzberg, Matthew Varrell (Director of Conservation), Debbie Anderson (Conservation Specialist)

GUESTS: Karen Skinner Catrone, Ben Davis, Jon Davis, Michael Deychman, Ross Donald, Jennifer Flagel, Nancy Lattanzio, Mike Retzky, John Rockwood, Ardi Rrapi, Brian Picariello, Gordon Russell, Andy Truman, Vlad Vilkomir

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

MISCELLANEOUS BUSINESS:

Motion to approve the Meeting Minutes of June 9, 2016 by S. Farr, seconded by P. Oehlkers, approved 5-0-0.

ENFORCEMENT & VIOLATION UPDATES:

CENTRAL AVENUE/ELLIOT STREET BRIDGE (DEP FILE #234-746)

M. Varrell reported that the contractor had not been doing a satisfactory job maintaining the erosion controls on-site. The contractor did not appear to be heeding the recommendations of the project Environmental Monitor. M. Varrell made stronger recommendations to the Contractor which were subsequently followed. One issue was that the de-watering system was installed too close to the river. The contractor has relocated the system per M. Varrell. Additionally, several areas of erosion controls were in a state of disrepair and have been replaced per M. Varrell. M. Varrell stated that they are now in compliance with their Order of Conditions and he does not feel Enforcement action is necessary at this time. He explained to the Contractor that if there are any more issues of this nature, he would recommend the Commission issue fines.

M. Varrell explained that the Environmental Monitor is a City of Newton employee. M. Varrell will contact her and advise that if the Contractor starts to ignore the Conditions of the Order of Conditions again, she should contact him immediately.

HEARINGS

12 & 62 BROOKSIDE ROAD – NOTICE OF INTENT (DEP FILE #234-765)

J. Carter Bernardo opened the Public Hearing at 7:45 pm.

J. Rockwood of EcoTec, Inc. presented the proposed project. The Project Engineer, Ardi Rrapi of Cheney Engineering and homeowner Gordon Russell were present. J. Rockwood reminded the Commission of the large wetland system located on and adjacent to the property.

- The proposed project includes:

12 Brookside Road:

- Existing decks to be removed from the house and demolition will take place as required to meet the proposed design and house renovations will be conducted. Roof runoff will be infiltrated.
- Removal and installation of a new septic system and retaining wall.
- The existing driveway will be removed and the area restored as lawn and landscaping and a new driveway will be constructed to service the relocated garage.
- Construction of portions of the patio/pool deck associated with the proposed pool at 62 Brookside Road.
- A total of six (6) trees are proposed for removal at 12 and 62 Brookside Road. The Applicant is proposing to replace the trees with twelve (12) native trees within the 100-foot Buffer Zone.
- An existing shed will be removed from the 25-foot Buffer Zone and the area seeded and maintained as lawn. A new shed is proposed for installation outside the 25-foot Buffer Zone.
- A 72" dbh Willow tree located near the southeastern property line requires maintenance including pruning and removal of deadwood.

62 Brookside Road:

- In-ground pool installation, pool deck/patio construction, retaining walls, stairs, walkways and planting beds. A small portion of one of the existing retaining walls will be re-constructed outside the 100-year floodplain.
- Approximately 1,006 square feet of paved driveway located between the existing barn and garage will be removed and the area brought back to existing grade and stabilized with lawn and landscaping. This area is within the BLSF but as there will be no change in grade, there will be no loss of flood storage.
- The existing garage structure will be removed to its slab foundation. The existing foundation will be re-pointed and repaired and an open framed pavilion will be constructed within the existing foundation footprint. The proposed pavilion roof runoff will be infiltrated. This work is partially within the 25-foot Buffer Zone and BLSF. The Applicant states the removal of the garage and construction of the open pavilion will increase storage volume in the floodplain as water can flow over and around the pavilion.

J. Rockwood explained that under current conditions there is no engineered infiltration on the site. Proposed conditions will infiltrate the first ½ inch of stormwater runoff from the new roof of the 12 Brookside Road house and the new pavilion roof.

Mr. Russell is the owner of both properties at this time. The inhabitants at both houses will use the pool, patios and decks. Portions of the property are located in Zone A Floodplain, without elevations. The proposed removal of the garage structure and replacement with the open pavilion will allow for an increase in flood storage volume. There is no proposed change in grading.

Two waivers are requested for the project. One Waiver is requested for proposed work in the 25-foot Buffer Zone including: removal of the shed; and replacement of the garage with the open pavilion. J. Rockwood stated that although the installation of erosion controls and the tree maintenance were located within the 25-foot Buffer Zone, they are not required to be approved through a Waiver per the Regulations. He added that the two projects proposed under the Waiver Request meet the requirements for a reduction in the Waiver Fee according to the Regulations. *J. Carter Bernardo asked if the proposed location for the erosion controls was*

presently lawn. J. Rockwood replied that it is lawn. J. Rockwood added that the patio and the pool drainage would also infiltrate into the drywell.

P. Oehlkers asked when the shed is removed from the 25-foot Buffer Zone, can the area be left to naturalize instead of lawn being re-installed. J. Rockwood explained that the lawn area in that location has not really been maintained and other species such as honeysuckle have moved into the area. *M. Varrell suggested seeding the area with a native conservation mix, letting it naturalize and discontinue mowing that area.*

Motion to close the public hearing for 12 & 62 Brookside Road (DEP FILE #234-765) by S. Farr, seconded by P. Oehlkers, approved 6-0-0.

Motion to approve the Waiver Request for work located in the 25-foot Buffer Zone for 12 & 62 Brookside Road (DEP FILE #234-765) by S. Farr, seconded by P. Oehlkers, approved 6-0-0.

Motion to deny the Request to waive the Waiver Fee for work located in the 25-foot Buffer Zone for 12 & 62 Brookside Road (DEP FILE #234-765) by S. Farr, seconded by P. Oehlkers, approved 6-0-0.

Motion to issue an Order of Conditions for 12 & 62 Brookside Road (DEP FILE #234-765) by S. Soltzberg, seconded by P. Oehlkers, approved 6-0-0.

0 ROSEMARY STREET (ROSEMARY POOL) – continued NOTICE OF INTENT (DEP FILE #234-764)

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

J. Carter Bernardo stated that the Conservation Commission had attended a site walk of the project site earlier in the evening. The purpose of the site walk was to look at the areas in the Buffer Zone where work such as changes in slope and tree removal are proposed, as well as, inspect the proposed discharge points.

M. Varrell added that the Commission examined the current “sand areas” and adjacent vegetation and explored what would be happening with them. They discussed proposed invasive species removal from the area. They discussed restoration of areas with native species.

J. Carter Bernardo stated that she had reviewed the stormwater report that was submitted. There will be a few discharge points and J. Carter Bernardo stated that she was concerned that a proposed drywell should not cause erosion if it overtops. If it’s installed within a paved area it is not as concerning as if it is installed at the top of a slope in a vegetated area.

Andy Truman of Samiotes Consultants clarified that no trees were to be removed adjacent to the proposed basin. *J. Carter Bernardo explained that she would like to see construction fencing in place to help demarcate the limit of work. A. Richardson asked whether the placement of the construction fencing would include the invasive species removal within its confines. S. Soltzberg asked whether the use of herbicides by painting them on cut branches and trunks to treat the invasive species was approved. M. Varrell stated that it was up to the Applicant to propose and the Commission to approve, modify or deny.*

J. Carter Bernardo inquired as to whether the DPW had a timeline for the proposed dredging project and whether it would coincide with the pool project at Rosemary Lake. Mike Retzsky of the Needham Public Facilities, Construction Division stated that they are keeping in touch with the Needham DPW regarding the proposed dredging project. He explained that the substrate

sampling had been completed and the results are still being determined, therefore; currently, the dredging project is not as far along in the planning/permitting process as the pool project. The proposed porta-dam may be used if the lake drawdown for the dredging project does not coincide with the pool project but other potential solutions are being considered.

Ross Donald, a concerned citizen and member of the Open Space Advisory Group, stated that he had spoken with Patty Carey, Park and Recreation Director, about the proposed pool project. He is interested in the ramifications of the proposed pool project on the current open space opportunities at Rosemary Lake. R. Donald clarified that he is “for” the pool but not the proposed office space and driveways etc... *J. Carter Bernardo gave a brief overview of how the stormwater will be managed on the site.* R. Donald expressed his concern that the overall plan is geared toward the automobile not the pedestrian and gave the Commission some proposed changes that could be made to the plans. *J. Carter Bernardo suggested that Mr. Donald may want to attend the future Planning Board meetings on the pool as many of his questions and suggestions are outside the Commission’s jurisdiction.*

M. Retzky offered to sit down with Mr. Donald to go over the most recent Plans and discuss the proposed project. Mr. Donald expressed concern regarding the proposed tree removal. *J. Carter Bernardo explained the Commission’s jurisdiction over tree removal extends 100-feet from the edge of the resource areas and those trees removed will be replaced at a 2:1 ratio.* Mr. Donald stated that the proposed plans show a proposed dumpster being located at the trail head near the parking lot and he didn’t think this was an appropriate location so close to the resources. *J. Carter Bernardo agreed and instructed the applicant to relocate the location of the proposed dumpster away from the trailhead and resource areas.*

Motion to continue the public hearing for 0 Rosemary Street (Rosemary Pool) (DEP File #234-764) to September 29, 2016 at 8:00 p.m. by S. Farr, seconded by P. Oehlkers, approved 6-0-0.

16 WINFIELD ROAD (DEP FILE #234-7XX) – NOTICE OF INTENT

J. Carter Bernardo opened the public hearing at 8:35 pm.

M. Varrell confirmed that no DEP File number had been yet assigned.

The Applicant, Jennifer Flagel and the Landscape Designer, Nancy Lattanzio presented the proposed project.

N. Lattanzio explained that the property backs up to an armored section of Rosemary Brook and the entire property is located within the 200-foot Riverfront Area. There is an existing retaining wall and deck in the back of the house. She explained that there are many invasive species located on the property including mulberry and ailanthus. There is an existing fence and the brook is located behind it.

The proposed project includes:

- Invasive species removal
- Retention of several existing red maple and pine trees, as well as, winterberry shrubs.
- Enlargement of the existing deck and addition of a permeable patio.
- Reconfiguration of an existing walkway in the front of the house.
- The footprint of the vegetated area will remain only the plantings would be changed.

- To the left of the existing driveway, the Applicant may want to add an additional parking space in the future. This would add 350 square feet of asphalt.

A. Richardson requested that N. Lattanzio explain the plant key from the plan. N. Lattanzio explained that they intend to keep the existing fence and will install a gate in the fence to access the proposed plantings on the stream side of the fence. They plan to install grow-low sumac and yellow-root on the stream side of the fence.

The Applicant is requesting permission to use herbicides to kill off the invasive garlic mustard. J. Carter Bernardo asked if the Commission had any concerns regarding the use of herbicides within the 25-foot Buffer Zone. They plan to use a pump-sprayer to apply the herbicide. The Commission was concerned about the proximity to the stream. N. Lattanzio mentioned that the proposed herbicide is rated safe to use near water. M. Varrell noted that it is possible to remove garlic mustard by hand.

The Commission agreed that relocating the proposed erosion control line to the edge of the stream bank would make the most sense. M. Varrell suggested a 12-18" mulch sock. N. Lattanzio explained that the Applicant had requested a Waiver for planting in the 25-foot Buffer Zone. A. Richardson suggested they consider using tree protection during the work. J. Carter Bernardo expressed her concern over establishing a precedent by allowing the use of herbicides in the 25-foot Buffer Zone. The Commission will require the submission of a revised Plan showing the change in the location of the erosion controls.

Motion to continue the public hearing for 16 Winfield Road (DEP File #234-7XX), for the submittal of a revised Plan and issuance of a DEP File number, to September 29, 2016 at 8:15 pm. by S. Farr, seconded by P. Oehlkers, approved 6-0-0.

OTHER BUSINESS

REQUEST FOR CERTIFICATE OF COMPLIANCE – 1332 GREAT PLAIN AVENUE (DEP FILE #234-570)

M. Varrell explained that he had met the Applicant's Engineer, Ardi Rrapi of Cheney Engineering, Inc. on-site to review the deviations from the approved project. M. Varrell noted that this is a brand new lot located in Riverfront Area. The project was approved in 2010 before the actual proposed house plan was created. The Applicant was required to submit the proposed house plans once they were finalized for the Commission's review and approval which occurred approximately a year ago. The main requirement of the house construction in Riverfront Area was that no more than 5,000 square feet of disturbance is permitted. A Special Condition was included in the Order of Conditions requiring a Deed Restriction be recorded limiting all disturbance within Riverfront Area to that 5,000 square feet maximum.

In addition, monumentation was required to be installed to delineate the limit of disturbance. The Applicant used boulders as monumentation. It was obvious during the site walk that the disturbance that was allowed and limited to 5,000 square feet was not observed by the Applicant. M. Varrell asked A. Rrapi to calculate the differences in what was permitted versus what happened on site.

A. Rrapi explained that the Applicant, Bruce Riccardali was unable to attend the meeting and sent his nephew, Brian Picariello, on his behalf. He noted they are in the process of trying to sell the property. A. Rrapi went through the differences between the proposed and the existing conditions.

1. The existing house is located one-foot closer to Sportsman's Pond than proposed.
2. The garage entrance was moved to the north side of the building for better access to the garage through an easement with the neighbor.
3. The driveway area was reduced by 242 square feet.
4. The patio area was reduced in size.
5. No stairs were installed to access the deck.
6. The retaining wall was installed 4.6 feet into the limit of no-disturbance.
7. The lawn at the rear of the house and two air conditioner units were installed.
8. Large boulders were used to delineate limit of disturbance without the approval of the Commission.
9. The footprint of the building was reduced by 12 square feet.
10. The proposed total amount of disturbance was 4,966 square feet and the existing disturbance was calculated at 6,771 square feet.
11. The boulders are actually located closer to the house than the required 50-feet from the wetland.

The Commission will require restoration to reduce the total disturbed area within Riverfront Area to less than 5,000 square feet, including efforts to restore wildlife habitat. The Applicant may need to acquire the assistance of a wildlife expert to help create a restoration plan.

M. Varrell stated that if he receives a restoration plan by the following Thursday, he will be able to review it and provide feedback. The Commission can then review it. The existing boulders may need to be moved to stop any potential further encroachment. The Deed Restriction needs to be submitted for review by the Commission, prior to recording, and the new owners need to be aware of the development limits of the property.

REQUEST FOR A CERTIFICATE OF COMPLIANCE – 24 JARVIS CIRCLE (DEP FILE #234-747)

M. Varrell explained that there were some issues on the site at the time of his inspection including: the required removal of burning bush was not completed; three (3) of the shrub plantings were in bad shape; and a Contractor was still on site installing the fence. In addition M. Varrell questioned whether the grate installed on the top of the drywell was an issue. The Commission stated they were okay with the grate.

K. Skinner Catrone stated that the dead shrub had been replaced. V. Vilkomir explained that they had planted four (4) shrubs instead of the two (2) shrubs that were required in case any died. The removal of the burning bush and other invasive species was completed per K. Skinner Catrone, who presented photographs to the Commission showing the work was completed. In addition, the fence installation was completed. M. Varrell asked whether the fence was on the original plan submitted. M. Deychman reminded M. Varrell that he had discussed the fence installation with him previously and M. Varrell had okayed it. M. Varrell agreed.

Motion to issue a Certificate of Compliance for 24 Jarvis Circle (DEP File #234-747) by S. Farr, seconded by P. Oehlkers, approved 6-0-0.

470 DEDHAM AVENUE – DISCUSSION

M. Varrell explained that when the new DPW garage was constructed, the Permit required an oil/grit separator to be installed. To save money on the project, the Town decided they would

install the separator themselves rather than having the contractor do it. M. Varrell noticed that the Order was due to expire so he contacted the Facilities Department and told them they would need to extend the Order if they still planned to install the separator. Someone from the Facilities Department came down to speak to M. Varrell about extending the Permit yesterday and M. Varrell explained that the Permit had already expired. He asked the Commission if they felt the oil/grit separator was necessary at this point now that the project is complete.

J. Carter Bernardo suggested when they come before the Commission to request their Certificate of Compliance. They can argue at that time why they feel the installation of the separator at this point is not necessary. M. Varrell agreed.

RESERVOIR BEAVER ISSUE

M. Varrell explained that the beaver issue in the reservoir behind the PSAB Building may be coming to a head and the Commission may have before them in the near future, a request for an Emergency Certification to have them trapped and the dam dismantled.

Motion to adjourn the meeting by S. Farr, seconded by P. Oehlkers, approved 6-0-0.

The meeting was adjourned at 9:45 pm.

NEXT PUBLIC MEETING

Thursday, September 29, 2016 at 7:30 PM in the Public Services Administration Building, Charles River Room.