

**TOWN OF NEEDHAM
CONSERVATION COMMISSION
MEETING MINUTES
Thursday, August 25, 2016**

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

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

GUESTS: Patricia Carey, Cindy Chaston, Ross Donald, Chris Gerstel, Michael Juliano, Les Kalish, Rich Kirby, Ryan McDonald, Karen Price, Michael Retzky, Mary Rimmer, John Rockwood, Thomas Scarlata, Robert Truax, Andy Truman, Brian Wall, Brian Whalen, John Whalen, Susan Whalen, Peter Wood

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

MISCELLANEOUS BUSINESS:

None

ENFORCEMENT & VIOLATION UPDATES:

None

HEARINGS

60 WILDWOOD DRIVE – NOTICE OF INTENT (DEP FILE #234-763)

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

Rich Kirby of LEC, Inc. represented the Applicant who was not in attendance. The contractor, Ryan McDonald, was present.

The proposed project consists of an addition off the rear of the house between the existing house and pool. The resource areas delineated include the Mean Annual High Water line of the Charles River located at the back of the property, Bordering Land Subject to Flooding associated with the river and Bordering Vegetated Wetlands and Bank associated with a pond. This pond is listed as a potential vernal pool on the NHESP maps, however; adult fish were noted during the site visit with D. Anderson. In the western and southern portions of the site there is mapped NHESP Priority and Estimated Habitats.

R. Kirby explained that the original Notice of Intent submission included a proposed pond aerator and irrigation well. The Applicant is not sure of the potential location of the irrigation well or the type of pond aerator at this point. As either of these projects may trigger submittal and review of the filing by Natural Heritage, thereby lengthening the approval process for the addition, the Applicant will not be requesting approval for those projects at this time.

The proposed addition is 165 square feet, a portion of which will be cantilevered. The remaining portion of the addition will include a full basement. The area of the proposed addition currently consists of a patio, deck and landscaping. This would be considered a redevelopment project. In

the southeastern corner of the site, the Applicant is proposing a 200 square foot planting mitigation area. A total of twenty-four (24) native shrubs are to be installed. The mitigation area is located within the 25-foot Buffer Zone.

Motion to close the public hearing for 60 Wildwood Drive (DEP File #234-763) by C. Rhoades, seconded by A. Crocker, approved 6-0-0.

Motion to approve a waiver request from Town Regulations for work to install mitigation plantings within the 25-foot Buffer Zone for 60 Wildwood Drive (DEP File #234-763) by S. Soltzberg, seconded by C. Rhoades, approved 6-0-0.

Motion to approve a waiver of the Waiver Fee for mitigation plantings in the 25-foot Buffer Zone by S. Soltzberg, seconded by A. Crocker, approved 6-0-0.

Motion to issue an Order of Conditions for 60 Wildwood Drive (DEP File #234-763) by S. Soltzberg, seconded by C. Rhoades, approved 6-0-0.

**500 DEDHAM AVENUE (NEEDHAM ACCESSIBLE RESERVOIR TRAIL) – continued
NOTICE OF INTENT (DEP FILE #234-761)**

J. Carter Bernardo opened the continued Public Hearing at 8:00 pm.

Kelly Carr of Beta Group represented the Applicant.

M. Varrell explained that the Hearing had been continued mainly for the Applicant to file with the Planning Board, which they did today. In addition, the Commission had requested more detail of the proposed planting of the swale located near the main entrance of the PSAB. K. Carr explained that the bottom of the swale will be planted for approximately 100-feet. M. Varrell stated there is a Special Condition in the OOC requiring the swale not be mowed. M. Varrell has spoken to Ed Olsen, Superintendent of Parks & Forestry regarding the proposed mowing limitations in that area.

K. Carr explained the limit of work has been slightly modified to include re-striping of the parking lot and includes the addition of five (5) additional parking spaces including one that may be built in the future. Borings for the footings will be dug within the next few months. K. Carr explained the timeline for the project. If the funding is approved, construction will commence next July. The borings will be completed before the job goes out to bid.

Motion to close the public hearing for 500 Dedham Avenue (DEP File #234-761) by C. Rhoades, seconded by A. Crocker, approved 6-0-0.

Motion to approve a waiver request from Town Regulations for work within the 25-foot Buffer Zone for 500 Dedham Avenue (DEP File #234-761) by S. Soltzberg, seconded by C. Rhoades, approved 6-0-0.

Motion to issue an Order of Conditions for 500 Dedham Avenue (DEP File #234-761) by C. Rhoades, seconded by A. Crocker, approved 6-0-0.

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

J. Carter Bernardo opened the public hearing at 8:07 pm.

The proposed project was presented by Mike Retzky of the Needham Public Facilities Division – Construction Division, who introduced the rest of the team: Joel Bardman and Thomas Scarlata of BH + A Architects, Mary Rimmer of Rimmer Environmental and Andy Truman of Samiotes.

M. Retzky stated that the project is set to go before the Planning Board on October 18, 2016 but has not yet been submitted to them. A. Truman reminded the Commission they had been before the Commission with an ANRAD resulting in an ORAD in February. He stated that the project would replace the existing pool in the same location, expand the office space, replace the parking lot and reconfigure the access to the site. Porous pavement is proposed for the lower parking area.

The existing undersized detention basin which wasn't built as proposed will be remediated. There is no new point source discharge. The proposed stormwater system was discussed. Most of the work is within previously developed areas. The Town is also proposing a project to dredge the lake which could potentially coincide with the timing for this project. There may be work on the Bank exceeding the threshold requiring a Wildlife Habitat Study.

J. Carter Bernardo stated that the proposed permeable pavement counts as impermeable area as far as DEP is concerned. Several trees are proposed for removal, only one (1) within the Commission's jurisdiction. A complete landscaping plan will be presented at a future date.

J. Carter Bernardo stated that she will review the consultants Hydrology Report in-depth. The use of a coffer dam was reviewed.

Attorney Brian Wall represented Mr. and Mrs. Whalen, who were also in attendance. He explained that the Whalen's are not opposed to the project as a whole but have concerns regarding the use of the coffer dam. The Whalen's live on the lake and their rear property boundary is the bank of the lake. B. Wall gave background of the yearly lake draining and pool maintenance. The Whalen's have observed that Rosemary Brook receives sediment during the draining process of the lake with the results being the brook is shallower and the water velocity increased causing erosion. The Whalen's are opposed to draining the lake. Attorney Wall explained the permitting history as far as the lake draining is concerned. He stated that the Notice of Intent for the pool project that the Commission is reviewing was drafted with the use of the coffer dam not for draining the pool as required for the dredging project. Attorney Wall submitted a letter to the Commission "for the record" stating what he had just discussed.

Ross Donald, Town Meeting Member asked for more information regarding the slope that goes down to the two terraces. A. Truman explained the Plan for that area in more detail. P. Carey added that there will be the same amount of seating as there is currently.

Karen Price asked if the lake will need to be drained twice if both projects don't happen at the same time. M. Retzky explained if the projects timing does not coincide then they would use the coffer dam which would not require draining the lake.

Les Kalish asked for clarification regarding the proposed parking lot and driveway configuration. A. Truman replied that they are reconfiguring the driveway to make it less steep.

J. Carter Bernardo asked if the project would help the water and erosion issue at the beginning of the trail off the parking lot. A. Truman replied that it should help if not eliminate the issue.

M. Varrell explained what issues are still outstanding including: (1) more discussion on the need for a Wildlife Habitat Evaluation; (2) the erosion control method needs improvement; (3) a construction sequence should be submitted which may be part of the required SWPPP Plan; (4) the total impact numbers including the porta-dam and dewatering (including sediment tank

details) should be submitted; (5) emergency access detail; and (6) any impact to wildlife from the proposed fence along the lake.

The Commission will schedule a site walk prior to the next meeting.

Motion to continue the public hearing, for the submittal of additional information and filing with the Planning Board, for 0 Rosemary Street (Rosemary Pool) (DEP File #234-764) to September 15, 2016 at 8:00 PM by S. Soltzberg, seconded by A. Crocker , approved 5-0-1 C. Rhoades abstained.

479 DEDHAM AVENUE – continued NOTICE OF INTENT (DEP FILE #234-762)

J. Carter Bernardo opened the public hearing at 9:00 PM.

M. Varrell reported that this project had not been issued a Permit pending submittal of an application to the Planning Board. The Planning Board Application had been submitted earlier in the day. Dr. John Rockwood explained the only revisions to the plan were the lot line was centered more down the center of the driveway per Planning Board comments. The original plan called for retaining the existing gazebo. They are now requesting to remove the gazebo by hand. The removal of the gazebo would happen before the rest of the project, therefore; additional straw wattles will be utilized.

Motion to close the public hearing for 479 Dedham Avenue (DEP File #234-762) by C. Rhoades, seconded by A. Crocker, approved 6-0-0.

Motion to issue a Waiver from Town Bylaw Regulations for work within the 25-foot Buffer Zone for 479 Dedham Avenue (DEP File #234-762) by C. Rhoades, seconded by A. Crocker, approved 6-0-0.

Motion to waive the Waiver Fee for work in the 25-foot Buffer Zone by C. Rhoades, seconded by A. Crocker, approved 6-0-0.

Motion to issue an Order of Conditions for 479 Dedham Avenue (DEP File #234-762) by C. Rhoades, seconded by A. Crocker, approved 6-0-0.

OTHER BUSINESS

REQUEST FOR CERTIFICATE OF COMPLIANCE – 41 BRENTWOOD CIRCLE (NGWP #17)

M. Varrell explained that this project was only approved under the Bylaw and was for the reconstruction of a garage addition. The site is stable and M. Varrell recommended a Certificate of Compliance be issued.

Motion to issue a Certificate of Compliance for 41 Brentwood Circle (NGWP #17) by S. Soltzberg, seconded by A. Crocker, approved 6-0-0.

REQUEST FOR CERTIFICATE OF COMPLIANCE – 10-16 CHARLES STREET (DEP FILE #234-727)

M. Varrell reminded the Commission that this project was the result of an Enforcement Order for repaving the lot without a Permit. Part of the Permit required drainage improvements consisting

of a trench and also some floodplain compensation. The discharge point for the stormwater is not stable and sediment has been pushed up against the sediment barrier. Mike Juliano with Eaglebrook Engineering stated that the area has been hydroseeded twice but it has been too dry and the seed isn't germinating. A. Richardson suggested they seed with a conservation mix in that area. M. Varrell stated there is a Special Condition requiring the submittal of yearly monitoring reports of maintenance activities and last years was not submitted. M. Juliano stated the parking lot was swept and he will get the receipt to the Commission. The Commission cannot issue COC until site is stable and report received.

REQUEST FOR A MINOR MODIFICATION – 1516 CENTRAL AVENUE (DEP FILE #234-758)

Rob Truax of GLM Engineering and the contractor, Michael Lenahan presented the proposed modification. R. Truax stated they were requesting a modification to the proposed retaining wall. The limit of work is the same. The remaining large oak tree is intended to be saved. Another large tree was removed due to location of the retaining wall and potential injury to the roots. A. Richardson suggested it may be difficult to save the remaining tree due to the fill to be placed. A. Richardson stated a tree well would need to be very large to save it. They will contact the arborist for advisement. For the previous removal of the oak tree, they are proposing to plant five (5) native trees to replace it. M. Lenahan hopes to preserve the 28" oak tree.

Motion to approve the Minor Modification to the plans for 1516 Central Avenue (DEP FILE #234-758) by C. Rhoades, seconded by A. Crocker, approved 6-0-0.

INFORMAL DISCUSSION – IMPROVEMENTS AT NEEDHAM RECYCLING AND TRANSFER STATION

M. Varrell explained that Greg Smith, Superintendent of the Needham Recycling & Transfer Station was present to discuss some proposed improvements to the Needham Recycling & Transfer Station (RTS). M. Varrell provided a brief history of wetland permitting at the station. A recent Request for Determination of Applicability application submitted was given a Positive Determination by the Commission for a proposed sediment basin, requiring a Notice of Intent filing. G. Smith stated that the Town Engineer, Tony Delgaizo, is still evaluating the potential sediment basin and may revise the plan to create a linear bio-retention swale at the base of the berm if constructed.

Greg Smith updated the Commission on some of the improvements that have already been made at the RTS including the removal of most of the debris from Hurricane Bob. He explained that the RTS has an overabundance of a byproduct from the trash processing process called "tailings". Tailings are made up of small woody debris, glass, metal and plastic pieces. He explained it is difficult and expensive to get rid of the tailings.

Mr. Smith asked if the Commission would consider allowing them to build a berm around the entire composting area using the tailings which would then be covered with loam and hydroseeded. The berm would act to separate the composting area from the wetlands and reduce debris from inadvertently entering the wetland resources.

G. Smith stated that the Town Engineer, Tony Delgaizo, is still evaluating the potential sediment basin and may revise the plan to create a linear bio-retention swale at the base of the berm if constructed.

G. Smith noted that they were hiring Fuss & O'Neil to develop a design for construction of the berms and come back before the Commission for approval once that is completed. The purpose of this informal discussion is to get a sense of whether the Commission would even entertain the idea they are proposing prior to spending the money for the design. The Commission generally had a positive response to the proposal and stated they look forward to seeing the design in the future.

COMMUNITY PRESERVATION COMMITTEE - APPOINTMENT

Motion to appoint A. Crocker to the Community Preservation Committee by P. Oehlkers, seconded by S. Soltzberg, approved 6-0-0.

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

The meeting was adjourned at 9:50 pm.

NEXT PUBLIC MEETING

Thursday, September 15, 2016 at 7:30 PM in the Public Services Administration Building, Charles River Room.