

**TOWN OF NEEDHAM  
CONSERVATION COMMISSION  
MEETING MINUTES  
Thursday, October 27, 2016**

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

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

GUESTS: Karon Skinner Catrone, Lauren Corkin, Ross Donald, Bob Handin, Joyce Hastings, Dan Hoffman, Tracy Hoffman, Mair Lustig, Arna Margolies, Bruce Ricciardelli, Chris Seariac, Diane Simonelli, Susan Whalen

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

**MISCELLANEOUS BUSINESS:**

**MEETING MINUTES:**

Motion to approve the Meeting Minutes of June 23, 2016 by P. Oehlkers, seconded by S. Soltzberg, approved 4-0-3.

Motion to approve the Meeting Minutes of August 11, 2016 by S. Farr, seconded by C. Rhoades, approved 7-0-0.

Motion to approve the Meeting Minutes of October 13, 2016 by S. Farr, seconded by P. Oehlkers, approved 7-0-0.

**ENFORCEMENT & VIOLATION UPDATES:**

**1375 GREAT PLAIN AVENUE**

M. Varrell reported that he had driven by 1375 Great Plain Avenue and noticed a lack of vegetation and addition of trap rock and possibly fill on the slope around an existing shed. Rosemary Brook runs along the rear of the property. M. Varrell issued an Enforcement Order requesting the owners contact him and plan to come before the Commission at this meeting to explain the violations. He has not heard back from them yet but will follow up. The Commission will not issue fines at this point.

**10-16 CHARLES STREET**

M. Varrell reminded the Commission that the Applicant had come before the Commission 4-6 weeks ago requesting a Certificate of Compliance. There had been an area that wasn't quite vegetated where the water leaves the parking area. The request was tabled until the area is stabilized. M. Varrell conducted a site visit after a recent storm and noted that, in addition to re-seeding and adding erosion control matting to stabilize the area, the Applicant had constructed a small berm along the edge of the parking lot, essentially containing any stormwater in the lot instead of allowing it to leave the site. The berm would also appear to impact flood storage on

the site. M. Varrell stated that he knew the property was for sale but doesn't know if it was sold and the new owner actually built the berm. He will follow up to determine who is responsible and discuss the need for a remedy.

### **EMERGENCY BEAVER CERTIFICATION**

M. Varrell reported that, as discussed before, an abutter has complained that beaver activity (constructing a dam) at the outlet to the reservoir behind the PSAB Building at 500 Dedham Avenue has been causing flooding issues at their home. The Town received an Emergency Permit through the Board of Health approving trapping of the beavers. At this time, three beavers have been trapped but the trapper believes there are one or two more so the traps remain. The Commission will need to issue a 30 day Emergency Certification for the removal of the dam. M. Varrell has drafted the Certification requiring the work be done by hand and in a manner that the dam removal allows the water to flow out slowly.

**Motion to issue an Emergency Certification for the beaver dam removal at the outlet of the reservoir behind 500 Dedham Avenue by S. Farr, seconded by C. Rhoades, approved 7-0-0.**

### **HEARINGS**

#### **1283 CENTRAL AVENUE – *continued* NOTICE OF INTENT (DEP FILE #234-766)**

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

M. Varrell stated that the Applicant had requested a continuance to the November 10, 2016 Conservation Commission Meeting.

**Motion to continue the public hearing for 1283 Central Avenue (DEP File #234-766) to November 10, 2016 at 8:30 pm., at the request of the Applicant, by S. Farr, seconded by C. Rhoades, approved 7-0-0.**

#### **1600 CENTRAL AVENUE – REQUEST FOR DETERMINATION OF APPLICABILITY**

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

Mr. and Mrs. Margolies, the Applicants, were present. Joyce Hastings of GLM Engineering Consultants represented the Applicant and presented the proposed project. She explained that the septic system on the property has failed. The work is proposed within the 100-foot Buffer Zone to Bordering Vegetated Wetlands. They plan to use a flow diffuser for a narrow profile. They will need to remove two (2) Eastern White Pine trees in the proposed leaching field area and will install four (4) Black Birch trees within the Buffer Zone. Erosion controls will be placed on lawn at the limit of work. The Commission determined that a Waiver was not required for the removal of the trees within the 50 foot Buffer Zone.

**Motion to close the public hearing for 1600 Central Avenue by S. Farr, seconded by C. Rhoades, approved 7-0-0.**

**Motion to issue a Negative Determination of Applicability for 1600 Central Avenue by S. Farr, seconded by C. Rhoades, approved 7-0-0.**

#### **232 MAY STREET – *continued* NOTICE OF INTENT (DEP FILE #234-768)**

J. Carter opened the public hearing at 8:20 pm.

M. Varrell stated that the Hearing has been continued for submittal of additional information, some of which has been received. The Applicant's Representative, Joyce Hastings of GLM Engineering Consultants and the contractor, Michael Lenahan, presented the project. J. Hastings stated she had submitted a Request for a Waiver for work in the 50-foot Buffer Zone. Additional information on the revised plan includes a detail of the retaining wall. Specifications of the proposed landscape fabric was submitted and the Applicant was advised to ensure that plastic netting is not used as it can be a hazard to wildlife. A shrub planting schedule was included and shows four (4) species of shrubs that are proposed. A. Richardson suggested massing the shrubs instead of planting them in a line. A cross-section through the proposed garage area was provided.

J. Carter Bernardo stated the Commission requires the submittal of DEP Data Forms. Proposed erosion controls were discussed. No stockpiling will occur on-site but any topsoil removed will be stored off-site to use for regrading. M. Varrell would like to see the same topsoil used as it contains native seed stock.

***Motion to close the public hearing for 232 May Street (DEP File #234-768) by S. Farr, seconded by C. Rhoades, approved 7-0-0.***

***Motion to issue a Waiver for work in the 50-foot Buffer Zone for 232 May Street (DEP File #234-768) by A. Crocker, seconded by C. Rhoades, approved 7-0-0.***

***Motion to issue an Order of Conditions for 232 May Street (DEP File #234-768) by S. Farr, seconded by C. Rhoades, approved 7-0-0.***

## **25 MARR ROAD – NOTICE OF INTENT (DEP FILE #234-7XX)**

J. Carter Bernardo opened the public hearing at 8:40 pm. She stated that DEP had not yet issued a file number for the project.

The Applicant's Representative, Karon Skinner Catrone, presented the proposed project on behalf of the Applicant's, Dan and Tracy Hoffman who were present. The proposed project consists of the removal of eighteen (18) Eastern White Pine trees and installation of an in-ground pool. K. Skinner Catrone stated that existing retaining walls prevent the Applicant from pulling the proposed pool closer to the house and away from the wetlands. They are proposing the installation of twenty-three (23) trees and shrubs to mitigate for the tree removal. All the work is proposed outside the 25-foot Buffer Zone.

K. Skinner Catrone stated that the Applicant had originally planned to request the approval to remove several more trees but revised the request to 18 trees. They plan to submit a revised plan prior to the next meeting. She stated they had submitted a letter from an arborist confirming the trees may be hazardous even though they appear healthy.

J. Carter Bernardo explained that the plan that was submitted has several deficiencies. There is little in the way of topography shown, it is difficult to see the proposed erosion controls, the retaining walls need to be shown and the proposed dimensions of the pool and associated patio/deck need to be shown. D. Anderson explained that the property had been the subject of an Enforcement Order in the past that required the installation of mitigation trees.

M. Varrell stated that the Arborist's letter states the trees are healthy and would not be considered hazard trees unless impacted by the construction. The fifty-foot Buffer Zone is particularly

sensitive. J. Carter Bernardo read a letter received from an abutter, Robert Handin, from 463 South Street, describing his interactions with the local wildlife population that utilize the surrounding forest and how he feels the proposed tree removal would affect them.

Dan and Tracy Hoffman spoke of their fear of the white pine trees falling and the need they have to increase the lawn area for their families use. M. Varrell suggested the Applicant hire a wildlife biologist to conduct a wildlife habitat analysis and convince the Commission that removal of these trees would not have an adverse impact on the local ecology.

An abutter, Mair Lustig, of 34 Alder Brook Lane described how they had to have a tree removed and had to leave a 6-foot snag.

The Commission will continue the hearing for a DEP File Number, revised plan addressing the Commission's comments including showing grading, an alternatives analysis, and potential hiring of a wildlife expert by the Applicant to conduct a wildlife habitat analysis.

***Motion to continue the public hearing for 25 Marr Road (DEP File #234-7XX), for additional information, to November 10, 2016 at 8:30 pm. by S. Farr, seconded by C. Rhoades, approved 7-0-0.***

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

J. Carter Bernardo opened the public hearing at 8:40 pm.

M. Varrell stated the Applicant has requested a continuance to the November 10, 2016 public meeting.

***Motion to continue the public hearing for 0 Rosemary Street (Rosemary Pool) (DEP File #234-764), at the request of the Applicant, to November 10, 2016 at 8:30 p.m. by S. Farr, seconded by C. Rhoades, approved 7-0-0.***

**1332 GREAT PLAIN AVENUE – REQUEST FOR AN AMENDED ORDER OF CONDITIONS (DEP FILE #234-570)**

J. Carter Bernardo opened the public hearing at 9:10 pm.

M. Varrell reminded the Commission that this request for an Amendment is due to the issuance of an Enforcement Order due to encroachment beyond the 5,000 square feet in Riverfront Area. The required Restoration Area planting work has been completed. This Amendment will allow the Commission to add standard vegetation monitoring requirements to the Order of Conditions. Large boulders were used to delineate the No Disturb area. M. Varrell explained to the Applicant, Bruce Ricciardelli, that once the Amended Order of Conditions is recorded he can request a partial Certificate of Compliance. M. Varrell will need a copy of the proof of recording the Deed Restriction, as well as, the Amended Order of Conditions recording information.

***Motion to close the public hearing for 1332 Great Plain Avenue (DEP File #234-570) by S. Farr, seconded by C. Rhoades, approved 7-0-0.***

***Motion to issue the Amended Order of Conditions for 1332 Great Plain Avenue (DEP File #234-570) by S. Farr, seconded by C. Rhoades, approved 7-0-0.***

**OTHER BUSINESS**

**LOT 3 WOODWORTH ROAD (DEP FILE #234-490) – REQUEST FOR MINOR MODIFICATION**

D. Anderson stated that the Applicant had requested a minor modification to the project at Lot 3 Woodworth Road to shorten the proposed retaining wall and change the grading slightly to allow for a walk-out basement. D. Anderson noted at her site visit that the erosion controls are in a state of disrepair and she will contact the Applicant to have them fixed or replaced.

*Motion to issue a Minor Modification to the work at Lot 3 Woodworth Road (DEP File #234-490) by S. Soltzberg, seconded by S. Farr, approved 7-0-0.*

**LOT 3 WOODWORTH ROAD (DEP FILE #234-490) – REQUEST FOR EXTENSION PERMIT FOR ORDER OF CONDITIONS**

D. Anderson stated the Applicant is requesting a two (2) year extension to the Order of Conditions for the project at Lot 3 Woodworth Road.

*Motion to approve the request for a two-year extension to the Permit for Lot 3 Woodworth Road (DEP File #234-490) by S. Farr, seconded by C. Rhoades, approved 7-0-0.*

**46 BORDER ROAD (DEP FILE #234-731) – REQUEST FOR MINOR MODIFICATION**

M. Varrell explained that the Applicant had requested a Certificate of Compliance for the project. Portions of two pervious paver patios had been installed within the 25-foot Buffer Zone and potentially caused the project to go over the 5,000 s.f. of disturbance threshold in Riverfront Area. The Surveyor calculated the area of disturbance below the threshold.

The Applicant, Matthew Borrelli, has proposed a mitigation planting plan including an additional twenty (20) shrub plantings and lawn removal in the mitigation area. He also requested a Waiver for work in the 25-foot Buffer Zone. In addition, the Applicant has submitted the Waiver Fee for work in the 25-foot Buffer Zone. The work has taken place so this is an after-the-fact approval as the Applicant is also requesting a Certificate of Compliance.

*Motion to approve the Request for Minor Modification to the plans for 46 Border Road (DEP File #234-731) and approval of the Waiver Request for work in the 25-foot Buffer Zone by S. Farr, seconded by C. Rhoades, approved 7-0-0.*

**46 BORDER ROAD (DEP FILE #234-731) – REQUEST FOR PARTIAL CERTIFICATE OF COMPLIANCE**

M. Varrell stated that there were to be five (5) permanent markers installed at the limit of work. M. Varrell reported that the markers have been installed. One (1) of the markers is visible and identified with the conservation plate. He found the other markers to be flush with the ground and stated they would be covered with vegetation at some point, defeating their purpose of identifying the No-Disturb area. The Special Conditions do not require a certain height requirement for the markers. J. Carter Bernardo stated the markers should be visible to future homeowners.

D. Simonelli of Field Resources, Inc. stated that raised markers could create a tripping risk to children. S. Farr stated there are several other choices for permanent markers such as boulders,

bird boxes, fencing. M. Varrell will note in the partial Certificate of Compliance that the permanent markers need to be revised so they are visible before a complete COC is issued.

***Motion to issue a partial Certificate of Compliance for 46 Border Road (DEP File #234-731) by S. Farr, seconded by C. Rhoades, approved 7-0-0.***

### **84 GLENDALE ROAD (DEP FILE #234-755) – REQUEST FOR CERTIFICATE OF COMPLIANCE**

M. Varrell stated that the Applicant is requesting a partial Certificate of Compliance as there are on-going monitoring requirements. The Applicant had installed bluestone patio with gaps for infiltration and used a fence with the conservation emblems to delineate the No Disturb area. The plantings had been installed under Dr. John Rockwood's supervision and appeared in good health. The Applicant had installed landscape lighting within the No Disturb area. M. Varrell recommends a partial Certificate of Compliance be issued.

***Motion to issue a partial Certificate of Compliance for 84 Glendale Road (DEP File #234-755) by S. Farr, seconded by C. Rhoades, approved 7-0-0.***

### **32 MARANT DRIVE (DEP FILE #234-403) – REQUEST FOR CERTIFICATE OF COMPLIANCE**

M. Varrell stated that the Commission had instructed the Applicant to install their required monumentation and record their Deed Restriction in order to close out their Permit. The monumentation has been installed and language for the Deed Restriction submitted for approval. The language for the Deed Restriction was reviewed by Attorney Cory Rhoades who will make recommendations to the Applicant for edits to the document so it may be submitted for the next meeting.

### **500 DEDHAM AVENUE (CULVERT AND WALL REPAIR) – NEEDHAM PUBLIC WORKS DEPARTMENT REPAIR/MAINTENANCE ACTIVITY NOTIFICATION FORM (DEP FILE #234-630)**

The Superintendent of the Needham DPW Water and Sewer Division, Chris Seariac, presented the project. C. Seariac explained that portions of the wall associated with the Bank of the perennial stream outletting the reservoir behind the PSAB at 500 Dedham Avenue is failing. There is vegetation including saplings growing through the wall that they would like to remove by hand and then use the existing material to pull the wall back in. One area would require the use of a backhoe to move larger boulders during the repair. The project may take up to two weeks and straw bales will be implemented downstream from the work. If necessary, sandbags will be used to block flow and the water pumped around.

***Motion to issue approval of the work, as proposed under the DPW General Permit (DEP File #234-630, on the wall associated with the Bank of the perennial stream that outlets the reservoir behind 500 Dedham Avenue by S. Soltzberg, seconded by S. Farr, approved 7-0-0.***

### **108 LINDBERGH AVENUE (DEP FILE #234-751) – REQUEST FOR MINOR MODIFICATION**

D. Anderson stated that the Applicant, Gene Voloshin, was requesting a Minor Modification to his plans for 108 Lindbergh Avenue to install a deck instead of the approved pervious paver patio.

*Motion to approve the Minor Modification to the plans for 108 Lindbergh Avenue (DEP File #234-751) by S. Farr, seconded by C. Rhoades, approved 7-0-0*

*Motion to adjourn the meeting by P. Oehlkers, seconded by S. Soltzberg, approved 7-0-0.*

*The meeting was adjourned at 9:45 pm.*

### **NEXT PUBLIC MEETING**

*Thursday, November 10, 2016 at 7:30 PM in the Public Services Administration Building, Charles River Room.*