

**TOWN OF NEEDHAM  
CONSERVATION COMMISSION  
MEETING MINUTES  
Thursday, May 8, 2014**

LOCATION: Public Services Administration Building, Charles River Room

ATTENDING: Lisa Standley, Paul Alpert, Janet Carter Bernardo, Artie Crocker, Stephen Farr, Peter Oehlkers, Matt Varrell (Director of Conservation), Debbie Anderson (Conservation Specialist)

GUESTS: Barbara Cusack, Mikhail Deychman, Jeff Fishbone, Jim Goodness, Julie Goodness, Deidre Griffiths, Joyce Hastings, Kathleen McNeill, Priscilla Murray, David Paine, John Rockwood, Ardi Rrapi, Gordon Russell, Winfield Russell, Diane Simonelli, Loretta Sprague, Wes Wirth

L. Standley opened the public meeting at 7:35 p.m.

**MINUTES**

**Motion to approve the Minutes of April 24, 2014 (as amended) by P. Oehlkers, seconded by S. Farr, approved 5-0-0.**

**ENFORCEMENT & VIOLATION UPDATES**

**130 SOUTH STREET**

M. Varrell stated that no application has been submitted by Ms. Sokolove. M. Varrell stated that he conducted a site visit and it does not appear that any additional unpermitted work has occurred since the initial violation. He gave the Commission photos comparing the site in 2012 and 2014 and noted that glossy buckthorn is revegetating. M. Varrell stated that he rang the doorbell but it appeared no one was home so he left his card and a note requesting Ms. Sokolove to get in touch with him. He has not heard back.

L. Standley noted the substantial regrowth of the shrubs on the Bank in the 2014 photos. M. Varrell stated that it did not appear the area was being maintained. A canoe launching area was noted. The Commission discussed issuing a new Enforcement Order (EO) but as no additional unpermitted work had taken place and the area is revegetating naturally, the Commission decided against the issuance of a new EO. The Commission is concerned that any future owners of the property may not realize work is not permitted in the Commission's jurisdiction without a permit. The Commission asked M. Varrell to record the existing EO against the deed for 130 South Street at the Registry of Deeds. This will serve to memorialize the violation and make it known to future owners of the property.

**NEEDHAM GOLF CLUB**

M. Varrell reported that he had spoken to Tim Hood of the Needham Golf Club and is awaiting the submission of a planting plan depicting the proposed types and locations of trees to be planted as mitigation.

**62 BROOKSIDE ROAD**

M. Varrell described receiving a call from a resident stating that tree clearing was occurring in the wetland at 62 Brookside Road. M. Varrell subsequently conducted a site visit and observed a contractor actively cutting trees. He noted approximately 15 trees had been cut in the 100-foot Buffer Zone ranging in DBH from 5- to 20-inches. M. Varrell stated that, based on the FEMA Flood Insurance Rate Mapping, the work may have been within Bordering Land Subject to

Flooding. During the inspection, M. Varrell directed the tree workers to stop work and was informed that in addition to tree clearing, the homeowner had asked them to prune several trees. M. Varrell noted that the larger logs were left in place and the smaller logs were chipped and spread within the 100-foot Buffer Zone. M. Varrell also noted that he counted approximately 14 stumps of additional trees that appeared to have been removed within the recent past in the same general area.

M. Varrell was able to speak with the homeowner's brother as he was leaving and asked him to let his brother know the tree clearing was an issue and requested the homeowner come to the Conservation Commission meeting. The homeowner, Gordon Russell, was in attendance with his representative, Dr. John Rockwood of EcoTec. G. Russell apologized to the Commission and explained he would do whatever was necessary to remedy the violation. M. Varrell noted a previous enforcement violation on the property in 1999. G. Russell explained that what started out as a lightning struck tree removal and pruning project went too far leading to the removal of the trees.

G. Russell explained that he had hired John Rockwood of EcoTec to develop a plan to remediate the tree clearing violation. L. Standley stated the purpose of trees is to provide wildlife habitat and enhance the wetland resources. G. Russell explained that some of the trees removed were dead or dying. L. Standley noted that dead trees offer excellent habitat for a variety of wildlife. J. Rockwood described the wetland resources located on the property including a cattail marsh and a meadow peninsula that is mowed twice a year and is an important habitat. J. Rockwood stated that the homeowner would like to work with the Commission to address the tree cutting violation as well as come up with a property management plan for the future, through the Notice of Intent process. The first step is to delineate the resource areas and prepare an existing conditions plan that will serve as a baseline of the property. J. Rockwood explained they will identify the trees that have been removed and provide mitigation plantings. They plan to remove the woodchips from the Buffer Zone immediately and seed the areas with an appropriate meadow mix. J. Rockwood identified an old orchard area containing fruit trees that perhaps could be replaced with more important native species. In addition, there is metal debris in the wetland that has been there for many years from farming on the property. They would propose to remove it. Habitat enhancement features that may be proposed include planting dense shrub thickets. An invasive species management plan will also be submitted. Invasive species prevalent on the property include glossy buckthorn, honeysuckle, garlic mustard, and multiflora rose.

L. Standley suggested they work with M. Varrell and review the previous enforcement order for the site. L. Standley asked about the proposed time frame for the application. J. Rockwood stated approximately six weeks would be necessary to submit the Notice of Intent application. Due to the timing, the mitigation plantings would be installed in the fall. J. Rockwood will keep M. Varrell up-to-date but they plan on filing by the end of June. The Commission deferred the issuance of an Enforcement Order as long as the Notice of Intent is submitted within six weeks. G. Russell asked if the Commission would allow him to begin raking up the woodchips prior to the submittal. L. Standley replied that they are required to remove the woodchips.

## **HEARINGS**

### **41-43 BIRCH STREET (DEP FILE #234-712) – ABBREVIATED NOTICE OF INTENT**

L. Standley opened the public hearing at 7:45 pm. D. Simonelli of Field Resources, Inc. represented the Applicant. D. Simonelli clarified that this project is not part of the larger Birch Street project that has been before the Commission recently. D. Simonelli stated that the existing two-family home will remain. The proposed project includes replacing walkways in the front of

the home with pervious pavers, adding pervious paver patios, and installing AC condensers and gas lines. L. Standley noted that no grading is proposed on the plan. D. Simonelli explained that the proposed walk and patio would be built on the slope with no grading required. L. Standley stated that the proposed erosion controls are shown up against the existing fence and asked D. Simonelli if any construction equipment would be used in the rear yard, and how the disturbed area would be stabilized. D. Simonelli replied that a bobcat may be used and that the area would be hydro-seeded after the work was completed. P. Alpert expressed his concern that work would be undertaken in the 25-foot Buffer Zone. D. Simonelli explained that a bobcat may enter the 25-foot Buffer Zone but not disturb the soil. L. Standley agreed this use would not constitute “work” in the 25-foot Buffer Zone.

J. Carter Bernardo questioned where the staging area/dumpster would be located. D. Simonelli explained the current tenants are staying and the interior would be undergoing minor renovations. If a dumpster is necessary it would be located in the front of the house as would any stockpiling.

A. Crocker asked what material was proposed for the patios. D. Simonelli replied pervious pavers set in stone dust. M. Varrell reminded D. Simonelli that a fence was also proposed on the Plan to divide the backyard in two sections. D. Simonelli confirmed the fence is part of the project.

**Motion to close the public hearing for 41-43 Birch Street (DEP FILE # 234-712) by P. Oehlkers, seconded by S. Farr, approved 6-0-0.**

**Motion to issue the Order of Conditions, as amended, for 41-53 Birch Street (DEP File #234-712) by P. Oehlkers, seconded by S. Farr, approved 6-0-0.**

#### **54 DEERFIELD ROAD (DEP FILE #234-711) – NOTICE OF INTENT**

L. Standley opened the public hearing at 8:00 pm. Joyce Hastings represented the Applicant, Kathleen McNeill, who was also present. J. Hastings stated that the proposed project consists of installing a 24-foot diameter above-ground pool to the rear of the single-family house. A proposed six-foot wide deck will connect the proposed pool to the existing deck with a set of stairs to the yard. J. Hastings described the resource areas as a Bordering Vegetated Wetland associated with an intermittent stream to the rear of the property. The pool will be set a distance of 33 feet from the edge of the BVW. Silt fence erosion controls are proposed. J. Hastings stated that access would be from the existing driveway and the contractor would remove the grass and level the ground beneath the proposed pool. The grass beneath the deck would also be removed and crushed stone would be installed. J. Hastings stated that no materials will be stockpiled and any areas disturbed by the project would be loamed and seeded. P. Oehlkers asked about the location of the proposed five highbush blueberry shrubs. J. Hastings explained that on the original plan, the shrubs were proposed to be installed off-site on Town of Needham property but are now proposed on the Applicant’s property. J. Carter Bernardo requested that J. Hastings inform the homeowner that no dumping is allowed in the BVW.

**Motion to close the public hearing for 54 Deerfield Road (DEP FILE # 234-711) by P. Oehlkers, seconded by S. Farr, approved 6-0-0.**

**Motion to issue the Order of Conditions, as amended, for 54 Deerfield Road (DEP File #234-711) by P. Oehlkers, seconded by S. Farr, approved 6-0-0.**

#### **27 CURVE STREET (DEP FILE #234-710) – *continued* NOTICE OF INTENT**

L. Standley opened the public hearing at 8:15 pm. The Applicant, M. Deychman, was present. M. Deychman stated that they have received approval from the Zoning Board of Appeals to build two single-family homes on the lot. The Conservation Commission hearing had been continued

for the issuance of a DEP File number and revised plans detailing the cross-section of the proposed retaining wall and infiltration system location. M. Deychman stated that the proposed impervious area is less than the existing impervious area, and described the proposed drainage system.

L. Standley stated that members of the Commission had done a site visit and she has serious concerns regarding the retaining wall and drainage structure. The plans show six feet of wall above ground, one foot of wall below ground and no footings to support the wall. M. Deychman replied that he had submitted additional drawings of the wall to the Commission. L. Standley noted that a wall of this size would need to be designed by a structural engineer. M. Deychman explained that the proposed wall is a versa-lock wall and does not require a design by a structural engineer. L. Standley noted that the proposed wall is located on a steep slope, and the proposed recharge system sits in the middle of the wall. The Commission stated a concern that even if the recharge system holds only 40% of its design capacity, breakout may occur through the wall and potentially cause erosion of the slope. M. Deychman stated that, due to ledge on the site, there is no other location they can install the recharge system. S. Farr stated that since this is a Versa-lock wall, it should be easy to get a structural drawing stamped by their engineer. M. Deychman indicated that he had provided Versa-lock specification drawings. M. Varrell located the drawings and distributed them to the Commission. L. Standley stated that the drawing submitted answers a lot of her questions but does not specifically deal with this project and the installation on a steep slope. M. Deychman addressed the Commission's concerns about breakout by stating the system will be wrapped in plastic except for the base. S. Farr reiterated that the water discharge from the base could still compromise the wall. M. Deychman stated that the system cannot be installed much deeper because there is high ground water in this area due to ledge. J. Carter Bernardo asked M. Deychman if the recharge chambers could be moved to the right at all. M. Deychman stated that they could be moved approximately eight feet. L. Standley felt that would take care of the breakout concern. L. Standley requested the submittal of a "real-life" cross-section of the wall particularly at the south end showing the topography and erosion control location.

L. Standley stated that the proposed tree planting locations are located on the forested slope which is not a favorable location for the health of the trees or stability of the slope. J. Carter Bernardo requested the tree planting locations be revised to remove them from the slope. M. Deychman stated he was concerned that he would not be able to fit all the replacement trees. L. Standley stated that perhaps to make room for the trees, they should remove or relocate a proposed patio. The trees must be installed within the 100-foot Buffer Zone. The Commission discussed the number of trees the Applicant must install and determined six (6) trees is sufficient as one of the five trees to be removed is already dead.

An abutter, Deidre Griffiths, stated that although her property is higher than 27 Curve Street, they too have high groundwater due to ledge. Ms. Griffiths asked about the drainage and J. Carter Bernardo explained only the runoff from the driveways would go toward the road. L. Standley noted this area is outside the Commission's jurisdiction. Priscilla Murray, a resident of Curve Street, asked about the capacity of the proposed recharge system and the requirement that it infiltrate for a 1-inch storm. J. Carter Bernardo explained that most storms are less than the 1-inch storm category and provided a description of how the system would likely work in an overflow situation.

**Motion to continue the public hearing to May 22, 2014 at 8:45 pm, for revised plans and wall details including topography and erosion control location for 27 Curve Street (DEP File #234-710), by P. Oehlkers, seconded by S. Farr, approved 6-0-0.**

### **19 PHEASANT ROAD (DEP FILE #234-704) – *continued* NOTICE OF INTENT**

L. Standley opened the public hearing at 8:45 pm. L. Standley stated that the hearing had been continued for resolution of the wetlands delineation and submittal of a waiver request. D. Simonelli stated she had submitted the waiver request completed by Leah Basbanes, as well as performance standards analysis for the Riverfront Area. M. Varrell stated that he and Ms. Basbanes had met on site and eventually agreed on the boundary shown on the plan. D. Simonelli noted other revisions to the plan included changing the driveway to pervious pavers to reduce impervious area and moving the house closer to the street. D. Simonelli stated that the total new impervious in the 100-foot Buffer Zone will be slightly more than 100 square feet but they are mitigating for 900 square feet. In addition, the Applicant is requesting to remove a willow tree within BVW at the rear of the property that is in poor health. The revised plan shows the erosion control line at the limit of the BVW.

L. Standley stated that she had reviewed the waiver request. Under the first section of the waiver, Ms. Basbanes made the argument that the Bank does not protect the public interest. L. Standley noted that the request did not discuss the adjacent BVW, which does protect the public interests.

**Motion to close the public hearing for 19 Pheasant Road (DEP FILE # 234-704) by P. Oehlkers, seconded by S. Farr, approved 4-0-0.**

**Motion to issue the Order of Conditions, as amended, for 19 Pheasant Road (DEP File #234-704) by P. Oehlkers, seconded by S. Farr, approved 4-0-0.**

### **190 EDGEWATER DRIVE (DEP FILE #234-702) – *continued* NOTICE OF INTENT**

L. Standley opened the public meeting at 8:50 pm. Scott Goddard and Wes Wirth represented the Applicant. M. Varrell stated that there were some errors of the date on the plan submitted and received revised plans from the Applicant. S. Goddard explained that the revised plans were mainly driven by a recent hearing with the Zoning Board of Appeals. The Board denied the Applicant's request to install a pool in the Needham Flood Plain district. S. Goddard explained that the ZBA would still have to approve any work in the Needham Flood Plain District which currently includes grading and a proposed flood zone compensation area.

S. Goddard stated that the plan has been modified by deleting the pool and moving the proposed patio area to the location of an existing sports court. The revised plan does include a larger amount of BLSF alteration, and as a result, a larger flood plain compensatory area. In order to connect to the existing grading, the limit of work line has been moved closer to the river. All of the work is in existing lawn and the area will continue to be lawn mixed with plantings. L. Standley asked for clarification of the location and grading of the compensatory flood storage area. S. Goddard provided a detailed description of the impacts to BLSF and proposed mitigation. S. Goddard stated that they had submitted the revised plan to the Natural Heritage and Endangered Species Program for review. They received a confirmation from NHESP that the proposed work is exempt from MESA review.

Wes Wirth stated the actual tree canopy is depicted on the plans. L. Standley asked for clarification of the existing conditions plan and which trees are proposed for removal. W. Wirth provided clarification. Four large pine trees are proposed for removal. W. Wirth explained that the deck is proposed to be lowered in two sections. All the proposed plantings are native and invasives such as multiflora rose, burning bush and buckthorn are proposed to be removed. W. Wirth reviewed the proposed planting plan.

L. Standley asked how the rain gardens would be constructed. W. Wirth stated that the soil must be assessed but believes the soil to be sandy in this location so little additions would be

necessary. Rain gardens typically use 2 feet of a 50:50 sand:loam mix. The final soil mix will be determined once the soil is tested. The area would then be planted with native perennials and grasses, including switchgrass. W. Wirth explained rain gardens require the necessary balance of grading, soils and proper plantings to be successful. J. Carter Bernardo pointed out an error on the plan depicting the location of a proposed rain garden. S. Goddard noted that the project is exempt from the performance standards for Riverfront Area, but that calculations were provided for the Commission's reference.

**Motion to close the public hearing for 190 Edgewater Drive (DEP FILE # 234-704) by P. Oehlkers, seconded by S. Farr, approved 6-0-0.**

**Motion to issue the Order of Conditions, as amended, for 19 Pheasant Road (DEP File #234-704) by P. Oehlkers, seconded by S. Farr, approved 6-0-0.**

### **OTHER BUSINESS**

#### **46 PLEASANT STREET (DEP FILE #234-582) – REQUEST FOR CERTIFICATE OF COMPLIANCE**

M. Varrell stated the Applicant, Jeff Fishbone was present. M. Varrell stated that he had visited the site and it is completely stable and the erosion controls had been removed. He stated that the Order of Conditions required that the Applicant install permanent markers at a small corner of the lot that was lawn but designated as wetland to allow that section of lawn to naturalize. M. Varrell stated that what had been installed is a fence along the property line that bisects the section to be allowed to naturalize. M. Varrell stated that the Applicant explained he had on-site discussions with the previous Agent regarding the placement of the fence but had not found any documentation of this in the file.

J. Fishbone stated that at the pre-construction meeting with the previous Agent, he discussed his landscaping plan for the backyard which included installing a boulder garden within the 25-foot Buffer Zone. The boulder garden was never installed. J. Fishbone stated the location of the fence is two (2) feet from the property line and approximately 140 square feet of area that was previously lawn has been allowed to re-vegetate naturally. **Motion to issue a Certificate of Compliance for 46 Pleasant Street (DEP FILE # 234-582) by P. Oehlkers, seconded by S. Farr, approved 6-0-0.**

#### **391 DEDHAM AVENUE (DEP FILE #234-674) – REQUEST FOR CERTIFICATE OF COMPLIANCE**

M. Varrell stated that he had visited the site and everything appeared to be in compliance with the approved plans. He noted that the disturbed areas were only seeded three weeks ago and the lawn areas are approximately halfway grown in, and that it would be appropriate to delay issuance of the Certificate for an additional two weeks. He notes that there is an on-going Condition requiring additional monitoring. The Commission agreed to issue the Certificate of Compliance but M. Varrell will not release it for two weeks until the site is stable.

**Motion to issue a Certificate of Compliance for 391 Dedham Avenue (DEP FILE # 234-674) by P. Oehlkers, seconded by S. Farr, approved 6-0-0.**

#### **1 WHITNEY WAY/342 CARTWRIGHT ROAD (DEP FILE #234-549) – MINOR MODIFICATION REQUEST**

The Applicant's Representative, David Paine, represented the Applicant. He explained that the original approved plan called for permeable pavers for the walkways and driveway. As only a very small portion of the driveway is located in the 100-foot Buffer Zone, the Applicant is

requesting approval to pave the portion of the driveway near the garage. D. Paine explained that the second request for modification regards the area between the erosion control barrier and the existing wall. The Applicant proposes to plant meadow grass in this area to be mowed 2-3 times per year.

**Motion to accept the proposed modifications as described in the Request as a minor modification to the Order of Conditions for 1 Whitney Way/342 Cartwright Road (DEP File #234-549) by P. Oehlkers, seconded by S. Farr, approved 6-0-0.**

**274 RESERVOIR STREET PUMP STATION PLANTING DISCUSSION (DEP FILE #234-616)**

M. Varrell explained to the Commission that he had been approached by DPW personnel who stated that the proposed planting plan called for three (3) 1- to 1.5-inch caliper black cherry trees but the contractor cannot locate any of that size. The Commission approved planting five (5) black cherry trees of smaller caliper.

**RIDGE HILL**

**P. Oelkers reported good attendance at the May 3<sup>rd</sup> Ridge Hill walk, with 25 to 30 people in attendance.**

**CONSERVATION COMMISSION 2014 HEARING SCHEDULE**

The Commission discussed the proposed schedule and approved it with minor modifications to the dates of the meetings in November.

**Motion to adjourn at 10:30 p.m. by P. Oehlkers, seconded by S. Farr, approved 6-0-0.**

**NEXT PUBLIC HEARING** *May 22, 2014 at 7:30 PM in the Public Service Administration Building, Charles River Room*