

**TOWN OF NEEDHAM
CONSERVATION COMMISSION
MEETING MINUTES
Thursday, July 25, 2013**

LOCATION: Public Services Administration Building, Charles River Room

ATTENDING: Lisa Standley, Paul Alpert, Janet Carter Bernardo, Artie Crocker, Stephen Farr, Peter Oehlkers, Sharon Soltzberg, Patricia Barry (Agent), Debbie Anderson (Assistant)

GUESTS: Lisa Bello, Todd Bello, Barbara Boyd, Robert Boyd, Barbara Cataldo, Louise Condon, Glenn Dougherty, Moe Handel, Lynn Howard, Deborah Horwitz, Rich Kirby, Priscilla Michie, Brian Nelson, Kevin O'Brien, Barry Okun, Steve Petrucci, John Rockwood, Daniel Salvucci, Joan Salvucci, Valery Steinbok, Rob Ticktin, Christine Urban, Bill Urich, Theresa Urich, Ruth Wegner

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

MULLEN RULE CERTIFICATIONS

P. Barry accepted the written certification from Artie Crocker that he missed no more than one session of the hearings pertaining to 649 South Street (DEP File #234-667) Notice of Intent, 32 Canterbury Lane (DEP File #234-671) Notice of Intent, 59 Pershing Road (DEP File #234-666) Notice of Intent, 415 Warren Street – Lot 2A (DEP File #234-670) Notice of Intent and 415 Warren Street – Lot 2B (DEP File #234-669) Notice of Intent and that he examined all evidence received at the missed session including a transcript of the meeting in accordance with MGL Chapter 39, Section 23 D Adjudicatory Hearings.

MINUTES

Motion to approve the minutes of June 27, 2013, as amended, by P. Alpert, seconded by S. Farr, approved 5-2-0. A. Crocker and P. Oehlkers abstained.

Motion to approve the minutes of July 11, 2013, as amended, by P. Alpert, seconded by S. Farr, approved 6-1-0. A. Crocker abstained.

ENFORCEMENT & VIOLATION UPDATES:

25 MARR ROAD

P. Barry had provided the Commission with photos of the site. She explained that she had received a complaint from the abutters, Bill and Theresa Urich of 427 South Street stating that the owners of 25 Marr Road had expanded their driveway with gravel and had removed several trees and installed a fence. P. Barry explained that she had conducted a site visit and the expansion of the driveway was within the 100-foot buffer to bordering vegetated wetlands and inland bank.

Bill Urich was present at the meeting and explained that near the end of May, the new owner's of 25 Marr Road hired a tree company to remove trees. B. Urich noticed that some of the tree removal was taking place on his property. He told the workers to stop because the survey stake indicated that they were on his property. The contractor stated that what he was referring to was not a survey stake but was a lightning rod. Mr. Urich asked if they had a permit from the Conservation Commission for the work because he knew they were in the buffer zone. The contractor stated that they were only going to grade, mulch and remove some brush. Mr. Urich called Field Resources to survey his property but was told that it could not

be done for 3-4 weeks, however, a previous survey showed the work was taking place in the buffer zone. Bill Urich sent the owners a letter requesting that they stop work, but they continued anyway and installed a fence. He is now considering legal action. Field Resources staked the lot and found the fence to be located on the Urich property. The trees removed included 4 large white pine trees and a 24-inch oak or ash tree. L. Standley noted that the approved plans on file for the driveway should show the existing trees at that time to determine which ones had been removed.

The Commission discussed issuing an Enforcement Order with fines. The Commission agreed that the appropriate actions to require through the Enforcement Order would be for the owners of 25 Marr Road to remove the fence and the gravel driveway addition. The Commission discussed the amount of the fine and, with the approval of Town Council, would fine them the maximum amount per violation of \$250.00. The removal of 4 trees, the installation of the driveway addition and the installation of the fence without a permit equals 6 violations for a total of a \$1500.00 fine. If Town Council finds that the maximum fine is \$200.00 per violation, the Commission agreed to allow P. Barry to issue a fine in the amount of \$1200.00. **Motion for P. Barry to issue a fine to the owner's of 25 Marr Road in the amount of \$1500.00 for violations unless Town Council finds the maximum fine to be \$200.00 per violation, then the fine will be adjusted to \$1200.00 by P. Alpert, seconded by S. Farr, approved 7-0-0.**

20 CANTERBURY LANE

P. Barry explained that she had been conducting a site visit at 32 Canterbury Lane when she noticed that unpermitted work had taken place at 20 Canterbury Lane, specifically a new sports court had been installed as well as a play area. The work appeared to have taken place within the past 2 years, based on review of aerial photos. The Commission questioned whether the Building Department would have required a Permit for the work. P. Barry stated that unless a light was installed for the sports court, no Building Permit was necessary. The Commission determined that the appropriate action would be to send the owners of 20 Canterbury Lane an Enforcement Letter requiring them to file an after-the-fact Notice of Intent application within 30 days. **Motion for P. Barry to draft an Enforcement Letter requiring the owners of 20 Canterbury Lane to file an after-the-fact Notice of Intent application for the installation of the sports within 30 days by P. Alpert, seconded by S. Farr, approved 7-0-0.**

HEARINGS

649 SOUTH STREET (DEP FILE #234-667) – continued NOTICE OF INTENT

L. Standley opened the public hearing at 7:45 p.m. L. Standley explained that members of the Commission had conducted a site visit at the property and found that the wetland delineation was not accurate and that the 50-foot buffer zone is forested. The Applicant's Representative, Brian Nelson, submitted a revised plan to the Commission and explained that they had revised the proposed plan to move the proposed sports court 17 feet further away from the wetlands and outside of the 50-foot buffer zone. Approximately 1,400 square feet of impervious surface is proposed within the buffer zone. In addition, they had their botanist go back to the site and re-evaluate the wetland delineation as shown on the revised plans. B. Nelson noted that they had submitted a reworked Waiver request as required by the Commission. Three invasive species removal areas are shown on the revised plans. The main target species is Japanese knotweed.

L. Standley stated that the revised plans accurately showed the wetland delineation. L. Standley noted that the proposed tree plantings within the 100-foot buffer zone were not native to this area and that the planting plan should include native species. B. Nelson noted that they would be submitting a revised Planting Plan that would include native species like red maple and sugar maple. The Applicant proposed seeding with a conservation seed mix instead of lawn in some areas and explained that the Japanese knotweed would be removed by hand. L. Standley noted that herbicide treatment may become necessary.

S. Soltzberg noted that invasive species oriental bittersweet was also identified on site. A 12-inch dbh white pine tree will need to be removed. L. Standley referenced the Commissions Guidelines for Tree Removal Projects.

L. Standley opened the hearing to public comment. An abutter, Barry Okun of 631 South Street, stated that his issues were the same as those Pamela Furey voiced at the previous hearing regarding the protection of wildlife habitat. L. Standley replied that the Applicant had moved the proposed sports court outside of the 50-foot no disturb buffer zone. L. Standley noted that the hearing would need to be continued as the revised plans were submitted at this hearing and requested that the revised Invasive Species Removal Plan and Planting Plan be submitted one week prior to the August 8, 2013 public hearing. **Motion to continue the public hearing (for review of the revised plans and waiver request and submittal of an Invasive Species Control Plan and Planting Plan) for 649 South Street (DEP File #234-667) to August 8, 2013 at 8:00 p.m. in the PSAB – Charles River Room by P. Alpert, seconded by S. Farr, approved 7-0-0.**

692-744 GREENDALE AVENUE (DEP FILE #234-673) – ABBREVIATED NOTICE OF RESOURCE AREA DELINEATION

L. Standley opened the public hearing at 8:07 p.m. L. Standley explained that no work is proposed under this Notice of Resource Area Delineation and that the purpose is to ask the Commission to determine whether any wetland resources located on or adjacent to the property are subject to protection under the Town of Needham Wetlands Protection Bylaw and/or the MA Wetlands Protection Act. John Rockwood of EcoTec, Inc., Glenn Dougherty of Tetra Tech and Attorney Deborah Horwitz represented the Applicant. J. Rockwood explained that a portion of the property is located within the 100-foot buffer zone to inland bank.

J. Rockwood characterized the site as mainly upland forest and successional thicket. The intermittent stream leaves a swamp on the opposite side of Route 128, travels through a 36-inch culvert under Route 128 and outfalls off-site. No vegetated wetlands were identified on the site. Two small depressions located near the center of the property were not large to be considered Isolated Land Subject to Flooding as identified in the submitted engineering calculations. L. Standley questioned why the ANRAD was filed under the Town's Bylaw as 40B projects are exempt. J. Rockwood and D. Horwitz explained that since this is a 40B project, they are still need to identify what waivers would be required under the exemption.

L. Standley stated that the Commission would like to conduct a site visit. L. Standley questioned why no "Bank" is associated with the cross culvert with two headwalls located to the east of the property. G. Dougherty mentioned that according to test pit data and soils maps, the bulk of the soils on the property would be considered Type A that allow for fast infiltration. P. Barry noted that since the intermittent stream is associated with bordering vegetated wetlands off-site, then the associated 100-foot buffer zone is jurisdictional under the Act and the Bylaw.

L. Standley opened the meeting to public comment. Selectman Moe Handel questioned how the proposed project will affect the existing public trail that passes through the site. L. Standley replied that the Greendale Avenue trail is a Parks and Recreation Commission trail but is located on private land as the previous home owner's allowed people to access the trail. Attorney Deborah Horwitz noted that the Applicant had initiated contact with the Needham Trails Advisory Group. An abutter who lives across Greendale Avenue was concerned how the proposed project might affect drainage as there is already an issue with water in homeowner's basements. L. Standley explained that the Commission is determining jurisdictional wetland resource areas and their buffer zone and noted that no work is proposed under this ANRAD. The Commission scheduled a July 31, 2013 site visit at 7:00 p.m. at the adjacent Worship Center. **Motion to continue the public hearing (for a site walk by the Commission) for 692-744**

Greendale Avenue (DEP File #234-673) to August 8, 2013 at 8:15 p.m. in the PSAB – Charles River Room by P. Alpert, seconded by S. Farr, approved 7-0-0.

391 DEDHAM AVENUE (DEP FILE #234-674) – NOTICE OF INTENT

L. Standley opened the public hearing at 8:30 p.m. John Rockwood represented the Applicant, John Bruno, who was also present. J. Rockwood submitted a supplemental Riverfront Area Analysis for the Commission's review. J. Rockwood explained that the perennial stream, Alder Brook, is located off-site to the southeast. The stream has associated bordering vegetated wetlands. A portion of the bordering vegetated wetlands (BVW) is located on-site. The 100-foot buffer to the BVW and a portion of the 200-foot Riverfront Area is located on the site. J. Rockwood explained that the existing site conditions consist of a single-family home with a detached garage. The proposed conditions include the removal of the detached garage, renovation of the existing single-family home, addition of second story and rear garage addition and bulkhead, removal of the existing gravel driveway and expansion and repaving of the existing paved driveway and construction of a patio. The additional impervious area created by the expansion of the existing driveway will be mitigated through the installation of 3 cultec units in the front.

J. Rockwood stated his opinion that most of the work would qualify as "Redevelopment" under the Riverfront area performance standards. The existing house is located 25-feet from the bordering vegetated wetland, and will not be located any closer to Alder Brook than existing conditions. The existing 2-car detached garage is located 8-feet from the BVW and is slated to be removed and planted with grass. The existing gravel driveway, which is 32-feet from the BVW, will be removed. Mitigation for the proposed project includes a 3,822 square foot mitigation area. Mitigation activities will include invasive species removal and plantings proposed in 1,308 square feet of this area. Stone bounds are proposed to be installed to demarcate the limit of the Mitigation Area. J. Rockwood explained that in order to construct the second story addition, grading and filling of the area is necessary to meet the Town's Zoning Bylaw requirements.

J. Rockwood noted that work proposed in the 25-foot no disturb portion of the buffer zone includes removal of the garage, grading and erosion controls. The Applicant is requesting 4 Waivers for the following (1) restoration work in the bordering vegetated wetlands; (2) restoration work in the 25-foot buffer zone; (3) work in the 50-foot buffer zone; and (4) waiver from paying the waiver filing fee. L. Standley stated that the new garage, grading and proposed lawn would not qualify as "Redevelopment" under the Riverfront Area regulations. J. Rockwood stated that the new driveway expansion would include a grass paver back-up area. L. Standley asked if the Applicant was proposing to sod or seed. J. Bruno replied that they planned on seeding to restore the area. **Motion to continue the public hearing (for review of additional information) for 391 Dedham Avenue (DEP File #234-674) to August 8, 2013 at 8:30 p.m. in the PSAB – Charles River Room by P. Alpert, seconded by S. Farr, approved 7-0-0.**

32 CANTERBURY LANE (DEP FILE #234-671) – continued NOTICE OF INTENT

L. Standley opened the public hearing at 8:45 p.m. Scott Goddard represented the homeowners Betsy and Kevin O' Brien, who were in attendance. The hearing had been continued to allow for proper abutter notification. S. Goddard explained the purpose of the filing is an attempt to remedy flooding issues in the O'Brien's backyard. He explained that existing site conditions include 3 catch basins installed on the property. One of the basins was installed within the Bordering Vegetated Wetlands to prevent flooding, however it frequently becomes clogged with debris and water overflows onto the lawn. A second catch basin was installed within the yard to help prevent the basement from flooding, and a third was installed in the yard to aid in draining the flooded yard. The basins are not currently working as intended and the flooding continues.

S. Goddard stated that the proposed project includes removing the catch basin located in the BVW and construct a headwall outside of the wetland. The Applicant proposes to leave the pipes connecting the catch basins to each other and ultimately the street drain in place. S. Goddard noted that there is an intermittent stream channel located within the BVW that drains approximately 10 acres. The existing drain pipe size is 8-inches. S. Goddard explained that the plan may need to be revised if their Engineer determines the 8-inch pipe cannot handle the water volume. He also noted that the Applicant may amend the plan to include the removal of an existing deck and addition of a patio. The proposed work would be done in the Fall during low flow periods and minor grading would be required. The Applicant is requesting a waiver for work in the 25-foot buffer no disturb portion of the buffer zone, as well as requesting a Waiver from paying the Waiver filing fee.

L. Standley stated that the Commission needs a better understanding of the proposed work. She questioned why they don't leave the catch basin in place and fill it with sand rather than bringing heavy equipment into the wetland and excavating. L. Standley asked what the dimensions of the proposed sump and headwall would be. S. Goddard replied that it was 4-feet across and 3-feet deep. The edge of the sump from the wetland is approximately 4 feet. L. Standley questioned why this setup would not drain the wetland. S. Goddard replied that it will remove water from the wetland but, in his opinion, would not drain the wetland because the wetland is on a slope. He explained that engineering calculations show what the existing catch basin can currently handle and they may consider increasing the pipe diameter. J. Bernardo did not think that increasing the pipe diameter would be approved. The Commission is concerned that the project would alter the hydrology of the wetland..

P. Barry noted that the existing wetland has changed. At her site visit she found hydric soils in the lawn area and other indications that the wetland had expanded. The Commission requested that S. Goddard present proof that the project would not damage the wetland. J. Carter Bernardo that calculations should be submitted to support the assertion that the project would not adversely impact the wetland resource area. A. Crocker questioned why they couldn't come up with a solution to stop the catch basin from clogging up. L. Standley stated that the Applicant needs to submit a Waiver Request that includes an alternatives analysis. The Commission will schedule a site visit. **Motion to continue the public hearing (for submittal of additional information and a site visit) for 32 Canterbury Lane (DEP File #234-671) to August 22, 2013 at 7:45 p.m. in the PSAB – Charles River Room by P. Alpert, seconded by S. Farr, approved 7-0-0.**

59 PERSHING ROAD (DEP FILE #234-666) – continued NOTICE OF INTENT

L. Standley opened the public hearing at 9:05 p.m. K. Skinner Catrone and Edmond Spruhan represented the Applicant. The hearing had been continued for the submittal of revisions to the plans including: existing footprint, proposed grading and erosion control clarifications. P. Barry had previously requested that K. Skinner Catrone move the location of wetland flag #6 approximately 10feet to include an area of hydric soils and hydrophytic vegetation and connect flag #6 to flag #8. K. Skinner Catrone made the change in the field and E. Spruhan made the changes on the plan. Several corrections to the Notice of Intent submittal forms were requested and the Commission was provided with revised forms. In addition, K. Skinner Catrone provided the Commission with a detailed Construction Sequence Plan. L. Standley stated that all of the discrepancies had been clarified. **Motion to close the public hearing for 59 Pershing Road (DEP File #234-666) by P. Alpert, seconded by S. Farr, approved 7-0-0.** The hearing was closed at 9:08 p.m. The Commission reviewed the draft Order. **Motion to issue an Order of Conditions, as amended, for the demolition of an existing single-family dwelling, in-ground pool, fence and shed and the construction of a new single-family dwelling with associated site work at 59 Pershing Road (DEP File #234-666) by P. Alpert, seconded by S. Farr, approved 7-0-0.**

415 WARREN STREET – LOT 2A (DEP FILE #234-670) – continued NOTICE OF INTENT

415 WARREN STREET – LOT 2B (DEP FILE #234-669) – continued NOTICE OF INTENT

L. Standley opened the public hearings at 9:10 p.m. Scott Goddard represented the Applicants, Robert and Barbara Boyd and asked the Conservation Commission if both DEP File#234-669 and 234-670 could be opened and discussed simultaneously. S. Goddard explained that the proposed project consists of creating 2 ANR parcels from the existing parcel which has not been initiated with the Planning Department. L. Standley noted that two Order of Conditions (OOC) will be issued for the same property as the lots have not been legally subdivided yet. S. Goddard replied that he was hopeful the lot would be legally subdivided prior to the issuance of the OOC.

S. Goddard described the proposed project noting that the existing single-family house and driveway will be razed and 2 single-family homes constructed further from the groundwater fed bordering vegetated wetlands. He also stated that existing infrastructure is limited and there is little lawn associated with the existing home. He explained that lawn currently within the 25-foot no disturb portion of the buffer zone would be allowed to re-vegetate naturally. L. Standley noted that it was difficult to tell from the plan if any work is proposed within a 50-foot portion of the buffer zone on proposed Lot 2A. S. Goddard replied that the buffer zone on Lot 2A is forested and that tree removal would be necessary, although the number of trees has not been determined. L. Standley reminded S. Goddard of the Commission's Guidelines for Tree Removal Projects.

J. Carter Bernardo questioned whether any stormwater infiltration was proposed for the project. S. Goddard replied that none is proposed at this time. L. Standley reminded S. Goddard that it is required under the Bylaw. L. Standley pointed out that a Waiver request for work in the 50-foot buffer zone had not been submitted but is required. S. Farr recommended that permanent markers be proposed 25-feet from the edge of bordering vegetated wetland to demarcate the area of no disturbance. S. Goddard explained that no landscaping other than lawn is proposed at this time. The proposed driveways are located outside the 100-foot buffer and no grading is proposed at this time. He stated that the current proposed plan is very "generic". L. Standley noted that the lot is quite steep and felt that grading would be necessary. The Commission requires the submittal of revised plans including stormwater mitigation and any proposed grading.

L. Standley opened the hearing to public comment. An abutter, Todd Bello, of 124 Gayland Street addressed the Commission with his concerns regarding the proposed project and flooding issues on his property. He explained that there were flooding issues until the Town installed a catch basin. He noted that an outfall pipe was located on the 415 Warren Street property and expressed concern about the steep grade of the lot and lack of elevations on the plan submitted. L. Standley stated that the Commission requires grading to be shown on the plan. T. Bello questioned whether the Town does an independent review of plans as they relate to possible flooding problems. L. Standley replied that as long as the plan is stamped by a Registered Land Surveyor or Engineer, the Commission generally does not require an independent review. **Motion to continue the public hearing (for revised plans including proposed stormwater mitigation and grading and appropriate waiver requests) for 415 Warren Street, Lots 2A & 2B (DEP File #'s 234-670 and 234-669) to August 8, 2013 at 8:45 p.m. in the PSAB – Charles River Room by P. Alpert, seconded by S. Farr, approved 7-0-0.**

121 CHARLES RIVER STREET (DEP FILE #234-672) – NOTICE OF INTENT

L. Standley opened the public hearing at 9:30 p.m. Rich Kirby of LEC Environmental Consultants, Inc. represented the Applicant, Rob Ticktin, who was also in attendance. R. Kirby explained that the proposed project consists of the razing and re-building of a single-family home. The proposed project is located in the 200-foot Riverfront Area of an unnamed perennial stream and the 100-foot buffer zone to bordering vegetated wetland. He explained that the perennial stream is separated from the work area by another house and by Mosely Ave. R. Kirby noted that no change in grading would be required for the proposed

project. R. Kirby explained that the two old sheds located near the wetland would be removed and the exposed soil stabilized. The proposed house will be located 10 feet further from the wetlands than existing conditions. R. Kirby noted that a previous project at the site involved the installation of a pervious paver patio.

The proposed project is being filed under “Redevelopment within Previously Developed Riverfront Areas”. A 650-square foot restoration planting area is proposed as mitigation. R. Kirby stated that a planting plan for the buffer zone restoration area will be submitted at the next Conservation Commission meeting. In addition, the Applicant proposes to remove accumulated rubble and debris from the slope. The Commission requested the submittal of a revised plan showing the 2 proposed drywell locations and the location, species and size of all trees proposed for removal. R. Kirby noted that a 36-inch white pine and a 40-inch European beech will be replaced with 4 red maple trees in accordance with the Commission’s Guidelines for Tree Removal Projects. R. Kirby submitted a revised page 3 of 8 of the WPA form, a waiver request and a request to waive the waiver fee to the Commission.

J. Carter Bernardo asked R. Kirby about the depth to groundwater on the site. R. Kirby replied that he believes based on site reconnaissance that the groundwater level is consistent with the wetland level which would make it less likely than the required 2-foot separation between the drywell and groundwater would be met. J. Carter Bernardo suggested the Applicant use a shallower infiltration system design and agreed that the system could be modified, if necessary, during installation. J. Carter Bernardo asked if drywell calculations had been submitted. She acknowledged that they were not required under the town’s bylaw but were relatively simple to calculate. R. Kirby noted that the size of the proposed restoration area and number of proposed plantings were increased. L. Standley stated that the Commission would require time to go over the new material submitted.

L. Standley opened the hearing to public comment. Barbara Cataldo of 24 Moseley Avenue explained that she was not against the project but is concerned about the effects of the project on her property. She stated that she has to run a sump pump in her basement year round already due to flooding issues and wondered if proposed grading would pitch runoff onto her property. L. Standley replied that the plans submitted do not propose any grading changes. L. Standley explained that drywells were proposed to mitigate for the increased impervious surface. J. Carter Bernardo added that the proposed project should not make the groundwater problems worse. A. Crocker questioned whether the proposed full basement would displace groundwater. L. Standley and J. Carter Bernardo explained that in most cases basements do not displace groundwater. P. Barry stated that she had examined the wetland delineation and found it accurate. **Motion to continue the public hearing (for review of submitted information and additional information including drainage calculations) for 121 Charles River Street (DEP File #234-672) to August 8, 2013 at 9:00 p.m. in the PSAB – Charles River Room by P. Alpert, seconded by S. Farr, approved 7-0-0.**

OTHER BUSINESS

RIDGE HILL RESERVATION SWAMP TRAIL BOARDWALK REPLACEMENT PROJECT – UPDATE

P. Barry explained that she needs to submit an application to the Community Preservation Committee for funding of the construction of the Swamp Trail Boardwalk and Charles River Trail Bridge Replacement Projects. She noted that the cost estimate is due from the consultants by July 26, 2013. She will forward the estimate to the Commission. S. Farr noted that a contingency percentage should be added into the anticipated construction costs.

Motion to adjourn by P. Alpert, seconded by S. Farr, approved 7-0-0. The meeting adjourned at 10:05 p.m.

NEXT PUBLIC HEARING

August 8, 2013 at 7:30 p.m. in the Public Services Administration Building, Charles River Room