

**TOWN OF NEEDHAM
CONSERVATION COMMISSION
MEETING MINUTES
Thursday, AUGUST 14, 2014**

LOCATION: Public Services Administration Building, Charles River Room

ATTENDING: Paul Alpert (Chair), Artie Crocker, Stephen Farr, Peter Oehlkers, Matt Varrell (Conservation Director), Debbie Anderson (Conservation Specialist)

GUESTS: Karon Skinner Catrone, Daniel Deng, Brian Nelson, Syed Rehan Rizvi, John Rockwood, Gordon Russell, Paul Smith, Kalkunte Srinivasa

P. Alpert opened the public meeting at 7:40pm.

MINUTES:

Motion to approve the Minutes of June 26, 2014 (as amended) by A. Crocker, seconded by S. Farr, approved 4-0-0.

ENFORCEMENT & VIOLATION UPDATES:

120 CHARLES RIVER STREET

M. Varrell reported that he had conducted a site visit and found that the homeowner had completed the removal of the landscaping debris and various stored materials on town-owned property adjacent to Walker Pond within the 25-foot Buffer Zone. M. Varrell stated that he did not believe any further enforcement action was necessary.

62 BROOKSIDE ROAD

Dr. Rockwood of EcoTec updated the Commission on the progress of the Notice of Intent filing. The owner, Gordon Russell was also present. Dr. Rockwood explained that they had difficulty retaining a surveyor to survey the property. Once Field Resources, Inc. was retained for the survey, there was a delay due to difficulty determining the property line location. Once the line was determined it was discovered that some of the tree removal work had occurred on Town of Wellesley property. The owner has attempted to contact the head of the Natural Resources Division in Wellesley, Janet Bowser, to notify them of the violation. He noted that it would be up to the Town of Wellesley whether to deal with the tree removal in Wellesley through an Enforcement Order or a Notice of Intent filing.

Dr. Rockwood stated that since they have now obtained the Existing Conditions Plan from the surveyor, they will be able to submit the Notice of Intent filing by the deadline to be heard at the September 11, 2014 meeting. Dr. Rockwood explained that as shown on the Plan, the owner has removed 28 trees in the Town of Needham and 8 trees in the Town of Wellesley and will propose in the Notice of Intent Application to remove additional trees including, smaller caliper fruit trees and replace them with more ecologically important species. Dr. Rockwood explained that he has a conflict of interest with the Town of Wellesley. Therefore, another representative of EcoTec will be assigned to facilitate rectifying the violation in Wellesley for the applicant. He stated that the Applicant would like to implement a comprehensive land use plan, which will be part of the filing, in order to avoid having additional enforcement activity in the future. M. Varrell noted that he had received an email from Field Resources, Inc. consistent with Dr. Rockwood's statements regarding the delays to date.

The homeowner, Gordon Russell explained that they have been working diligently on-site to move the project forward. He noted that in the past, the property lines had never really been followed and the property has an interesting history.

125 CHARLES RIVER STREET

M. Varrell explained that the Commission had recently issued a Negative Determination of Applicability (NDA) for a second-story addition to the existing house. He stated that the work that was done was the demolition of the existing house down to the foundation, which was not approved in the NDA. A stop work order had been issued once the violation was discovered. The homeowner, Syed Rehan Rizvi, explained that during the construction, they determined much of the structural components were rotted and could not be reused. He stated that they did not realize they had to come back before Conservation to amend the permit to remove the first floor components. He added that the erosion control measures, as required.

M. Varrell explained that the erosion control barrier had never been installed. He contacted the Building Department, who in turn, issued a stop work order. M. Varrell spoke with P. Alpert and discussed the project. Once the erosion controls were in and inspected by M. Varrell, they were allowed to continue their work and were asked to come to the meeting. Additional plans have been submitted to the Commission showing stockpiling areas, dumpster locations etc. The Commission does not require a Notice of Intent submittal. A. Crocker noted that no erosion controls had been installed at all, even though they were required as part of the NDA. The Commission discussed fining the owner for working without erosion controls.

Motion to issue an Enforcement Fine of \$300.00 for not following the Negative Determination of Applicability requirements to install erosion controls by A. Crocker, seconded by S. Farr, approved 4-0-0.

HEARINGS:

0 MAP HILL ROAD/0 FOREST STREET (DEP FILE #234-717) – *continued* NOTICE OF INTENT

P. Alpert opened the public hearing at 7:45 p.m. M. Varrell stated that the Applicant had requested a continuance to the August 28, 2014 Conservation Commission Meeting.

Motion to continue the public hearing to August 28, 2014 at 8:15 p.m., as requested by the Applicant, for 0 Map Hill Road/0 Forest Street (DEP File #234-717), by Artie Crocker, seconded by S. Farr, approved 4-0-0.

23 GLOVER ROAD (DEP FILE #234-719) – NOTICE OF INTENT

P. Alpert opened the public hearing at 8:00 p.m.

Applicant: Laura Roos

Project: Proposed construction of an addition to the existing house and conversion of an existing turf lawn area to a buffer zone restoration planting area within the 100-foot Buffer Zone to Bordering Vegetated Wetlands and the 200-foot Riverfront Area to Rosemary Brook.

Present for the Applicant: Brian Nelson of MetroWest Engineering, Inc.

Supporting Documents include:

- ❑ WPA Form 3 – Notice of Intent and supporting documents received July 23, 2014
- ❑ Needham Wetlands Protection Bylaw Application for Permit received July 23, 2014
- ❑ Plan entitled: “Proposed Site Plan #23 Glover Road in Needham, Mass.”, prepared by Metrowest Engineering, Inc., stamped and signed by Robert Gemma P.E. No. 31967, dated 7/8/14.
- ❑ “Analysis of Riverfront Area Performance Standards 23 Glover Road, Needham, MA”, prepared by Metrowest Engineering, Inc. (received 8/14/14)

B. Nelson noted the resources on-site include: Bordering Vegetated Wetlands and Riverfront Area (to Rosemary Brook). The majority of the property is located within the inner riparian zone. The lawn area is delineated by a 4-foot fence around the perimeter. Commission had received additional information on the project earlier in the day. The proposed project is the construction of an addition to the rear of the property consisting of an 11' x 19' addition to the master bedroom. In addition, the Applicant proposes to remove the existing deck and install a second story deck between the new addition and existing 3-season room.

A total of 182 sq. ft. of additional impervious area is proposed for this project. Proposed is the removal of a 4-foot wide strip of lawn along the northerly edge of the fence and installation of a Conservation Seed Mix and plant Highbush Blueberries for mitigation. No trees are proposed for removal.

Comments from the Commission:

P. Alpert pointed out that a portion of the proposed addition appears to be located in the town's floodplain district and asked if a special permit is necessary from the Zoning Board of Appeals. B. Nelson replied that they do believe a special permit will be necessary. They had met with ZBA and the ZBA suggested the Applicant go before the Conservation Commission first. P. Alpert explained that the Commission's policy is to at least have all the applications filed with other boards that may require a permit prior to issuing a permit themselves. P. Alpert stated that the Commission did not agree with the Applicant's interpretation of regulations presuming the addition to be a minor exempt activity precluding the Applicant from providing Performance Standard and Alternatives Analysis. The Applicant provided the Commission with a Performance Standard and Alternatives Analysis.

Comments from the public:

None

Motion to continue the public hearing to August 28, 2014 at 7:45 p.m., for review of information provided at the meeting and comments from ZBA, for 23 Glover Road (DEP File #234-719), by Artie Crocker, seconded by S. Farr, approved 4-0-0.

67 PINE STREET (DEP FILE #234-720) – NOTICE OF INTENT

P. Alpert opened the public hearing at 8:15 p.m.

Applicant: Lawrence Udell

Project: Proposed construction of an addition to the existing house approximately 75-feet from Bordering Vegetated Wetlands.

Present for the Applicant: Kalkunte Srinivasa, Kalkunte Engineering Corp., Karon Skinner Catrone

Supporting Documents include:

- ❑ WPA Form 3 – Notice of Intent and supporting documents received July 31, 2014
- ❑ Needham Wetlands Protection Bylaw Application for Permit received July 31, 2014
- ❑ Plan entitled: "Site Plan 67 Pine Street Needham, MA 02492", prepared by Kalkunte Engineering Corporation, stamped and signed by K.N. Srinivasa, P.E. No. 29426, dated 7/25/14.
- ❑ **Plan entitled: "Site Plan 67 Pine Street Needham, MA 02492", prepared by Kalkunte Engineering Corporation, stamped and signed by K.N. Srinivasa, P.E. No. 29426, dated 7/25/14 (revised 8/18/14).**

Mr. Srinivasa explained the proposed project consists of a master bedroom addition 16' x 21' with a basement beneath. He noted that the wetland was delineated by Karon Skinner Catrone, who is also present. Karon Skinner Catrone described the wetland location. She noted that a drywell is proposed to infiltrate the additional impervious surface and stated that an existing deck not shown on the plan is

proposed to be removed. P. Alpert stated that the deck needs to be shown on the Plan of record. A total of 7 trees are proposed for removal but only the small apple tree near the garage is located in the Commission's jurisdiction. P. Alpert noted the tree needs to be shown on the Plan of record and two native trees will need to be installed within the 100-foot buffer zone to replace the tree. M. Varrell confirmed that an Application had been filed with the Health Department.

Comments from the Commission:

P. Oehlkers noted that the stockpile area should be shown on the revised plan. P. Alpert requested that the stockpiling take place outside of the 100-foot buffer zone as it appears there is adequate space. S. Farr confirmed the proposed drywell appeared to be sufficiently separated from the groundwater. Mr. Srinivasa noted that a test pit had been excavated and the soils were adequate for the drywell to function properly.

Comments from the public:

None

Motion to continue the public hearing to August 28, 2014 at 8:15 p.m., for a revised plan, for 67 Pine Street (DEP File #234-720), by Artie Crocker, seconded by S. Farr, approved 4-0-0.

OTHER BUSINESS:

MASSDOT ROUTE 128 – ADD-A-LANE PROJECT (DEP FILE #234-553) – MINOR MODIFICATION REQUEST

Applicant: Mass. Dept. of Transportation (MassDOT)

Project: The proposed Bridge IV project (covering work in Needham, Dedham and Westwood) is part of the Route 128 expansion project involving the widening of the highway between Route 9 in Wellesley and Route 24 in Stoughton. D. Deng described the previously approved project within Needham.

Proposed Modifications:

1. Route 128 NB at Sta 158+71 Rt: The original design for a new DMH calls for attaching to the existing outlet pipe and headwall. Field investigation determined that the existing 250 mm corrugated metal pipe (CMP) is rusted and the headwall is mostly buried and in poor condition. The minor modification proposed is to remove the existing CMP and headwall and replace them with a 300 mm RCP and a new headwall with stone for pipe ends.
2. Route 128 NB at Sta 163+30 Rt: The original design for a new DMH calls for attaching to the existing outlet pipe and headwall. Field investigation determined that the existing 250 mm corrugated metal pipe (CMP) is rusted and the headwall is mostly buried and in poor condition. In addition, there is a tree located right next to the existing headwall such that removing the existing headwall may damage the tree. The minor modification proposed is to leave the existing CMP and headwall in place and plug and replace it with a 300 mm RCP. A new headwall with stone for pipe ends will be constructed adjacent to the existing headwall.

Present for the Applicant: Paul Smith and Daniel Deng, Louis Berger

Comments from the Commission:

S. Farr asked for confirmation that no additional impacts to the resource areas would take place due to the plan modification. M. Varrell confirmed. P. Alpert asked if M. Varrell felt the proposed erosion controls are adequate. M. Varrell responded they were.

Motion to approve the minor modifications to the plans for MassDOT Route 128 – Add-A-Lane Project (DEP File #234-553) by A. Crocker, seconded by S. Farr, approved 4-0-0.

BYLAW FEE WAIVER DISCUSSION

P. Alpert stated that M. Varrell had pointed out that when the Commission voted to amend the Bylaw two amendments ago, the Commission had voted to modify the fee schedule. At the end of June, the Bylaw was once again amended. Inadvertently, when the revised Bylaw was approved, it included a previous version of the fees, which was subsequently published on the website and used on several projects. P. Alpert determined that the Commission needs to formally vote again to adopt the correct fee schedule. M. Varrell added that he had an additional topic related to the fee schedule that he wants to discuss with the Commission. M. Varrell was directed to publish a legal advertisement to discuss amendments to the regulations to be included on the August 28, 2014 agenda.

WALKER-GORDON FIELD

M. Varrell stated to the Commission that several weeks prior, a microburst had affected the area and several trees came down and were blown toward the baseball diamond. Several crowns of the trees are in an area that needs to be mowed. M. Varrell said that Edward Olsen, Superintendent of the Parks & Forestry Division asked how the Commission would like to handle the downed trees. M. Varrell suggested they leave most of the blow-downs in place for wildlife habitat and prune back the portions interfering with mowing. The Commission approved of M. Varrell's suggestion.

SOLAR PANEL DISCUSSION

M. Varrell explained that he had received a phone call from a homeowner regarding solar panels. They had been told by the solar contractor that they did not have a "good house" for solar panels because of all the trees surrounding the house. She asked M. Varrell what the process would be to either remove or prune the trees back to increase the sunlight hitting the panels. The house is located within buffer zone. M. Varrell explained that he wanted to get an idea of the Commission's thoughts on the subject and added that normally a permit is not required to prune trees in the Buffer Zone.

S. Farr suggested the homeowner could get a letter from an arborist stating that the amount of proposed pruning would not harm the tree. M. Varrell gave another scenario where trees are located in the Bordering Vegetated Wetland up close to a single-story house and the homeowner wants to remove several entire trees to put in solar. The Commission concurred that in that case, a Notice of Intent filing would be required. P. Alpert noted if they are taking down healthy trees, they would need to come before the Commission with at least an RDA. M. Varrell thinks the first step would be the homeowner coming in to speak with the staff and staff conducting a site visit and allowing for vista pruning. Substantial pruning would require an arborist's input.

RIDGE HILL WALKS – FALL

M. Varrell reminded the Commission that Patty Carey, Director of the Parks & Recreation Department, is putting together a brochure regarding walks in the fall and had asked if the Commission would like to advertise their walks in the brochure.

M. Varrell asked if the Commission was planning on continuing the Commission walks at Ridge Hill into the fall. P. Alpert suggested tabling the discussion until J. Carter Bernardo and S. Soltzberg were present. M. Varrell will check with P. Carey to see when the brochure will be going out.

DEPARTMENT OF AGRICULTURE – KUDZU UPDATE

M. Varrell stated that he had been contacted by the Dept. of Agriculture regarding two locations of Kudzu in Needham, one near Hemlock Gorge, which has been treated and is mostly eradicated. M. Varrell met with Edward Olsen of Parks & Forestry and a member of the Dept. of Agriculture on Wachusett Street where there is a large infestation, not located in Commission jurisdiction. Permission from homeowners has been obtained to begin treating the area, which may continue for several years. M. Varrell added that

he and E. Olsen would like to develop a program to educate the public about Kudzu identification and the importance to contact the State or the Town if they observe the plant.

P. Oehlkers stated that he had identified another invasive species, black swallow wort, at Ridge Hill and noted how difficult it is to eradicate. M. Varrell stated that he had identified it at Ridge Hill and it should be addressed in the management of Ridge Hill.

CONSERVATION LAND SUBCOMMITTEE DISCUSSION

P. Alpert mentioned that prior to the previous Conservation Chair, Lisa Standley, leaving, they had talked about forming a Conservation Land Subcommittee. He stated that the first meeting after Labor Day, he would like to form the Committee. People from the community may be interested to join the subcommittee, as well as Lisa Standley.

Motion to adjourn the meeting by P. Oehlkers, seconded by S. Farr, approved 4-0-0.

The meeting was adjourned at 9:20pm.

NEXT PUBLIC HEARING

Thursday, August 28, 2014 at 7:30 PM in the Public Services Administration Building, Charles River Room.