

**TOWN OF NEEDHAM
CONSERVATION COMMISSION
MEETING MINUTES
Thursday, March 9, 2017**

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

ATTENDING: Sue Barber, Janet Carter Bernardo, Peter Oehlkers, Alison Richardson, Matthew Varrell (Director of Conservation), Debbie Anderson (Conservation Specialist)

GUESTS: Austin Curran, Christina Sym, Diane Simonelli, Riley Lund, George & Joyce McSweeney, Greg Zais, Dan Wells, Wes Worth, Tracy Hoffman

J. Carter Bernardo opened the public meeting at 7:34 p.m.

MISCELLANEOUS BUSINESS:

MEETING MINUTES:

Motion to approve the Meeting Minutes, as amended, of February 23, 2017 by P. Oehlkers, seconded by A. Richardson, approved 4-0-0.

ENFORCEMENT & VIOLATION UPDATES:

None.

HEARINGS

1375 GREAT PLAIN AVENUE – REQUEST FOR DETERMINATION OF APPLICABILITY

J. Carter Bernardo opened the public meeting at 7:45 p.m. Austin Curran (applicant) presented an after-the-fact Request for the relocation of an existing 8 x 10 prefabricated shed. The Building Department is requiring relocation of the shed to be twenty (20) feet from Abbott Street. The relocation work will not require any additional grading activities. Buffer Zone restoration work was previously approved as part of an Enforcement Order. The Commission requested that the Determination will include a Special Condition to require the Buffer Zone restoration planting work (to be completed by June 15, 2017).

Motion to close the public hearing for 1375 Great Plain Avenue by P. Oelkers, seconded by S. Barber, approved 4-0-0.

Motion to issue a Negative Determination of Applicability with a Special Condition for 1375 Great Plain Avenue by P. Oehlkers, seconded by S. Barber, approved 4-0-0.

66 CANAVAN CIRCLE – REQUEST FOR DETERMINATION OF APPLICABILITY

J. Carter Bernardo opened the public meeting at 7:50 p.m. and advised that hearing will have to start over if any interested parties arrive at the posted time at 8:00 p.m.

Christina Sym represented on behalf of the Applicant. The project consists of updates to landscaping and hardscapes on the property. C. Sym described all proposed work in detail, including expansion of an existing deck. No work is proposed within the 25-foot Buffer Zone.

J. Carter-Bernardo requested that the Applicant consider installing a drywell to infiltrate roof runoff from the existing downspouts. C. Sym stated a drywell could be installed to receive existing flows. J. Carter-Bernardo stated the drywell does not need to be elaborate but is preferred over replacing the three gutter discharge pipes that currently exist adjacent to the wetland. C. Sym described the proposed landscape plantings, most of which are native species. J. Carter-Bernardo stated no equipment may be used within the 25-foot Buffer Zone and the Applicant shall submit a letter for the file describing if the drywells have been installed, as desired. C. Sym stated that all phases of the work will be completed by hand. As no machinery will be used, no erosion controls are necessary. If the construction technique changes and mechanized equipment is necessary, erosion controls will be required (to be placed at the edge of the existing lawn). A. Richardson expressed concern that some of the proposed plantings may be subject to deer browse. C. Sym clarified that the Applicant is Bruce and Anne Tribush. J. Carter-Bernardo stated the Determination will include a special condition for the required infiltration of roof runoff with a follow-up letter to the Commission.

No members of the public arrived for the hearing.

Motion to close the public hearing for 66 Canavan Circle by P. Oehlkers, seconded by S. Barber, approved 4-0-0.

Motion to issue a Negative Determination of Applicability with a Special Condition for 66 Canavan Circle by P. Oehlkers, seconded by S. Barber, approved 4-0-0.

50 SUNSET ROAD – NOTICE OF INTENT (DEP FILE #234-779)

J. Carter Bernardo opened the public hearing at 8:15 p.m. Riley Lund of Goddard Consulting presented on behalf of the Applicant. R. Lund described the existing conditions and proposed project. The project includes two additions within previously disturbed areas of the property. An erosion control barrier is proposed. No work is proposed within the 50-foot Buffer Zone or Bordering Land Subject to Flooding (BLSF). The plan does not show any existing or proposed contours, the 25-foot Buffer Zone, or the limit of BLSF. J. Carter Bernardo discussed the desire to infiltrate the entire roof, per guidance from the Town Engineer. An infiltration design with supporting calculations needs to be provided with plan revisions (as listed above). If they cannot infiltrate the first inch of runoff over the entire roof, adequate reasoning needs to be provided. No trees are proposed to be removed as part of the project.

There was no comment from the public.

Motion to continue the public meeting for 50 Sunset Road (DEP File #234-779) for additional information, to March 23, 2017 at 8:00 p.m. by P. Oehlkers, seconded by S. Barber, approved 4-0-0.

138 COUNTRY WAY – NOTICE OF INTENT (DEP FILE #234-780)

J. Carter Bernardo opened the public hearing at 8:25 p.m. D. Simonelli presented on behalf of the Applicant. Several members of the public were in attendance. D. Simonelli described existing conditions and the proposed project. The project includes demolition of the existing home and new home construction. The wetland extends into the existing maintained lawn. Existing wooden bridges within the wetland and a shed are proposed to remain. The project will result in a net 828 square foot reduction of impervious area within the 100-foot Buffer Zone.

One tree is proposed to be removed within the 100-foot Buffer Zone; several other trees will be pruned. The applicant is proposing several plantings within wetlands to mitigate for the lost tree. D. Simonelli stated she was submitting a revised plan showing the proposed plantings but no plan was submitted to staff during the meeting. Several stones are proposed to be relocated to be used for resource area markers with Conservation Commission emblems. D. Simonelli stated that a Waiver Request and a Request for a Waiver of the fee was submitted. Erosion controls are proposed as part of the project. D. Simonelli stated that the Applicant wishes to continue to use the lawn within wetland. J. Carter-Bernardo stated that they will not allow the continued use of lawn and it can no longer be mowed. D. Simonelli expressed a concern of ticks in areas of overgrown lawn. Commission members stated that the presence of ticks will occur regardless. D. Simonelli argued that the resource area within the lawn is not of value. A. Richardson responded that it is of lower value because it is being mowed. D. Simonelli stated that the plan will be revised to show infiltration of runoff from the entire roof. The proposed patio will include pervious pavers. J. Carter-Bernardo commented that the patio detail submitted is not the typical provided by the surveyor and needs revision with greater detail. J. Carter-Bernardo stated one of the infiltration chambers is proposed within the town's drainage easement and needs to be moved. D. Simonelli agreed. A. Richardson expressed concerns on steepness in some areas of grading. A discussion ensued, and D. Simonelli stated they will revise the grading to reduce steepness. J. Carter-Bernardo stated that the Commission cannot approve a plan that discharges runoff to abutting properties, and the current design is discharging to the abutting properties. The plan needs to be revised to keep drainage on the property.

Gregory McSweeney (abutter) requested clarification of the plans and design issues from D. Simonelli. G. McSweeney expressed concern over walls on properties in the neighborhood that appear out of character and asked if any walls were proposed on this property. Simonelli stated none are proposed. A copy of the plan was provided by the Applicant to G. McSweeney. G. McSweeney said the stream shown on plan is not accurate. G. McSweeney stated that the previous owner made modifications to the land and changed flow, resulting in increased "swamping" on his property. A discussion was held on how water flows through the area and past disturbances of the land. Surface water is backing up onto his property and conditions are worsening. G. McSweeney showed photos on his phone to J. Carter-Bernardo, depicting the problem areas.

Greg Zais (abutter) expressed concerns over mounding of the properties abutting his and runoff entering his property. He is concerned over the proposed height of the house. G. Zais inquired if it is the Commission's jurisdiction to mandate the erosion control measures for all projects and inspect to ensure proper installation. J. Carter-Bernardo described the staff's responsibilities for inspections, and that properties outside of the Commission's jurisdiction are under the purview of the Building Department. G. Zais expressed concerns over topsoil eroding and running into roadway catch basins, and eventually to wetlands.

J. Carter-Bernardo described that the Applicant will be required to design swales to keep runoff on their property. Infiltration of the rooftop runoff will improve drainage conditions on the site. D. Simonelli described reduction in impervious area, and addition of swales will keep drainage issues from getting worse. D. Simonelli stated that any proposed swales need to be designed to protect existing vegetation.

J. Carter-Bernardo stated a site visit is warranted to understand drainage issues that are concerning the neighbors that could possibly be addressed as part of this application. The

Commission scheduled a site walk for Saturday, March 11, 2017 at 9:00 a.m. G. McSweeney gave permission to inspect his property at 150 Country Way.

Motion to continue the public meeting for 138 Country Way (DEP File #234-780), for additional information, to March 23, 2017 at 8:15 p.m. by P. Oehlkers, seconded by S. Barber, approved 4-0-0.

470 DEDHAM AVENUE – NOTICE OF INTENT (DEP FILE #234-778)

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

The applicant has requested a continuance of the public hearing to the March 23rd meeting.

Motion to continue the public meeting for 470 Dedham Avenue (DEP File #234-778), at the request of the Applicant, to March 23, 2017 at 7:45 p.m. by P. Oehlkers, seconded by S. Barber, approved 4-0-0.

25 MARR ROAD – continued NOTICE OF INTENT (DEP FILE #234-769)

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

The applicants, Dan and Tracy Hoffman, and their representatives, Dan Wells of Goddard Consulting, LLC, and Landscape Designer, Wes Worth, were present. JCB read a comment letter submitted by an abutter (Mara Lustig). M. Lustig stated strong concerns over the number of trees proposed to be removed.

D. Wells and W. Worth described changes to plans that were submitted. As requested, the 18-inch oak tree located in the proposed restoration area is shown to be preserved, and fifteen (15) trees total are now proposed for removal. Granite markers are shown on the plan to permanently demarcate the no disturbance zone. The plan notes restrictions on use of pesticides and fertilizers within the resource areas. The plans include notes regarding the installation of coarse woody debris within enhancement planting areas. The plans include a note pertaining to restrictions of discharge of pool water toward wetlands. The Commission and the Applicant discussed how to enforce pool water discharge restrictions. As suggested by W. Worth, the Commission agreed that signage near the pool equipment would be beneficial to remind maintenance personnel about restrictions on discharges. A special condition will be included in the Order of Conditions requiring such a sign.

J. Carter Bernardo (and other Commission members) expressed disappointment regarding the number of trees proposed for removal to create lawn, but acknowledged that the proposed mitigation is of value. W. Worth agreed that the tree removal is not ideal, but the proposed diverse enhancement plantings adequately mitigate for the habitat loss. M. Varrell noted that the Conservation Commission can require a conservation restriction on the remainder of the property, if they so desire. S. Barber inquired if the abutter (M. Lustig) understood the extent of the proposed mitigation. D. Anderson described the discussion she had with M. Lustig. M. Varrell noted that any abutter has the right to appeal, if they desire. The Commission and W. Worth discussed how and why there is no understory beneath the eastern white pines.

Motion to close the public hearing for 25 Marr Road (DEP File #234-769) by P. Oehlkers, seconded by A. Richardson, approved 4-0-0.

Motion to issue an Order of Conditions for 25 Marr Road (DEP File #234-769) by P. Oehlkers, seconded by A. Richardson, approved 4-0-0.

Motion to issue a Waiver for work within the 50-foot Buffer Zone for 25 Marr Road (DEP File #234-769) by P. Oehlkers, seconded by A. Richardson, approved 4-0-0.

50 LEHIGH ROAD – NOTICE OF INTENT (DEP FILE #234-777)

J. Carter Bernardo opened the public hearing at 9:22 p.m.

The Applicant nor the representative were in attendance. J. Carter-Bernardo described the intermittent versus perennial stream issue for the site. The Applicant has submitted documentation of the stream, documenting it as intermittent.

Motion to close the public hearing for 50 Lehigh Road (DEP File #234-777) by P.Oehlkers, seconded by S. Barber, approved 4-0-0.

Motion to issue an Order of Conditions for 50 Lehigh Road (DEP File #234-777) by P. Oehlkers, seconded by A. Richardson, approved 4-0-0.

Motion to issue a Waiver for work within the 50-foot and 25-foot Buffer Zones by P. Oehlkers, seconded by S. Barber, approved 4-0-0.

Motion to issue a Waiver of the Bylaw Waiver Fee by P. Oehlkers, seconded by S. Barber, approved 4-0-0.

OTHER BUSINESS:

REQUEST FOR CERTIFICATE OF COMPLIANCE – BABSON COLLEGE (DEP FILE #234-353)

M. Varrell stated that the Applicant had requested that any discussion on the Request be postponed to the next meeting.

REQUEST FOR CERTIFICATE OF COMPLIANCE – BABSON COLLEGE (DEP FILE #234-395)

M. Varrell stated that the Applicant had requested that any discussion on the Request be postponed to the next meeting.

DISCUSSION ITEM – the Commission discussed the remainder of meeting schedule for 2017. The Commission agreed to the schedule as proposed with the exception of eliminating the December 28th meeting.

DISCUSSION ITEM – the Commission discussed attendance of the All Boards Meeting on March 28th to discuss the Open Space and Recreation Plan Update. P. Oehlkers and S. Barber are planning to attend.

Motion to adjourn the meeting by P. Oehlkers, seconded by A. Richardson, approved 4-0-0.

The meeting was adjourned at 9:40 pm.

NEXT PUBLIC MEETING

Thursday, March 23, 2017 at 7:30 PM in the Public Services Administration Building, Charles River Room.