

**TOWN OF NEEDHAM
CONSERVATION COMMISSION
MEETING MINUTES
Thursday, April 27, 2017**

LOCATION: Town Hall, Selectmen's Chambers

ATTENDING: Sue Barber, Janet Carter Bernardo, Artie Crocker, Peter Oehlkers, Cory Rhoades, Debbie Anderson (Conservation Specialist)

GUESTS: Roy Cramer, Reg Foster, Bill Lenahan, Renee McDonough, Bob Place, Ardi Rapi, John Rockwood, Josh Russo, Amy Saide, Brett Saide, A. Saleemuddin, S. Saleemuddin, Wes Worth

J. Carter Bernardo opened the public meeting at 7:15 p.m.

MISCELLANEOUS BUSINESS:

OPEN DISCUSSION WITH KATE FITZPATRICK, TOWN MANAGER

Kate Fitzpatrick, Town Manager, addressed the Conservation Commission. She stated that she planned to see every Town Board once a year to update them on town-wide activities and projects that may be of interest to them and to answer any questions they may have for her. Topics discussed included:

- The Town's Open Space Plan.
- The proposed Existing Conditions survey of Ridge Hill Reservation and the Nike site as the first step to potential discussions between the Board of Selectmen and the Conservation Commission regarding any potential development.
- Walker Pond – study to find a long term solution to fertilizer usage and the effects on the ecology of the pond.
- The proposed Town of Needham Tree Bylaw.
- Favorable bids for the Reservoir Trail project.
- The potential for a boat launch on South Street.
- The Rosemary Pool project.
- Potential for a Stormwater Bylaw.
- Streetscape work and tree planting.
- The installation of a signal at First Avenue.
- The potential of NBC Universal moving their headquarters to Needham.
- The classroom expansion at the High School.

The Commission thanked Ms. Fitzpatrick for the opportunity to meet with her.

ENFORCEMENT & VIOLATION UPDATES:

170 WHITMAN ROAD

D. Anderson reviewed the violation for J. Carter Bernardo who was not at the previous meeting when it was discussed. She noted that she had been informed about un-permitted tree clearing at this address located on the Charles River. She attempted to make contact with the owner and left a business card with the housekeeper. Having not heard back, she visited the site again and investigated the rear of the parcel for signs of recent tree clearing along the river. Although she

did not see very recent evidence of tree cutting, it was obvious that cutting had taken place. There were several areas with logs piled near stumps. In addition, several docks had been placed end to end off the Bank of the river, lumber was placed along the Bank of the river, and a boardwalk was constructed most likely to access an existing boardwalk located further into the wetland. D. Anderson stated she had visited the property a third time with M. Varrell. Ownership of this area is in question after review of GIS Maps. The 170 Whitman Road lot does not actually continue all the way to the stream. A pork-chop shaped parcel extends from 140 Whitman Road to the stream. A draft Enforcement Order is available for the Commission to consider that requests the owner of 170 Whitman Road to attend a Conservation Commission meeting.

Motion to issue an Enforcement Order for 170 Whitman Road requesting the owners to attend the May 11, 2017 Conservation Commission meeting by C. Rhoades, seconded by A. Crocker, approved 5-0-0.

898 SOUTH STREET

This was discussed later in the meeting during the Notice of Intent hearing.

WELLESLEY COUNTRY CLUB

D. Anderson explained that through the Enforcement Order issued to the Country Club, they had a deadline of today (April 27, 2017) to submit a Restoration Plan and drainage calculations that depict how the erosion violation will be remedied and the area restored. M. Varrell had attempted to contact Mike Toohill of BSC Group and Bill Sansone, Golf Course Superintendent, to get an update and finally received an email reply from M. Toohill that the required plan and calculations were not ready for submittal. M. Varrell explained to M. Toohill that the Commission would be discussing potential fines of up to \$200/day for each violation until the required plan and information was submitted.

Motion to issue the Wellesley Country Club fines of \$200/day until the Restoration Plan and other documents are submitted as required by the Enforcement Order issued on April 13, 2017, by C. Rhoades, seconded by A. Crocker, approved 5-0-0.

HEARINGS

122 RICHARDSON DRIVE – NOTICE OF INTENT (DEP FILE #234-784)

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

Dr. John Rockwood of EcoTec, Inc. represented the Applicant, A. Saleemuddin, who was present. J. Rockwood described the wetland resources present, including a deed-restricted Bordering Vegetated Wetland. He described the existing conditions and stated that the existing house will be demolished and a new house constructed. An existing drywell will be removed and three (3) drywells installed to infiltrate the first inch of stormwater runoff from the entirety of the new roof. The proposed driveway will be installed completely outside the 100-foot Buffer Zone.

The Applicant is proposing to install thirty-three (33) native shrubs within a 1,200 square-foot degraded area along an existing stream at the rear of the property. The Applicant would like to maintain the existing limits of lawn. J. Carter Bernardo expressed the Commission's desire to

have the lawn pulled back outside of the 25-foot Buffer Zone. A pervious paver patio is proposed; however, J. Rockwood stated that the detail of the patio has not been provided as they are waiting to receive it from the manufacturer. The Applicant stated that he understands the required infiltration beneath the pervious paver patio. No trees will be removed from within the Buffer Zone.

J. Carter Bernardo asked if the Applicant is proposing to install the thirty-three (33) native shrubs in the forested area by the stream in order to maintain the existing limit of lawn approximately 10 feet from the edge of the wetlands. J. Rockwood stated that is the case.

An abutter, Amy Saide, of 99 Richardson Road stated that she was present on behalf of her neighbor who lives at 100 Richardson Road. Her neighbor has had a history of flooding on her property that is located two houses down from 122 Richardson Drive and doesn't want this project to add to the problem. J. Carter Bernardo explained that the Applicant was proposing to infiltrate the entirety of the roof runoff. Brett Saide inquired whether the Applicant would be filling wetlands. J. Carter Bernardo explained there is no wetland filling, only installation of plantings in the 25-foot Buffer Zone.

An abutter, Josh Russo, of 138 Richardson Drive, asked about potential tree removal. The Applicant's surveyor, Ardi Rrapi of Cheney Engineering, stated that the house has not yet been staked on the property, and they are not sure at this point which trees will be removed that are located outside the 100-foot Buffer Zone to the Bordering Vegetated Wetlands.

The proposed Buffer Zone planting locations were discussed. The Commission questioned the value of installing these plantings in the proposed location that is already vegetated versus asking the Applicant to pull back the existing limit of lawn that grows right up to the wetland boundary. The Commission determined that pulling the lawn back 10 feet across the limit of the 25-foot Buffer Zone would be an improvement. The Applicant plans to re-locate the proposed plantings to vegetate this 10-foot area. There will be a Special Condition in the Order of Conditions requiring the submittal of a planting plan for the 10-foot area. The Commission determined that no Waiver Request or Waiver Fee was necessary.

Motion to close the public hearing for 122 Richardson Drive (DEP File #234-784) by C. Rhoades, seconded by A. Crocker, approved 5-0-0.

Motion to issue the Order of Conditions for 122 Richardson Drive (DEP File #234-784) by C. Rhoades, seconded by A. Crocker, approved 5-0-0.

PERRAULT ROAD – *continued* NOTICE OF INTENT (DEP FILE #234-783)

J. Carter Bernardo opened the public hearing at 8:15 p.m.

The Applicant, Greg Petrini, and his Representatives David Kelly of Kelly Engineering, Inc. and Attorney Roy Cramer were present. David Kelly presented the proposed project which relates to the Rosemary Apartment Complex. The proposed project includes improvements to the private road known as Perrault Road. The wetland resources and Buffer Zones were described including an armored portion of Rosemary Brook. Enhancements to the roadway include new landscaping and lighting. Physical improvements include re-constructing the existing roadway and walkways adjacent to the roadway. Stormwater improvements include: a reconfiguration of the hardscape to reduce impervious area and add more vegetated areas; installation of a proprietary stormwater

device; and an existing catch basin will have a deep sump installed. A proposed planting plan was discussed. Snow storage and the condition of the existing dumpster were addressed.

J. Carter Bernardo stated that the O & M Plan submitted calls for maintenance inspections of catch basins on a monthly basis and asked if this was accurate. After a brief discussion, a quarterly inspection timeline was confirmed. D. Anderson stated that she had difficulty making out the name and P.L.S. number of the person that stamped the Planting Plan. D. Kelly will email D. Anderson the information.

Motion to close the public hearing for Perrault Road (DEP File #234-783) by C. Rhoades, seconded by S. Barber, approved 5-0-0.

Motion to issue the Order of Conditions for Perrault Road (DEP File #234-783) by S. Barber, seconded by A. Crocker, approved 5-0-0.

898 SOUTH STREET – NOTICE OF INTENT (DEP File #234-785)

J. Carter Bernardo opened the public hearing at 8:33 p.m.

The Applicant, Reg Foster, and his representatives, Renee McDonough of Goddard Consulting, LLC. and the landscape architect, Wes Wirth, were present. J. Carter Bernardo asked Mr. Foster to address the potential violation on the property. R. Foster stated that he had not realized he needed to file for permission to replace the fencing around the existing paddock. He noted that he had installed a filtration bed behind the landscape timber wall at the edge of the paddock to capture all the water from the paddock and remove manure so it does not flow directly into the resource areas. J. Carter Bernardo explained that the replacement of the fence could have been approved through an exemption request, but the infiltration measures would have required a Request for Determination of Applicability filing. D. Anderson stated that the current issue is in regards to the area of erodible soil located adjacent to the paddocks. R. Foster explained that the area in question had been used for access for farm implements but he had now installed three large boulders across it to limit access with plans to re-vegetate the area. Erosion controls are in place.

R. McDonough described the wetland resources. The stream located on the property that had been designated as perennial was recently issued a change in designation to an intermittent stream. W. Worth gave an overview of the proposed project. The owner has a vision to restore the property's landscaping to its historic condition. There are remnants of an old bridge used to cross the stream and access some stone steps that lead to an old garden. The owner hopes to restore these features. New paths are proposed through the area near the stream, and an expansive planting plan is proposed. A minor amount of grading is proposed. Other projects proposed include: the installation of a pool and terraces; and construction of a new driveway "loop" in the area of an existing service entrance. Proposed stormwater improvements were discussed. Proposed fencing along the road was discussed. Details of the proposed plantings would be discussed when Conservation Commission Member Alison Richardson is present at the next meeting. J. Carter Bernardo stated that she would like to review the drainage calculations for the proposed rain garden. The Commission is looking for proof that there was a bridge crossing the stream previously.

The Notice of Intent Form was filed as a "Restoration Project", but it will be re-submitted without this designation. Additional filing fees were requested as they had not been calculated

correctly. J. Carter Bernardo stated that M. Varrell had questions regarding the accuracy of portions of the wetland delineation. R. McDonough explained that another company had completed the delineation and had not produced a wetland report with test pit data. R. McDonough plans to go over the line and produce a wetland report with test pit data for M. Varrell to review. Selected removal of invasive species removal was discussed, including crabapple.

J. Carter Bernardo stated that M. Varrell did not find a complete performance standard analysis, Waiver Request or Invasive Species Management Plan with the submittal. R. McDonough stated that a Waiver Request was included with the filing but perhaps was not submitted with the other documents. An Invasive Species Management Plan will be submitted. The Commission is interested in performing a site visit and hopes to have Alison Richardson attend to take advantage of her Landscape Architecture background. Areas where the lawn goes right up to the stream were discussed.

An abutter, Bob Place, stated that he had submitted a letter to the Commission regarding his opposition to the proposed 8-foot tall fence along the road. J. Carter Bernardo read the letter into the record. Mr. Place has issues with the visual impact of the proposed fence and questions whether it would be allowed under current Town Regulations. South Street is a scenic way. The Commission will require submittal of a stormwater management plan, waiver request, performance standard analysis, information on the proposed stream crossing and an Invasive Species Management Plan. The Commission will schedule a site visit and notify the Applicant of the date and time.

Motion to continue the Public Hearing for submittal of additional information for 898 South Street (DEP File 234-785) to May 25, 2017 at 8:00 p.m. by A. Crocker, seconded by S. Barber, approved 5-0-0.

OTHER BUSINESS:

REQUEST FOR A MINOR MODIFICATION - 1516 CENTRAL AVENUE (DEP FILE #234-758)

D. Anderson explained that the owner of 1516 Central Avenue, Woody Tangier, is requesting a modification to the mowing boundary markers located in the field at the front of his residence. Within the past year, the Applicant had come before the Commission with a Notice of Intent for an addition project. There had been an outstanding requirement from the Commission due to previous mowing violations that a mowing plan including markers be submitted to the Commission. This requirement was incorporated into the Permit for the addition project. The Applicant proposed the installation of bird boxes on posts interspersed with PVC pipes set approximately 4-feet in height to delineate the end of the approved mowing in the field. The bird boxes and pipes were installed as approved.

Conservation staff were approached by the Applicant's property manager, Michael Lenahan, regarding a proposed modification to the approved mowing markers. The owner is trying to sell the property and his real estate brokers feel the PVC pipes are unsightly. They are requesting either cutting down the pipes to approximately 1-foot or replacing them with granite monuments that stick up out of the ground 1-foot as well. D. Anderson explained that she and M. Varrell, the Conservation Director, spoke about the modification and agreed that due to numerous violations

regarding mowing of the field, that the pipes should remain as they are, and if the property is sold, the new owners can come back to request any changes.

The Commission did not approve the request for a Minor Modification. Attorney Bill Lenahan, counsel for the Applicant, was present and after discussion with the Commission, Mr. Lenahan stated that the owner would no longer mow the field, and the PVC pipes would be removed. The bird houses will remain. D. Anderson asked that Attorney Lenahan send her an email stating the same for their records.

Motion to adjourn the meeting by A. Crocker, seconded by C. Rhoades, approved 5-0-0.

The meeting was adjourned at 10:15 pm.

NEXT PUBLIC MEETING

Thursday, May 11, 2017 at 7:30 PM in the PSAB located at 500 Dedham Avenue, Charles River Room.