

**TOWN OF NEEDHAM
CONSERVATION COMMISSION
MEETING MINUTES
Thursday, June 22, 2017**

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

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

GUESTS: Michelle Callahan, Reg Foster, Hank Haff, Bob Handin, Dan Hoffman, Rich Kirby, Catherine McManus, Dan Wells, Wes Wirth

J. Carter Bernardo opened the public meeting at 7:30 p.m.

MISCELLANEOUS BUSINESS:

MEETING MINUTES:

Motion to approve the Meeting Minutes, as amended, of April 27, 2017 by C. Rhoades, seconded by S. Barber, approved 5-0-1 A. Richardson abstained.

Motion to approve the Meeting Minutes, as amended, of May 25, 2017 by A. Richardson, seconded by S. Barber, approved 3-0-3 A. Richardson, P. Oehlkers and C. Rhoades abstained.

ENFORCEMENT & VIOLATION UPDATES:

CENTRAL AVENUE/ELIOT STREET BRIDGE PROJECT

M. Varrell updated the Commission on the status of the erosion control violations on the Central Avenue/Eliot Street Bridge project. The project is almost complete. M. Varrell conducted a site visit a few weeks ago and found violations. He contacted the contractor and asked that he address the issues. He went back to the site today to see if the issues had been addressed, but the erosion controls were in an even greater state of disrepair with signs of soil erosion. M. Varrell stated that during the next big storm, the erosion controls will most likely fail and sediment may erode into the Charles River.

M. Varrell sent an email to the contractor warning that they had seven (7) days or the next 0.25 inches of rain to address the situation and repair the erosion controls or he would recommend to the Commission that they issue an Enforcement action with fines. The Commission discussed the methods that could be employed to stabilize the area.

HEARINGS

HILLSIDE SCHOOL AT CENTRAL AVENUE – *continued* NOTICE OF INTENT (DEP FILE #234-787)

J. Carter Bernardo opened the public hearing at 7:50 p.m. P. Oehlkers and C. Rhoades signed Mullen Forms.

Hank Haff of the Town of Needham, Public Facilities, Construction Division, Michelle Callahan and Catherine McManus of Nitsch Engineering and Rich Kirby of LEC Environmental presented the project. M. Callahan gave a brief overview of the proposed school project. She stated that M. Varrell had submitted a list of comments to the Team. The project Team and the Commission reviewed the updated information including:

- Compensatory storage and cut/fill calculation updates.
- J. Carter Bernardo had reviewed the drainage information and had questions regarding issues with the outfall pipe area. Comments from the Town Engineer, Tony DelGaizo, were discussed. J. Carter Bernardo requested consideration of use of a flow meter at the upper end of the 18-inch pipe during a large rain event prior to the work to evaluate flow rates. This requirement could be conditioned. The invert of the 36-inch pipe will be submitted. M. Varrell suggested that the pipe be pulled back so a rip-rap splash pad can be installed.
- M. Varrell had questions regarding the TSS calculations. M. Callahan explained that they usually separate out the pre-treatment from the treatment calculations.
- The O & M Plan now has an updated Stormwater BMP Plan.
- The use of salt in the Buffer Zone. H. Haff asked the Highway Superintendent about the use of salt in other sensitive areas in Town. A pro-melt product is used. M. Varrell stated the area of concern is the emergency access area. A. Richardson stated she has worked the product before and finds it easier to control than traditional rock salt but it still has potential to damage plants it comes in contact with.
- Rich Kirby described the proposed removal of an existing filled wetland crossing. The project proposes to remove fill and existing culverts and to re-grade the disturbed wetland and re-seed the area.
- A turtle nesting area has been added as part of the project. M. Varrell believes the nesting area has been suitably designed. A split-rail fence will not create a barrier to wildlife. M. Varrell had requested that a Wildlife Habitat Evaluation be completed. Appendix A and Appendix B forms were completed and submitted.

There was discussion regarding the proposed grading in the area of the erosion controls and where the new impervious area will be in the 25-foot Buffer Zone. P. Oehlkers asked about the detail of the boardwalk where it crosses the stream. J. Carter Bernardo asked where the project was in regard to the Planning Board. H. Haff stated they would be going back to the Planning Board on July 11, 2017. J. Carter Bernardo would like them to make sure the Planning Board and Conservation Commission have the identical final set of plans. Monitoring of the drainage outlet pipe for erosion will be conditioned.

Motion to continue the public hearing for Hillside School at Central Avenue (DEP File #234-787), for review of new material submitted, to July 13, 2017 at 7:45 p.m. by C. Rhoades, seconded by A. Crocker, approved 6-0-0.

REQUEST FOR AMENDED ORDER OF CONDITIONS – 25 MARR ROAD (DEP FILE #234-769)

J. Carter Bernardo opened the public hearing at 8:40 p.m.

The owner, Dan Hoffman, and his representatives, Dan Wells of Goddard Consulting and Landscape Architect, Wes Wirth, were present. D. Wells explained that the purpose of the

Amendment Request was to present a revised plan that includes additional mitigation plantings for the oak tree that had been accidentally removed during the tree removal process and without the required pre-construction meeting. The Commission had issued an Enforcement Order that required the filing of the Amendment Request and issued fines for the tree removal. The revised plan calls for the installation of eight (8) Swamp White Oak trees in the restoration area to mitigate for the removal of the oak tree. W. Wirth explained that they had flagged all of the trees for the Commission to review. W. Wirth was on vacation when he found out that no pre-construction meeting was held and the tree cutting had commenced without the removal of the flagging from the oak tree the Commission had asked them to retain. One pine tree that was approved to be removed is still standing but the Applicant would like to remove the pine. The Commission agreed to allow its removal.

D. Wells questioned the decision of the Commission to require a Conservation Restriction on the wetland portion of the property. M. Varrell stated that the Commission has requested Restrictions in the past on similar projects. W. Wirth did not like the fact that this was not discussed before it was conditioned. M. Varrell stated they should have brought it up during the appeal period or requested that the Condition be removed in this Amendment request. M. Varrell explained that the Commission doesn't need to require a complete survey of the property for the Restriction, it can be written more generally and would not require submission to the state for review. The Commission stated that the Applicant should find out more information regarding the cost of establishing the Conservation Restriction (and any potential impacts to property values) and come back with an Amendment Request later if they feel necessary.

Motion to close the public hearing for 25 Marr Road (DEP File #234-769) by C. Rhoades, seconded by A. Crocker, approved 6-0-0.

Motion to issue an Amended Order of Conditions for 25 Marr Road (DEP File #234-769) by C. Rhoades, seconded by A. Crocker, approved 6-0-0.

898 SOUTH STREET – *continued* NOTICE OF INTENT (DEP FILE #234-785)

J. Carter Bernardo opened the public hearing at 9:02 p.m.

The Applicant, Reg Foster, his landscape architect, Wes Wirth, and his wetlands consultant, Dan Wells, were present. Dan Wells described the proposed revisions to the project and plan including:

- Submittal of an invasive species removal plan.
- Submittal of a wetland border reported that documented revisions to the wetland delineation.
- Submittal of a formal Waiver Request.
- Revisions to the WPA Form were completed and submitted.

Wes Wirth explained that they have submitted the filing to the Planning Board for the Scenic Road Permit. The Engineering, Building and Forestry Department are all involved to some degree in the process. The invasive species on the property were discussed including the presumed overabundance of crabapples in the wetland and Buffer Zone. M. Varrell stated that the removal of invasive species is included in the potential revisions to the Bylaw to be discussed

later in the meeting. J. Carter Bernardo does not agree with the removal of crabapples in the wetland.

D. Wells discussed the proposed plan modifications pertaining to turtle migration. There are five (5) areas where there are openings to allow turtle passage. M. Varrell stated that his issue with the plan is any turtles coming from the opposite direction but he feels the proposed “turtle gate” will be sufficient. There will be a minimum of a 6-8” space beneath the gates for turtles.

J. Carter Bernardo questioned whether a turtle will likely use the proposed “turtle gate”. M. Varrell stated that he feels there is a potential they will use it. J. Carter Bernardo asked if there is a fence on the opposite side of the road. W. Wirth stated that there is not a fence. M. Varrell requested a stamped version of the plans that had been submitted.

Motion to close the public hearing for 898 South Street (DEP File #234-785) by C. Rhoades, seconded by A. Crocker, approved 6-0-0.

Motion to issue an Order of Conditions for 898 South Street (DEP File #234-785) by C. Rhoades, seconded by A. Crocker, approved 6-0-0.

OTHER BUSINESS:

DISCUSSION ITEM – PROPOSED REVISIONS TO NEEDHAM WETLANDS PROTECTION BYLAW REGULATIONS

The Commission discussed the proposed revised language regarding submittal of drainage calculations. This was the only remaining point for the Commission to discuss before approving the revisions to the Bylaw. The calculations will need to be stamped by a Professional Engineer for new construction.

Motion to adopt the proposed revisions to the Bylaw, as amended, dated June 2017, by C. Rhoades, seconded by A. Crocker, approved 6-0-0.

UPDATE: DRAFT STORMWATER BYLAW & REGULATIONS COMING SOON (PER TONY DELGAIZO, TOWN ENGINEER)

M. Varrell stated that he had spoken to the Town Engineer, Tony DelGaizo, regarding the draft Stormwater Bylaw and was told it is almost complete. M. Varrell will distribute it to the Commission for review and comment once he receives it.

UPDATE: ROSEMARY POOL – AQUA BARRIER & SHEETPIILING

M. Varrell explained that the original plan called for the use of a porta-dam for the pool project. The porta-dam consultants determined that the porta-dam would not work in this instance. The contractor came back to Commission with a Minor Modification request to use an aqua-barrier system instead which the Commission approved. Further investigation found that the aqua-barrier system would not work either. The contractor is now proposing the use of a sheetpiling system. The Commission discussed the pros and cons of the sheetpiling system. M. Varrell explained the project timeline implications of requiring an Amendment or Minor Modification for this revision. As long as the floating silt boom extends all the way to the bottom of the lake,

the Commission will allow M. Varrell to issue an Administrative Approval for the revision to use the sheet piling.

The main concern of the Commission with the sheetpiling installation is the stirring up of sediment as they are installed and removed. J. Carter Bernardo stated that they are waiting to find out if MassDEP and/or the Army Corps of Engineers have any issues with the new system. Turbidity testing at the dam could be required to determine if the turbidity curtain is working as intended. M. Varrell explained that the Environmental Monitor and Wildlife Specialist hired for monitoring the project are the ones who will report to the Commission any issues during the project. The Commission will require daily reports during this part of the project.

Motion to give M. Varrell the authority to issue Administrative Approval for the sheetpiling barrier installation at Rosemary Pool (once feedback from MassDEP and ACOE are received), by C. Rhoades, seconded by A. Crocker, approved 6-0-0.

Motion to adjourn the meeting by C. Rhoades, seconded by P. Oehlkers, approved 6-0-0.

The meeting was adjourned at 9:50 pm.

NEXT PUBLIC MEETING

Thursday, July 13, 2017 at 7:30 PM in the PSAB located at 500 Dedham Avenue, Charles River Room.