

**TOWN OF NEEDHAM
CONSERVATION COMMISSION
MEETING MINUTES
Thursday, January 11, 2018**

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

ATTENDING: Janet Carter Bernardo, Sue Barber, Bill Murphy, Peter Oehlkers, Alison Richardson, Chris Hayward (Director of Conservation), Debbie Anderson (Conservation Specialist)

GUESTS: Megan Acontora, Linda Asher, Robert Asher, Brian Bai, Helene Challis, Hal Cohen, Marianne Cooley, Margaret Van Deusen, Jeremy Fennell, Terry Marjolein, Domenic Nicotera, Wendy Silver, Gary St. Fleur, Robert Stern, Chi Sun, Caren Zeitler, Stephen Zeitler, Michael Zylich

J. Bernardo (chair) opened the public meeting at 7:30 p.m.

MEETING MINUTES:

Motion to approve the minutes of October 26, 2017 by W. Murphy, seconded by A. Richardson, approved 4-0-1(P. Oehlkers abstained).

Motion to approve the minutes of Dec. 14, 2017 as amended by W. Murphy, seconded by A. Richardson, approved 3-0-2 (S. Barber and P. Oehlkers abstained).

ENFORCEMENT AND VIOLATION UPDATES:

None

HEARINGS:

147 OXBOW ROAD – *Continued* NOTICE OF INTENT (DEP FILE #234-797)

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

The owners, Michael and Lisa London are proposing to install an in-ground pool, patio, cabana area, fenced area, and a seasonal float along the Charles River. Chris Sparages represented the applicants. The Commission had asked for additional information at the previous Hearing.

C. Sparages stated that the project now proposes an added infiltration trench around the patio area to provide more recharge. J. Bernardo asked how they decided on the size of trench. No formal drainage calculations were done to account for hardscape and nor for the size of the infiltration trench. Williams & Sparages normally suggest a 2' deep and 1' wide washed stone infiltration trench, wrapped in filter fabric with 2" of decorative stone along top along edge of pool to capture all impervious run-off. J. Bernardo expressed concern with adding more impervious area to the 200-foot Riverfront Area. She stated that the Commission will need a calculation for this added impervious area that shows the trench will be large enough. J. Bernardo asked where the cabana run-off would be directed? He said it will have a pitched roof and drain to the patio area and the relatively flat lot. When questioned whether all of the roof runoff

will be infiltrated he said no. C. Sparages suggested that the trench could extend around more of the cabana to account for the total run-off.

Finished spot grades have been added to the plans to support the patio area and in-ground pool. The pavers are impervious but they are concrete blocks set in stone dust. J. Bernardo explained that if the details show all of the void space and propose crushed stone for a good 6" rather than dust the Commission could consider them as permeable. He will look at this as he's calculating the run-off and possibly widen the trench and/or change the stone dust to crushed stone.

The detail of the dewatering plan consists of a circular area surrounded by haybales and silt fence and the middle filled with ¾" crushed stone within the proposed limit of work area towards rear of yard away from the activity. The Commission explicitly recommended the use of straw bales not haybales.

The proposed utility locations (6 small conduit runs) are now shown on the plan to support pool equipment area, gas service, cabana, bathroom and sewer service, and ejector pump. These are underground utilities. J. Bernardo asked for clarification of impervious areas as she noted an outdoor kitchen is now on the plan. The calculations that Williams and Sparages need to submit must take into account all of the additional impervious areas that are within the 200' RFA. The pool equipment pad was not originally on the plan.

The proposed seasonal dock was then discussed. Sonotubes filled with concrete are proposed to support the seasonal float when used. They will extend above the surface by 2 feet. The Commission discussed that the applicant is technically filling the floodplain as a result of installing sonotubes. The area for the proposed fill for the sonotubes was provided for by compensatory storage. Helical anchors would stay in place and connect with a chain to bottom of dock to keep it steady. Storage of the seasonal float is noted on the plan. The applicant hopes to apply for a Chapter 91 license for the float after they receive a permit through the Conservation Commission.

D. Anderson asked how the dock is moved. The dock has built-in wheels and consists of three parts. They roll it up and over the bank. There could be concern for eroding the bank. C. Sparages thinks vegetation may improve with the moving of the dock twice per year.

C. Sparages submitted for the record, calculations he compiled this evening and reviewed the proposed infiltration trench. With the results of the calculations, he proposes widening the one-foot wide trench to 2 and 1/2 feet wide which will accommodate all the proposed infiltration.

A Waiver Request was submitted for work in the 25-foot Buffer Zone to install the dock.

Motion to close the public hearing for 147 Oxbow Road (DEP FILE #234-797) by S. Barber, seconded by W. Murphy, approved 5-0-0.

Motion to approve the Waiver Request for work at 147 Oxbow Road in the 25-foot Buffer Zone for dock installation by W. Murphy, seconded by S. Barber, approved 5-0-0.

Motion to issue the Order of Conditions for 147 Oxbow Road (DEP FILE #234-797) by W. Murphy, seconded by S. Barber, approved 5-0-0.

EVERSOURCE EASEMENT, R-O-W #3 – NOTICE OF INTENT (DEP FILE #234-7XX)

January 11, 2018

J. Carter Bernardo opened the public hearing at 8:10 p.m. She stated that DEP had not yet issued a File Number for the project; therefore, they will not be able to close the Hearing.

Don Nicotera from Eversource introduced Jeremy Fennell from Epsilon Associates and Mike Zylich from Eversource. J. Fennell stated that the proposed project is to separate the electric lines from one structure into two separate structures to increase reliability. Approximately 3.5 miles of lines will be separated in Needham, a portion will go underground. J. Fennell described the wetland resource areas and buffer zones that will be affected by the project. Cutler Park is the location where the project will encounter the resource areas. They plan to use construction mats in sensitive areas including within wetlands. The wetland delineations were approved by the Commission during the test boring stage.

A total of 58 square feet of fill is proposed within the Buffer Zone. J. Fennell explained that there are two proposed wetland replication areas. He described the difficulty with proposing mitigation plantings in the Cutler Park area due to the amount of existing vegetation and various rights-of-ways. He clarified that the wires would be above ground in this area. There was a discussion about the tree removal within the Eversource right-of-way and the intention to re-vegetate the areas of tree removal with scrub/shrub vegetation. The total area of tree removal within the BVW and Buffer Zone will be 6,200 square feet. J. Carter Bernardo asked approximately how many trees would be cut within this 6,200 square feet. J. Fennell replied that he would review the Wildlife Habitat Assessment and be ready to discuss this at the next meeting.

An abutter asked why they plan to leave stumps behind instead of removing them completely. J. Fennell replied that the method is to cut the trees to ground level. Pulling them out will create more damage and not aid in preventing the soil from eroding. There is a strong shrub seed bank in these areas that should take advantage of the openings created by the tree removal and fill in with shrubs relatively quickly. There was a discussion regarding access to the various work areas. There will be some work in BLSF and they are proposing compensatory flood storage. They can balance the cut and fill in one area to create storage area or cut in several areas.

J. Fennell stated that the majority of the line work will be underground within existing streets. Wildlife habitat mitigation was discussed. J. Fennell stated that although the cover type will change, habitat will be maintained within the shrub/scrub edge. P. Oehlkers asked if the right-of-way will be maintained as scrub/shrub habitat or will invasive species move in. There is a three (3) year maintenance regime. Portions of the proposed work are located in Priority Habitat, J. Fennell stated that the required MESA checklist had been submitted and they received a "No Take" approval. The species are rare plants. A survey was done and none were found within the work area. Dewatering BMP's are proposed at each structure.

A resident questioned the impact of the work on traffic. J. Fennell stated they are working with MassDOT to come up with a plan for police detail and road/lane closures. On the west side of Route 95, at #15 Valley Road, Eversource has purchased the property. This is the area where the lines transition to underground. The underground work will be completed through open-trench construction approximately 5-6 feet deep and 4-feet wide. An abutter questioned how the underground cables would be sealed to protect the public. J. Fennell described the process for in-ground installation. The seal will be concrete then controlled density fill and paving on top.

An abutter questioned whether any metal shields will be placed over the top of the cables to shield from associated high powered electro-magnetic fields. D. Nicotera replied that they had done an extensive report showing the research they had done on EMF Fields and the documents they provided are on the Town's website for public review. Their opinion is that there is no threat to public health. They are not proposing any shielding. There was a discussion regarding the effect of EMF on area wildlife. There was a discussion on why this particular route was chosen over the previously discussed route. They explained they were required to provide two alternative routes. The preferred route was not chosen by the Town. A member of the public, Bob Stern, described literature that he has read about the effects of EMF on wildlife and their refusal to cross over high EMF areas.

Within South Street, the project is at the edge of the 200-foot Riverfront Area to the river. At the intersection of South Street and Dedham Street is a stream crossing where they will be installing the lines above the existing culverts. This area will be shallow and a ¾ inch steel plate will be installed on top. The Town Engineer was in favor of going over the culverts in this location. There will be approximately 4 feet to the top of the pipe. The neighbors expressed their concern over the shallow depth to the wires at this area. J. Carter Bernardo stated the erosion controls need to be extended to the 25-foot Buffer Zone.

Margaret Van Deusen of the Charles River Watershed Association expressed the Association's concern regarding the number of trees to be removed at Cutler Park. The intention to turn over an acre of area from forest to shrub/scrub cover is concerning. She asked the Commission to require the Applicant to plant trees as mitigation. She understands it is a Limited Project since it is Utility work but restoration is required per MassDEP. She suggested working with DCR to provide mitigation in Cutler Park. J. Fennell stated they plan to pay the Army Corps. of Engineers a substantial fee to remove the trees. Compensatory storage was discussed. At the third stream crossing, M. Van Deusen asked if they were proposing Bank restoration. The original grades will be restored. Abutters at Livingston Circle expressed their concerns regarding work in the narrow roadway.

J. Carter Bernardo read a letter from the Board of Selectmen dated January 7th, 2018 for the record requesting that approval by the Commission includes the requirement of the Energy Siting Board Permit as well as all other required Permits.

Motion to continue the public hearing for Eversource Easement, R-O-W #3 (DEP FILE #234-7XX) for a DEP File number, and additional information required which include a study about EMF for wildlife habitat, the total number of trees proposed to clear, the erosion controls be located are up to 25' buffer, the location of the shallowest depth of line in streets, how to plan to mitigate for trees removed, and verify the wetlands at Livingston Circle have been included to January 25, 2018 at 8:15pm by W. Murphy, seconded by A. Richardson, approved 5-0-0.

OTHER BUSINESS:

REQUEST FOR CERTIFICATE OF COMPLIANCE - 500 SOUTH ST (DEP FILE #234-466)

D. Anderson mentioned that this project was a demo and rebuild in 2005. In 2007 when they requested a Certificate of Compliance the Commission determined that there were too many deviations from the approved plan and Order of Conditions. The Commission recommended that they submit an amendment to the Order of Conditions and that they use the As-Built Plan as the plan of record. The deviations included unapproved grading in the 25' no disturb area and installation of a retaining wall so they needed

to install 50 native shrubs in the no disturb area, permanent markers, and record a Conservation Restriction at the Registry.

In 2007 they were issued a partial Certificate of Compliance as all the work was complete with the exception of the 2-year monitoring requirement. The applicant was also required to show recording of the Restriction and plan at the Registry which we just received. M. Trudeau submitted the monitoring report in July and since it's been over 10 years the area is well vegetated with well over 50 native shrubs. D. Anderson recommends that the Certificate of Compliance be issued.

Motion to issue the Certificate of Compliance for 500 South Street (DEP File #234-466) by W. Murphy, seconded by A. Richardson, approved 5-0-0.

UPDATE OF RIDGE HILL BUILDINGS

C. Hayward and J. Bernardo met this morning with Selectmen Dan Matthews and Marianne Cooley, and Rick Harding (Chairman of Historic Commission) to discuss the Board of Selectmen's jurisdiction of the three buildings at Ridge Hill. The meeting was to begin a conversation about what will happen to those historic buildings. There is a strong possibility that the buildings will be demolished in the future. Since the Conservation Commission is an abutter they were invited to the discussion. Any serious concerns should be relayed to C. Hayward.

OPEN SPACE AND RECREATION PLAN (OSRP)

J. Bernardo shared with the Conservation Commission that there is a draft governing and guiding principles document. The Selectmen have distributed their draft with their goals which may be different than Conservation. Janet shared her ideas of what she thinks the Commission might think about for guiding principles including, the Commission will: create means to educate residents on the value of wetland resource areas, wildlife habitat and stormwater management, enforce local and state regulations to protect wetlands and natural resource, target specific properties that are considered valuable open space and try to acquire them when they become available for purchase, explore ways to connect existing trails and open space parcels, explore opportunities to develop public outreach and be viewed as public friendly, and work to develop relationships with neighboring communities that share the Charles River. J. Carter Bernardo will refine the list and then distribute it to the Commission.

MACC CONFERENCE

The Conference will be held at Holy Cross in Worcester, March 3rd. C. Hayward will forward the email with specific information. If any Commissioners would like to attend please contact Elisa Litchman.

ROSEMARY LAKE DREDGING PROJECT

J. Bernardo mentioned that there will be a Rosemary Lake Dredging Project site meeting on Tuesday, January 30th at 10am regarding the appeal to DEP.

ADJOURN:

Motion to adjourn by W. Murphy, seconded by S. Barber, approved 5-0-0. The meeting was adjourned at 10:17 p.m.

NEXT PUBLIC MEETING:

January 25, 2018 at 7:30 p.m. in the Public Services Administration Building, Charles River Room.