

**TOWN OF NEEDHAM
CONSERVATION COMMISSION
MEETING MINUTES
Thursday, January 24, 2019**

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

ATTENDING: Janet Carter Bernardo (Chair), Sue Barber, Artie Crocker, Stephen Farr, William Murphy, Debbie Anderson (Director of Conservation) arrived at 7:50pm, Elisa Litchman (Administrative Assistant).

GUESTS: Thomas Christen, Angela Davos, George Davos, Lynn Howard, Les Kalish, David Kelly, John Rockwood, Budge Upton, Christin Urban.

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

MINUTES:

Motion to approve the minutes of March 8, 2018 by W. Murphy, seconded by S. Barber, 5-0-0.

Motion to approve the minutes of January 10, 2019 by S. Farr, seconded by W. Murphy 4-0-1 (A.Crocker abstained)

ENFORCEMENT AND VIOLATION UPDATES:

27 HAMILTON PLACE

E. Litchman read for the Commission an email from Diane Simonelli of Field Resources received by D. Anderson this morning. Field Resources has just finished the existing conditions plan and is working on the proposed work plan. Once that is finalized with the homeowner they will apply to the Commission with the Notice of Intent and expect to submit the paperwork by February 14, 2019.

1546 GREAT PLAIN AVENUE

E. Litchman explained that D. Anderson had sent an email to Mr. Feeley, the owner of 1546 Great Plain Avenue to inquire about the status of the restoration work he is required to complete. The communication regarding the violation began in the fall of 2017. The last email correspondence between D. Anderson and Mr. Feeley was in March 2018 when he was waiting for the spring to do the work. J. Rockwood was working with Mr. Feeley to compile and submit a restoration Notice of Intent filing. We are awaiting a reply.

HEARINGS:

1140A WEBSTER STREET (DEP FILE #234-825)

J. Bernardo opened the public hearing at 7:45pm. J. Rockwood of EcoTec explained that the property is currently a vacant lot with no structures. Historically it has been maintained as lawn. At the rear of the property are bordering vegetated wetlands associated with an intermittent stream. The proposed work includes construction of a single family house, the majority of which is outside the 100' buffer zone. Currently there is maintained lawn within the Bordering Vegetated Wetlands and a portion of the 25-foot Buffer Zone. Four bounds are proposed to demarcate the 25-foot Buffer Zone and the area will not be maintained as lawn but upland meadow. The maintained lawn within the Bordering Vegetated Wetlands will no longer be maintained

and allowed to become wetland meadow. The Applicant proposed to mow the proposed meadow areas once per year in order to keep invasives and woody plant growth to a minimum.

J. Carter-Bernardo read for the record two emails. The first was an email from Attorney Roy Cramer, representing Kevin and Betsy O'Brien, abutters at 32 Canterbury Lane (the other side of the wetlands). Back in 2013 the O'Briens applied for and were issued a Conservation permit DEP File #234-671 to address stormwater and the severe flooding they experienced in their house. Their permit was for the replacement of a catch basin grate located within bordering vegetated wetlands with a beehive grate to help prevent clogs caused by leaf litter. In order to help prevent the existing house from flooding, the construction of a berm along the existing edge of lawn created an emergency spillway. Since the completion of their work, there has been no flooding. This new proposed work by George and Angela Davos of 1140A Webster Street, includes a subsurface drainage system however, their neighbors are concerned that this mitigation may be fine for a typical project but not when they have already experienced and remedied a flooding problem. On behalf of the neighbors, Roy Cramer is requesting more detailed analysis of the drainage systems to ensure adequate stormwater management and infiltration. R. Cramer stated that the application for proposed work does not take into account the known flooding on the O'Brien's property.

The second letter was directly from the owners of 32 Canterbury Lane, who were not able to attend the meeting, requesting additional analysis of the stormwater management plan for this property and project.

J. Rockwood explained that this project is exempt from stormwater analysis under the Wetlands Protection Act. The project has been designed in accordance with the Bylaw Regulations relative to stormwater and exceeds those regulations because the bylaw requires only the roof runoff. This application more than doubles the infiltration capacity by infiltrating the proposed driveway as well as the roof and they have met the narrative performance standards under the Needham Buffer Zone Regulations. J. Carter Bernardo explained that the Needham Stormwater Bylaw is going into effect within the next week. She wasn't sure of the timing but stated that the Building Inspector will be enforcing it. The new Bylaw was approved at the October 2018 Town Meeting. The Bylaw will require that for all projects with over 4,000 square feet of impervious area the study needs to show that you will not increase runoff for the various storm events and that the proposed work will infiltrate 1" over the entirety of the impervious area. Despite the fact that J. Carter Bernardo appreciates the steps the Applicant has taken to address stormwater, she stated that calculations may have to be done and submitted to the Conservation Commission.

D. Kelly of Kelly Engineering stated that he was involved in helping to remedy the O'Brien's historic flooding in 2012 and 2013. He stated the issue was real, not imaginary. J. Carter-Bernardo was on the Commission at that time and remembers it too. D. Kelly is representing the O'Brien's and his attendance is to state the facts that this was an issue and could become an issue again. This project most certainly will contribute to the runoff but not sure if it will be a significant issue. He stated that the O'Briens want to be good neighbors; they are not against this project but just want them to know that this is a real issue. J. Carter-Bernardo stated that the amount of infiltration that is proposed might be adequate however it would be best to know and see the calculations.

J. Carter Bernardo stated that the O'Briens have a legitimate concern and suggests that J. Rockwood submit the additional calculations; this isn't an unrealistic request. She admitted that this application was well executed for a single family home and that she would use this as an example of proposed work however, with this particular area and the neighbors past flooding history it requires additional information.

J. Rockwood stated that he is willing to submit the additional drainage calculations. J. Carter-Bernardo suggested a few spot grades be added to the plan. J. Rockwood stated that they have not done test pits on the property.

Christine Urban, an abutter located north of the proposed project, asked about the water runoff to her property. J. Carter Bernardo explained how every project in town is required to include stormwater infiltration. The runoff water will go perpendicular to the grade lines. J. Rockwood explained that the water in the driveway is directed to the catchbasin, and the water on the grass will be directed towards the catch basin.

The applicant explained that they had asked several departments for any information regarding regulations to ensure that they have complied but did not hear anything about new Stormwater Bylaws.

J. Rockwood stated that they will ask for continuance to the February 28, 2019 meeting.

Thomas Christen, a South Street neighbor also asked about runoff. J. Carter-Bernardo explained that the groundwater goes around the structure as well as under the structure. Groundwater follows the surface contours and runs perpendicular to the grades. The intention is to direct water back to the source of water on that property. Infiltration into the soil is slow and the most effective way.

W. Murphy stressed that test pits should be done so that the water table is established. D. Anderson stated that she can issue an Administrative Approval for test pits, an exempt activity if J. Rockwood wants to conduct them.

Motion to continue the public hearing for 1140A Webster Street (DEP File #234-825) to February 28, 2019 at 7:45pm by A. Crocker, seconded by S. Farr, approved 5-0-0.

731 SOUTH STREET (DEP FILE #234-824) – NOTICE OF INTENT

J. Bernardo opened the public hearing at 8:26pm.

D. Kelly had resubmitted the plan with the requested revisions. The inventory of the existing trees had been missing and the erosion control line was shown within the 25' no disturb zone.

D. Kelly mentioned that W. Murphy had suggested that the plan show all easements however there is no conveyance imminent and therefore, he has not shown those. The driveway area counts as impervious. Since the applicant has not finalized a landscaping plan D. Kelly suggested that the Order of Conditions includes submittal of the plantings plan prior to construction as a special condition.

Motion to close the public hearing for 731 South Street (DEP File #234-824) by A. Crocker, seconded by S. Barber, approved 5-0-0.

Motion to issue the Order of Conditions for 731 South Street (DEP File #234-824) as amended by A. Crocker, seconded by S. Farr, approved 5-0-0.

OTHER BUSINESS:

E. Litchman stated that the MACC Annual Conference is coming up on March 2, 2019 and that Commissioners who would like to attend should complete the form with their choices for workshops and give to her for registration.

48 LAKE DRIVE (DEP File #234-802) – REQUEST FOR CERTIFICATE OF COMPLIANCE

J. Carter-Bernardo stated that the request included a letter from the engineer, Ardi Rapi stating that the only deviation from the approved plan is that the replacement patio is smaller than proposed and farther from the resource area. A letter and photo was also submitted explaining and showing soil test pits were done and were adequate for drainage. J. Carter-Bernardo expressed appreciation with this clear and informative documentation.

Motion to issue a complete Certificate of Compliance for 48 Lake Drive (DEP File #234-802) by A. Crocker, seconded by W. Murphy, approved 5-0-0).

61 PHEASANT LANDING ROAD (DEP File #234-796) - REQUEST FOR CERTIFICATE OF COMPLIANCE

D. Anderson explained that the project included removal of decks and a retaining wall, construction of a screen room and a connector deck. A new front walkway and a smaller driveway were installed. Infiltration of the screen room roof and a driveway infiltration trench were installed. Mitigation plantings and a restoration area were completed however; there is a two-year monitoring requirement. Field Resources noted on their letter that the mitigation planting area is larger than proposed and, the retaining walls and walks were installed slightly different than proposed. D. Anderson recommends issuance of a partial Certificate of Compliance.

J. Carter-Bernardo commented that perhaps going forward the Commission should require that the As-Built plan(s) show where infiltration has been installed on the property. She also suggested that we include an Operations and Maintenance Plan signed by the owner instead of the builder and add this item to the Certificate of Compliance.

Motion to issue a partial Certificate of Compliance for 61 Pheasant Landing Road (DEP File #234-796) by A. Crocker, seconded by S. Farr, approved 5-0-0).

1548 GREAT PLAIN AVENUE (DEP File #234-790) - REQUEST FOR CERTIFICATE OF COMPLIANCE

D. Anderson explained that the project was for a demolition of a house and construction of a new single family house. One tree was removed and one tree cut to a snag. Mitigation plantings were installed within the Bordering Land Subject to Flooding and bird boxes installed at the BLSF line. The project also required test pits which were completed.

Field Resources' letter explained deviations from the Order of Conditions include a smaller patio which is now located farther from the resource area, the walls and walks on the west side of the property were constructed slightly differently and culverts for the sump pump were installed in a different location than proposed. The permit has a two-year monitoring requirement for the mitigation plantings. D. Anderson recommends issuance of a partial Certificate of Compliance.

Motion to issue a partial Certificate of Compliance for 1548 Great Plain Avenue (DEP File #234-790) by A. Crocker, seconded by S. Farr, approved 5-0-0).

FORBES POND UPDATE

SOLitude Lake Management submitted to the Conservation Commission a 2018 Aquatic Management Summary regarding Forbes Pond which includes recommendations for 2019. Photos of the pond from August 7, 2018 (pre-treatment) and September 4, 2018 (post treatment) show significant improvement to the pond.

RAILTRAIL

D. Anderson explained that she had been contacted by James Goldstein of the Needham Rail Trail Committee regarding the proposed Fisher Street Trailhead. He is in the process of applying for grants and financial assistance from the Town and asked if she thought there would be any additional wetland permitting required for this part of the project. D. Anderson and the Commission reviewed existing plans of the area and determined that the proposed project would take place just outside the 200-foot Riverfront Area associated with the Charles River so no additional permitting was required as far as the wetland resources were concerned. J. Carter Bernardo asked D. Anderson to relay her request that the substrate installed in the proposed parking areas be pervious in nature. D. Anderson noted that M. Varrell had expressed his concern regarding observed turtle nesting in the area and his hope the nesting area would be protected and enhanced. Signage could be added related to the turtles as part of an educational experience for the public.

20TH ANNUAL EARTH DAY CHARLES RIVER CLEANUP – NOTIFICATION

D. Anderson stated she had received an email from the Charles River Watershed Association and the Cleanup Steering Committee requesting the support of the Needham Conservation Commission for their 20th Annual Earth Day Charles River Cleanup taking place on Saturday, April 27, 2019, from 9:00am to 12:00pm.

ADJOURN:

Motion to adjourn by A. Crocker, seconded by S. Farr, approved 5-0-0. The meeting was adjourned at 8:56pm.

NEXT PUBLIC MEETING:

February 7, 2019 at 7:30 p.m. in the Public Services Administration Building, Charles River Room.

January 24, 2019