

**TOWN OF NEEDHAM  
CONSERVATION COMMISSION  
MEETING MINUTES  
Thursday, April 8, 2010**

LOCATION: Town of Needham Public Services Administration Building, Charles River Room

ATTENDING: Carl Shapiro (Acting Chairperson), Paul Alpert, Janet Bernardo, Sharon Soltzberg, Dawn Stolfi-Stalenhoef, Patricia Barry (Agent), Amy Holland (Administrative Assistant)

GUESTS: Lauren Anzalone, Robert Barton, Pamela Campbell, Terry Carleta, Karon Catrone, Ned Cooley, Roy Cramer, Jeff Fishbone, Greg Petrini, David Kelly, Kelly Kippenberger, Mike McGovern, Laura McGovern, David Kovalchele, Nikki La Bella, Charles Peabody, Karen Pierce, Ken Phaley, Mary Picot, Peter Smith, John Valdina, Elizabeth Wallis, Robert Zarelli

C. Shapiro opened the meeting at 7:32 p.m.

**PUBLIC HEARINGS**

**262 ROSEMARY STREET – REQUEST FOR DETERMINATION OF APPLICABILITY**

C. Shapiro opened the public hearing at 7:46 p.m. John Valdina, property owner and Dave Kovalchele, owner's representative, presented to the Commission the proposal to construct a 10-foot by 18-foot open deck on back of a two-family dwelling in previously disturbed lawn located about 71-feet from Rosemary Lake. Sona-tube footings will be hand dug and filter mitts installed at limit of work. C. Shapiro required applicant to draw on the plan the location of filter mitt installation. S. Soltzberg required existing brush adjacent to the Lake to be removed off-site. **Motion to issue a Negative Determination of Applicability by J. Bernardo, seconded by P. Alpert, approved 5-0-0. Public hearing was closed at 7:55 p.m.**

**46 PLEASANT STREET (DEP FILE#234-5XX) – NOTICE OF INTENT**

C. Shapiro opened the public hearing at 8:02 p.m. Jeff Fishbone, property owner, presented to the Commission the proposal to demolish an existing staircase and construct an addition to a single-family dwelling with associated site work, deck, stairs, patio, planting beds, granite steps, and landscaping located on existing lawn within 100 feet of a bordering vegetated. Erosion controls consisting of haybales and sediment fence will be installed. Applicant explained that the blue stone patio joints will be spaced apart and planted with perennials. C. Shapiro inquired about the variance requested for the landscaping proposed within 25-feet of the vegetated wetland, and asked the applicant to submit a written \$1,000 bylaw filing fee waiver to the Commission for approval. J. Bernardo required that the portion of the wetland on the property maintained as lawn be allowed to naturally re-vegetate, and that the applicant install markers (i.e. a row of boulders) along the up-gradient edge of the wetland to serve as the permanent limit of disturbance. Furthermore the wetland area will no longer be mowed and maintained as lawn. C. Shapiro opened the hearing to public comment with no comments received. No MA DEP file number was issued for 46 Pleasant Street Notice of Intent. **Motion to continue the public hearing to April 22, 2010 - 7:45 p.m. at the PSAB Charles River Room by P. Alpert, seconded by J. Bernardo, approved 5-0-0.**

**189 BRIDLE TRAIL ROAD (DEP FILE#234-528) – NOTICE OF INTENT**

C. Shapiro opened the public hearing at 8:20 p.m. Bob Zarelli, applicant's architect, and Elizabeth Wallis, applicant's wetland consultant, presented to the Commission the proposal to demolish an existing sun room and patio, and construct an addition to a single-family dwelling with associated site work, stairs,

patio, and landscaping located on existing lawn and structures within the 200-foot Riverfront Area and the 100-foot buffer zone associated with a bordering vegetated wetland and inland bank. The architect stated that a crawl space was proposed, not a foundation. The wetland consultant indicated that the project will be altering approximately 9.6% of Riverfront Area on-site, no work is proposed within 25-feet of the bordering vegetated wetland and that the project has no significant adverse impact on the Riverfront Area. C. Shapiro required the applicant to submit a revised plan with proposed drywell locations to mitigate for newly created impervious surface. The Commission as a whole also requested that a Riverfront Area plan be submitted for approval prior to project commencement and that plants should be proposed along the wetland boundary to mitigate for work within the 100-foot Riverfront Area. S. Soltzberg received clarification that proposed patio has a roof and that it may be better classified as a porch. The Commission also required 2-years of restoration plant monitoring. C. Shapiro opened the hearing to public comment with no comments received. **Motion to issue an Order of Conditions by J. Bernardo, seconded by P. Alpert, approved 5-0-0. Public hearing was closed at 8:38 p.m.**

#### **43 NEWELL AVENUE (DEP FILE#234-580) – NOTICE OF INTENT**

C. Shapiro opened the public hearing at 8:39 p.m. Karon Skinner Catrone, applicant's wetland consultant, presented to the Commission the proposal to demolish an existing deck, concrete patio and staircase, and construct an addition to a single-family dwelling with associated site work, deck, stairs, and landscaping within 100 feet of a bordering vegetated. Instead of installing drywells, the applicant proposed to install a cistern/rain barrel at downspouts as an alternative. Erosion controls consisting of filter mitt and orange construction fencing will be installed at the limit of work. C. Shapiro opened the hearing to public comment with no comments received. **Motion to issue an Order of Conditions by S. Soltzberg, seconded by J. Bernardo, approved 5-0-0. Public hearing was closed at 8:45 p.m.**

#### **463 CHARLES RIVER STREET (DEP FILE#234-579) – NOTICE OF INTENT**

C. Shapiro opened the public hearing at 8:47 p.m. Nikki Labella and Chuck Peabody from Spectra Energy, and Kelly Kippenberger, applicant's wetland consultant, presented to the Commission the proposal to install a ground bed to provide additional cathodic protection required along a portion of the existing, natural gas mainline pipeline within bordering vegetated wetland and its associated 100-foot buffer zone in the Ridge Hill Reservation. The project will result in approximately 4,990 square feet of temporary alteration within bordering vegetated wetland. Spectra Energy noted that the preferred alternative avoids the sensitive bog area requested by the Commission during the preliminary project planning stages and unnecessary stream crossings. The applicant's wetland consultant described in detail the construction process outlined in the Notice of Intent and that the construction work space is limited to a proposed 10-foot wide easement that does not require maintenance. It was also explained that during construction a small rubber track excavator operator maneuvers the installation on swamp mats around large trees, the top soil is segregated and original contours are restored.

Spectra Energy anticipates construction starting June or July of 2010 and will have daily inspections and reports during the two week construction process. S. Soltzberg required avoidance of all trees. P. Barry noted that the Notice of Intent application did not have a property owner signature, and that two property owners, the Board of Selectman and the Conservation Commission, would be required to sign the application as a portion of the preferred alternative is located on the Article 97 land transfer arranged for the alternative location for a proposed Senior Center. The Conservation Commission agreed to sign the Notice of Intent for the portion of work proposed under their authority. Spectra Energy committed to coordinating with the Town Manager regarding the proposed cathodic protection easement on Board of Selectman owned land. **Motion to continue the public hearing to April 22, 2010 - 8:00 p.m. at the PSAB Charles River Room by P. Alpert, seconded by S. Soltzberg, approved 5-0-0.**

**87 & 99 RIVERBEND LANE (DEP FILE#s 234-528 AND 234-527) – REQUEST TO AMEND ORDERS OF CONDITION (formerly 708 South Street Lot 4A and 4B, respectively)**

C. Shapiro opened the public hearing at 9:13 p.m. Roy Cramer, applicant's attorney, and David Kelly applicant's engineer, represented Petrini Corporation of Needham, MA and described the proposed changes to MA DEP File# 234-528, 87 Riverbend Lane (Lot 4A) and MA DEP File# 234-527, 99 Riverbend Lane (Lot 4B). Revised plans for 87 Riverbend Lane include the installation of a pool, pool decking, cabana, retaining walls, and additional landscaping area along with a reconfiguration of the house footprint, associated driveway and adjusted lot line between parcels 4A and 4B. The pool and associated decking will result in approximately 440 square feet of new impervious surface. Applicant's engineer confirmed that the revised plan will not create additional runoff off-site. Revised plans for 99 Riverbend Lane indicate a relocation of the proposed single family home and driveway approximately 15-feet in a southerly direction as a result of the adjusted lot line change between parcels 4A and 4B. C. Shapiro opened the hearing to public comment.

Terry Caldwin of 288 Foxhill Road, Needham MA inquired about the conservation restriction required by the Conservation Commission under the previous Order of Conditions. Roy Cramer explained to the abutter the details of the Conservation Restriction and that it included a no build and no tree removal clause, and provided the Conservation Commission with an access path to the restricted land.

**Motion to approve the proposed work under DEP File #s 234-527 and 234-528 as an amendment to the existing Orders of Condition by S. Soltzberg, seconded by J. Bernardo, approved 4-0-0. Public hearing was closed at 9:35pm.**

**COMMISSION ACTIONS**

**RIDGE HILL RESERVATION – Trail Maintenance Activity Notification Forms**

Girl Scout Lauren Anzalone presented to the Commission her trail maintenance activities anticipated in May of 2010 to close off trails and clear vegetation along trails in accordance with the town's approved Ridge Hill Reservation Trail Maintenance Plan. Boy Scout Ned Cooley presented his summer project to saw off the existing trail sign at Ridge Hill Reservation, install a new kiosk, blaze back circular trail, and close out the Wellesley College path. C. Shapiro required coordination and oversight by P. Barry. J. Bernardo required notification of trail maintenance activity progress and schedule. **Motion to approve both Trail Maintenance Activity Forms by S. Soltzberg, seconded by P. Alpert, approved 5-0-0.**

**57 FRANK STREET – Enforcement Order Restoration Plan Approval**

Karon Skinner Catrone, property owner's wetland consultant, presented to the Commission the 57 Frank Street Restoration Plan to backfill the trench by hand and plant one (1) swamp white oak (*Quercus bicolor*), one (1) red maple (*Acer rubrum*), five (5) high-bush blueberries (*Vaccinium corymbosum*), and five (5) winterberries (*Ilex verticillata*). P. Barry is required to look up property boundaries and owner information for where the violation took place. The Commission required a 2-year monitoring of the restoration plantings by a Wetland Specialist with a 75% survival rate. P. Barry will revise Enforcement Order to include the approved Restoration Plan, and additional conditions. **Motion to approve 57 Frank Street Restoration Plan by P. Alpert, seconded by D. Stolfi-Stalenhoeft, approved 5-0-0.**

**OTHER BUSINESS**

**20 GLEN GARY ROAD – Enforcement Order Discussion**

P. Barry explained the violation witnessed at 20 Glen Gary Road that consisted of unauthorized fill in the form of sediment and gravel piles within 50-feet of a bordering vegetated wetland. Owner was on-site with a backhoe getting ready to move fill on-site, and was given a verbal cease and desist on Wednesday, April 7, 2010 with an order to install erosion controls consisting of haybales and silt fence over the weekend. C. Shapiro mandated that P. Barry issue an Enforcement Order requiring the owner to hire a

wetland specialist to devise a restoration plan to be submitted for Commission approval at the next public hearing scheduled for April 22, 2010. J. Bernardo will stop by over the weekend to confirm that no additional work was taking place.

**2010 BRAKING THE CYCLE HIV/AIDS BIKE RIDE – Ridge Hill Reservation Discussion**

P. Barry explained that the bike ride rest stop use at Ridge Hill would be a 3-hour window from 6am to 9am on Friday, September 24, 2010, and that only two (2) small 10-foot by 10-foot tents and two (2) portable restrooms will be placed on the parking lot located at the bend along the paved entrance to Ridge Hill Reservation off of Charles River Road. The Commission approved the use of the Ridge Hill Parking Lot as a rest stop for the ride contingent upon an approved indemnification agreement signed by Town Council and portable restrooms removal in a timely manner.

**ANNUAL EARTH DAY CHARLES RIVER CLEAN-UP – April 24, 2010 9am to Noon**

**Meeting was adjourned at 9:50 p.m.**

Next Meeting: Thursday, April 22, 2010 - 7:30 p.m. at Town of Needham Public Services Administration Building, Charles River Room

Respectfully submitted,

**Patricia L. Barry**