

**TOWN OF NEEDHAM  
CONSERVATION COMMISSION  
MEETING MINUTES  
Thursday, April 22, 2010**

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

ATTENDING: Lisa Standley (Chair), Carl Shapiro (Vice Chair), Paul Alpert, Janet Bernardo, Marsha Salett, Sharon Soltzberg, Patricia Barry (Agent),

GUESTS: Jeff Fishbone, Joyce Hastings, Peter Hopple, Edgar Rossi, Tripp Roadland, Stu Rothman,

L. Standley opened the meeting at 7:32 p.m.

**MINUTES**

Motion to approve minutes of March 11, 2010 by C. Shapiro, seconded by P. Alpert, approved 5-0-0.

Motion to approve minutes of April 8, 2010 by L. Standley, seconded by C. Shapiro, approved 5-0-0.

**PUBLIC HEARINGS**

**46 PLEASANT STREET (DEP FILE#234-582) – Continued NOTICE OF INTENT**

L. Standley opened the continued public hearing at 7:52 p.m. L. Standley recused from commenting and voting on 46 Pleasant Street Notice of Intent due to a conflict of interest. Jeff Fishbone, property owner, again 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 within 100-feet of a bordering vegetated wetland. The Commission approved the use of a fence as the required on-site permanent markers. Applicant agreed to pull back the haybales and install erosion controls in front of the existing garage. L. Standley opened the hearing to public comment with no comments received. **Motion to close the public hearing by J. Bernardo, seconded by P. Alpert, approved 4-0-0. Public hearing was closed at 8:02 p.m.** The Commission reviewed the draft Order of Conditions, and agreed that the proposed project was eligible for a fee reduction and unanimously agreed to decrease the bylaw filing fee from \$1000.00 to \$500.00 for landscaping proposed within 25-feet of a bordering vegetated wetland. L. Standley and M. Salett abstained from voting. **Motion to issue the Order of Conditions for DEP File # 234-582 by C. Shapiro, seconded by S. Soltzberg, approved 4-0-0.**

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

L. Standley opened the continued public hearing at 8:03 p.m. P. Barry stated that the Applicant requested a continuance to May 13, 2010. L. Standley recused herself from the 463 Charles River Street Notice of Intent public hearing due to a conflict of interest. J. Bernardo and P. Alpert stated that they would be unable to attend the May 13, 2010 public hearing, therefore C. Shapiro, M. Salett, S. Soltzberg, and D. Stolfi-Stalenhoef, must be present for a full voting quorum. **Motion to continue the public hearing for DEP File # 234-579 (at Applicant's request per property owner approval) to May 13, 2010 at 7:45 p.m. by P. Alpert, seconded by M. Salett, approved 6-0-0.**

**449 CENTRAL AVENUE (DEP FILE#234-581) – NOTICE OF INTENT**

L. Standley opened the public hearing at 8:15pm. Joyce Hastings, applicant's wetland specialist, presented to the Commission the proposal to install an inground pool, patio, two-story deck, retaining

wall, outdoor kitchen, stormwater swale, woodpile removal, vegetable garden, garden shed, landscaping, associated site grading and driveway pitching within 100-feet of a bordering vegetated wetland. Ms. Hastings stated that no work had been conducted under the existing Order of Conditions (DEP File#234-485) and that the applicant has submitted a Request for a Certificate of Compliance to formally close the existing Order of Conditions. Ms. Hastings further explained the changes between the old filing and the new filing showing that the proposed pool is thinner but longer, the patio has increased in size, and that two oak trees will be removed as a result of the project. Applicant proposed native woody plantings between the 25-foot and 50-foot buffer zone to mitigate for vegetation removal. L. Standley expressed concern regarding the proposed swale; however Ms. Hastings explained that she did not anticipate that the swale would cause erosion at top of slope. L. Standley inquired about the soil stockpile areas. Ms. Hastings indicated that all soil will be taken off-site. S. Soltzberg asked how much additional impervious surface was being proposed as a result of the concrete patio. P. Barry stated that about 3,300 square feet of additional impervious surface is proposed for the project. J. Bernardo inquired about any existing drywells or proposed drywells for roof runoff and requested that applicant add a drywell. M. Salett and S. Soltzberg requested a site visit to investigate the existing vegetation to be removed as a result of the project. **Motion to continue the public hearing for DEP File # 234-581 (for additional information and site visit) to May 13, 2010 at 8:00 p.m. – PSAB Charles River Room by L. Standley, seconded by S. Soltzberg, approved 6-0-0.** The Commission scheduled a site visit for Tuesday, April 27, 2010 at 7:00 p.m.

#### **100 ELDER ROAD (DEP FILE#234-58X) – NOTICE OF INTENT**

L. Standley opened the public hearing at 8:36 p.m. Peter Hopple, applicant, presented to the Commission the proposal to remove and replace the front walkway with pervious pavers, and the “after the fact” filing for a newly constructed deck within the riverfront area of Hurd Brook. Mr. Hopple explained that the deck construction without a permit was a mistake. L. Standley requested that the applicant revise the project plans to include the correct resource area identification, specifically the 100-foot Riverfront Area to Hurd Brook, and the 100-foot Buffer Zone to inland bank. P. Barry indicated that no DEP File# had been issued for the project. **Motion to continue the public hearing (for DEP File# issuance) to May 13, 2010 at 8:15 p.m. – PSAB Charles River Room by J. Bernardo, seconded by P. Alpert, approved 6-0-0.** L. Standley agreed that the Conservation Officer would give clearance to the building inspector to allow additional interior work to be conducted prior to the issuance of an Order of Conditions.

#### **COMMISSION ACTIONS**

##### **20 GLEN GARY ROAD – Ratify Enforcement Order**

P. Barry discussed the enforcement order violation of fill and alteration of vegetation within the 100-foot buffer zone to bordering vegetated wetland without a permit. Fill piles consisting of loam and rock/gravel are located within 50-feet of the forested wetland. Property owner was in the process of excavating fill piles with small backhoe and was issued a verbal cease and desist by Conservation Officer of the activity on April 8, 2010. Owner was given verbal permission to remove piles of red brick and blue flat stone off-site. Erosion controls in the form of haybales and silt fence were installed at the limit of work over the weekend. Ed Rossi, property owner, stated his father owned the property prior to him, and that some of the fill piles were there for a long time. Ed Rossi stated that he was cleaning up the area for the sale of the home, and he submitted the required restoration plan for the Commission to review. L. Standley stated that Dr. Hewitson’s restoration plan is reasonable. The Commission agreed to record all enforcement orders at the Registry of Deeds so that potential owners would be aware of wetlands on the property. The Commission required the planting of a row of arrowwood (*Viburnum* sp.) or highbush bluberry (*Vaccinium corymbosum*) above the haybale line, and seeding of the area as outlined in the restoration plan. **Motion to accept the restoration plan presented and ratify enforcement order by J. Bernardo, seconded by M. Salett, approved 6-0-0.**

### **112 EDGEWATER DRIVE – Ratify Enforcement Order**

P. Barry discussed the enforcement order violation that the erosion controls were not re-installed at the limit of work and earth work had continued in the 200-foot Riverfront Area to the Charles River and within the 100-foot buffer zone of a bordering vegetated wetland. Earthwork may have extended beyond the permitted work limits. **Motion to issue a fine violation of \$200 per day per violation and ratify enforcement order by M. Salett, seconded by J. Bernardo, approved 6-0-0.**

### **57 FRANK STREET – Ratify Enforcement Order**

P. Barry updated the Commission on the enforcement order and noted that the drainage ditch had been filled as required; however the work was conducted with an excavator instead of manual as stipulated in the approved restoration plan. L. Standley required that the Enforcement Order be revised to include a fourteen (14) day condition to complete the required plantings, and that all property owners affected by the violation be copied on the revised Enforcement Order. The Commission discussed and unanimously agreed that all enforcement orders should be recorded at the Registry of Deeds. **Motion to ratify enforcement order by J. Bernardo, seconded by P. Alpert, approved 6-0-0.**

### **SEWER DEPARTMENT BYPASS PUMPING – Ratify Emergency Certification**

P. Barry discussed the emergency certification that required bypass pumping from the Town's sanitary sewer system to wetlands and waterways as a result of the sewer system back-up due to recent flooding events. **Motion to ratify emergency certification by P. Alpert, seconded by J. Bernardo, approved 6-0-0.**

### **449 CENTRAL AVENUE (DEP FILE#234-485) – Certificate of Compliance Request**

P. Barry stated that no work had been started on the property and that there were no other outstanding issues associated with this project as the previous enforcement issue had been resolved prior to the issuance of the Order of Conditions. **Motion to issue a Certificate of Compliance for DEP File # 234-485 by Marsha Salett, seconded by Paul Alpert, approved 6-0-0.**

**NEEDHAM RESERVOIR PARKS & FORESTRY REQUEST – Trail Maintenance Notification**  
**Motion to approve the Trail Maintenance Notification Form to remove trash and trim overgrown plants obstructing the Roland Johnson trail along the edge of the Reservoir by J. Bernardo, seconded by P. Alpert, approved 6-0-0.**

### **189 BRIDLE TRAIL ROAD (DEP FILE#234-578) – Issue Order of Conditions**

The Commission reviewed the draft Order of Conditions. L. Standley and M. Salett abstained from voting as they were not in attendance at the April 8, 2010 public hearing. **Motion to issue the Order of Conditions for DEP File # 234-578 by J. Bernardo, seconded by C. Shapiro, approved 4-0-0.**

### **43 NEWELL AVENUE (DEP FILE#234-580) – Issue Order of Conditions**

The Commission reviewed the draft Order of Conditions. L. Standley and M. Salett abstained from voting as they were not in attendance at the April 8, 2010 public hearing. **Motion to issue the Order of Conditions for DEP File # 234-580 by J. Bernardo, seconded by P. Alpert, approved 4-0-0.**

### **REVISED RIDGE HILL AGREEMENT – Vote and Sign Agreement**

Lisa discussed the slight modification to the originally signed agreement. **Motion to approve the revised Ridge Hill Agreement by J. Bernardo, seconded by P. Alpert, approved 6-0-0.**

### **OTHER BUSINESS**

### **3 MARY CHILTON ROAD – Enforcement Order Discussion**

P. Barry explained to the Commission the report that a retaining wall had been installed in the back of the property at 3 Mary Chilton Road within the 100-foot buffer zone to Bordering Vegetated Wetland without a permit, and that she would conduct a site visit shortly. Reports indicated that the retaining wall was built over a town owned culvert and that the recent flooding events may have contributed to the undermining of the wall. The Commission required that the enforcement order include the submittal of an “after the fact” Notice of Intent.

### **145 PINE STREET RIDGE HILL ENCROACHMENT**

P. Barry explained to the Commission that the Engineering Department had loamed and seeded the disturbed area of the Ridge Hill Reservation in front of 145 Pine Street. She relayed to the Commission that the Engineering Department stated that they were under budgetary constraints and could not install a fence and woody plantings as initially suggested by the Commission for mitigating the unauthorized disturbance on the Ridge Hill Reservation as a result of the water main replacement project. P. Barry also noted that she required installation of silt fencing along the Nike Site access roadway due to the water main replacement project runoff on the property. As a solution P. Barry relayed that the Engineering Department stated that they may be able to install boulders along the 145 Pine Street section to discourage future disturbance in the area. The Commission unanimously agreed that this solution would suffice. P. Alpert also asked if they could install additional boulders at the trail entrance to deter motor vehicle usage like dirt bikes along the trails.

### **PERRY GLEN LAND TRANSFER FROM PARK & RECREATION - Discussion**

L. Standley inquired about the vote to approve the land transfer of the 6.51 acre Perry Glen parcel from Park & Recreation to the Conservation Commission. P. Barry stated that the Commission approved the land transfer at the March 25, 2010 public meeting; however the Commission did not vote at the time since the land transfer was not approved by the Park and Recreation Commission or the Board of Selectman.

**Meeting was adjourned at 9:51 p.m.**

### **NEXT PUBLIC HEARING**

*May 13, 2010 at 7:30pm in the Needham Public Services Administration Building – Charles River Room*