

**TOWN OF NEEDHAM
CONSERVATION COMMISSION
MEETING MINUTES
Thursday, June 10, 2010**

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

ATTENDING: Lisa Standley (Chair), Marsha Salett, Paul Alpert, Janet Bernardo, Carl Shapiro, Dawn Stolfi Stalenhoef, Sharon Soltzberg, Patricia Barry (Agent), Elisa Litchman (Assistant)

GUESTS: Bill Balutis, Jocylyn Bailin, Karon S. Catrone, Chris Charlton, Tom Currier, Jen Ducey, Patrick Garner, Nikki La Bella, Chuck Peabody, Eric Rothenberg, Diane Simonelli, Anand Shete, Julie Stearns, Bill Zoppo.

L. Standley opened the meeting at 7:35 p.m.

MINUTES

Motion to approve minutes of May 13, 2010 as amended, by C. Shapiro, seconded by J. Bernardo, approved 6-0-0.

Motion to approve minutes of May 27, 2010 as amended, by L. Standley, seconded by S. Soltzberg, approved 6-0-0.

PUBLIC HEARINGS

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

L. Standley opened the continued public hearing at 7:49 p.m. L. Standley recused herself from the 463 Charles River Street Notice of Intent public hearing due to a conflict of interest. Nikki Labella and Chuck Peabody of Spectra Energy presented to the Commission a new preferred route that re-routed the cathodic protection right-of-way around the Board of Selectmen owned property at Ridge Hill Reservation that is currently one of the locations for a proposed town Senior Center. N. Labella stated Spectra Energy tried to find the least environmentally invasive route. The Board of Selectmen held a public hearing on Tuesday, June 8, 2010 where the Board respectfully asked the Conservation Commission to approve the new proposed route that avoided the Board of Selectman property. The Board of Selectman stated that their approval signature was dependent upon the Commission's approval of the newly proposed route. J. Bernardo recommended that no trees be taken to the maximum extent practicable and that the trench be restored. N. Labelli confirmed that the right-of-way would be restored. J. Bernardo asked how long the project would take. C. Peabody said a couple of weeks unless they hit ledge. Furthermore, N. Labella explained that they will be snaking around the trees, crossing the driveway which will be dug up and then repaired. N. Labelli stated that they had surveys done and do not expect to encounter ledge along the proposed route. J. Bernardo asked if there is a septic system on-site. N. LaBella responded indicating that the septic is in the adjacent field and this is the reason for hugging the tree line to avoid the system. **Motion to close the public hearing by J. Bernardo, seconded by P. Alpert, approved 5-0-0.** Public hearing was closed at 8:00 p.m. The Commission reviewed the draft Order of Conditions. **Motion to issue the Order of Conditions for DEP File #234-579 contingent upon submittal of revised final stamped plans of the new preferred route by J. Bernardo, seconded by P. Alpert, approved 5-0-0.**

35 WINFIELD STREET – REQUEST FOR DETERMINATION OF APPLICABILITY

L. Standley opened the public hearing at 8:02 p.m. Chris Charlton, the project surveyor, explained to the Commission that the single family home on the property was located outside of the 200-foot Riverfront Area of Rosemary Brook, however proposed landscaping and foundation over-dig were located within the outer 200-foot Riverfront Area. L. Standley added that the plans show that the existing driveway would also be demolished and located on the other side of the property. C. Charlton stated that they planned to landscape the property, and would prefer to keep the large maples on-site and transplant; however the survival rate is low for the transplanted trees. The crabapple tree will be removed and the applicant proposed to plant a few trees on the property. The house has been demolished; this activity was located outside of the Commission’s jurisdiction. P. Barry attests to the installation of erosion controls prior to the demolition of the single-family dwelling. L. Standley stated that the project is eligible for a negative determination of applicability. **Motion to grant a Negative Determination of Applicability by J. Bernardo, seconded by P. Albert, 6-0-0.** The public hearing was closed at 8:05 p.m.

19 JENNIFER CIRCLE (DEP FILE # 234-588) – NOTICE OF INTENT

Patrick Garner, wetland consultant, represented the owner of the property Eric Rothenberg, and described the wetland resource areas that were located along the back of the property at 19 Jennifer Circle that included the 200-foot Riverfront Area to Hurd Brook and associated Bordering Vegetated Wetland. P. Garner explained the proposed project to gain vehicle access to the rear of property by installing a grass access way, the installation of a pool house, the removal of 20 plus trees and the re-grading by a foot or more of the knoll in the back of the property. P. Barry reviewed the wetland delineation and requested that Wetland Flag 8 be moved out 11.1-feet from the existing Wetland Flag 8 and 59.5-feet from Wetland Flag 10 due to the presences of greater than 50-percent wetland vegetation and hydric soils. Wetland Flag 7 was missing presumably due to the overgrowth of vegetation or a tree fell down on it. P. Garner has no objections to the delineation request. J. Bernardo asked whether all the trees were marked to be taken down. P. Garner stated that they are outside the 100-foot inner riparian zone. He then reviewed with L. Standley and J. Bernardo which trees are to be removed. L. Standley required that the erosion controls be installed greater than 25-feet from the bordering vegetated wetland boundary if the applicant claims that all work would be outside of the 25-foot no-disturb zone. L. Standley explained that the bylaw performance standards for vegetated wetlands require the protection of trees within 50-feet of a wetland in a forested condition. P. Barry presented photographs of the property to the Commission.

L. Standley asked about the amount of disturbance expected from re-grading the knoll within the Riverfront Area and Buffer Zone. P. Garner explained that he believed that the project was an exempt minor activity under the river provisions and stated that the project would be less than the 5,000 square feet disturbance. He further stated that trees would be cut down to ground and no root balls would be removed to minimize the ground disturbance. L. Standley explained that the project needs to meet all requirements of the Riverfront Area performance standards and that proof of compliance must be submitted to the Commission with the required alternatives analysis. P. Barry cited the definition of “vista pruning” from the Wetlands Protection Act Regulations (310 CMR 10.04) as the “selective thinning of tree branches or understory shrubs to establish a specific window to improve visibility. Vista pruning does not include the cutting of trees which would reduce the leaf canopy to less than 90-percent of the existing crown cover...”. J. Bernardo expressed her concern regarding the cutting down of all the trees. P. Garner responded stating that the backyard was not conducive for normal children’s activities.

P. Barry noted the written concerns filed by a neighbor of 406 Central Avenue who was unable to attend the hearing. The neighbor was concerned about water runoff onto his property once so many trees were taken down. Several members of the Commission agreed that trees have several functions one of which is

absorbing water which reduces the run-off. J. Bernardo noted that the proposed grading would direct surface runoff away from the abutter.

L. Standley required the following supplemental information: (1) a revised plan; (2) the re-location of erosion controls greater than 25-feet from the vegetated wetland; (3) an additional site visit; and (4) the identification of trees that the owner plans to save; (4) a description of how the project complies with the relevant performance standards and an alternatives analysis as required by the regulations for Riverfront Area. P. Garner withdrew the original proposal and instead presented to the Commission a project that solely contained the installation of the grass access way to allow vehicular access to the backyard and the installation of a pool house. L. Standley stated that the new proposed project would not require a site visit, but revised plans would be required. **Motion to continue the public hearing to June 24, 2010 at 8:15 p.m. by S. Soltzberg, seconded by J. Bernardo. 6-0-0.**

178 HIGH ROCK STREET (DEP FILE #234-586) – Continued NOTICE OF INTENT

L. Standley opened the continued public hearing at 8:40 p.m. Bill Balutis, the owner, presented to the Commission the revised plan change and relocation of Wetland Flag #8. P. Barry and B. Balutis clarified the new plans and the delineated wetlands. L. Standley stated that the Commission accepted the revised line of iron pins which have changed the new lawn area. In anticipation of mowing the lawn and avoiding accidental interference with the iron pins, L. Standley required that the iron pins be installed at least 6-inches in height. **Motion to close the public hearing by C. Shapiro, seconded by J. Bernardo, approved 6-0-0.** The public hearing was closed at 8:47 p.m. The Commission reviewed the draft Order of Conditions. **Motion to issue the Order of Conditions for DEP File #234-586 by J. Bernardo, seconded by C. Shapiro, approved 6-0-0.**

62 PLEASANT STREET – REQUEST FOR DETERMINATION OF APPLICABILITY

L. Standley opened the public hearing at 8:45 p.m. Karon Skinner Catrone, wetland consultant, represented the owner, Jocelyn Bailin, and presented to the Commission the proposal to restore the wetland at the rear of 62 Pleasant Street (currently a mowed lawn) and to install two 8-foot annual planting beds. The planting beds will be installed greater than 25-feet from the wetland edge. **Motion to issue a Negative Determination of Applicability by J. Bernardo, seconded by C. Shapiro, approved 6-0-0.** The public hearing was closed at 8:50 p.m.

HIGHLAND AVENUE (DEP FILE #234-587) – ABBREVIATED NOTICE OF RESOURCE AREA DELINEATION

L. Standley opened the public hearing at 8:59 p.m. L. Standley recused herself from the Highland Avenue Notice of Intent public hearing due to a conflict of interest. Tom Courier, MA DOT project manager, and Julie Sterns, AECOM wetland consultant, presented to the Commission the Highland Avenue Reconstruction Project and described the location of bordering land subject to flooding, bordering vegetated wetland and inland bank within the vicinity of the proposed project route. P. Barry confirmed that the wetland assessment was accurate based on a site investigation and that this Order of Resource Area delineation would be issued under the MA Wetlands Protection Act only as MA DOT projects are exempt from local statutes and abutter notification requirements. **Motion to issue an Order of Resource Area Delineation by J. Bernardo, seconded by S. Soltzberg, approved 5-0-0.** The public hearing was closed at 9:05 p.m.

0 SUNSET ROAD (DEP FILE #234-567) – REQUEST TO AMEND ORDER OF CONDITIONS

L. Standley opened the public hearing at 8:52 p.m. Diane Simonelli of Field Resources presented to the Commission the proposed changes to the project outlined in the Request to Amend the Order of Conditions for DEP File# 234-567. D. Simonelli explained that the applicant would like to remove the

garden in the back of the property along with the debris from the previous property owner. Additionally the owner requested approval for a retaining wall with minor grade changes adjacent to the single family dwelling, install an irrigation system and sod. D. Simonelli stated that in order to install the retaining wall, the hay bales would need to be removed. L. Standley explained that the erosion controls need to be in place during construction, therefore the erosion controls should be installed on the neighboring property or the retaining wall should be moved closer to the single family dwelling to accommodate the erosion control installation. **Motion to Amend the Order of Conditions for DEP File# 234-567 by P. Alpert, seconded by J. Bernardo, approved 6-0-0.** The public hearing was closed at 8:58 p.m.

COMMISSION ACTIONS

28 WEBSTER STREET (DEP FILE #234-506) – Request to Extend Order of Conditions

The owner, Bill Zoppo, explained to the Commission the primary reason for the extension request was due to litigation issues that were unresolved until late 2009. B. Zoppo originally requested a one year extension for the existing Order of Conditions, but expressed his wish for a 2 year extension based on the 2 year delay on the work. L. Standley stated that since the property is solely subject to Wetlands Protection laws she proposed a 3 year extension. J. Bernardo agreed to the 3-year extension request approval. **Motion to issue a 3-year Extension Permit for the 28 Webster Street Order of Conditions (DEP File#234-506) by S. Soltzberg, seconded by C. Shapiro, approved, 6-0-0.**

0 SOUTHFIELD COURT (DEP FILE#234-584) – Order of Conditions Issuance

The Commission reviewed the draft Order of Conditions. J. Bernardo asked if the homeowners association should notify the Commission about the progress of the pond and stream. L. Standley stated that this would be provided within the required Annual Report. J. Bernardo asked if the Commission notified anyone about the parrot feather problem. P. Barry stated that the MA NHESP would be notified shortly. The Commission stipulated that a 3 year permit would be issued for the Southfield Court Pond Aquatic Management Program. **Motion to issue the Order of Conditions for DEP File #234-584 by J. Bernardo, seconded by D. Stolfi Stalenhoef, approved 5-0-0.**

OTHER BUSINESS

17 CENTRAL AVENUE (DEP FILE #234-532) – CERTIFICATE OF COMPLIANCE REQUEST

Diane Simonelli of Field Resources presented to the Commission the Certificate of Compliance request for the 17 Central Avenue project. L. Standley stated that the Commission did not have all the required information to issue the Certificate as the Engineer and/or Land Surveyor certification was not provided. D. Simonelli explained that there was a list of specific native plantings on the original approved plan that were not planted, however the owner did plant other non-native species. Additionally, a small patio was installed with limited disturbance within the 200-foot Riverfront Areas of the Charles River. P. Alpert reiterated for the record that the owner installed the patio without notifying the Commission and recommended that the record reflect the new additional impervious surface. D. Stolfi Stalenhoef questioned whether the additional disturbed impervious area conforms to the Riverfront Area performance standards. **Motion to table the 17 Central Avenue Certificate of Compliance Request to the June 24, 2010 meeting by L. Standley, seconded by P. Alpert, approved, 6-0-0.**

NORFOLK COUNTY MOSQUITO CONTROL PROJECT

P. Barry stated that a site visit has not been conducted at the Alden Road Wetlands Management Project by Norfolk County Mosquito Control. L. Standley requested that P. Barry find out on whose property the work would take place as well as do a site visit.

FY2011 PUBLIC HEARING SCHEDULE & UPCOMING ELECTIONS - Discussion

D. Stolfi Stalenhoef will not be attending the August meeting. J. Bernardo nominated D. Stolfi Stalenhoef for the Vice Chair office. D. Stolfi Stalenhoef accepted the nomination. The FY 2011 office election will take place at the June 24, 2010 public hearing.

The Commission discussed the 178 Rosemary Street (DEP File#234-577) MA DEP Superseding Order of Conditions Information Request.

Meeting adjourned at 9:47 p.m.

NEXT PUBLIC HEARING

June 24, 2010 at 7:30pm in the Needham Public Services Administration Building – Charles River Room

Respectfully submitted,

Patricia Barry
Conservation Agent

Elisa Litchman
Conservation Assistant