

**TOWN OF NEEDHAM
CONSERVATION COMMISSION
MEETING MINUTES
Thursday, June 24, 2010**

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

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

GUESTS: Alex Bezanson, Karon S. Catrone, Jim Chaston, Michael Deychman, Stephen Francis, Robert Lynch, Ardian Rrapi, Diane Simonelli, Alexander Szewczah, Mary Trudeau

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

MINUTES

The Commission reviewed the meeting minutes of June 10, 2010. **Motion to approve minutes as amended by Paul Alpert, seconded by J. Bernardo, approved 6-0-0.**

PUBLIC HEARINGS

1381 GREAT PLAIN AVENUE (DEP FILE #234-534) – NOTICE OF INTENT

L. Standley opened the public hearing at 7:48 pm. Mary Trudeau, the applicant's wetland consultant, presented to the Commission the project proposal to demolish the existing single family home and construct a new single family dwelling within the 200-foot Riverfront Area of Rosemary Brook and 100-foot Buffer Zone to Inland Bank. She explained the existing conditions on-site including Rosemary Brook masonry walls, a stand of pine trees which encompass the 25-foot buffer zone, and the invasive species Japanese knotweed and burning bush. She further explained that the driveway will be shortened to reduce the impervious cover; two drywells have been proposed to infiltrate roof runoff; and an invasive species control implementation plan and planting plan along with the installation of filter mitts have been proposed to mitigate for work within the Riverfront Area.

L. Standley stated that it appears that a deck is proposed closer to Rosemary Brook than the existing structures which conflicts with the Notice of Intent application and that this needed to be changed in the application accordingly. J. Bernardo added the fact that there will be a bulkhead also extending further into the Riverfront Area. L. Standley reminded the Commission members that the regulations do not allow structures within the 100 foot Riverfront Area. M. Trudeau stated that she believed the deck is allowed in the 100-foot Riverfront Area, based on a 1-to-1 Riverfront Area mitigation ratio. She added that 151 square feet of shrubs are proposed and that the second part of mitigation is the elimination of the invasive species on the property. M. Trudeau suggested that once the house is built the owner could apply to build the deck a year later as an accessory to the single family home. M. Trudeau believes that the proposed work is "new work" whereas L. Standley stated that it is "redevelopment". M. Trudeau stated that she believes the deck is pervious area and L. Standley explained that building and surfaces, not the lawn, constitute impervious areas. After some debate M. Trudeau concluded that the owner would apply at a later time for the deck. The primary intent is to build the house.

J. Bernardo asked what the depth to groundwater was. Ardian Rrapi from Cheney Engineering, who is the applicant's engineer, explained the depth to ground water at an approximate depth of 222.2 – the bottom of the wall elevation and that the drywells were calculated for 1-foot of runoff. A. Rrapi also described the foundation drain that will tie into the Town of Needham stormwater system. M. Trudeau stated that the applicant must get approval from the Engineering Office to confirm the drainage tie in.

J. Bernardo stated that there would not be a problem with the filter mitt due to the relative flat topography of the property. L. Standley explained that the hearing must be given a continuance as a DEP File number has not been issued. M. Trudeau stated that the owner would like the issuance of the permit at the next hearing to accommodate the ordering of the modular home delivery. L. Standley stated that the Commission would take that into consideration. **S. Soltzberg moved to continue the public hearing to July 8, 2010 at 7:45 p.m. in the PSAB – Charles River Room, seconded by M. Salett, approved 6-0-0.** The public hearing was closed at 8:05 pm.

95 BOOTH STREET (DEP FILE #234-5XX) - NOTICE OF INTENT

L. Standley opened the public hearing at 8:05 pm. Karen Skinner Catrone, the applicant's wetland consultant, presented to the Commission the proposed project to demolish a single family home and construct a new single family home within the 100-foot Buffer Zone to a Bordering Vegetated Wetland. She explained for the record, that no work is proposed within 50-feet of the buffer zone, the original proposed plan did include fill in this area. She also presented a revised drainage plan that eliminated drywell installation that was replaced with a proposed 17-foot long infiltration system. She stated that some grading changes are proposed but that no trees would be removed as a result of the project. L. Standley stated that the only work which is within the Commission's jurisdiction includes the rear of the house, a portion of the proposed grading, and the infiltration system. The front of the house and driveway are not within the Commission's jurisdiction. L. Standley asked and P. Barry confirmed that the delineation is correct.

L. Standley stated that on page 5 of the application that there is a box checked in error. The correct species names need to be checked and revised on the Wetland Delineation data forms. S. Soltzberg also noted that the application stated the town of Dover rather than the town of Needham which is where the property is located. P. Barry stated that she needs the certified mailing receipts for proof of abutter notification. K. Catrone stated that she would provide the certified mailing proof by the next hearing. P. Barry also stated that there is no DEP File Number issued for this project. **J. Bernardo moved to continue the public hearing to July 8, 2010 at 8:00 p.m. in the PSAB – Charles River Room, M. Salett seconded, approved 6-0-0. J. Bernardo moved to close till then, M. Salett seconded, approved 6-0-0.** The public hearing was closed at 8:14 pm.

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

L. Standley opened the public hearing at 8:14 p.m. P. Barry explained that the hearing has been continued due to revised plans which the Commission has received. L. Standley confirmed that the pool house and grass access way are now the extent of the plan and that erosion controls will be moved so they are not within the 25-foot no disturb buffer zone. J. Bernardo confirmed that no trees would be taken down as a result of the proposed project. The owner stated that he had received the official file number notification in the mail. **P. Alpert moved to close the public hearing, seconded by D. Stolfi Stalenhoef, approved 6-0-0.** The public hearing was closed at 8:16 pm. The Commission reviewed the Order of Conditions. **M. Sallett made a motion to issue an Order of Conditions for DEP File# 234-588, seconded by J. Bernardo, approved 6-0-0.**

119 FOXHILL ROAD – REQUEST FOR DETERMINATION OF APPLICABILITY

L. Standley opened the public hearing at 8:30 p.m. Diane Simonelli of Field Resources, represented the applicant and presented to the Commission the proposed project to extend the existing deck on the back of the existing single family home that included the hand dug installation of sonitubes. She stated that the new deck would be located about 84.9-feet away from the closest wetland flags. The deck is proposed to be 14-foot by 26.4-foot with a stairway, half of which would be in the buffer and below the 500 square foot Bylaw Notice of Intent threshold. L. Standley questioned the wetland delineation flag 11 back away from the property. P. Barry explained that a site visit indicated that the wetland line extended away from the property. P. Barry was given proof of abutter notification via the certificate of mailings receipt. **Motion to close the public hearing by J. Bernardo, seconded by P. Alpert approved 6-0-0.** The public hearing was closed at 8:35 pm. The Commission reviewed the Negative Determination of Applicability. **Motion to issue a Negative Determination of Applicability by J. Bernardo, seconded by P. Alpert approved 6-0-0.**

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

L. Standley opened the public hearing at 8:45 p.m. Diane Simonelli of Field Resources explained that the owner needed to send the certified mailings again because the original notification was not given within the statutory time frames. P. Barry stated that the abutters needed to be notified seven (7) days before the hearing based on Wetlands Protection Act. The hearing occurred a day before this particular neighbor received the mailing and the mailing was addressed to the previous owner at that address. L. Standley stated that all abutter notifications need to be made within 7 days or there cannot be a public hearing. The Commission voted again to confirm. There is no need to sign the confirmation of amendment of Order of Conditions. **Motion to close the public hearing by J. Bernardo, seconded by P. Alpert, approved 6-0-0.** The public hearing was closed at 9:00 p.m. **J. Bernardo made a motion to confirm the approval of Amended Order of Conditions previously signed for DEP File#234-567, P. Alpert seconded, approved 6-0-0.**

COMMISSION ACTIONS

112 EDGEWATER DRIVE (DEP FILE#234-534) – ENFORCEMENT ORDER

P. Barry updated the Commission on the new enforcement order to be issued by the Commission for unpermitted work at 112 Edgewater Drive within the 200-foot Riverfront Area of the Charles River and the 100-foot Buffer Zone of a Bordering Vegetated Wetland. She explained that an unpermitted retaining wall was installed along the back of the property and that it appeared that work extended beyond the permitted work limits, potentially within the 100-year flood plain. Additionally, she stated that erosion controls have not been re-installed at the work limits and that there is evidence of erosion in the street from the property. P. Barry asked the Commission what fine was to be charged for the violation. She explained that there have been nine (9) permit conditions violated. The builder has been sent two enforcement orders already for permit violations for this project and that this would be the third issued enforcement order within the last year. In accordance with the Needham Wetlands Protection Bylaw the Commission may fine the violator up to \$200 per day per violation with a maximum penalty of \$25,000 per violation. J. Bernardo, P. Alpert and L. Standley confirmed the fine issuance of \$1,800. The Commission reviewed the draft enforcement order and provided comments on submittal deadlines and compliance requests. The enforcement order will be delivered via Constable. **Motion to issue the Enforcement Order for DEP File 234-534 by M. Salett, seconded by D. Stolf Stalenhoef, approved 6-0-0.**

ASA SMALL FENCE RECONSTRUCTION – EXEMPTION LETTER REQUEST

P. Barry explained that there is an existing fence surrounding the Asa Small Ball Field at DeFazio Park. She showed the Commission members where the field and fence is located on the plan and also shared photos of the existing fence. The Town would like to replace the fence which is within 50-feet of a bordering vegetated wetland. P. Barry also explained that there is further interest in improving the field structures such as new dugouts and batting cages which will be proposed at the July 22, 2010 public hearing through a Request for Determination of Applicability. **Motion to approve the fence replacement as an exempt activity by J. Bernardo, seconded by S. Soltzberg, approved 6-0-0.**

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

L. Standley stated that no letter from the engineer certifying that the work was conducted in accordance with the issued Order of Conditions was submitted at the last meeting; however the Commission has received a letter from a Professional Land Surveyor that is sufficient for the Commission to issue a Certificate of Compliance. **Motion to issue a Certificate of Compliance for DEP File# 234-532 by J. Bernardo, seconded by D. Stolfi Stalenhoef, approved 6-0-0.**

305 DEDHAM AVENUE (DEP FILE #234-563)- FENCE INSTALLATION

P. Barry stated that she has conducted a site visit at 305 Dedham Avenue for the fence exemption and presented pictures to the Commission for review. She noted that there is a high water table on the property and that the owner may need to submit an Amendment or Minor Modification request to deal with the on-site water that was observed in the basement. The owner would like to install a fence in front of the property along the street. **Motion to approve the fence installation as an exempt activity by M. Salett, seconded by P. Alpert, approved 6-0-0.**

OTHER BUSINESS

OLIN COLLEGE STUDENT TREE HOUSE PROJECT - DISCUSSION

P. Barry explained that two Olin College students came to talk with her about building a tree house in the wetlands for birding and were checking to see if the Commission would approve such a project. M. Salett asked why the students could not build within uplands. D. Stolfi Stalenhoef asked if it is considered ground disturbance if it is up in the trees. L. Standley stated that in order to build it they would have to get to it, bring equipment and supplies which would constitute ground disturbance. She suggested that they consider building the tree house outside of the wetland. If the proposed location is within the buffer zone they will need to submit a Request for Determination of Applicability to the Commission. P. Barry responded that she will convey this information to the students.

WETLAND PROTECTION FUND – APPROVAL REQUEST

P. Barry explained that there is \$10,000 available for the next 3 years designated for the Director of Conservation salary. It appears that \$3,000 plus would be available for the Commission to hire an administrative assistant to take Amy Holland's place while she is gone. This position would be part-time. P. Barry would like to respond to the public more efficiently and continues to see the need for an in-house wetlands map. She anticipated the part-time position would be necessary for the next 2-3 months. J. Bernardo asked if the part-time position might be of interest to Kristin (previously the Conservation Director). D. Stolf Stalenhoef offered to help out. L. Standley suggested that the part-time position should offer up to \$3,300 in salary. The Commission signed the approval to use \$3,300 of the Wetland Protection Fund to hire a temporary, part-time conservation administrative specialist.

CONSERVATION COMMISSION OFFICER ELECTIONS

Motion by J. Bernardo to elect L. Standley as the Commission Chair, seconded by S. Soltzberg, approved 6-0-0.

Motion by J. Bernardo to elect D. Stolfi Stalenhoef as Commission Vice Chair, seconded by P. Alpert, approved, 6-0-0.

P. Alpert and other members thanked L. Standley for her invaluable time and work for the Commission. L. Standley stated that it would be helpful for the Commission to reread the town regulations and that the Massachusetts Audubon Book was a great tool for this. P. Barry lent a copy of the MA Audubon Guidance Book to the new Vice Chair D. Stolfi Stalenhoef.

L. Standley stated that the Rosemary Pool issue is in progress though it hasn't opened as scheduled. P. Barry noted that she could not locate any meeting minutes for the months of January and February of 2010. L. Standley does not have minutes but has some notes which P. Barry could compile into minutes. S. Soltzberg stated that she will check her computer at home to see if she has notes or minutes of some kind. P. Barry offered to look in Kristen's computer desktop folder for drafts of minutes. P. Alpert commented that the regulations have gone through 3 reiterations.

Meeting was adjourned at 9:17 p.m.

NEXT PUBLIC HEARING

July 8, 2010 at 7:30 pm in the Needham Public Services Administration Building – Charles River Room

Respectfully submitted,

Patricia Barry
Conservation Agent

Elisa Litchman
Conservation Assistant