

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

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

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

GUESTS: Mark Allen, Karon S. Catrone, Glayton Da Cruz, Michael Deychman, Jim Duffy, Kim Rejndrup, Alex Bezanson, Diane Simonelli, Arnand Shete, Ross Seider, Mary Trudeau

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

MINUTES

The Commission did not review the meeting minutes of June 24, 2010 since they had been issued fairly late and all agreed to review them at the next meeting July 22, 2010.

ENFORCEMENT ISSUES

112 EDGEWATER DRIVE (DEP FILE#234-534) - P. Barry informed the Commission that she had conducted a site visit at the 112 Edgewater Drive property where the property owner, Ralph Feinberg, had been issued an Enforcement Order via Constable. She explained that fill had been excavated adjacent to the retaining wall and placed in the front yard after the enforcement order issuance. The property owner called P. Barry today and stated that he was not sure how to proceed. L. Standley suggested that P. Barry meet with R. Feinberg to explain the enforcement order and the required action items.

ENFORCEMENT ORDER CLOSURE PROCEDURES - P. Barry asked the Commission about the procedures when someone has complied with an Enforcement Order. L. Standley stated that there should be a letter from P. Barry informing the applicant and a copy sent to the MA DEP that the Enforcement Order has been followed and satisfied.

12 IVY ROAD - P. Barry explained to the Commission that a neighbor had called requesting that P. Barry investigate the property at 12 Ivy Road as the neighbor complained about flooding on the property due to the previous owners who had filled the wetlands and adjacent drainage swale between the two properties. The previous owners of 12 Ivy Road have since sold the property. P. Barry informed the Commission that there is an existing culvert which has been filled and that it is hard to determine the extent of recent fill in wetlands. P. Barry asked the Commission how she should proceed. L. Standley suggested that P. Barry see if the new property owner would cooperate and fix drainage situation.

PUBLIC HEARINGS

1381 GREAT PLAIN AVENUE (DEP FILE #234-590) – Continued NOTICE OF INTENT

L. Standley opened the public hearing at 7:45 pm. Mary Trudeau, the applicant's wetland consultant, stated that a MA DEP File Number had been issued for the project; however she noted that MA DEP had issued two separate filing numbers for the project. P. Barry stated that the Commission would use the the #234-590 file number. **Motion to close the public hearing by J. Bernardo, seconded by C. Shapiro, approved 6-0-0.** The public hearing was closed at 7:47 pm. L. Standley reviewed with the Commission the debate as to whether the proposed work at 1381 Great Plain Avenue fell under redevelopment or new development in the Riverfront Area regulations under 310 CMR 10.58. The Commission agreed that

these types of Riverfront Area projects would be on a case by case basis and would be reviewed in accordance with the applicant's project proposal and performance standard analysis. **Motion to issue an Order of Conditions for 1381 Great Plain Avenue (DEP File #234-590), seconded by C. Shapiro, approved, 6-0-0.**

95 BOOTH STREET (DEP FILE #234-589) – Continued NOTICE OF INTENT

L. Standley opened the public hearing at 8:00 pm. The hearing had been continued in order to allow for the correction of a page of the application, submission of the required abutter notification certificate of mailing proof, and DEP File# issuance. Karon Skinner Catrone, the applicant's wetland consultant, provided the Commission with the corrected form, proof of certificate of mailings and issued DEP File#. **Motion to close the public hearing by J. Bernardo, seconded by P. Alpert, approved 6-0-0.** The public hearing was closed at 8:01 p.m. The Commission reviewed the Order of Conditions. **Motion to issue an Order of Conditions for 95 Booth Street (DEP File# 234-589) by J. Bernardo, seconded by P. Alpert, approved 6-0-0.**

11 BRENTWOOD CIRCLE (NGWP #13) – NOTICE OF INTENT

L. Standley opened the public hearing at 8:15 pm. Mark Allen of Allen Engineering, applicant's representative, explained the proposed project to demolish the existing house, build a new house, and remove and relocate the driveway on the property within the 100-foot buffer zone to a vegetated wetland jurisdictional under the Town of Needham's Wetland Protection Bylaw. M. Allen explained that no work is proposed within the 25-foot buffer zone and that erosion controls in the form of hay bales and silt fencing will be installed at the work limits. He also described the proposed porch and the installation of an infiltration galley to mitigate roof run-off. J. Bernardo asked for further clarification about the existing lawn and the extent of proposed work. M. Allen stated that the applicant worked with an architect to have the grading the same so that no change would occur within the 25-foot buffer zone. He also explained the depth to groundwater is at or about the wetlands elevation. M. Allen elaborated on the difference in impervious area between the existing house and the proposed new house. The current impervious area is 2,553 square feet. The proposed impervious area will be 2,847 square feet. J. Bernardo mentioned that there is a fence at the rear of the property. **Motion to close the public hearing by J. Bernardo, seconded by P. Alpert, approved 6-0-0.** The public hearing was closed at 8:24 pm.

216 WASHINGTON STREET (DEP FILE #234-592) – NOTICE OF INTENT

L. Standley opened the public hearing at 8:30 pm. L. Standley stated that the Notice of Intent application had many deficiencies which she recounted for the Commission: species names of plants provided on the DEP data sheets were incorrect; no book and page number was provided for the property; no stormwater system calculations were submitted; the wetland delineation was incomplete; and no DEP File# had been issued. K. Skinner Catrone, the applicant's wetland consultant, submitted the proof of abutter mailing receipts to P. Barry and added that the book and page number for the property was left at the office. K. Skinner Catrone submitted a revised narrative for the project and explained that all of the proposed work was located within the 100-foot buffer zone of a Bordering Vegetated Wetland. She further elaborated that the existing home of 2,003 square feet is proposed to be demolished and a new home of 2,972 square feet to be reconstructed. She noted that the shed in the back yard was to be eliminated and this area would be converted to lawn. Two drywells are proposed to catch run off. She explained that the applicant has submitted a waiver request for both the work and the filing fee regarding a portion of the existing driveway proposed to be removed within the 25-foot buffer zone and the restoration of the 25-foot buffer zone. She stated that the erosion control line is proposed within the 25-foot buffer zone. L. Standley asked where wetland flag 1 is located. K. Skinner Catrone responded that it is at the culvert under the street. She further explained that the proposed driveway will lead to a garage underneath. There will be a retaining wall constructed. L. Standley asked which direction the driveway slopes. K. Skinner Catrone stated that it slopes towards the street.

L. Standley asked how the applicant planned to re-vegetate the old driveway. K. Skinner Catrone asked how the Commission would like to see it restored and suggested natural plantings. L. Standley commented that there will need to be a space to walk around the house. P. Alpert asked whether the existing driveway could be seeded as grass. K. Skinner Catrone added perhaps it could be ground cover. L. Standley concluded that K. Skinner Catrone should come up with a proposal and any other proposals to change the landscaping should be submitted. K. Skinner Catrone said that there would not be anything drastic proposed and that the stormwater calculations for the roof runoff infiltration system would be submitted. J. Bernardo commented that straw bales are better than hay as they do not have any grass seed. J. Bernardo requested the sizing of the drywells.

L. Standley opened the hearing to public comment. Ross Seider of 184 Brookline Street, explained that he was at the hearing to understand if there is anything in violation of the zoning being proposed. P. Barry stated that the Massachusetts Wetland Protection Act reviews any project proposed within or near a wetland. Also under Needham Wetlands Bylaw no construction can take place within 25-feet of wetlands. P. Alpert added that the applicant had asked for a waiver and stated that he is in compliance with the Wetlands Protection Act.

L. Standley reviewed for the applicant what should be submitted to the Commission: corrected Notice of Intent, the DEP file number, drainage calculations and a planting proposal. **Motion to continue the public hearing to July 22, 2010 at 7:45 pm in the PSAB – Charles River Room by J. Bernardo, seconded by P. Alpert, approved 6-0-0.**

OTHER BUSINESS

80 SYLVAN ROAD (DEP FILE#234-573) – MINOR MODIFICATIONS REQUEST

P. Barry explained that at 80 Sylvan Road there is work being done within the 25-foot buffer zone. There is an existing deck. The stairs from the new deck extend 2-feet further out into the 100-foot buffer zone, closer to the wetlands, where there are hay bales. The two AC condenser units are under the deck. J. Bernardo commented that it seems to be a minor change. **Motion to approve change as a minor modification not requiring an amendment to the 80 Sylvan Street (DEP File#234-573) Order of Conditions by J. Bernardo, seconded by P. Alpert, approved 6-0-0.**

52 WILLIAM STREET

Glayton DaCruz, the property owner's representative, approached the Commission to discuss the 52 William Street project although he was not on the agenda. He briefly presented information about the 52 William Street demolition and reconstruction project for a recently burned down home. He submitted the Notice of Intent application today although incomplete. P. Barry explained to him that he needs a wetland delineation conducted, and that a plan for the proposed house needed to be designed by an engineer. G. DaCruz submitted a Plot Plan to the Commission for review. P. Barry added that an intermittent stream flows behind the house and since the demolition of the existing home would be within the buffer zone the Applicant needs to file under both the MA Wetlands Protection Act and the Needham Wetlands Protection Bylaw. L. Standley stated that the Commission would accept the plot plan rather than a fully engineered plan as part of the Notice of Intent application. J. Bernardo stated that a clarified, well-defined wetland would be sufficient. P. Barry told G. DaCruz that the abutters must be notified by July 15th.

OPEN MEETING LAW, G.L. c.30A, §§ 18-25 (Effective 7/1/2010)

D. Stolfi Stalenhoeft mentioned that the last page of the information from the Town Clerk is a sign-off page but states preliminary. P. Barry explained that the town is trying to adjust to and abide by the law regarding meetings, minutes, site visits and post site visits. D. Stolfi Stalenhoeft began a discussion regarding when something is considered a "meeting". P. Alpert recited the definition of meeting based on statute. He said that a meeting is a deliberation. He also commented that the Conservation Commission is a quasi judicial board which involves deliberation. L. Standley stated that site visits are not meetings that require minutes.

P. Barry stated that when the Commission members go to a site visit they typically ask questions of the applicant. If there's no discussion, then it would not be considered a meeting. At an on-site inspection, as long as there are no deliberations it would not be a meeting. P. Alpert added that posting the information for a meeting is the only requirement. L. Standley stated that Open Meeting means open to the public, but site visits are conducted on private property generally. L. Standley suggested that P. Barry talk to the DEP and MACC and ask them where they stand regarding this aspect of the law.

P. Alpert asked if all the minutes of the Conservation Commission hearings need to include all the materials and information distributed to the Commission at our meetings. P. Barry confirmed that all of the materials are referred to in our meeting minutes. Revised plans should be submitted with meeting minutes and noted. P. Barry mentioned that the reappointed members of the Commission need to be sworn at the Town Clerks Office (D. Stolfi Stalenhoeft, M. Salett and J. Bernardo).

CLEAN WATER ACT

J. Bernardo presented information regarding the Clean Water Act with respect to the NPDES Phase II Program Permits. She explained some history in other towns of Massachusetts where specific regulations have been imposed by EPA and for example, if one has over 2 acres of impervious land one has to apply for a permit to remove a minimum of 65% phosphorous. Property owners are fighting this regulation. Additionally, EPA does require municipal storm water regulations. J. Bernardo also explained the storm water permit situation and how system mapping, though very expensive, is highly useful.

WETLANDS SPECIALIST PART-TIME POSITION

P. Barry updated the Commission on a number of items. First, the town received applications for the Wetlands part-time position. In the meantime, until an assistant is hired D. Stolf Stalenhoeft will provide help with building permit reviews. P. Barry is particularly interested in assigning the Wetland Map to the new hire.

RIDGE HILL TRAILS

Girl Scouts and Boy Scouts are interested in clearing the trails at Ridge Hill. P. Barry wanted to know from the Commission whether they could provide priority trails to be cleared. L. Standley suggested that P. Barry refer to a maintenance map to see the trails and start at Charles River Street and work backwards. J. Bernardo asked who would be working with the GS/BS. P. Barry responded that it would be herself or somebody else but that the scouts would need guidance. P. Barry also noted that she is working on getting the kiosks completed and that the Conservation Commission received a \$500 donation for improvements at Ridge Hill Reservation.

146 BEARD WAY

P. Barry mentioned to the Commission that there is a detention basin classified as a vegetated wetland under the bylaw at 146 Beard Way where the owner wants to build a pool within 100-feet of the basin. She confirmed with the Commission that under the Bylaw the owner would need to apply for a permit

under the Needham General Wetlands Protection Bylaw.

CAROL BREWSTER PROPERTY

P. Barry announced that the Town Manager asked her to assist with the Carol Brewster Property restoration project. One proposal involves installing a trail consistent with the Trails Master Plan, seeding the area and adding 3-4 parking spots. L. Standley asked where the trail is located. P. Barry explained that the trail follows the erosion control line and is as far as possible from the neighboring homes.

Meeting was adjourned at 9:15 p.m.

NEXT PUBLIC HEARING

July 22, 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