

**TOWN OF NEEDHAM
CONSERVATION COMMISSION
MEETING MINUTES
Thursday, August 12, 2010**

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

ATTENDING: Lisa Standley (Chair), Paul Alpert, Carl Shapiro, Sharon Soltzberg, Patricia Barry (Agent), Elisa Litchman (Assistant).

GUESTS: George Collins, Glayton Da Cruz, Michael Deychman, Kate Fitzpatrick, Joyce Hastings, Nina McKenzie, Marybeth Murphy, Tom O'Regan, Jane Swett, Sean Sweeney, Diana Walden.

L. Standley opened the meeting at 7:58 p.m.

MINUTES

P. Barry requested the Commission to provide comments on the meeting minutes of March 31, 2010. S. Soltzberg and L. Standley submitted to E. Litchman their edits to the minutes of July 8, 2010 Conservation Commission public hearing. P. Barry will revise the meeting minutes of March 31st and July 8th as requested by the Commission for approval at the August 26, 2010 public hearing.

PUBLIC HEARINGS

52 WILLIAMS STREET (DEP FILE #234-594) – NOTICE OF INTENT

L. Standley opened the public hearing at 7:58 p.m. The hearing was continued from the July 22, 2010 hearing due to lack of DEP File# issuance. DEP has since issued File#234-594 for the 52 Williams Street project. L. Standley opened the hearing to public comment, with no comments received. **Motion to close the public hearing by P. Alpert, seconded by C. Shapiro, approved 4-0-0.** The public hearing was closed at 7:59 p.m. The Commission reviewed the draft Order of Conditions. **Motion to issue an Order of Conditions for DEP File#234-594 by P. Alpert, seconded by C. Shapiro, approved 4-0-0.**

112 EDGEWATER DRIVE (DEP FILE #234-534) – REQUEST TO AMEND ORDER OF CONDITIONS

L. Standley opened the public hearing at 8:00 p.m. George Collins from Boston Survey represented the property owner and distributed revised site plans and associated letter to the Commission explaining the project changes. He stated that the fill placed within the 100-year FEMA floodplain had been removed and the topography was restored to the original elevations. As of August 11, 2010 the siltation fence and haybales have been installed properly at the limit of work. The stone wall that had been erected within the Needham Floodplain District has been removed. The original plan included a swale to mitigate for run off from a steep slope created by fill; however the plan proposes a retaining wall instead of creating a steep slope with fill. G. Collins stated that the natural topography which allows runoff to flow towards the river will be retained. G. Collins stated that they want to plant grass in the yard within the new work limits identified by the siltation fence and plant evergreens (i.e. *Rhododendron* sp.). L. Standley asked for a list of the plants proposed.

The Commission reviewed the previously approved June 26, 2009 amended plan. L. Standley stated that the owner is requesting to restore the area between the siltation fence and the fill with grass. She further stated that the Commission has required this area to be re-planted with native species to mitigate for the unpermitted and illegal fill and clearing within Bordering Land Subject to Flooding, 200-foot Riverfront Area and 100-foot Buffer Zone to Bordering Vegetated Wetland.

L. Standley opened the hearing to public comment. Jane Swett of 124 Edgewater Drive mentioned that the barrier between the properties had broken down and that straw from the bales and trash have traveled down the hill to the conservation area. L. Standley stated that any debris and straw needed to be removed. J. Swett is concerned that the run off from the retaining wall will head towards her property. Sean Sweeney of 129 Edgewater Drive explained his concern of flooding that any change in the swale might increase the water flow which could potentially result in more flooding.

L. Standley commented that it is the Commission's interest to protect the wetlands and their associated functions and values which is why the Commission required the area to be re-planted and restored. **Motion to continue the public hearing in order to receive the required restoration plan to August 26, 2010 at 7:45 p.m. in the PSAB Charles River Room by P. Alpert, seconded by S. Soltberg, approved 4-0-0.**

80 PILGRIM ROAD (DEP FILE #234-593) – NOTICE OF INTENT

L. Standley opened the public hearing at 8:22 p.m. Joyce Hastings of GLM Engineering explained the proposed project to remove the existing deck and construct an addition on slab to an existing single family home on existing maintained lawn within the 100-foot Buffer Zone to Bordering Vegetated Wetland. L. Standley asked if they proposed planting native shrubs. J. Hastings stated that the applicant proposed to plant four (4) silky dogwood (*Cornus amomum*) and three (3) high bush blueberry (*Vaccinium corymbosum*) shrubs. L. Standley opened the hearing to public comment, with no comments received. **Motion to close the public hearing by P. Alpert, seconded by C. Shapiro, approved 4-0-0.** The public hearing was closed at 8:27 p.m.

LOT 1 CAROL ROAD (DEP FILE #234-551) & LOT 2 BREWSTER DRIVE (DEP FILE #234-550) – REQUEST TO AMEND ORDERS OF CONDITIONS

L. Standley opened the public hearing at 8:30 p.m. Diane Walden and Marybeth Murphy of BSC Group represented the Town of Needham and presented to the Commission a Restoration and Invasive species control plan for the Carol Brewster Property formerly known as Lot 1 Carol Road and Lot 2 Brewster Drive. D. Walden presented the history of the project site explaining that prior to the Town's purchase of the Carol/Brewster property, about 2 acres of the upland pieces of both lots were cleared in anticipation of the construction of two new homes and in compliance with the Orders of Condition issued for DEP File#s234-550 & 234.551. She further elaborated that the two lots re-vegetated and that a large number of invasive species have taken over including Japanese knotweed (*Polygonum cupdatum*) and Asiatic bittersweet vine (*Celastrus orbiculatus*). She further stated that this amendment does not propose any work within the 25-foot buffer zone and includes the removal of invasive species and installation of a walking path for the public. The town proposed to remove the knotweed by excavation of rhizomes, treat woody species by cutting and applying herbicide, clear the brush and rubble, and stockpile material to create wildlife habitat. D. Walden explained that at the cul-de-sac there would be a small parking area, benches and interpretive signs. Restoration planting of the area was scheduled for early spring of 2011 of deciduous forest cover and meadow.

S. Soltzberg asked how herbicides would be administered. BSC indicated that individual plants would be sprayed. L. Standley stated she had three concerns regarding the project amendment. (1) Two of the proposed species on the planting list were not native specifically white spruce (*Picea glauca*) and apple (*Malus* sp.), and should be replaced with native species on the plan. (2) The proposed trail was located outside of the previously disturbed area creating significant new work limits. (3) She expressed concern regarding the knotweed if only half of the plants are treated and recommended that additional invasive species measures be taken within the undisturbed buffer zone also. The Town agreed that it would relocate the proposed trail within the previously disturbed area, treat the knotweed by cutting and applying herbicide within the undisturbed buffer zone, and revise the planting plan accordingly. **Motion to continue the public hearing for revised plans to August 26, 2010 at 8:00 p.m. in the PSAB Charles River Room by S. Soltzberg, seconded by P. Alpert, approved 4-0-0.**

19 JENNIFER CIRCLE (DEP FILE #234-59X) – NOTICE OF INTENT

L. Standley opened the public hearing at 9:00 p.m. She noted a number of items necessary to complete the records and specified that the field notes which were submitted are illegible and need to be typed. Eric Rothenberg, (applicant) said that he would like to remove the trees in the backyard inside the fenced area near the pool and cut down to grade. E. Rothenberg stated that he doesn't have a specific proposal for the rear of the lawn. He stated that he would plant vegetation along the fence if the Commission wants.

E. Rothenberg declared that Hurd Brook was not a perennial stream and provided documented field observations and dated photographs showing no flow within the stream channel over four days in a consecutive 12-month period in a non-drought period to the Commission. L. Standley counted 18 trees that the applicant proposed to remove. S. Soltzberg requested that the applicant show the 25-foot and 50-foot buffer zones on the plans in accordance with the Needham Wetlands Protection Regulations (Section 6) as one of the performance standards prohibits removal of trees within the 50-foot buffer zone. The Commission decided a site visit was necessary to determine whether the 50-foot Buffer Zone provides wildlife habitat within the area proposed for tree removal. **Motion to continue the public hearing to August 26, 2010 at 8:15 p.m. in the PSAB – Charles River Room by P. Alpert, seconded by C. Shapiro, approved 4-0-0.**

COMMISSION ACTIONS

52 WILLIAM STREET (DEP FILE #234-594) – ORDER OF CONDITIONS

The Commission reviewed the Order of Conditions. **Motion to issue an Order of Conditions for DEP File# 234-594 by P. Alpert, seconded by C. Shapiro, approved 4-0-0.**

216 WASHINGTON STREET (DEP FILE #234-592) – ORDER OF CONDITIONS

The Commission reviewed the Order of Conditions. **Motion to issue an Order of Conditions for DEP File# 234-594 by P. Alpert, seconded by C. Shapiro, approved 4-0-0.**

145 WEBSTER STREET (DEP FILE #234-545)–CERTIFICATE OF COMPLIANCE

P. Barry explained that a handicap ramp at the rear of the house had been proposed; however the applicant installed an elevator rather than a ramp which decreased the impervious surface within the 100-foot Buffer Zone to Bordering Vegetated Wetland. P. Barry stated that all other conditions have been met. **Motion to issue a Certificate of Compliance for DEP File#234-545 by P. Alpert, seconded by C. Shapiro, approved 4-0-0.**

649 SOUTH STREET (DEP FILE #234-545) CERTIFICATE OF COMPLIANCE

An enforcement order had originally been issued for the proposed project, however the work has been properly permitted and permanent markers installed in accordance with the Order of Conditions. **Motion to issue a Certificate of Compliance for DEP File# 234-545 by P. Alpert, seconded by C. Shapiro, approved 4-0-0.**

95 BOOTH STREET (DEP FILE #234-589) – MINOR MODIFICATION REQUEST

Michael Deychman represented the applicant for 95 Booth Street and stated that the original plan proposed two dispersion trenches based on the footprint of the house. However, he explained that more than 50% of the pitch of the house is towards the front of the house outside of the 100-foot Buffer Zone to Bordering Vegetated Wetland; and therefore, he believed based on the engineer calculations provided to the Commission for review and approval that one trench be sufficient to infiltrate the roof run off. **L. Standley agreed. Motion to approve the minor modification for DEP File#234-589 by S. Soltzberg, seconded by C. Shapiro, approved 4-0-0.**

The meeting adjourned at 9:20 p.m.

NEXT PUBLIC HEARING

August 26, 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