

**TOWN OF NEEDHAM
CONSERVATION COMMISSION
MEETING MINUTES
Thursday, September 23, 2010**

LOCATION: Needham Free Public Library – Community Room

ATTENDING: Lisa Standley (Chair), Paul Alpert, Marsha Salett, Carl Shapiro, Sharon Soltzberg, Patricia Barry (Agent), Debbie Anderson (Assistant)

GUESTS: Scott Clemens, John Rockwood, D. Simonelli, Mary Trudeau, Sari Rapkin, Andrea Talis, K. Sullivan, Ardi RRapi, Erin Ramares, B & C Foxmen, Robert Murowchick, Andrew Zalewski, Dr. Carr, Shaun Killion, Dana Shock, Eric Ramras

L. Standley opened the meeting at 7:33 p.m.

MINUTES

L. Standley requested that the meeting minutes for the March 25, 2010, August 12, 2010, August 26, 2010 and September 23, 2010 public hearings be drafted for review and approval at the October 14, 2010 public hearing.

PUBLIC HEARINGS

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

L. Standley opened the continued public hearing at 7:45 p.m. P. Barry explained that no Restoration Plan had been submitted as required and that the surveyor, George Collins, does not appear to be working as the applicant's representative. She also explained that there is a Court Order in place that states the only work allowed on the property is the planting of grass. **Motion to continue the request to Amend the Order of Conditions (DEP File #234-534) by M. Salett, seconded by P. Alpert, approved 5-0-0.**

28 MARR ROAD (DEP FILE #234-597 – NOTICE OF INTENT

L. Standley opened the public hearing at 8:00 p.m. John Rockwood of Ecotech presented to the Commission the proposed project to construct a temporary 10-foot wide construction access way through lawn and forest within the 100-foot buffer zone to bordering vegetated wetland to gain access to a portion of the lot outside of the 100-foot buffer zone. He explained that the proposal did not include any tree cutting and that trees closest to the work area would be protected from injury during construction by covering them in burlap. Once the construction access way was no longer needed, a 5-foot wide mulched path would remain. Approximately 700 square feet of temporary disturbance and 350 square feet of permanent disturbance within the 100-foot buffer zone are proposed. L. Standley agreed with J. Rockwood that straw wattles would be sufficient for erosion control. J. Rockwood proposed to mitigate for clearing shrubs by replanting part of the 20 foot way. Access rights to the 20 foot wide right-of-way, on the property were questioned due to the proposed location of the mitigation plantings within this way. The owner believes it is a private way. P. Alpert requested the applicant to confirm that no other adjacent property owners have access to the right-of-way due to the subdivision. J. Rockwood agreed to move the mitigation plantings outside of the 20-foot wide way into the disturbed area and revise the plan accordingly. **Motion to continue the public hearing for a revised plan for (DEP File #234-597) to October 14, 2010 at 8:00 p.m. in the PSAB Charles River Room, by C. Shapiro, seconded by P. Alpert, approved 5-0-0.**

80 NORTH HILL AVENUE – REQUEST FOR DETERMINATION OF APPLICABILITY

L. Standley opened the public hearing at 8:15 p.m.. Dr. Jerome Carr of Carr Research Laboratory represented the applicant and presented to the Commission his resource area assessment of the property at 80 North Hill Avenue and the proposal to demolish the existing single family dwelling and construct a new home. J. Carr stated that 3 or 4 trees, including a 20-inch red maple, would be removed. J. Carr stated that his resource area findings were: (1) the area in question is a relic wetland and is no longer functioning as a wetland; (2) the decision was based on the stunted growth of jewelweed (*Impatiens capensis*) and skunk cabbage (*Symplocarpus foetidus*); (3) soils are not hydric. He does not believe that the Town has jurisdiction over the area and that the Wetlands Protection Act would not apply as there is no wetland. L. Standley clarified that the main matter is if the area in question is jurisdictional or not. The Commission requested a copy of the rainfall data and required a site visit in order to determine if the area is a jurisdictional resource area under the Needham Wetlands Protection Bylaw (Article 6). L. Standley opened the hearing to public comment at 8:25 p.m. Katherine Sullivan of 99 McIntosh Avenue brought to the Commission's attention that the state declared this region under a drought advisory in August of 2010. Bruce Sponman of 74 North Hill requested clarification on the proposed catch basin location and function. L. Standley required the open hand dug trench to be closed immediately. **Motion to continue the public hearing for 80 North Hill Avenue for additional information and site visit to October 14, 2010 at 8:15 p.m. in the PSAB – Charles River Room by M. Salett, seconded by S. Soltzberg, approved 5-0-0.**

47 SOUTHWOOD LANE – REQUEST FOR DETERMINATION OF APPLICABILITY

L. Standley opened the public hearing at 8:32 p.m. Shaun Killion and Dana Shock, the applicant's representatives, presented to the Commission the "after the fact" Request for Determination of Applicability to permit the already constructed front porch, blue-stone replaced front walkway and generator relocation. Additional work included removal of existing lawn, re-loaming and re-seeding without erosion control installation within the 100-foot buffer zone to a bordering vegetated wetland. P. Barry explained to the Commission that an administrative error had been made and an additional \$50.00 fee was required for "after the fact" work in accordance with the Needham Wetlands Protection Bylaw. The applicant's representative agreed to pay the additional filing fee. This RDA was submitted as a result the Conservation Department's review of issued building permits. **Motion to issue a negative Determination of Applicability for 47 Southwood Lane by P. Alpert, seconded by M. Salett, approved 5-0-0.**

61 BRIARWOOD CIRCLE (DEP FILE #234-598) – NOTICE OF INTENT

L. Standley opened the public hearing at 8:45 p.m. The applicant's wetland consultant, Mary Trudeau, presented the proposed project that involves the demolition of an existing single family home, and construction of a new single family home within the 100-foot buffer zone of a bordering vegetated wetland associated with Rosemary Brook on the adjacent parcel. L. Standley questioned why no BVW Field Delineation Data Forms were submitted with the filing. M. Trudeau explained that the land is owned by the Town of Wellesley and she did not feel comfortable including her field data in the filing without property owner permission. P. Barry concurred that the wetland delineation is accurate at the toe of slope. L. Standley decided no field data forms would be required. M. Trudeau explained that work was not proposed within the 50-foot buffer zone as this forested area was determined to have value as wildlife habitat. As mitigation for increased impervious service M. Trudeau said that six Cultec Drywell Systems would be installed to infiltrate roof run off.

To create the proposed walkout basement an extensive amount of earthwork will be required, including construction of retaining walls. Some indigenous vegetation would be removed during this process. L. Standley addressed the consultant regarding the Notice of Intent application and its inconsistency with the

presentation. (1) The Owners name is different on the fee page than on the first page. (2) There is a discrepancy on the plan about the length of the retaining wall verses what is stated in the text. (3) The plan shows no existing tree line. (4) The haybale line is not labeled. M. Trudeau responded that the name on the first page is the correct property owner. She explained that geotextile fabric (landlock 407) would be used to stabilize the steep slope area and the remaining site would be loamed and seeded. A number of trees would need to come down including a substantial red oak (*Quercus rubra*).

L. Standley opened the hearing to public comment at 9:00 p.m. Andrea Talis of 55 Briarwood Circle, addressed the Commission regarding the naturalized plantings she has planted on her property and whether the proposed work would disturb them. M. Trudeau stated they would not be disturbed. C. Shapiro asked how much soil is to be moved on-site. M. Trudeau will try and get the exact volume. L. Standley stated that no one signed the application as the owner. M. Trudeau stated Cliff London will sign for the Trust. **Motion to continue the public hearing for DEP File #234-598, for a revised plan and additional information request to October 14, 2010 at 8:30 p.m. in the PSAB Charles River Room by M. Salett, seconded by S. Soltzberg, approved 5-0-0.**

283 NEHOIDEN STREET – REQUEST FOR DETERMINATION OF APPLICABILITY

L. Standley opened the public hearing at 9:10 p.m. Ardi Rrapi of Cheney Engineering, the applicant's representative, presented to the Commission the proposed project to construct a retaining wall and replace a portion of the existing driveway within the 100-foot buffer zone to a bordering vegetated wetland. The applicant, Eric Ramras explained that the driveway was much higher than the garage, causing the back of the car to hit the ground as it goes into the garage. A retaining wall is proposed to correct the grading problem. P. Barry stated that the wetlands were flagged correctly. The proposed work would be located approximately 72 feet away from the wetland. The Commission discussed the discrepancy between the proposed plan submitted with the RDA application and the as-built plan submitted with the Certificate of Compliance request. R. Rrapi clarified the discrepancy between the two plans stating that he was under a significant time crunch to file and did so before the topography information had been processed and the RDA plans used the 2004 notice of intent plan topography. The as-built plan submitted with the Certificate of Compliance request is the most up to date and accurate plan. **Motion to close the public hearing and issue a Negative Determination of Applicability for 283 Nehoiden Street by P. Alpert, seconded by M. Salett, approved 5-0-0.**

COMMISSION ACTIONS

TRAIL MAINTENANCE NOTIFICATION FORM – RIDGE HILL RESERVATION

P. Barry presented the proposed trail maintenance activities to be conducted by the Parks and Forestry Department during the Fall of 2010 and Spring of 2011 at Ridge Hill reservation. A flail mower will be used along the Fit trail, Muir Path, and unnamed Trail sections 22 & 24. All fit trail stations and kiosk signs will be weed whacked. Dead trees will be removed along Muir Path, Fit Trail, unnamed Trail sections 2, 5, 22 & 24, Esker Trail and Hornbeam Trail. All shrubs and herbaceous vegetation will be removed within a 20-foot radius of the Charles River Street access road stone wall to allow for safe entrance and exit off Charles River Street to the Ridge Hill Reservation will be cleared. Conservation Agent must be on-site to demarcate limits of clearing. Clear all shrubs and herbaceous vegetation within a 20-foot radius around the Ridge Hill sign. The Commission did not allow the mowing of the Ridge Hill meadow areas. Dead trees in certain sections would be taken down if they are hanging over the trail and in danger of falling on pedestrians using the trail. The Commission determined that no trimming of dead branches on the pine trees would be allowed. No Saturday work would be necessary for the Parks and Forestry Department as the work was not under any time constraints. **Motion to approve the Trail Maintenance Notification Form for Ridge Hill Reservation as amended by S. Soltzberg, seconded by M. Salett, approved 5-0-0.**

TRAIL MAINTENANCE NOTIFICATION FORM – TOWN FOREST BOG BRIDGE

Scott Clemens, an Eagle Scout, presented before the Commission and discussed his proposal to construct a bog bridge within the Town Forest. S. Clemens stated that the bridge is proposed as an extension of an existing bog bridge already built and would be placed 1 to 1½ feet above the ground. L. Standley questioned the height of the bridge. S. Clemens explained the height was needed to match the bridge to the height of the existing span. P. Barry would need to be on-site to monitor the project. **Motion to approve the Trail Maintenance Notification Form for the Town Forest Bog Bridge by M. Salett, seconded by S. Soltzberg, approved 5-0-0.**

461 CHESTNUT STREET (DEP FILE #234-481) – CERTIFICATE OF COMPLIANCE REQUEST

P. Barry stated that the construction area has been stabilized and restored and that all required conditions have been met. **Motion to issue the Certificate of Compliance for DEP File #234-481 by S. Soltzberg, seconded by P. Alpert, approved 4-0-1. L. Standley abstained.**

283 NEHOIDEN STREET (DEP FILE #234-424) – CERTIFICATE OF COMPLIANCE REQUEST

Ardi Rrapi of Cheney Engineering, the Applicant's Representative, answered questions asked by the Commission, specifically why the letter accompanying the Request for the Certificate of Compliance Form does not say that the work was done in compliance with the Order of Conditions but instead stated that the proposed project was to remove the existing porch and build additions to an existing single family house, and in general this was accomplished. A. Rrapi explained that some items might not comply with the Order and he believed it was the Commission's responsibility to determine if the work complies with the Order. L. Standley stated she was comfortable with how the letter was written and it clearly stated the discrepancies. **Motion to issue the Certificate of Compliance for DEP File #234-424, 283 Nehoiden Street by P. Alpert, seconded by M. Salett, approved 5-0-0.**

CONSERVATION TRUST FUND – ISSUE ARC GIS & TRAIL KIOSK FUND APPROVAL

The Commission discussed updates to the Conservation Trust Fund and requested that P. Barry initiate the setup of an additional "gift fund" for trails and conservation land management. P. Barry would contact Patty Carey in Park & Recreation as to the procedure to set up the "gift fund" as they have experience setting one up for their department. P. Barry stated that there is money in the Community Preservation Fund to cover completion of the Trail Kiosks for Ridge Hill by the town carpenter. P. Barry asked the Commission for approval to allocate \$400 of the Conservation Trust Fund to purchase ARC GIS under the MA GIS MACMAPP Program. **Motion to approve allocation of \$400 from the Conservation Trust Fund by M. Salett, seconded by C. Shapiro, approved 5-0-0.**

RIDGE HILL RESERVATION CATHODIC PROTECTION PROJECT (DEP FILE #234-579) – APPROVE RESTORATION PLAN

The Algonquin Gas Transmission, LLC has developed a Wetland Restoration and Monitoring Plan in order to ensure that wetlands temporarily disturbed during the installation of the Cathodic Protection System are re-established with indigenous wetland plant species within two growing seasons. This plan is provided as part of Special Condition #6 of the Order of Conditions issued by the Commission for DEP File #234-579. The Commission reviewed the Restoration Plan. **Motion to approve the Restoration Plan for DEP #234-579, by C. Shapiro, seconded by M. Salett, approved 5-0-0.**

OTHER BUSINESS

NORFOLK MOSQUITO CONTROL PROJECT (ALDEN ROAD) – UPDATE

P. Barry discussed the Mosquito Control Project at Alden Road and explained that the herbaceous area had been cleared to allow sufficient stream flow and that the reason that this particular areas was chosen was because it was previously cleared for mosquito control in the past. In the future, Mosquito Control will coordinate all Needham projects with P. Barry.

NEIGHBORHOOD YARD WASTE LETTERS – BOOTH STREET, CYNTHIA ROAD, GLOVER ROAD & FOREST STREET

P. Barry presented to the Commission copies of a previously distributed Neighborhood Yard Waste Letter for their approval. L. Standley suggested that the first line of the letter should say “Please help us, act as stewards of these valuable areas”. Also suggested was to put “regarding” at the top of the letter, so the recipients knew what the letters pertained to. L. Standley would also like letters sent to the homeowners on James Road as dumping has been taking place in Mitchell Woods.

PERMIT EXPIRATION LETTER

P. Barry will send L. Standley the permit expiration letters for review and comment that are sent out to applicants.

ECOLOGICAL MANAGEMENT PLAN – RIDGE HILL RESERVATION

L. Standley discussed the outline and schedule for this Winter 2010/2011 to commence drafting an Ecological Management Plan for the Ridge Hill Reservation.

Meeting was adjourned at 10:00 p.m.

NEXT PUBLIC HEARING

October 14, 2010 at 7:30pm in the Needham Public Services Administration Building – Charles River Room