

**TOWN OF NEEDHAM  
CONSERVATION COMMISSION  
MEETING MINUTES  
Thursday, November 18, 2010**

LOCATION: Town of Needham Public Library, Community Room

ATTENDING: Dr. Lisa Standley (Chair), Dawn Stolfi Stalenhoeft (Vice Chair), Paul Alpert, Janet Bernardo, Marsha Salett, Carl Shapiro, Sharon Soltzberg, Debbie Anderson (Conservation Specialist), Elisa Litchman (Assistant)

GUESTS: Christine Atkin, David Conway, Mikhail Deychman, Anthony DelGaizo, Jack Faling, Hank Haff, Jon Hodge, Marcia Kalman, Sylvia & Sum Leung, Bob Lewis, Nina McKenzie, Rick Merson, Bob Rosata, Tom Ryder, Christopher Wagner, Debbie & David Winnick.

L. Standley opened the meeting at 7:30 p.m.

**MINUTES**

Motion to approve minutes of October 14, 2010 by C. Shapiro, seconded by P. Alpert, approved 7-0-0.

Motion to approve minutes of October 28, 2010 by S. Soltzberg, seconded by J. Bernardo, approved 6-0-0.

**PUBLIC HEARINGS**

**1155 CENTRAL AVENUE – NEWMAN SCHOOL (DEP FILE #234-601) – *Continued* NOTICE OF INTENT**

L. Standley opened the continued public hearing at 7:45 p.m. Hank Haff from Needham Public Facilities presented to the Commission the proposed project and explained the additional information that was submitted to the Commission that included alternatives for storm water infiltration and the elimination of tennis court lighting as it is located within the 25-foot no disturb buffer zone. Dave Conway from Nitsch Engineering represented the Town and explained that Plan C-10 is a consolidated plan specifically compiled for the Commission that included the information requested by the Commission at the October 28, 2010 public hearing such as grading, erosion controls and buffer zones. A bio-retention swale near the play areas and tennis courts was proposed. A planting plan that would potentially be maintained by parent and/or community groups was included in the proposal with a plant list of grasses and shrubs. The proposal included three stormceptors augmenting the water quality inlets. D. Conway explained that the school is situated atop ledge restricting the infiltration alternatives. DEP had no comments on the filing. L. Standley stated that the plant list is acceptable. **Motion to close the public hearing for 1155 Central Avenue by J. Bernardo, seconded by M. Salett, approved 7-0-0.** The hearing was closed at 7:56 pm. The Commission reviewed the Order of Conditions. **Motion to issue an Order of Conditions for DEP File#234-601 by J. Bernardo, seconded by M. Salett, approved 7-0-0.**

**12, 20, 26 MALLARD ROAD & 98 HANCOCK ROAD (DEP FILE # 234-599) - *Continued* NOTICE OF INTENT**

L. Standley opened the continued public hearing at 8:00 p.m. Tony Del Gaizo explained the newly revised plans submitted to the Commission. The revisions show how the work would proceed down the 350-foot stretch of bank restoration along Rosemary Brook. L. Standley asked why hay bales were the proposed erosion control method and not sand bags. There was discussion as to the proposed construction schedule from December through March considering wet verses dry conditions, freezing temperatures and the need to conduct work promptly. T. Del Gaizo reviewed with the Commission the details of the work involved and the materials to be used. L. Standley opened the hearing to public comment.

Debbie Winnick of 12 Mallard asked what would be done since there was only enough funding available for a portion of the project to be completed. She also questioned whether the homeowners' yards would be built up to return them to their original state. L. Standley explained that it is the Commission's jurisdiction to protect the brook, the buffer zone and the Riverfront Area and that is the Town's responsibility to work out with each individual home owner the particulars related to their properties. The Commission requested to see the final plans for each property. **Motion to close the public hearing for the Rosemary Brook Bank Restoration Project by C. Shapiro, seconded by J. Bernardo, approved 7-0-0.** The public hearing was closed at 8:24 pm. The Commission reviewed the Order of Conditions. **Motion to approve the Order of Conditions for DEP File#234-599 as amended by C. Shapiro, seconded by J. Bernardo, approved 7-0-0.**

#### **196 & 198 MAPLE STREET, MBTA RAILROAD EASEMENT & 433 CHESTNUT STREET (DEP FILE # 234-600) – REQUEST TO AMEND ORDER OF CONDITIONS**

L. Standley opened the public hearing at 8:25 p.m. and recused herself from this hearing due to a conflict of interest. T. DelGaizo, the Town of Needham Engineer, represented both the Town and the MBTA for the proposed MBTA Culvert Replacement Project. T. Del Gaizo explained that this amendment was to permit the entire culvert replacement in case the collapsed culvert expanded further than was originally permitted. He explained that the existing culvert flows were calculated and a control structure was designed to maintain pre-existing flow rates through the culvert once the project has been completed. The DEP had several questions related to the project which T. Del Gaizo addressed at the meeting. The MBTA will replace the culvert first and then the Town will restore the brook wall. D. Stolfi Stalenhoef opened the hearing to public comment. Sylvia Leung of 198 Maple Street voiced her concern that a fence be installed to prevent children from playing in the brook and the area where repairs are due to be made. **Motion to close the public hearing for the MBTA Culvert Replacement Project by J. Bernardo, seconded by S. Soltzberg, approved 6-0-0.** The public hearing was closed at 8:43 p.m. The Commission reviewed the Order of Conditions. **Motion to approve the Order of Conditions as amended by D. Stolfi-Stalenhoef, seconded by J. Bernardo, approved 6-0-0.**

#### **106 FOREST STREET (DEP FILE #234-526) - REQUEST TO AMEND ORDER OF CONDITIONS**

L. Standley opened the hearing at 8:45 p.m. Jim DeVellis, a civil engineer, represented the applicant and explained to the Commission the proposed project changes that will result in the reduction of the house footprint to 880 square feet from the originally permitted 1,120 square feet. The deck would be located closer to the wetlands but would not add to the impervious area. L. Standley opened the hearing to public comment. Jack Faling of 84 Glendale Road asked about the foundation of the proposed house. **Motion to close the public hearing for 106 Forest Street by S. Soltzberg, seconded by D. Stolfi Stalenhoef, approved 7-0-0.** The public hearing was closed at 8:48 p.m. **Motion to issue an Amended Order of Conditions for DEP File #234-526 by M. Salett, seconded by J. Bernardo, approved 7-0-0.**

#### **74 PILGRIM ROAD (DEP FILE #234 -60X) – NOTICE OF INTENT**

L. Standley opened the public hearing at 8:48 p.m. No DEP File Number has been issued for the project. Michael Deychman, the property owner presented the proposed project plans to the Commission to demolish an existing single family house (about 1,238 square feet) and the construct a new home (about 2,254 square feet). The rear of the property has invasive plants within the buffer zone including bittersweet (*Celastrus orbiculata*). M. Deychman proposed taking out by hand the plants and replacing with yews (*Taxus Canadensis*). A number of issues were raised by L. Standley including the lack of book and page number on the application and incorrect property owner information. She required further proof of ownership or submission of a signed letter by the current owner giving permission to permit this project for the next hearing. The Commission discussed the roof runoff proposal and asked if other alternative infiltration measures were considered. M. Deychman submitted a new plan to the Commission

that included the installation of drywells. M. Deychman also stated that the unhealthy trees would have to be taken down. L. Standley stated that a site visit should be scheduled for the Commission to see the property and existing conditions. L. Standley opened the hearing to public comment.

Arthur Licata of 66 Pilgrim Road spoke about his concern for the four trees along the side yard of 74 Pilgrim Road that abuts his property. He passed around photos he had taken of the trees. The trees do not appear to be unhealthy. A. Licata explained that the proposed driveway is almost two times the size of the current driveway. He asked the Commission to look critically at the proposed house and landscaping. P. Alpert stated that the owner will need to get permission from the Commission to cut the trees down since they are within the 100-foot buffer zone. Christine Atkin of 65 Pilgrim Road asked the Commission who determines the health of a tree. L. Standley stated that an arborist and several members of the Commission can. In order to maintain the wetland habitat, it is important to look at the measures that mitigate infiltration and wetland drainage flows. Cathy Corbett of 80 Pilgrim Road expressed concern regarding the impact the proposed house would have on her property.

J. Bernardo had issues with the grading of the house and change in elevation. The Commission asked M. Deychman to submit drainage calculations and changes in his elevation and grading proposal. A site visit will be arranged for the Commission soon. **Motion to continue the public hearing for 74 Pilgrim Road to December 2, 2010 at 8:00 p.m. by M. Salett, seconded by C. Shapiro, approved 7-0-0.**

#### **80 NORTH HILL AVENUE(NGWP#14) – NOTICE OF INTENT**

L. Standley opened the public hearing at 9:23 p.m. Chris Wagner of Carr Research Laboratory represented the owner and presented the proposed project to demolish the existing single family house that is currently 3,500 square feet and build a new 4,000 square foot home. The impervious area would be increased from 325 square feet to 400 square feet. The new plan shows three 100 gallon drywells proposed along with the removal of a number of trees within the 100-foot buffer zone of a vegetated wetland jurisdictional under the Needham Wetlands Protection Bylaw (Article 6). L. Standley opened the hearing to public comment. Catherine Sullivan of 99 Mackintosh Avenue expressed concern to the Commission regarding a pine tree that fell over in the past and her desire to save the trees.

L. Standley stated that she wanted to plan a site visit and see the limits of work staked and the grading change that was proposed. She noted the urgency to construct the foundation as well as concerns about grading and trees. The Commission approved the initial foundation construction but the Order of Conditions would constrain the proposed re-grading and landscaping. The Commission explained that in order to close the hearing, they would permit the demolition of the existing home, reconstruction of a new home in the same footprint, and installation of three drywells. However, the tree removal and re-grading would not be approved under this Order. The property owner should return to the Commission at a later point to permit the re-grading of the property. **Motion to close the public hearing for 80 North Hill Avenue by J. Bernardo, seconded by P. Alpert, approved 7-0-0.** The public hearing was closed at 9:42 p.m. **Motion to issue the Order of Conditions for NGWP#14 as amended by M. Salett, seconded by J. Bernardo, approved 7-0-0.**

#### **OTHER BUSINESS**

**WETLANDS PROTECTION PROCEDURES** – Jon Hodge from Glenwood Road requested information from the Commission related to wetlands protection and the procedures related to proposals that may affect wetlands.

### **77 STOCKDALE ROAD – FENCE EXEMPTION REQUEST**

Nina McKenzie, the property owner explained that she would like to replace the existing fence in her yard at 77 Stockdale Road. The Commission stated that this is an exempt minor activity under the state and local wetlands protection regulations and would send a letter confirming this finding. N. McKenzie also stated that she would like to remove some trees and therefore she submitted nine copies of the Request for Determination of Applicability to the Commission and has also notified abutters.

**The meeting was adjourned at 10:10 p.m.**

### **NEXT PUBLIC HEARING**

*December 2, 2010 at 7:30pm in the Public Services Administration Building – Charles River Room.*