

**TOWN OF NEEDHAM
CONSERVATION COMMISSION
MEETING MINUTES
Thursday, December 2, 2010**

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

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

GUESTS: Danny Capasso, Jr., Karen S. Catrone, Cathy Corbett, Gerry Corbett, Tony Del Gaizo, Mikhail Deychman, John Finnegan, Chris Jones, Joel Kent, Arthur Licata, Nina McKenzie, Susan Mitchell, Phil Paradis, Diane Simonelli

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

MINUTES

Motion to approve minutes of November 18, 2010 by P. Alpert, seconded by J. Bernardo, approved 5-0-0.

ENFORCEMENTS

12 IVY ROAD – An abutter of 12 Ivy Road has submitted a complaint to the Commission regarding the filling of a drainage ditch at 12 Ivy Road by the previous home owners that she believes is the reason for water backing up on her property. P. Barry left a phone message for the current 12 Ivy Road property owners with no response. P. Barry stated that there is no evidence of filling of the property on the new 2009 aerial photos that do however show a new deck constructed within the 100-foot buffer zone of Bordering Vegetated Wetland. L. Standley suggested that P. Barry return to the property to determine whether a drainage ditch had been filled and check if the Commission has any jurisdiction over this issue.

3 MARY CHILTON ROAD

P. Barry explained that there is a retaining wall on the town drainage easement at 3 Mary Chilton Road that was built without a permit from the Conservation Commission within the 100-foot buffer zone to a Bordering Vegetated Wetland. There is no building permit for the wall which is collapsing and eroding. The Commission agreed with the recommendation that the owner apply for an “after-the-fact” permit and directed P. Barry to write a letter to the owners.

PETRINI APARTMENTS

P. Barry informed the Commission that unpermitted work and filling occurred behind the Petrini apartments off of Rosemary Street and that impacts occurred within the 200-foot Riverfront Area of Rosemary Brook, and the 25-foot no-disturb buffer zone to inland bank and bordering vegetated wetland. Photographs she took showed areas of fill that appeared to be placed in the bordering vegetated wetlands and also provide evidence that trees were bulldozed into a tributary to Rosemary Brook that is now impeding flow. P. Barry indicated that she has been communicating with Greg Petrini to discuss restoration of the area. P. Barry explained that Greg Petrini was amenable to rectifying the situation, establishing new boundaries, installing jersey barriers and replanting. The Commission required a Notice of Intent for the restoration of the area and the contractor yard work and decided that they would not issue an enforcement order or associated fines provided the application is submitted to the Commission to restore the area. L. Standley required that the application show the extent of work within wetlands and include a restoration plan and proposed post-restoration condition of property. G. Petrini should submit

the application by the December 23rd deadline in order to be on the January 13th, 2011 public hearing agenda. Erosion controls should be installed at the limit of work immediately.

PUBLIC HEARINGS

77 STOCKDALE ROAD – REQUEST FOR DETERMINATION OF APPLICABILITY

L. Standley opened the public hearing at 8:05 p.m. Nina McKenzie, the property owner, presented to the Commission her proposal to remove trees and shrubs on her property that are dying, and/or are interfering with other growth of trees and shrubs on the property within the 100-foot buffer zone to an intermittent stream. The Commission reviewed the Hartney Greymont proposal to prune and remove landscape trees on the single family home property. L. Standley opened the hearing to the public with no comments received. **Motion to close the hearing by P. Alpert, seconded by M. Salett, approved 5-0-0.** The public hearing was closed at 8:09 p.m. **Motion to issue a negative determination of applicability with a condition regarding reseeding by P. Alpert, seconded by M. Salett, approved 5-0-0.**

74 PILGRIM ROAD (DEP FILE #234 -602) – NOTICE OF INTENT

L. Standley opened the public hearing at 8:09 p.m. The Commission conducted a site visit on November 27, 2010. Michael Deychman submitted revised plans to the Commission for review and approval that included new drywells, new grading, and the installation of three red maples (*Acer rubrum*) to be planted in the wetlands at the rear of the property. The plans also showed arborvitaes planted along the northwest side of the property where four trees would be removed. L. Standley opened the hearing to public comment.

Arthur Licata of 66 Pilgrim Road asked about the four trees along the side yard of 74 Pilgrim Road that abut his property. The Commission clarified that the plans indicate that the trees will be taken down. A. Licata stated that the plans are difficult to understand and objected to the removal of the trees as they are “irreplaceable”. L. Standley stated that it is clear on the plan which trees are proposed to be removed and that these trees are primarily the invasive species Norway maple (*Acer platanoides*). A. Licata explained his concern for the contour and runoff of water on to his property. Gerard Corbett of 80 Pilgrim Road spoke about his concern for the grading and did not want the water flow to go onto his property which he stated is much more flat and at a lower grade than 74 Pilgrim Road. The Commission showed Mr. Corbett the plans which include a swale to direct water away from his property. Joel Kent of 86 Pilgrim Road stated that in the spring there has been 15-feet of water in the wetlands and he is concerned about where the water will be redirected and displaced and does not want it to affect his property. L. Standley stated that according to the plan the new proposed grading extends about 5-feet beyond the end of the existing house. K. Skinner Catrone, the wetland specialist, added that there is a drywell to infiltrate roof run-off for the new home where there is presently no infiltration mechanism. J. Kent asked what grade is proposed at the back of property. L. Standley stated that the plan shows no grade change at the back of the property. M. Deychman explained that half of the roof runoff is proposed to go through the gutters to all downspouts and to the drywell, and the other half of the runoff water (from the front of the house) will be directed into the Town’s stormwater system. **Motion to continue the public hearing to review the revised plans for 74 Pilgrim Road to December 16, 2010 at 8:00 p.m. in the Needham Public Library – Community Room by P. Alpert, seconded by M. Salett, approved 5-0-0.**

1509 CENTRAL AVENUE (DEP FILE #234-503)–REQUEST TO AMEND ORDER OF CONDITIONS

L. Standley opened the public hearing at 8:43 p.m. John Finnegan from Metro West Engineers represented the applicant, Danny Capasso, and presented to the Commission the “after the fact” Request to Amend the Order of Conditions. Several elements, including a stone wall less than 3-feet closer to the bordering vegetated wetland, a new deck, porch, patio, stairs, irrigation system, AC condensers and bituminous pathway, were constructed within the 100-foot buffer zone and 200-foot Riverfront Area

without a approval by the Commission. The patio (made of pavers) and walkways slightly increased the impervious area on-site than what was originally proposed. The infiltration calculation indicated that the impervious surface would still be a reduction from what existed on the property in the original approved plan; however it would not be the 25 percent reduction as originally proposed. J. Finnegan explained that it would be difficult to design roof run-off infiltration in the area due to the lot configuration and septic system. L. Standley and M. Salett stated that the infiltration was not as much of a concern for the Commission as the increase in the size of the proposed project footprint that was not permitted in the Order of Conditions. L. Standley opened the hearing to the public with no comments received. **Motion to close the public hearing by J. Bernardo, seconded by P. Alpert, approved 5-0-0.** The public hearing was closed at 8:50 p.m. The Commission reviewed the proposed amended Order of Conditions. **Motion to issue the amended Order of Conditions and to accept the plan dated November 15, 2010 for 1509 Central Avenue (DEP File #234-503) by J. Bernardo, seconded by P. Alpert, approved 5-0-0.**

649 SOUTH STREET (DEP FILE # 234-604) – NOTICE OF INTENT

L. Standley opened the public hearing at 8:51 p.m. Diane Simonelli of Field Resources and K. Skinner Catrone, wetland specialist, represented the applicant, Susan Mitchell, and submitted revised plans to demolish and rebuild the existing garage along with the original proposal to construct an addition to the single family home located at 649 South Street. S. Soltzberg pointed out that the 50' and 100' buffer zones did not appear to be to scale on the plans. Based on the new plans there will now be a reduction in impervious area. A drywell has been added in the rear of the property to infiltrate roof runoff. J. Bernardo asked the applicant for calculations. K. Skinner Catrone asked the Commission whether the project was solely under the jurisdiction of the local bylaw. L. Standley stated that yes the project is only subject to the Needham Wetlands Protection Bylaw and suggested that K. Skinner Catrone withdraw the application to DEP. The Commission directed P. Barry to send a demo memorandum to the Building Department approving the garage demolition prior to the issuance of the permit since the demolition is primarily located outside of the 100-foot buffer zone provided erosion controls are installed. The Commission noted that the plans do not correctly show the buffer zone limits. J. Bernardo asked that the plans be revised to provide a more readable detail of the proposed drywell. L. Standley opened the hearing to the public with no comments received. **Motion to continue the public hearing to review the revised plans to December 16, 2010 at 8:15 p.m. in the Needham Public Library – Community Room by M. Salett, seconded by P. Alpert, approved 5-0-0.**

KENDRICK STREET BRIDGE (DEP FILE #234-603) - NOTICE OF INTENT

L. Standley opened the public hearing at 9:07 p.m. Phil Paradis of Beta Group, Inc. represented the Town of Needham and presented the plans for the maintenance activities proposed for the Kendrick Street Bridge Repair Project within inland bank, land under waterbodies and waterways, bordering land subject to flooding, the 200-foot Riverfront Area of the Charles River and the 100-foot buffer zone. No changes to the roadway drainage systems are proposed. Repair and maintenance of the Kendrick Street Bridge consists of rip-rap and slope repairs, roadway pavement removal, re-pavement, and deck repairs. The restoration plan includes loaming and seeding disturbed areas. L. Standley explained her concern for potential erosion during the construction process and required haybales with silt fencing instead of the proposed compost-filled silt socks. P. Paradis stated that the project funding will be available in March and construction should begin shortly thereafter. A neighborhood meeting is scheduled for January 20, 2011 in the Needham Free Public Library and notification has been sent to those abutters located within a 1,000-foot radius. Newton will have their public meeting on December 16, 2010. L. Standley opened the hearing to the public with no comments received. **Motion to close the public hearing for Kendrick Street Bridge by M. Salett, seconded by J. Bernardo, approved 5-0-0.** The hearing was closed at 9:21 p.m. **Motion to issue an Order of Conditions for DEP File#234-603 by S. Soltzberg, seconded by J. Bernardo, approved 5-0-0.**

COMMISSION ACTIONS

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

The owner M. Deychman submitted a minor modification request to remove the existing chain link fence and install a proposed stockade fence in the existing lawn area around the perimeter of the property. The installation would be greater than 25-feet from the bordering vegetated wetland. **Motion to approve the minor modification request for DEP File#234-589 by S. Soltzberg, seconded by P. Alpert, approved 5-0-0.**

INVASIVE SPECIES – KUDZU UPDATE

P. Barry updated the Commission on the status of the invasive species Kudzu (*Pueraria montana*) identified on the private property at 16 Ledge Street in Needham. She phoned the property owner who is interested in its removal from her yard. MA Natural Heritage and Endangered Species Program and MA Department of Agricultural Resources have offered to conduct both manual removal and herbicide application to the Kudzu at the Ledge Street property that will occur next spring of 2011. P. Barry has emailed both parties (and MA DCR) to set up a site visit to determine the best procedure of invasive species eradication.

BEAVER ACTIVITY

P. Barry explained the recent beaver activity notification and concerns by residents regarding beaver dams in both Rosemary Brook off of Sunset Road and Fuller Brook off of Alden Road. She relayed the concerns of Anthony Cefalo of 2 Sunset Road who stated that he is concerned about the potential future issues of the water levels in back of his property, the growing number of dead trees from the backing up of water and loss of other wildlife habitat due to the beaver. She also notified the Commission of David O'Malley's concerns about mosquitoes and flooding on his property of 9 Alden Road near Fuller Brook. The Town Departments will be discussing the beaver activity and potential actions associated with the dams and the growing beaver population. L. Standley remarked that the MA DEP has clear policies regarding beaver activities, specifically *Guidance for Conservation Commissions Implementing G.L. c.131, s.80A Threats from Beaver and Muskrat-Related Activities*. Furthermore, she stated that if a health or safety risk is determined by the Board of Health as required by the regulations, the property owner can file for a permit with the Conservation Commission to remove the dam or to install an over flow device to control water levels.

Motion to adjourn the meeting by P. Alpert, seconded by M. Salett, the meeting adjourned at 9:40 p.m.

NEXT PUBLIC HEARING

December 16, 2010 at 7:30 p.m. in the Needham Free Public Library – Community Room