

**TOWN OF NEEDHAM
CONSERVATION COMMISSION
MEETING MINUTES
Thursday, December 16, 2010**

LOCATION: Needham Free Public Library, Community Room

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

GUESTS: Karen Skinner Catrone, Arthur Licata, Walter & Marie Parmensi, Greg Petrini

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

MINUTES

Motion to approve minutes of December 2, 2010 as amended by J. Bernardo, seconded by P. Alpert, approved 6-0-0.

PUBLIC HEARINGS

95 BOOTH STREET (DEP FILE #234-589) – REQUEST TO AMEND ORDER OF CONDITIONS

L. Standley opened the public hearing at 7:50 p.m. The request to amend the Order of Conditions was made to permit the construction of two patios, associated 2-foot retaining walls and relocation of the proposed infiltration trench. P. Barry explained that she conducted a site visit and noted that the two patios were already constructed, that fill had been placed beyond the permitted work limits and a fence had been installed within the 25-foot no disturb buffer zone. K. Skinner Catrone, Wetlands Specialist, appeared on behalf of the owner who was out of the country and she was unaware of the status of the project. L. Standley stated that the two plans submitted were both dated December 1, 2010 however the latest rendition of the plan has changed and was not stamped. L. Standley stated that the fence installation and additional fill beyond the retaining walls is a violation of the issued Order of Conditions for the project and would be taken under a separate enforcement action. She explained that the Request to Amend the Order of Conditions was to permit the patios, retaining walls and infiltration trench relocation.

L. Standley opened the hearing to public comment. A neighbor, Eileen Francis of 89 Booth Street expressed concern regarding the patio and the 2-foot higher grading. She stated that the recent heavy rain has now created flooding on her property and a tree that exists within the lot has had fill installed around it. The Commission expressed concern that the fill be removed to reduce the chance of the tree dying. P. Barry explained that the Construction Superintendent for the project was willing to remove the fill and install erosion controls along the property boundaries. L. Standley remarked that the submitted amended plan does not show proposed grading changes. **Motion to close the public hearing on the request to amend the Order of Conditions for 95 Booth Street (DEP FILE #234-589) by J. Bernardo, seconded by P. Alpert, approved 6-0-0.** The public hearing was closed at 8:03 p.m. The Commission recommended that the builder hire an Environmental Inspector (name must be submitted for approval by the Commission), who would document the work conducted in accordance with the Order of Conditions. **Motion to issue the amended Order of Conditions for DEP FILE #234-589), by S. Soltzberg, seconded by P. Alpert, approved 6-0-0.**

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

L. Standley opened the public hearing at 8:04 p.m. Revised plans were submitted on December 8, 2010 showing that two trees on the northwesterly property boundary that were once proposed to be removed were now going to remain. L. Standley opened the hearing to public comment. Arthur Licata of 66 Pilgrim Road expressed his dismay that every time he comes to a hearing there's a new plan submitted which he hasn't seen. He strongly objected to the Commission the proposal to take down any trees on the property. The Commission explained to A. Licata that the only change on the plan from the previous public hearing was that two trees were going to remain instead of the original proposal to remove them. **Motion to close the public hearing for 74 Pilgrim Road by M. Salett, seconded by J. Bernardo, approved 6-0-0.** The public hearing was closed at 8:11 p.m. The Commission reviewed the Order of Conditions. **Motion to issue the Order of Conditions for DEP FILE # 234-602 by C. Shapiro, seconded by P. Alpert, approved 6-0-0.** The Commission noted that a copy of the Order of Conditions should be sent to A. Licata.

649 SOUTH STREET (NGWP #15) – NOTICE OF INTENT

L. Standley opened the public hearing at 8:15 p.m. P. Barry reminded the Commission that the scale on the last plan was incorrect and that the revised plans dated December 8, 2010 show the buffer zone in the correct location. K. Skinner Catrone stated that she withdrew the notice of intent application from the MA Department of Environmental Protection. **Motion to close the hearing for 649 South Street by J. Bernardo, seconded by P. Alpert, approved 6-0-0.** The public hearing was closed at 8:16 pm. The Commission reviewed the Order of Conditions. **Motion to issue the Order of Conditions for NGWP #15 by M. Salett, seconded by S. Soltzberg, approved 6-0-0.**

COMMISSION ACTIONS

EMERGENCY CERTIFICATION (2 SUNSET ROAD) - ROSEMARY BROOK BEAVER DAM

The Conservation Commission stated that in accordance with state and local wetlands protection laws the Commission does not have jurisdiction over the beaver only the wetland habitat. P. Barry noted that the Board of Health issued a 10-day emergency permit to trap the beavers and remove the dam on Tuesday, December 14, 2010 due to property damage at 2 Sunset Road. The Conservation Commission is responsible for permitting the breaching of the dam within Rosemary Brook in accordance with the Board of Health 10-day emergency permit. **Motion to issue the Emergency Certification to remove the beaver dam on Rosemary Brook off of 2 Sunset Road per the Board of Health issued 10-day emergency permit by P. Alpert, seconded by J. Bernardo, approved 6-0-0.**

34 ALDER BROOK LANE – DEAD TREE REMOVAL REQUEST

The owner Richard Lustig of 34 Alder Brook Lane requested the removal of dead elm (*Ulmus americana*) and red maple (*Acer rubrum*) trees on his property within bordering vegetated wetland and its associated 100-foot buffer zone. He submitted a diagram by Tree Tech Inc. arborists showing the location of the trees. L. Standley stated that the Commission would allow the removal of the dead trees as an exempt activity that does not require a permit provided a 6 to 10-foot snag would remain for wildlife habitat. **Motion to approve removal of dead trees as an exempt activity at 34 Alder Brook Lane by J. Bernardo, seconded by S. Soltzberg, approved 6-0-0.**

1155 CENTRAL AVENUE; NEWMAN ELEMENTARY SCHOOL (DEP FILE #234-601) – MINOR MODIFICATION REQUEST

The Needham Permanent Public Building Department requested a minor modification plan change for the Newman Elementary School Project (DEP File #234-601) that included the paving of an approximately 104 square foot area of the existing parking lot as shown on the sketch Sheet C-1 included with the Minor Modification Request prepared by Nitsch Engineering dated December 8, 2010. **Motion to approve the**

minor modification for 1155 Central Avenue (DEP File #234-601) by J. Bernardo, seconded by S. Soltzberg, approved 6-0-0.

1509 GREAT PLAIN AVENUE (DEP FILE #234-576) – MINOR MODIFICATION REQUEST

The Commission reviewed the minor modification request for 1508 Great Plain Avenue that included (1) placing crushed stone under the deck instead of grass; and (2) installing an approximately 46 square foot walkway made of pavers along the side of the house. **Motion to issue the minor modification to the Order of Conditions for 1509 Great Plain Avenue (DEP File #234-576) by J. Bernardo, seconded by M. Salett, approved 6-0-0.**

LOT 4B 99 RIVERBEND LANE (DEP FILE #234-527) – MINOR MODIFICATION REQUEST

Brandon Lee of Kelly Engineering represented the applicant and presented the revised plans to the Commission. He explained the minor modifications to the plan. The house was proposed slightly larger (about 400 square feet) and set further back from the wetland. However the amount of impervious surface remained the same as the relocated driveway would be smaller (about 400 square feet) and the limit of work is unchanged. There are four drywells planned, and the proposed grading is greatly reduced to cause the least disturbance to the trees. The planting plan which had been submitted for approval was reviewed by the Commission. M. Salett noted that there should not be any invasive species planted and that the words *within conservation areas* should be stricken from note #3 from the planting plan. **Motion to approve the minor modification for Lot 4B, 99 Riverbend Lane (DEP File #234-527) by J. Bernardo, seconded by S. Soltzberg, approved 6-0-0.**

320 GROVE STREET - CERTIFICATE OF COMPLIANCE REQUEST

Walter & Marie Parmensi, property owners of 320 Grove Street, presented their Certificate of Compliance request to the Commission and disclosed the pending sale of their home at the end of the month. P. Barry recently conducted a site visit and indicated that there was no approved plan showing the limit of work within the archived project files to compare the existing conditions and the permitted approved work. **Motion to issue a Certificate of Compliance for 320 Grove Street (DEP FILE# 234-13) by J. Bernardo, seconded by C. Shapiro, approved 6-0-0.**

1191 GREENDALE AVENUE; ST. SEBASTIAN'S SCHOOL (DEP FILE #234-575) – CERTIFICATE OF COMPLIANCE REQUEST

P. Barry stated that all work had been conducted in accordance with the Order of Conditions. **Motion to issue the Certificate of Compliance for 1191 Greendale Avenue (DEP FILE # 234-575) by M. Salett, seconded by S. Soltzberg, approved 6-0-0.**

60 LANTERN LANE (DEP FILE #234-44. #234-45, #234-61) – CERTIFICATE OF COMPLIANCE REQUESTS

P. Barry explained the history of these Orders of Conditions. The original Order of Conditions was issued in 1982 and a partial Certificate of Compliance was issued in 1987. The three outstanding orders were: #234-45 related to the subdivision of Lantern Lane; #234-61 related to a French drain installation; and #234-113 related to the single family home construction along with a required conservation restriction. George Guinta Jr. anticipated attending the January 13, 2011 Conservation Commission meeting to request a Certificate of Compliance for #234-113. **Motion to issue the Certificate of Compliance for 60 Lantern Lane (DEP File numbers #234-45 & #234-61) by P. Alpert, seconded by J. Bernardo, approved 6-0-0.**

95 BOOTH STREET (DEP FILE #234-589) – VIOLATION OF ORDER OF CONDITIONS

The violations of the Order of Conditions included (1) no DEP sign with File Number visible; (2) fence was installed in the 25-foot no disturb zone in concrete footings; (3) fill was placed within the 25-foot no

no disturb buffer zone; (4) no hay bales or erosion controls installed, and (5) additional fill was placed within the 100-foot buffer zone beyond the permitted work limits. The Commission agreed to require that the fence be relocated to at least 26-feet from the vegetated wetlands and that the area over the concrete footings be covered with loam. The 25-foot no disturb zone must be restored and erosion controls (silt fence and hay bales) must be installed at the limit of disturbance (including along the sides of the lot) immediately. The grading must be restored to its original grading as shown on the plan up to the two approved retaining walls. The disturbed area shall be loamed (4-inches) and seeded. A schedule for the required restoration must be submitted to Conservation Commission. The Commission discussed and approved the fine of \$1,000.00 for the aforementioned violations in accordance with the Needham Wetlands Protection Bylaw (Article 6), and reserved the right to impose additional fines if a schedule for the required restoration is not submitted by the next hearing. **Motion to issue an Enforcement Order for 95 Booth Street (DEP File#234-589) by S. Soltzberg, seconded by C. Shapiro, approved 6-0-0.**

OTHER BUSINESS

80 NORTH HILL AVENUE (NGWP #14) – DEWATERING PLAN APPROVAL REQUEST

P. Barry explained the dewatering plan proposal for the 80 North Hill Avenue project. The Commission required a “frac tank” in addition to the silt screen over the catch basin to settle the sediment suspended within the pumped water prior to its release into the Town’s drainage system provided approval was obtained from the Town.

71 LANTERN LANE (DEP FILE #234-113)

P. Barry explained that work had been conducted at 71 Lantern Lane within the 100-foot buffer zone to an intermittent stream and associated bordering vegetated wetland without a permit. The Commission reviewed photos of the violation that showed placement of fill in the form of loam and a trench excavation for a TV line within the 100-foot buffer zone. L. Standley recommended that the Commission require an after-the-fact Notice of Intent for this work and that erosion controls should be installed immediately.

The meeting was adjourned at 9:24 p.m.

NEXT PUBLIC HEARING

January 13, 2010 at 7:30 p.m. in the Needham Public Services Administration Building, Charles River Room