

**TOWN OF NEEDHAM
CONSERVATION COMMISSION
MEETING MINUTES
Thursday, February 24, 2011**

LOCATION: Needham Free Public Library - Community Room

ATTENDING: Dr. Lisa Standley (Chair), Dawn Stolfi-Stalenhoef (Vice Chair), Paul Alpert, Sharon Soltzberg, Patricia Barry (Agent), Elisa Litchman (Assistant)

GUESTS: Daniel Capasso, Roy Cramer, Greg Petrini, John Rockwood, Vinnie Roy

L. Standley opened the public meeting at 7:00 p.m.

EXECUTIVE SESSION

The Request for Executive Session to discuss on-going litigation was withdrawn.

MINUTES

The Commission postponed review and approval of the February 10, 2011 meeting minutes until the next meeting.

MISCELLANEOUS BUSINESS

Spring Into Action Walk Rescheduled. The Park and Recreation Department asked if the Commission would reschedule this walk since Sam Bass Warner would like to organize a walk on the same day. The Commission decided that Monday, May 16th from 6-7 p.m. would be agreeable for the new Spring Into Action Walk date and time.

P. Barry mentioned to the Commission that the final November 2009 Needham Wetlands Protection Regulation revisions will be finalized for acceptance at the next meeting since they were approved back in January 2010 but no changes were not completed.

COMMISSION ACTIONS

720 SOUTH STREET (DEP FILE #234-356) – “AFTER THE FACT” DPW MAINTENANCE ACTIVITY NOTIFICATION

Vinnie Roy, the new Department of Public Works (DPW) Water & Sewer Division Superintendent explained to the Commission that in August of 2010 the DPW excavated an area adjacent to an intermittent stream and associated bordering vegetated wetland to replace a catch basin and pipe that had collapsed as a result of the April 2010 flooding events. He stated that the DPW suspects that other contractors conducting work in the area had crushed the pipes and catch basin. He also stated that at the time they were not aware that pre-notification and approval had to be obtained by the Commission prior to the work under this permit and that all future projects will be coordinated with the Conservation Officer. The project was finished in October and only a small two to three foot gravelly area appeared to have no vegetation. **Motion to approve the “After The Fact” DPW Maintenance Activity Notification Form for 720 South Street by S. Soltzberg, seconded by D. Stolf-Stalenhoef, approved 4-0-0.**

1509 CENTRAL AVENUE (DEP FILE #234-503) – Continued DEED RESTRICTION APPROVAL REQUEST

P. Barry stated that she had conducted a site visit this week and observed that the 30-foot section of retaining wall had been removed in accordance with the approved Minor Modification issued February 4, 2011. However, a large loam pile had been placed adjacent to the wetland without any erosion control installation as required. P. Barry explained that she informed D. Capasso that he had to install the hay bales and silt fence immediately which he did. D. Capasso still needs to remove the fill, regrade the area and plant blueberry bushes (*Vaccinium corymbosum*) this Spring. The Commission reviewed the deed restriction along with Exhibit B which they agreed was labeled correctly and was date stamped February 17, 2011. **Motion to approve the deed restriction for 1509 Central Avenue (DEP File#234-503) by P. Alpert , seconded by D. Stolfi Stalenhof, approved 4-0-0.**

1509 CENTRAL AVENUE (DEP FILE #234-503) – PARTIAL CERTIFICATE OF COMPLIANCE REQUEST

The Commission reviewed the draft Partial Certificate of Compliance. L. Standley required that Exhibit A of the Partial Certificate of Compliance detail the items remaining to be completed as part of the approved Minor Modification. **Motion to issue a Partial Certificate of Compliance for 1509 Central Avenue (DEP File#234-503) by P. Alpert , seconded by S. Soltzberg, approved 4-0-0.**

OTHER BUSINESS

PERRAULT ROAD (PETRINI APARTMENTS) - MEMORANDUM OF AGREEMENT APPROVAL REQUEST

P. Barry suggested to the Commission several changes and additions to the draft agreement to restore the wetland resources areas off of Perrault Road at the Petrini Apartments. S. Soltzberg expressed concern about the proposed planting of maples (*Acer rubrum*) since the Asian longhorned beetle (*Anoplophora glabripennis*) has a propensity towards maples. She suggested planting swamp white oak (*Quercus bicolor*) and American beech (*Fagus grandifolia*), and she recommended more diversity of trees. If problems arise getting a particular species, the applicant should send an email to P. Barry to get the approval of a substitute species.

The addition to the agreement relates to invasive species control itemized as number 5 within the agreement. P. Barry suggested that a qualified environmental inspector be accountable for the project as a special condition and that the monitoring reports should include information about the invasive species. R. Cramer stated that John Rockwood would be overseeing the work. He explained that the “weekly reports by the environmental inspector” seemed like overkill and suggested that a report before each phase and at the end of each phase seems sufficient. L. Standley agreed that reporting dates at the end of phases would suffice. The Commission discussed one last change to the conditions in paragraph 7 which will now state that Petrini has provided (rather than shall provide) Exhibit B to be dated February 25, 2011 to reflect the proposed restoration planting species changes as requested. P. Barry will make the changes to the agreement in track changes mode and then send to Roy Cramer. The drafts of the agreement will be circulated and finalized for the next meeting scheduled March 10, 2011 at 7:30 p.m. at the Public Services Administration Building.

LOT 4B RIVERBEND LANE (DEP FILE #234-527) EXTENSION PERMIT REQUEST

Roy Cramer, the applicant’s representative asked the Commission for a letter to confirm the new permit expiration date for DEP File#234-527 in accordance with the MA Permit Extension Act. D. Stolfi Stalenhof explained at length that the Commission currently does not have a policy or procedure for issuing letters pursuant to the Act. P. Alpert and D. Stolfi Stalenhof expressed their concern with

providing a legal opinion especially where the Commonwealth has issued detailed guidance indicating that no action is required on the part of municipalities and where it is not within the Commission's jurisdiction. Therefore, Roy Cramer asked the Commission for the record to accept the 3-year extension request for DEP File #234-527 but not issue the extension until the Commission has decided on its action regarding the MA Permit Extension Act. **Motion to continue the permit extension request to a future public meeting by P. Alpert, seconded by L. Standley, approved 4-0-0.**

LOT 4A RIVERBEND LANE (DEP FILE #234-528) EXTENSION PERMIT REQUEST

Roy Cramer asked the Commission for the record to accept the 3-year extension request for DEP File #234-528 but not issue the extension until the Commission has decided on its action regarding the MA Permit Extension Act. **Motion to continue the permit extension request to a future public meeting by P. Alpert, seconded by L. Standley, approved 4-0-0.**

SABRINA LAKE (DEP FILE #234-529) – MA PERMIT EXTENSION ACT CONFIRMATION & SOUTHFIELD COURT (DEP FILE #234-584) - MA PERMIT EXTENSION ACT CONFIRMATION

The Commission tabled the MA Permit Extension Act confirmation request until it decided on its action regarding this type of request.

MASSACHUSETTS PERMIT EXTENSION ACT – DISCUSSION

L. Standley suggested three options for general action to the Commission regarding the MA Permit Extension Act and applicants who are requesting confirmation on the new permit expiration dates: (1) refuse to respond to the request; (2) issue a form letter; (3) write an affirmative legal opinion; (4) ask Town Counsel to send guidance. The Commission agreed that P. Barry would draft a form letter that states the date on which the Order of Conditions was issued, with an attachment or link to the state website with the MA Permit Extension Act and the frequently asked questions. This form letter would only be sent to those applicants who request information about the MA Permit Extension Act. P. Barry will send a draft for review and comment to the Commission for the March 10, 2011 public meeting.

Motion to adjourn by P. Alpert, seconded by S. Soltzberg, approved 4-0-0. The meeting was adjourned at 8:22 p.m.

NEXT PUBLIC HEARING

March 10, 2011 at 7:30 p.m. in the Public Services Administration Building - Charles River Room 500 Dedham Ave.