

**TOWN OF NEEDHAM
CONSERVATION COMMISSION
MEETING MINUTES
Thursday, June 9, 2011**

LOCATION: Public Services Administration Building, Charles River Room

ATTENDING: Dr. Lisa Standley (Chair), Dawn Stolfi Stalenhoeft (Vice Chair), Paul Alpert, Janet Bernardo, Patricia Barry (Agent), Elisa Litchman (Assistant)

GUESTS: Geoff Alderson, Karen Bartholomew, Damon Borelli, J. Borrelli, Eamon Delaney, Mikhail Deychman, Chris Evasius, Herb Green, Christine Harvey, Sean Reardon, John Rockwood,

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

HEARINGS

40 WILDWOOD DRIVE (DEP FILE #234-610) - NOTICE OF INTENT

L. Standley opened the public hearing at 7:35 p.m. The public hearing for 40 Wildwood Drive was reopened due to an oversight that the incorrect date (June 9, 2011) and time (7:30 p.m.) of the hearing was sent out in the abutter notification. Geoff Alderson, from Colonial Engineering, represented the applicant and described the project to the Commission. He explained that the applicant had drained the 28-foot by 48-foot in-ground swimming pool that collapsed after many days of rain. The applicant proposes to install a smaller pool about 20-foot by 40-foot in the same location. The entire area of the pool is located within the 100-year flood plain (Bordering Land Subject to Flooding) which also includes the lawn. L. Standley explained that the wetlands line was incorrectly shown on the plans; the wetland line should be shown further away from the pool and house in accordance with the Needham Wetlands Protection Bylaw and the MA Wetlands Protection Act. The wetland boundary and revised site plans will be a condition within the Order of Conditions issued for the project. Since the project is located within the 100-year flood plain, this project may require the applicant to apply for a special permit from the Zoning Board of Appeals for work within the Town of Needham floodplain district. L. Standley opened the hearing to public comment. Christine Harvey of 30 Wildwood Drive asked about the pink flags that were placed on her property. G. Alderson explained that the flags were accidentally placed on their property while delineating the wetlands. **Motion to close the public hearing for 40 Wildwood Drive by P. Alpert, seconded by J. Bernardo, approved 4-0-0.** The public hearing was closed at 7:40 p.m. **Motion to issue an Order of Conditions for 40 Wildwood Drive (DEP File #234-610) by J. Bernardo, seconded by P. Alpert, approved 4-0-0.**

1143 SOUTH STREET (DEP FILE #234-613) – NOTICE OF INTENT

L. Standley opened the public hearing at 7:45 p.m. Sean Reardon represented the owner and presented to the Commission the proposed project to construct an addition and deck to the existing single family home that would add about 50 square feet of impervious surface within the 100-foot buffer zone to bordering vegetated wetland. There will not be any foundation work or excavation as the addition will be constructed on 10 sonatube footings that will be installed by hand. The existing three season porch and deck will be removed. L. Standley informed the applicant that the abutter notification did not provide the date or time of the hearing as required by the Needham Wetlands Protection Regulations, therefore the hearing would be required to be continued to June 23, 2011 and abutters would need to be re-notified. P. Barry informed the Commission that the flags from 9 years ago were no longer on-site and that a Certificate of Compliance has not been requested for a previous 2002 Order of Conditions (DEP

File#234-383) issued for the property. The owner should make sure the Order of Conditions have been met and should submit a Certificate of Compliance request. P. Barry also explained that there is a concrete pad at the base of the stairs to the deck which will be removed and is 20-feet from the wetland boundary. **Motion to continue the public hearing (for proper abutter notification, and submittal of certificate of compliance request) for 1143 South Street (DEP File#234-613) to June 23, 2011 at 8:45 p.m. in the PSAB – Charles River Room by P. Alpert, seconded by J. Bernardo, approved 4-0-0.**

0 TILLOTSON ROAD (DEP FILE #234-614) – NOTICE OF INTENT

L. Standley opened the public hearing at 8:00 p.m. The applicant requested that the hearing be continued due to the improper abutter notification to allow for time to re-notify abutters. **Motion to continue the public hearing (as requested by the applicant to re-notify abutters) for 0 Tillotson Road (DEP File#234-614) to July 14, 2011 at 7:45 p.m. in PSAB – Charles River Room by P. Alpert, seconded by J. Bernardo, approved 4-0-0.**

18 BORDER ROAD (DEP FILE #234-612) – NOTICE OF INTENT

L. Standley opened the public hearing at 8:20 p.m. John Rockwood of Eco Tec, Inc. represented the applicant and explained to the Commission that the abutter notification first sent did not give complete information and therefore, he sent a second notice with the time and date of the hearing 5 business days prior to the meeting in accordance with the Needham Wetlands Protection Regulations. He described the proposed project to demolish an existing single family home, patio and driveway and construct a new home with ancillary facilities that would be located further from the river than existing conditions. He also explained that the applicant proposes to remove the existing shed in the rear of the property and add mitigation plantings of native plants along the stream. The proposal also includes an invasive species control plan, reduction in impervious surface, infiltration of roof run-off and a vegetated buffer between the stream and the house. The project is presented as redevelopment under the MA Wetlands Protection Act. The applicant also requested three waivers within the 25-foot no disturb portion of the buffer zone under the Bylaw for the installation of erosion controls, mitigation restoration plantings and shed removal. L. Standley opened the hearing to public comment. Damon Borelli from 26 Border Road asked how the site runoff will be addressed. The applicant's representative responded that the project proposes infiltration trenches to mitigate for roof runoff. Abutter asked if Town plans to stabilize the stream banks. L. Standley said that the Commission is unaware of any plans. **Motion to close the public hearing by P. Alpert, seconded by J. Bernardo, approved 4-0-0.** The public hearing was closed at 8:35 p.m.

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

L. Standley opened the public hearing at 8:35 p.m. M. Deychman explained to the Commission the proposal to install a 4-foot high fence around the rear perimeter of the property within Bordering Vegetated Wetland. The wood posts would be attached to "C Channels" and the fence would be installed approximately 4 to 5-feet from the rear property line. L. Standley noted that the application had the Wildlife Habitat Analysis checked off but the analysis was not provided, and although the applicant included a \$1,000 check for a variance request, there was no variance request letter included with the application explaining the rationale for the request in accordance with the Bylaw. The required construction report regarding invasive species control was also missing from the application. M. Deychman stated that the fence is 4' inside the property line to avoid impacts to the brook which flows along the property line. L. Standley asked why the fence was not located between the lawn and bordering vegetated wetland. M. Deychman responded that the owner seeks full use of the property, including the wetlands. **Motion to continue the public hearing (for additional information) for 74 Pilgrim Road (DEP File#234-602) to June 23, 2011 at 9:00 p.m in the PSAB – Charles River Room by P. Alpert, seconded by J. Bernardo, approved 4-0-0.**

COMMISSION ACTIONS

1516 CENTRAL AVENUE (DEP FILE#234-511)–CERTIFICATE OF COMPLIANCE REQUEST

D. Simonelli of Field Resources and Eamon Delaney, the caretaker, represented the home owner requesting the Certificate of Compliance. P. Barry and P. Alpert had conducted a site visit and determined that the permanent markers on the Central Avenue side of the perennial stream were missing or knocked down and that this was the area that the mowing occurred closer than 2-feet from the stream as permitted by the Order. D. Simonelli explained that the concrete pad for the manure dumpster was not installed as originally proposed and that currently there are no horses on-site. The caretaker had made other arrangements for the manure while the horses were on site in lieu of the dumpster and pad that were contained in a building. E. Delaney explained that he had worked with the previous Conservation Agent, Kristen Phelps, to determine the limits of mowing and installation of permanent markers. P. Barry concurred with D. Simonelli that some of the markers had fallen down. E. Delaney will coordinate a site visit with P. Barry to ensure that the markers are accurately positioned. L. Standley agreed with E. Delaney that selected markers must be safe for the animals, yet visible to the mowers. **Motion to issue a Certificate of Compliance for 1516 Central Avenue (DEP File#234-511) by J. Bernardo, seconded by P. Alpert, approved 4-0-0.**

5 BANCROFT STREET (DEP FILE #234-505) - CERTIFICATE OF COMPLIANCE REQUEST

L. Standley reminded the Commission that this Certificate of Compliance required a letter signed and stamped by a Professional Land Surveyor or Professional Engineer which was submitted to the Commission. D. Simonelli of Field Resources explained that this is the Habitat for Humanity house and that the owner has requested a Certificate of Compliance. She explained that the home is about 96 square feet larger than what was proposed in the plan approved by the Order. The Commission requested that the new homeowners be identified and a copy of the recorded deed be submitted to the Commission to confirm compliance with the Order. The Commission will hold issuance of the Certificate of Compliance for this information. **Motion to issue the Certificate of Compliance (pending new home owner and recorded deed submittal) for 5 Bancroft Street (DEP File #234-505) by J. Bernardo, seconded by D. Stolfi Stalenhoef, approved 4-0-0.**

216 WASHINGTON AVENUE (DEP FILE 234-592) – CERTIFICATE OF COMPLIANCE REQUEST

D. Simonelli had submitted a signed and stamped letter from a Land Surveyor and P. Barry had conducted a site visit. The new owners have installed additional loam in the rear of the yard for the installation of a swing set. The owners would like to sod the portion of the front yard where the plantings were installed that is now currently mulch. The Commission approved the installation of sod in this area around the plantings. The fence installation approved under a minor modification has not yet been installed. The Commission requested that a complete Certificate of Compliance request should be accompanied by another as-built plan that clearly shows the fence installation and the swing set. For the record this Order of Conditions did not require monitoring of restoration plantings. **Motion to issue a Partial Certificate of Compliance for 216 Washington Avenue (DEP File#234-592) by J. Bernardo, seconded by P. Alpert, approved 4-0-0.**

95 BOOTH STREET (DEP FILE #234-589) – CERTIFICATE OF COMPLIANCE REQUEST

P. Barry explained that the project was built in accordance with the Order of Conditions. The concrete has been removed within the 25-foot no disturb portion of the buffer zone and ninety percent of the area is re-vegetated. **Motion to issue a Certificate of Compliance for 95 Booth Street (DEP File #234-589) by P. Alpert, seconded by D. Stolfi Stalenhoef, approved 4-0-0.**

MASS DOT ROUTE 128 ADD-A-LANE PROJECT (DEP FILE #234-553) MINOR MODIFICATION REQUEST

L. Standley recused herself due to a conflict of interest. C. Evasius of MA Department of Transportation presented to the Commission the proposed minor modification request to change the bridge construction design as the original proposal was not possible due to bedrock. H. Green of McCourt Construction explained the modification that the area needs to be dry for the work and that the proposal includes filling large plastic bags with sand, then pyramid the bags and dam and dewater the area. The bags would be covered in a UV protective tarp to prevent degrading of the bags. At the time of removal they will use four lifting straps. **Motion to issue a minor modification for Mass DOT Route 128 Add-A-Lane Project (DEP FILE #234-553) by J. Bernardo, seconded by P. Alpert, approved 3-0-0.**

NSTAR ELECTRIC ACCESS ROAD MAINTENANCE

L. Standley recused herself due to a conflict of interest. NSTAR Electric proposes to conduct routine maintenance of their existing access roadways. The proposed maintenance activity is exempt under the MA Wetlands Protection Act and the Needham Wetlands Protection Bylaw. D. Stolfi Stalenhoeft suggested that P. Barry send a letter to NSTAR Electric to provide the Commission with documentation that the wetland resource areas have been satisfactorily restored. **Motion to approve the NSTAR access road maintenance activities as exempt minor activities by J. Bernardo, seconded by P. Alpert, approved 3-0-0.**

21 HIGHLAND AVENUE (DEP FILE #234-609) – ISSUE ORDER OF CONDITIONS

L. Standley asked that a condition regarding how the applicant intends to remove the invasive species and the methods they intend to use for stabilization be included in the Order of Conditions. She suggested that the applicant tag the invasive species and have P. Barry approve them before removal. No work has been authorized for the Mass DOT owned area until the Commission receives documentation of property owner approval. **Motion to issue the Order of Conditions for 21 Highland Avenue (DEP FILE #234-609), by P. Alpert, seconded by J. Bernardo, approved 4-0-0.**

COMMUNITY PRESERVATION COMMITTEE – APPOINTMENTS (7/2011-6/2014)

Motion to nominate J. Bernardo for another appointment to the CPC by P. Alpert, seconded by D. Stolfi Stalenhoeft, approved 4-0-0.

OTHER BUSINESS

1012 SOUTH STREET (DEP FILE #234-271) – WETLAND RESTORATION DISCUSSION

P. Barry explained to the Commission that 10 years ago the owners of 1012 South Street had conducted work within bordering vegetated wetlands without a permit and as required by an enforcement order, obtained an Order of Conditions to restore the area. There is little documentation in the files providing evidence that the wetland was restored as required. L. Standley stated that meeting minutes and her observations at the time show the elevations had been restored and plantings had been installed. P. Barry explained that the home owner will be applying for a permit from the Commission to install a drinking water well to replace the existing leaking water main. The Commission recommended that the owner request a Certificate of Compliance.

Motion to adjourn by P. Alpert, seconded by D. Stolfi Stalenhoeft, approved 4-0-0. The meeting was adjourned at 9:39 p.m.

NEXT PUBLIC HEARING

June 23, 2011 at 7:30 p.m. in the Public Services Administration Building, Charles River Room