

**TOWN OF NEEDHAM
CONSERVATION COMMISSION
MEETING MINUTES
Thursday, July 14, 2011**

LOCATION: Public Services Administration Building, Charles River Room

ATTENDING: Dawn Stolfi Stalenhoef (Vice Chair), Paul Alpert, Janet Bernardo, Sharon Soltzberg, Patricia Barry (Agent), Elisa Litchman (Assistant)

GUESTS: Susan W. Abbott, David and Samantha Bookston, Brian Butler, Jack Carr, Tom Daly, Bill Depietri, Hank Haff, Shelley Kaplan, Ronald Lopez, Laura May, Bernie McTernan, Peggy Prock, Ron Opel, John Rockwood, Ardi Rrapi, Diane Simonelli, Jack Sullivan, Susan W. DiGrimaldo.

D. Stolfi Stalenhoef opened the public meeting at 7:35 p.m.

MINUTES

P. Barry accepted the written certification from J. Bernardo that she has missed no more than one single session of the hearings pertaining to 274 Reservoir Road (DEP File #234-616) Notice of Intent, and has examined all evidence received at the missed session including a transcript of the meeting in accordance with MGL Chapter 39, Section 23 D Adjudicatory Hearings.

The review of the meeting minutes of June 23, 2011 were tabled until the next meeting scheduled for Thursday, July 28, 2011 at 7:30 p.m. in the PSAB – Charles River Room.

ENFORCEMENTS

328 CEDAR STREET - ENFORCEMENT ORDER

P. Barry explained that she stopped work at a construction site today, where Petrucci Construction Company was dumping truck loads of fill on the 328 Cedar Street property within the 100-foot buffer zone to a wetland. She explained that a 30-to 40-foot high fill pile was eroding into what appeared to be a wetland according to the on-site investigation and the MA DEP Wetlands Maps. P. Barry verbally issued a cease and desist of all work on-site. The Commission authorized the issuance of an Enforcement Order to be issued to the owners of the property and the construction contractor requiring the installation of erosion control measures along with a restoration plan and Notice of Intent application for damage to the resource areas. Since the Commission did not know the extent of the impacts to resource areas yet, they suggested holding on the issuance of a fine. The violators should appear at the next public meeting to be held on July 28, 2011 at 7:30 p.m. in the PSAB – Charles River Room and submit by next Thursday, July 21, 2011 information regarding the wetland resource area delineation and a restoration plan.

1885 CENTRAL AVENUE – ENFORCEMENT ORDER

P. Barry explained that the enforcement order was sent out last week and that she has not received notification via certified mail return receipt that the violator had received the order yet.

HEARINGS

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

D. Stolfi Stalenhoef opened the hearing at 7:50 p.m. The applicant requested to continue the hearing due to a previous scheduling conflict. **Motion to continue the public hearing (at the applicant's request)**

for 0 Tillotson Road (DEP File #234-614) to July 28, 2011 at 7:45 p.m. in the PSAB – Charles River Room by D. Stolfi Stalenhoef, seconded by P. Alpert, approved 4-0-0.

823 CHARLES RIVER STREET (DEP FILE #234-541) – NOTICE OF INTENT

D. Stolfi Stalenhoef opened the public hearing at 8:00 p.m. John Rockwood of EcoTec, Inc. represented the applicant and explained that the owner's have decided not to build the originally approved single family home but are requesting an Amendment to the Order of Conditions to demolish the existing single family home and appurtenances, and restore the area to maintained lawn within the 100-foot buffer zone to Bordering Vegetated Wetland. Boundaries are proposed so the home owner will understand the limit of mowing the property. The owners are still proposing a 600-square foot mitigate area for work within the resource areas. The Commission asked whether the owners understand that once the impervious areas are removed, they are gone forever. D. Stolfi Stalenhoef requested that the planting plan be included on the plan, and that the revised plans be submitted to the Commission. **Motion to close the hearing for 823 Charles River Street (DEP File #234-541) by P. Alpert, seconded by J. Bernardo, approved 4-0-0.** The public hearing was closed at 8:06 p.m.

84 GLENDALE ROAD (DEP FILE #234-620) - NOTICE OF INTENT

D. Stolfi Stalenhoef opened the public hearing at 8:15 p.m. Brian Butler from Oxbow Associates represented the applicant presented the proposed project to the Commission that includes the demolition of a single family home and garage and the construction of a new home and relocation of the driveway within the 100-foot buffer zone to Bordering Vegetated Wetland and an intermittent stream. He also explained the submitted letter regarding the proposed construction access within the 25-foot no disturb portion of the buffer zone. Currently there is 3,062 square feet of impervious area. The project would increase this by 1,104 square feet. The applicant proposed to install hay bales and silt fencing to control potential sedimentation into the wetland resource areas, and 4-cultec chambers to infiltrate roof runoff. D. Stolfi Stalenhoef explained that the Commission would like the area of disturbance to be located outside of the 25-foot no disturb portion of the buffer zone. The Commission required additional information as follows: (1) That the limit of work/erosion control line be adjusted and moved away from the 25-foot no disturb portion of the buffer zone to the maximum extent practicable to accommodate only the construction access required to demolish and construct the home. (2) A project narrative be submitted with the application to describe the proposed work and conformance to the Bylaw performance standards. (3) A restoration plan was required to be submitted for work in the resource areas. (4) No stockpiling within the 25-foot no disturb portion of the buffer zone would be allowed. (5) Soil testing will be required by the Commission to confirm seasonal high groundwater table and the drywell 2-foot requirement along with complete drainage calculations. The Commission agreed that a site visit should be conducted prior to the next hearing date. **Motion to continue the public hearing (for additional information) to July 28, 2011 at 8:00 p.m. in the PSAB – Charles River Room by P. Alpert, seconded by S. Soltzberg, approved 4-0-0.**

274 RESERVOIR ROAD (DEP FILE #234-616) – Continued NOTICE OF INTENT

D. Stolfi Stalenhoef opened the public hearing at 8:35 p.m. Steve Nadeau from the Department of Public Works and Steve Rafferty from CDM presented the additional information requested at the last hearing including a wildlife habitat assessment, dewatering plan, and revised plans. The 68 year old pumping station is too small for the capacity of pumping necessary. The Commission requested that the applicant submit practical alternatives and an impact analysis. D. Stolfi Stalenhoef suggested that the alternative analysis reduce the size of the building on the site. The Commission recommended that the restoration planting plan include more black cherry (*Prunus serotina*) species, no mulberry trees (*Morus rubra*) and no lawn or grass. A wildflower mix or equivalent should be used to seed the area and this portion of the restoration area would be a no mow area. J. Bernardo requested drainage calculations for the proposed stormceptor and associated watershed maps. The applicant submitted a waiver request at the hearing for

work within the forested 50-foot no disturb portion of the buffer zone; however the Commission required additional information and time to review the newly submitted information. Specifically, the Commission required a more detailed alternatives analysis to consider reducing the size of the proposed building and further minimizing the resource area disturbance. **Motion to continue the hearing (for additional information) to July 28, 2011 at 8:15 p.m. in the PSAB – Charles River Room by J. Bernardo, seconded by D. Stolfi Stalenhoeft, approved 4-0-0.**

3 MARY CHILTON ROAD (DEP FILE #234-615) – NOTICE OF INTENT

D. Stolfi Stalenhoeft opened the public hearing at 9:17 p.m. The applicant requested that the hearing be continued to allow for additional time to discuss the proposed drainage improvements with the Town of Needham Department of Public Works. **Motion to continue the public hearing (at the applicant's request) to July 28, 2011 at 8:30 p.m. in the PSAB – Charles River Room by J. Bernardo, seconded by S. Soltzberg, approved 4-0-0.**

1275 CENTRAL AVENUE (DEP FILE #234-617) – NOTICE OF INTENT

1297 CENTRAL AVENUE (DEP FILE #234-618) – NOTICE OF INTENT

D. Stolfi Stalenhoeft opened the public hearings for both 1275 Central Avenue (DEP File #234-617) and 1297 Central Avenue (DEP File #234-618) as requested by the applicant's representative at 9:18 p.m. J. Rockwood of Eco Tec Inc. represented the applicant and presented to the Commission the two "after the fact" Notice of Intent application filings. He explained that this Order of Conditions is an "after the fact" filing for unpermitted project changes to an Order of Conditions issued for DEP File #234-434 that expired January 26, 2008. The Conservation Commission issued an Enforcement Order and associated fine March 2, 2008 for violation of the permit conditions. Payment for the \$1,300 fine was submitted. The originally approved project permitted the demolition of three existing single-family dwellings, a garage, and an in-ground swimming pool, and construction of three single-family homes for 1275, 1283 and 1297 Central Avenue. The Commission issued an extension for File 234-434 to allow the applicant to submit an amendment to the Orders of Conditions since there were deviations from what had been permitted. No amendments had been submitted and the Orders of Conditions are still open. The applicant is submitting two (2) new Notice of Intent applications to account for the deviations.

J. Rockwood identified the deviations from the original 2003 issued Order for 1275 Central Avenue as: installation of a mudroom, driveway reconfiguration, front walkway relocation outside buffer zone, patio reconfiguration, leach pit relocation, foundation drain reconfiguration, no pea stone trench was installed adjacent to the driveway, installation of a 65-foot retaining wall and arborvitae were planted within the 100-foot buffer zone to bordering vegetated wetland. J. Rockwood has reinstalled wetland flags for purposes of clearly marking the property. A site visit has not yet been conducted.

J. Rockwood identified the deviations from the original 2003 issued Order for 1297 Central Avenue as: a 120-foot long retaining wall with stairs, leach pit relocations, foundation drain reconfiguration and a reduction in work limit disturbance within the 100-foot buffer zone to bordering vegetated wetland and inland bank. The original Order had 5 special conditions pertaining to the 1297 Central Avenue property that involved maintaining the meadow and lawn, invasive species control and future deed language.

The third proposed house at 1283 Central Avenue was never constructed. The property is currently overgrown with woody vegetation. No new Notice of Intent has been submitted for this property.

The Commission discussed how both the original plans and the final plans (with deviations) could be incorporated to show the completed projects along with the requirement with a new Order of Conditions requiring the that a Certificate of Compliance be obtained to close out DEP File #234-434. P. Alpert required that a confirmatory deed be included in the file for 1297 Central Avenue and added to a new

Order of Conditions, correcting the previous deed. **Motion to continue the public hearing (for additional information to be obtained at a site visit) for both 1275 Central Avenue (DEP File #234-617) and 1297 Central Avenue (DEP File #234-618) to July 28, 2011 at 8:45 p.m. and 8:50 p.m., respectively in the PSAB – Charles River Room by J. Bernardo, seconded by P. Alpert, approved 4-0-0.**

15 BANCROFT STREET (DEP FILE #234-621) – NOTICE OF INTENT

D. Stolfi Stalenhoef opened the public hearing at 9:55 p.m. J. Sullivan from Sullivan Engineering presented the proposed project to the Commission to demolish an existing single family dwelling and construct a new home, associated facilities and a retaining wall within the 100-foot buffer zone to bordering vegetated wetland of an intermittent stream off of Washington Avenue. He noted that the property does have ledge outcroppings in the front and that drywells are proposed. The three (3) trees on the southerly lot line will be removed for transitional grading. In the rear of the lot the proposal included a 4 to 5-foot high retaining wall with a 6-foot high stockade fence. When asked by the Commission how the ledge would be removed, J. Sullivan indicated that they planned to hammer the ledge and there would be no blasting. The Commission requested additional information including a narrative describing the proposed work with assurance that it will be located outside of the 25-foot no disturb portion of the buffer zone along with revised plans that included proposed elevations, labeling of trees to be removed and restoration plantings. J. Bernardo requested calculations for sizing of the drywell. She added that she did not like the idea of the retaining wall so close to the 25-foot no disturb portion of the buffer zone as she was concerned about construction impacts to the no disturb area. D. Stolfi Stalenhoef opened the hearing to public comment. J. Carr of 21 Bancroft Street voiced his opinion that the oak tree (*Quercus* sp.) should be removed. **Motion to continue the public hearing (for additional information) for 15 Bancroft Street (DEP File #234-621) to August 11, 2011 at 7:45 p.m. in the PSAB – Charles River Room by J. Bernardo, seconded by P. Alpert, approved 4-0-0.**

865 CENTRAL AVENUE (DEP FILE #234-619) – Continued NOTICE OF INTENT

D. Stolfi Stalenhoef opened the public hearing at 10:20 p.m. Griffin Ryder from Vanasse Hangen Brustlin, Inc. (VHB) represented the applicant and presented the proposed project to the Commission explaining that North Hill was built in the 1980's and presently they want to renovate and expand the facility. The North Hill project covers a total of 32.8 acres and only the roadways and utilities are leased from Babson College. The proposal includes 45 new units of assisted living, a maintenance building, addition to the existing building and additional parking. The proposal increases the impervious area by 2.1% as a result of the building roofs; however, VHB is proposing the use of 12,900 square feet of green roofs which results in the least amount of disturbance. G. Ryder described the portion of the proposed project that would take place within state and local jurisdictional wetland resource areas.

The first portion of the project is located off of East Militia Heights Road where the existing drive will be slightly widened to accommodate a proper curb cut within the 100-foot buffer zone and a portion of the 25-foot no disturb portion of the buffer zone of a locally jurisdictional intermittent stream. The second proposed area of impact is within bordering vegetated wetland within a detention basin. About 2,580 square feet of work is proposed within BVW to install additional stormwater management facilities including an infiltration basin and erosion and sedimentation controls during construction of a wetland replacement area. Additionally, East Militia Heights Road will be realigned and replacement parking installed within the 100-foot buffer zone to inland bank and BVW. VHB has requested a waiver for work within the 25-foot no disturb portions of the buffer zone. The Commission explained that the waiver request must be in writing, address public benefits and why no economical equivalent alternatives exist.

D. Stolfi Stalenhoef opened the hearing to public comment. Mark Gluesing of 30 MacIntosh Avenue described the problematic history of drainage within the North Hill watershed and explained his concern

regarding the maintenance of the brook, wetlands, culverts and other areas in the drainage system, and the impact that adding 2 additional acres of impervious surface will have on the downstream wetlands. He recommended to the Commission that they require that final outlet calculations be provided to confirm no impacts to the existing drainage system. The Commission also required an “after the fact” written description documenting the test pits that took place within the 100-foot buffer without an exemption approval. The Commission also agreed to conduct a site visit. **Motion to continue the public hearing (for additional information) for 865 Central Avenue (DEP File#234-619) to July 28, 2011 at 9:00 p.m. in the PSAB – Charles River Room by J. Bernardo, seconded by S. Soltzberg, approved 4-0-0.**

476 CHESTNUT STREET – REQUEST FOR DETERMINATION OF APPLICABILITY

D. Stolfi Stalenhoef opened the public hearing at 11:12 p.m. Diane Simonelli represented the owner, Jack Malone, and his proposal to add an addition, deck and porch to an existing single family home within the 100-foot buffer zone to bordering vegetated wetland. She stated that the existing crabapple tree (*Malus* sp.) will be removed since it is located where the deck would be. The lawn which extends to the bordering vegetated wetland would stay the same. There will be no grading changes and two drywells are proposed on the property. The impervious area will be increased by 187 square feet and all work will be located greater than 50-feet from the wetland. The Commission noted to D. Simonelli that the plan was stamped but not signed. Lauren Mayer of 484 Chestnut Street brought up past filings and enforcements with the Commission on the property. The property has two Orders of Conditions for DEP File #234-169 from 1988 and 234-209 from 1991. D. Simonelli stated that she would locate the Certificates of Compliance for these two Orders and provide the Commission copies. **Motion to close the hearing for 476 Chestnut Street by J. Bernardo, seconded by P. Alpert, approved 4-0-0. Motion to issue a Negative Determination of Applicability by J. Bernardo, seconded by P. Alpert, approved 4-0-0.**

COMMISSION ACTIONS

1302 SOUTH STREET – TEST BORING EXEMPTION LETTER REQUEST

Ardi Rrapi from Cheney Engineering represented the home owner and presented the test boring exemption request to the Commission in order to conduct soil investigations for the replacement of an existing single family home cesspool that is failing within the 100-foot buffer zone to Bordering Vegetated Wetland. A. Rrapi explained that the test pits would take one day to complete and would be located somewhere between the 25-foot and 100-foot portions of the buffer zone in existing maintained lawn areas to allow the machine to maneuver and dig the soil borings. **Motion to approve the soil test borings at 1302 South Street as an exempt minor activity by J. Bernardo, seconded by P. Alpert, approved 4-0-0.**

GREAT PLAIN AVENUE VEGETATION REMOVAL (DEP FILE #234-356) – GENERAL MAINTENANCE ACTIVITY NOTIFICATION

Chris Seariac of the Town of Needham Water & Sewer Division explained the need to clear vegetation within the 100-foot buffer zone to bordering vegetated wetland to locate a drainage pipe and camera the culvert to determine if there is an obstruction or a collapsed drainage pipe. **Motion to approve the Great Plain Avenue DPW General Maintenance Activity in accordance with the DPW Generic Maintenance Order of Conditions (DEP File #234-356) by P. Alpert, seconded by S. Soltzberg, approved 4-0-0.**

BOOTH STREET TREE REMOVALS (DEP FILE #234-356) – GENERAL MAINTENANCE ACTIVITY NOTIFICATION

P. Barry conducted a site visit and confirmed that two cherry trees (*Prunus serotina*) and one apple tree (*Malus* sp.) tree were dead adjacent to an existing single family home. The Parks & Forestry Department has requested permission under the Generic Order to remove the hazard trees on town property. **Motion**

to approve the Booth Street DPW General Maintenance Activity in accordance with the DPW Generic Maintenance Order of Conditions (DEP File #234-356) provided a 6-foot snag is left for wildlife habitat by J. Bernardo, seconded by P. Alpert, approved 4-0-0.

200 HARRIS AVENUE (DEP FILE #234-605) – MINOR MODIFICATION REQUEST

Hank Haff represented the Town of Needham Public Facilities Department and explained the proposed minor modification to the existing project to relocate the drain on the approved plans at corner of tennis courts to the west. This change is necessary in order to direct the stormwater flow appropriately away from the tennis courts. J. Bernardo remarked that this relocation change makes more sense since it transports water further away from the wetlands. The minor modification request also included the removal of a dead tree that is currently covered in bitter sweet (*Celastrus orbiculata*). **Motion to approve the minor modification at 200 Harris Avenue - Pollard School (DEP File #234-605) by S. Soltzberg, seconded by P. Alpert, approved 4-0-0.**

80 SYLVAN ROAD (DEP FILE #234-573) – MINOR MODIFICATION REQUEST

The owners have proposed to place crushed stone where the A/C condensers are located underneath the above ground deck, and install water permeable pavers under the other half of the deck (since the area is shaded and no grass is growing under the deck. The minor modification request does not extend beyond the limit of work as approved in the Order of Conditions. **Motion to approve a minor modification to the 80 Sylvan Road (DEP File#234-573) Order of Conditions by J. Bernardo, seconded by P. Alpert, approved 4-0-0.**

20 PHEASANT ROAD (DEP FILE #234-608) – MINOR MODIFICATION REQUEST

J. Rockwood represented the applicant and explained that the owners would like to cut a pine tree and take off a branch from another tree which touches the single family home. Additionally, the applicant has requested to widen the driveway by 4-feet which would increase the proposed impervious surface by 84 square feet. The existing driveway was 19-feet from the brook and the new proposed driveway would be 35-feet from the brook. J. Rockwood stated that the additional impervious surface proposed within the minor modification request would be covered by the excess mitigation proposed and still conforms to the riverfront area performance standards. **Motion to approve the minor modification to the 20 Pheasant Road (DEP File #234-608) Order of Conditions by S. Soltzberg, seconded by J. Bernardo, approved 4-0-0.**

GENERAL NEEDHAM TRAIL MAINTENANCE NEGATIVE DETERMINATION OF APPLICABILITY – EXTENSION PERMIT REQUEST

P. Barry explained that the MACC Environmental Handbook identified that determinations can be extended. The General Needham Trail Maintenance Negative Determination of Applicability is due to expire August 7, 2011 and the Conservation Department has requested Commission approval to extend the determination. **Motion to grant a three (3) year extension for the General Needham Trail Maintenance Negative Determination of Applicability by J. Bernardo, seconded by S. Soltzberg, approved 4-0-0.**

RIDGE HILL RESERVATION DRUMLIN AND NORTH TRAILS – MAINTENANCE ACTIVITY NOTIFICATION

Karen Pierce of Park & Recreation has requested permission to clear the Drumlin and North Trails at Ridge Hill Reservation in accordance with the Final Trails Master Plan. **Motion to approve the Ridge Hill Trail Maintenance Activity under the General Needham Trail Maintenance Negative Determination of Applicability by J. Bernardo, seconded by P. Alpert, approved 4-0-0.**

0 FOREST STREET NGWP #16 – ISSUE ORDER OF CONDITIONS

The Commission tabled the permit signing to the July 28, 2011 public hearing.

Motion to adjourn by D. Stolfi Stalenhoef, seconded by J. Bernardo, approved 4-0-0. The meeting was adjourned at 11:55 p.m.

NEXT PUBLIC HEARING

July 28, 2011 at 7:30 p.m. in the Public Services Administration Building, Charles River Room