

**TOWN OF NEEDHAM
CONSERVATION COMMISSION
MEETING MINUTES
Thursday, July 28, 2011**

LOCATION: Public Services Administration Building, Charles River Room

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

GUESTS: Aaron M. Adler, Brian Barron, Bill Balutis, Allary Braitsch, Brian Butler, Bill Depietro, M. Fownier, Caesar Grimaldo, Susan Welsh DiGrimaldo, Maureen T. McCaffrey, Greg Petrini, Steve Rafferty, John Rockwood, Tom Ryder, Diane Simonelli, Mary Trudeau

L. Standley opened the public meeting at 7:38 p.m.

MINUTES

Motion to approve minutes of June 23, 2011 as amended by P. Alpert, seconded by S. Soltzberg, approved 6-0-0.

ENFORCEMENTS

1885 CENTRAL AVENUE – ENFORCEMENT ORDER

L. Standley explained that she had observed while kayaking that the Charles River bank vegetation had been removed from 1885 Central Avenue and 177 Oxbow Road properties. The Commission had issued an enforcement order for this violation of the Needham Wetlands Protection Bylaw and the MA Wetlands Protection Act that required a restoration plan. Brian Barron, the property owner of 1885 Central Avenue, explained that he moved into the house in August 2008 and that Kristen Phelps, the previous Conservation Agent had come by in 2009. He further explained that he believed that the turtles and geese have defoliated the vegetation, and dug in the ground and that the flooding events of 2010 also contributed to the disturbed area. B. Barron showed the Commission photos of the property that the broker gave him as well as more recent photos. The Commission decided to schedule a site visit and then determine how to proceed with the enforcement action and restoration of the area.

177 OXBOW ROAD – ENFORCEMENT ORDER

P. Barry met with the owner who said she was not aware that she was not supposed to touch the vegetation on the Charles River bank and had asked her landscapers to trim the bank around her existing dock. The Commission decided to schedule a site visit and then determine how to proceed with the enforcement action and restoration of the area.

320, 328, and 350 CEDAR STREET - ENFORCEMENT ORDER

P. Barry explained that Mary Trudeau was hired by the property owners of 328 Cedar Street to assist with the compliance of the enforcement order issued July 15, 2011 for illegal fill placed in wetland resource areas. M. Trudeau presented the results of her wetland investigation that indicated that about a 30-foot high slope of sand and soil was deposited within or close to the 100-foot buffer zone to bordering vegetated wetland and within what appears to be a locally jurisdictional isolated vegetated wetland. She noted that there is a significant portion of fill about a foot to a foot and a half that has eroded from the pile into the buffer zone and filled the vegetated wetland. The Commission agreed that the slope needs to be stabilized immediately to prevent further erosion into wetland resource areas, and stated that a restoration plan of the altered areas of vegetation needs to be submitted to the Commission as required in the enforcement order by August 11, 2011. C. Shapiro suggested that P. Barry coordinate with the

construction contractors to stabilize the area as soon as possible. P. Barry reported that she had spoken with the contractor (Petrucci) who most recently placed fill at the site. L. Standley said that the Commission would issue an enforcement order against the contractor as well as the property owners. Aaron Adler of 320 Cedar Street stated that fill was also placed on his property. The Commission informed A. Adler that he is responsible for the violations that take place on his property.

HEARINGS

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

L. Standley opened the public hearing at 8:05 p.m. David Kelly of Kelly Engineering Group represented the applicant and presented the restoration plan for unauthorized alterations within bordering vegetated wetland, isolated vegetated wetland, bordering land subject to flooding, Riverfront Area and the 100-foot buffer zone to bordering vegetated wetland and two locally jurisdictional isolated vegetated wetlands. The plan is proposed to be executed in four phases as follows: (1) carefully remove landscape contractor debris with excavator; (2) delineate resource areas once debris is removed; (3) restore area via seeding and; (4) monitor the successful restoration of disturbed areas. Erosion controls have already been installed. The restoration plan is proposed to begin early fall of 2011 along with the recommended monitoring program. L. Standley asked the rationale for not proposing to restore the area with shrub plantings and how this type of activity on the property can be prevented in the future. J. Rockwood said that no planting was proposed, as the trees were not damaged and he expects that shrubs will re-sprout or re-seed naturally. D. Kelly explained that a gate is proposed to be installed to prevent trucks from entering the area and illegally dumping within the resource areas. He noted that the Park and Recreation Department controls the use of the gardens, and offered to coordinate with them on site protection. L. Standley requested that Note 2 on the plans be deleted and clarified that straw wattles are not to be imbedded. D. Kelly also explained that a sump pump discharge line located at the last unit on Tillotson Road has caused a large muddy area in the back yard of the unit also within the buffer zone and that the applicant is proposing to redirect the line to the drain in the street. **Motion to close the public hearing for 0 Tillotson Road (DEP File #234-614) by P. Alpert, seconded by D. Stolfi Stalenhoef, approved 6-0-0.** The public hearing was closed at 8:18 p.m.

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

L. Standley opened the public hearing at 8:18 p.m. Brian Butler from Oxbow Associates represented the applicant and presented the supplemental information requested at the previous hearing from including a revised plan showing the limit of work further away from the wetland. He stated that the owner had not done soil testing for the subsurface drainage structures, as they did not have the Commission's permission for these alterations. J. Bernardo stated that the Commission could allow testing as a Condition of the Order, and require adjustments to the plans if the groundwater proved to be too high for the system as-proposed. The applicant also proposed installing a 3-foot high picket fence at the edge of lawn, and stated that this would not impede the movement of wildlife. Natural mulch is proposed along the brook within the restoration planting area. J. Bernardo indicated that the drainage plan was generally acceptable, but was concerned with the potential to require additional fill. P. Barry reported that she had done a site visit, and found that the wetland flags on the adjacent property were not correct. She recommended that these be shown on a revised plan. **Motion to close the public hearing for 84 Glendale Road (DEP File#234-620) by P. Alpert, seconded by J. Bernardo, approved 6-0-0.** The public hearing was closed at 8:30 p.m.

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

L. Standley opened the public hearing at 8:30 p.m. Steve Rafferty from CDM represented the Town of Needham and presented the additional information requested by the Commission at the last hearing including the restoration planting plan revisions and drainage calculations, along with a revised request

for a Variance.. **Motion to close the public hearing for 274 Reservoir Street (DEP File #234-616) by P. Alpert, seconded by C. Shapiro, approved 6-0-0.** The public hearing was closed at 8:35 p.m.

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

L. Standley opened the public hearing at 8:35 p.m. The applicant requested that the hearing be continued for additional time to coordinate with the Town of Needham regarding the drainage issues. **Motion to continue the public hearing (at the applicant’s request) to August 11, 2011 at 8:45 p.m. in the PSAB – Charles River Room by J. Bernardo, seconded by C. Shapiro, approved 6-0-0.**

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

L. Standley opened the public hearing at 8:58 p.m. Since the last hearing P. Barry conducted a site visit with J. Rockwood and determined that the changes from the original Order of Conditions were accurately identified in the new Notice of Intent submitted for the project, and that the wetland delineation was correct. J. Rockwood gave the new home owner information to P. Barry as the home was purchased on July 13, 2011. **Motion to close the public hearing for 1275 Central Avenue (DEP File # 234-617) by J. Bernardo, seconded by C. Shapiro, approved 6-0-0.** The public hearing was closed at 8:58 p.m. **Motion to issue the Order of Conditions for 1275 Central Avenue (DEP File #234-617) by J. Bernardo, seconded by S. Soltzberg, approved 6-0-0.**

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

L. Standley opened the public hearing at 8:58 p.m. Since the last hearing P. Barry conducted a site visit with J. Rockwood and determined that the projects changes from the original Order of Conditions were accurately identified in the new Notice of Intent submitted for the project. Per P. Alpert’s recommendation at the previous hearing, a confirmatory deed had been created to include the special conditions to the new Order of Conditions, correcting the previous deed. **Motion to close the public hearing for 1297 Central Avenue (DEP File #234-618) by J. Bernardo, seconded by P. Alpert, approved 6-0-0.** The public hearing was closed at 9:02 p.m. **Motion to issue the Orders of Conditions for 1297 Central Avenue (DEP File #234-618) by D. Stolfi Stalenhoeft, seconded by J. Bernardo, approved 6-0-0.**

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

D. Stolfi Stalenhoeft opened the public hearing at 9:03 p.m. L. Standley recused herself from the hearing due to a conflict of interest. Allary Braitsch from Vanasse Hangen Brustlin, Inc. represented the applicant and presented the additional information required by the Commission at the last hearing. Specifically, supplemental information regarding (1) the public benefits of the project, alternatives and additional mitigation measures were provided in a revised waiver request; and 2) the closed drainage system calculations and why the wetland was not going to dry out from the proposed improvements and the existing spillway were explained. J. Bernardo had conducted a site visit and noted that there is ground water near the outlet. S. Soltzberg recommended that the invasive species be removed and treated. D. Stolfi Stalenhoeft identified that the MA Department of Environmental Protection commented on the project and acknowledged DEP’s position that the existing detention basin is not a jurisdictional bordering vegetated wetland under the MA Wetlands Protection Act and associated Regulations. Additionally, after a site reconnaissance, the Commission documented that the northeastern most swale a would be considered jurisdictional under the Regulations as bordering vegetated wetland associated with an intermittent stream with a 100-foot buffer zone and will provide a condition with the Order to identify the resource areas on the plan. **Motion to close the public hearing for 865 Central Avenue (DEP File#234-619) by J. Bernardo, seconded by S. Soltzberg, approved 5-0-0.** The public hearing for 865 Central Avenue (DEP File # 234-619) was closed at 9:15 p.m.

COMMISSION ACTIONS

649 SOUTH STREET (NGWP #15) – MINOR MODIFICATION REQUEST

D. Simonelli of Field Resources represented the applicant and explained that the owners would like to install a fence and a 20-foot x 37-foot patio to the approved project within the 100-foot buffer zone to a locally jurisdictional intermittent stream. **Motion to approve a minor modification to the project plans for 649 South Street (NGWP #15) by S. Soltzberg, seconded by J. Bernardo, approved 6-0-0.**

178 HIGH ROCK STREET (DEP FILE #234-586) – MINOR MODIFICATION REQUEST

Bill Balutis, the property owner, explained the proposed minor house, garage and porch footprint changes along with retaining wall installation and grade changes. He noted that all work would be more than 25' from the wetland edge. **Motion to approve the minor modification to the project plans for 178 High Rock Street (DEP File #234-586) by P. Alpert, seconded by J. Bernardo, approved 6-0-0.**

305 DEDHAM AVENUE (DEP FILE #234-563) – MINOR MODIFICATION REQUEST

The property owners would like to install a patio under the above-ground deck that does not extend beyond the permitted work limits. **Motion to approve the minor modification to the project plans for 305 Dedham Avenue (DEP File #234-563) by S. Soltzberg, seconded by P. Alpert, approved 6-0-0.**

0 FOREST STREET NGWP #16 – ISSUE ORDER OF CONDITIONS

The Commission reviewed the draft Order of Conditions. **Motion to issue the Order of Conditions for 0 Forest Street NGWP #16 by C. Shapiro, seconded by S. Soltzberg, approved 5-0-0.** J. Bernardo abstained from voting.

823 CHARLES RIVER STREET (DEP FILE #234-541) – ISSUE AMENDED ORDER OF CONDITIONS

The Commission reviewed the draft Amended Order of Conditions. **Motion to issue the amended Order of Conditions with Exhibit C by J. Bernardo, seconded by P. Alpert, approved 6-0-0.**

SOUTHFIELD COURT POND

The Commission recommended that P. Barry draft a brief educational letter discussing the functions and values of wetland resource areas and information on invasive species impacts to be sent to the residents of Southfield Court. The Commission requested that P. Barry email it to the Commission for approval first and then the letter would be sent to the residents.

WETLANDS PROTECTION ACT FUND

P. Barry informed the Commission of the staffing updates in the Conservation Department. She explained that the Conservation Specialist position would become a benefitted position, if the Commission approved the use of the Wetlands Protection Fund to pay for five (5) additional hours per week than is currently covered. **Motion to approve the use of up to three thousand six hundred dollars (\$3,600) of the Wetland Protection Fund to increase the conservation specialist position hours from 15 hours to 20 hours per week in FY 2012 to administer and enforce the Massachusetts Wetlands Protection Act by S. Soltzberg, seconded by P. Alpert, approved 6-0-0.**

Motion to adjourn by P. Alpert, seconded by D. Stolfi Stalenhoe, approved 6-0-0. The meeting was adjourned at 10:15 p.m.

NEXT PUBLIC HEARING

August 11, 2011 at 7:30 p.m. in the Public Services Administration Building, Charles River Room