

**TOWN OF NEEDHAM
CONSERVATION COMMISSION
MEETING MINUTES
Thursday, August 11, 2011**

LOCATION: Public Services Administration Building, Charles River Room

ATTENDING: Lisa Standley (Chair), Paul Alpert, Janet Bernardo, Sharon Soltzberg, Patricia Barry (Agent), Elisa Litchman (Assistant)

GUESTS: Brian Barron, Patricia Carey, Karen Skinner Catrone, John Cross, Mikhail Deychman, Joe Feeney, Titina Haratses, Brian Hedberg, Betsey O'Brien, Kevin O'Brien, Catherine O'Dea, John Rockwood, Diane Simonelli, G. Voloshin, Christopher Wagner, Erica Wright.

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

MINUTES

Motion to approve minutes of July 14, 2011 by J. Bernardo, seconded by P. Alpert, approved 3-0-0. (L. Standley did not attend the July 14th meeting).

ENFORCEMENTS

320, 328, and 350 CEDAR STREET - ENFORCEMENT ORDER

P. Barry explained that three rows of straw bales and silt fencing have been installed to prevent further erosion into the wetland resource areas. She was informed by Mary Trudeau that the second row has over a foot of sediment that has recently eroded from the slope and a fourth row of erosion controls will be installed. P. Barry has been notified by the 328 Cedar Street property owner that the Petrucci Construction Company, who placed the fill in the area, is not taking any responsibility. The 328 Cedar Street homeowners will be submitting a stabilization plan by August 18, 2011.

1885 CENTRAL AVENUE – ENFORCEMENT ORDER

After conducting a site visit on August 8, 2011, the Commission proposed to revise the enforcement order to incorporate the submitted restoration plan submitted by B. Barron, the property owner. The restoration plan includes a proposed 2-foot high wire goose fence and the planting of nine (9) juniper (*Juniperus horizontalis*), six (6) inkberry (*Ilex glabra*) and twenty (20) switch grass (*Panicum virgatum*) plants, and a no-mow zone between the wire fence and the Charles River. P. Alpert suggested that the plan allow for trimming of plantings to 3 to 4-feet in height. **Motion to approve the restoration plan as amended by P. Alpert, seconded by S. Soltzberg, approved 4-0-0. Motion to issue the revised enforcement order to incorporate the approved restoration plan by S. Soltzberg, seconded by P. Alpert, approved 4-0-0. Motion to rescind the issued fine by P. Alpert, seconded by J. Bernardo, approved 4-0-0.**

177 OXBOW ROAD – ENFORCEMENT ORDER

P. Barry explained to the Commission that she had met with the home owner who informed her that she was not aware that the vegetation along the Charles River banks was not to be removed and that she had asked her landscapers to trim the area around the existing dock. The Commission suggested that P. Barry send the owner an educational letter requesting that the home owner attend a Conservation Commission hearing to discuss the violation. The Commission had conducted a site visit on August 8, 2011 and identified that the vegetation that had been cut was growing back. Currently, it appears that the owner is

away on vacation. **Motion to table the 177 Oxbow Road enforcement order until the property owner can attend a Commission meeting by P. Alpert, seconded J. Bernardo, approved 4-0-0.**

HEARINGS

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

L. Standley opened the public hearing at 7:45 p.m. She stated that she had read the July 28, 2011 meeting notes regarding this project and reviewed the submitted materials. Jack Sullivan and Ron Lopez represented the applicant, and explained to the Commission the additional information submitted as requested at the July 28th hearing. J. Sullivan explained that the plan to infiltrate runoff should work despite the apparent ledge on the property and that they have proposed to plant six (6) 3-inch caliper pear trees (*Pyrus communis* L.) to replace the oak trees to be removed as a result of the project. J. Sullivan addressed the concern of the neighbor regarding drainage stating that the drywell has been sized to accommodate the 100 year storm event. L. Standley explained her concerns with the tree removals and that the replacement trees should be native species (min. 3” caliper) to provide habitat value. J. Bernardo indicated that she was satisfied with the drainage calculations. J. Sullivan explained that, although there is a net increase in impervious surface, there is no increase in runoff due to the drywells. L. Standley opened the hearing to the public with no comments received. **Motion to close the hearing for 15 Bancroft Street (DEP File #234-621) by J. Bernardo, seconded by S. Soltzberg, approved 4-0-0.** The public hearing was closed at 7:57 p.m.

GOULD STREET (WINGATE SENIOR LIVING) – REQUEST FOR DETERMINATION OF APPLICABILITY

L. Standley opened the public hearing at 8:04 p.m. David Kelly of Kelly Engineering represented the applicant and explained that the purpose of this request was to confirm whether the proposed Wingate Senior Living Center project, to be located off Gould Street and Highland Avenue, was located within any protected resource areas or their protection zones, and thus would require a permit from the Commission. J. Rockwood conducted the resource area inspection in the fall of 2010. Three depressions exist on the property and the applicant believes that they do not qualify as isolated vegetated wetlands under the Bylaw. Additionally, evidence shows that the depressions do not meet the jurisdictional definition for isolated land subject to flooding under the Act or the Bylaw. He elaborated that there is no ponding of water within these depressions as the area is underlain with sand and gravel that enables the area to drain well. L. Standley asked about the blind swale adjacent to the railroad right-of-way. D. Kelly responded that there appears to be no inlet or outlet and that it would take 5 to 6 feet of water to overtop it, therefore there is no flow within this linear feature. J. Bernardo noted that they would need to apply for a NPDES construction permit. **Motion to close the hearing for Gould Street by P. Alpert, seconded by S. Soltzberg, approved 4-0-0.** The public hearing was closed at 8:16 p.m. **Motion to issue a negative determination of applicability for Gould Street by P. Alpert, seconded by S. Soltzberg, approved 4-0-0.**

67 WAYNE ROAD (DEP FILE #234-622) – NOTICE OF INTENT

L. Standley opened the public hearing at 8:15 p.m. Christopher Wagner represented the applicant and presented the proposed project to demolish an existing single family dwelling and construct a new house within the 100-foot buffer zone to bordering vegetated wetlands. He submitted new plans and a planting list of shrubs, and stated that the proposed increase in impervious area is minor and that the roof runoff will be infiltrated. C. Wagner also requested the Commission approve the removal of a 25-foot tree which he explained is not in the best condition and leans toward the house. L. Standley requested a wetland delineation report be submitted as required with the application. C. Wagner said that the wetland boundary is abrupt, and agreed to provide the documentation. The Commission recommended that the erosion controls be moved outside of the 25-foot buffer zone. Additionally, the Commission requested

that the planting list, including proposed species and sizes, be submitted for review and approval and be included on the project plans. Due to the fact that the applicant is requesting to remove trees, the Commission decided that a site visit was necessary to evaluate proposed resource area impacts. J. Bernardo requested calculations for the infiltration system, and a set of stamped plans. **Motion to continue the hearing (for additional information) for 67 Wayne Road (DEP FILE #234-622) to August 25, 2011 at 8:15 p.m. by J. Bernardo, seconded by S. Soltzberg, approved 4-0-0.**

32 CANTERBURY LANE – REQUEST FOR DETERMINATION OF APPLICABILITY

L. Standley opened the public hearing at 8:37 p.m. K. Skinner Catrone represented the applicants, Betsey and Kevin O'Brien, and explained the proposal to construct an approximately 8-foot by 20-foot mudroom (on footings) that would add approximately 249 square feet of impervious area within the outer 50-feet of the 100-foot buffer zone to bordering vegetated wetland. One gray birch (*Betula populifolia*) tree within existing lawn needs to be removed; however, there will be no impact to the undisturbed wooded area behind the home. The applicants are willing to plant a replacement tree. L. Standley asked Ms. Skinner Catrone to explain why the wetland is bordering, since the plan seems to show a closed depression. K. Skinner Catrone explained that the basin is not closed and appears to flow toward Canterbury Lane. J. Bernardo asked to have the site shown on the USGS map, and confirmed that the wetland is higher than the house. K. Skinner Catrone asked the Commission to approve the use of straw wattles for erosion control rather than hay bales as shown on the plans. L. Standley opened the hearing to the public. Erica Wright of 20 Canterbury Lane expressed her concern regarding the drainage, and stated that there had been no wetland at that location before the new homes were built. **Motion to close the hearing by P. Alpert, seconded by S. Soltzberg, approved 4-0-0.** The public hearing was closed at 8:47 p.m. **Motion to issue a negative determination of applicability by S. Soltzberg, seconded by P. Alpert, approved 4-0-0.**

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

L. Standley opened the public hearing at 8:46 p.m. The applicant requested that the hearing be continued to further coordinate with the Department of Public works regarding the on-site drainage issues. **Motion to continue the public hearing (at the applicant's request) to August 25, 2011 at 8:30 p.m. in the PSAB – Charles River Room by J. Bernardo, seconded by P. Alpert, approved 4-0-0.**

OTHER BUSINESS

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

J. Rockwood explained that the applicant realized after their approval of the Notice of Intent that they needed to create a sidewalk, front walk and a patio. The total proposed increase in impervious area would be 421 square feet within the 200-foot Riverfront Area. To mitigate for the increase in impervious area, the proposed planting area will be widened as provided on the revised plans submitted. For the record, J. Rockwood pointed out that there was an existing front walkway that was not identified or included in the original existing conditions calculations; therefore no impervious area credit was taken then or now for the impervious area. **Motion to approve a minor modification to the project plans for 20 Pheasant Road (DEP FILE #234-608) not requiring an amendment by J. Bernardo, seconded by P. Alpert, approved 4-0-0.**

23 CHARLES RIVER STREET (NGWP#12) - MINOR MODIFICATION

David Kelly of Kelly Engineering Group represented the applicant and explained to the Commission that minor changes in the proposed Belle Lane roadway configuration were required as a result of the 2009 subdivision approval by the Planning Board within the 100-foot buffer zone to a locally jurisdictional vernal pool. The change includes moving the roadway further away from the vernal pool. He also

presented a revised proposed planting plan for Commission review and approval within the Algonquin gas easement, as required by the OOC. J. Rockwood stated that this had been reviewed by AGT. Additional landscaping is also proposed around the valve station. L. Standley asked why more shrubs were not proposed. J. Rockwood said that AGT did not approve additional plantings outside of the specified area. **Motion to approve a minor modification to the project plans for 23 Charles River Street (NGWP #12) not requiring an amendment by S. Soltzberg, seconded by P. Alpert, approved 4-0-0.**

178 ROSEMARY STREET (DEP FILE #234-484) – PERMIT EXTENSION REQUEST

Attorney Tom Harrington represented Patty Carey, the Director of the Town of Needham Park & Recreation Department, regarding the Town's request to extend the 178 Rosemary Street (DEP File #234-484) Order of Conditions for a period of three years as allowed under both the MA Wetlands Protection Act and the Needham General Wetlands Protection Bylaw. He reviewed the history of the Order with the Commission including the MA Permit Extension Act revival of the Order of Conditions from 2006 to September 15, 2011. The Park & Recreation Department is requesting to extend the Order to allow for additional wildlife habitat and water quality studies to be conducted. **Motion to grant the request for a three (3) year extension of the 178 Rosemary Street (DEP File#234-484) Order of Conditions by P. Alpert, seconded by S. Soltzberg, approved 4-0-0.**

74 PILGRIM ROAD (DEP FILE #234-602) – CERTIFICATE OF COMPLIANCE REQUEST

M. Deychman explained that fifty two (52) shrubs were planted in the restoration area and the infiltration system had properly been installed on the property. L. Standley expressed her concerns that the restoration conditions have not been met. She noted that the plans submitted to the Commission show twenty one (21) plants, not 52 plants. The Order of Conditions Special Condition #9 refers to inspection reports required for the restoration area which have not been submitted to the Commission. The Commission suggested that the plans show a shaded area to account for the 52 plantings rather than identifying each plant. The Commission continued the review of the Certificate of Compliance request to the August 25, 2011 meeting to allow for the applicant's submittal of the required information.

449 SOUTH STREET (DEP FILE #234-556)–CERTIFICATE OF COMPLIANCE REQUEST

D. Simonelli represented the applicant and explained that the project had a few deviations from the approved plans. Specifically, the owners installed a bluestone patio which added about 649 square feet of impervious area as opposed to the approved 224 square feet, and the stone wall with fireplace was constructed further away from the wetlands than shown on the original plans. The driveway is 22 square feet smaller than in the approved plans. L. Standley asked about the required plantings of one red maple tree (*Acer rubrum*) and two flowering dogwoods (*Cornus florida*). D. Simonelli needs to confirm whether the plants were installed. **Motion to issue a Partial Certificate of Compliance (with tree and shrub planting and monitoring in Special Condition #23 remaining), by J. Bernardo, seconded by P. Alpert, approved 4-0-0.**

741 CHESTNUT STREET (DEP FILE #234-278)-CERTIFICATE OF COMPLIANCE REQUEST

D. Kelly of Kelly Engineering Group represented the applicant and explained that the sewer extension for Southfield Estates was constructed in accordance with the original Order of Conditions as shown on the submitted as built plan. **Motion to issue the Certificate of Compliance for 741 Chestnut Street (DEP File# 234-278) by J. Bernardo, seconded by P. Alpert, approved 4-0-0.**

18 BORDER ROAD – DEAD TREE REMOVAL EXEMPTION LETTER REQUEST

Matt Hughes of Pinewood Development requested the removal of a dead Eastern hemlock tree within the 200-foot Riverfront Area at 18 Border Road. **Motion to approve the dead tree removal at 18 Border Road as an exempt minor activity by J. Bernardo, seconded by S. Soltzberg, approved 4-0-0.**

0 TILLOTSON ROAD (DEP FILE #234-614) – ISSUE ORDER OF CONDITIONS

The Commission reviewed the draft Order of Conditions. **Motion to issue the Order of Conditions for 0 Tillotson Road (DEP File #234-614) by J. Bernardo, seconded by P. Alpert, approved 4-0-0.**

84 GLENDALE ROAD (DEP FILE #234-620) – ISSUE ORDER OF CONDITIONS

The Commission reviewed the draft Order of Conditions. **Motion to issue the Order of Conditions for 84 Glendale Road (DEP File #234-620) by S. Soltzberg, seconded by J. Bernardo, approved 4-0-0.**

865 CENTRAL AVENUE (DEP FILE #234-619) – ISSUE ORDER OF CONDITIONS

L. Standley recused herself due to a conflict of interest. P. Alpert assumed acting Vice Chair, however a quorum was not present, therefore the Commission authorized P. Barry to circulate a draft Order via email and arrange for Commission members to sign the Order.

Motion to adjourn by J. Bernardo, seconded by P. Alpert, approved 4-0-0. The meeting was adjourned at 10:30 p.m.

NEXT PUBLIC HEARING

August 25, 2011 at 7:30 p.m. in the Public Services Administration Building, Charles River Room