

**TOWN OF NEEDHAM
CONSERVATION COMMISSION
MEETING MINUTES
Thursday, January 12, 2012**

LOCATION: Public Services Administration Building, Charles River Room

ATTENDING: L. Standley (Chair), Paul Alpert, Janet Bernardo, Marsha Salett, Carl Shapiro, Sharon Soltzberg, Dawn Stolfi Stalenhoeft, Debbie Anderson (Acting Agent), Elisa Litchman (Assistant).

GUESTS: Jim Cerbone, Darren Conboy, Susan McArthur, Maureen Meagher, Phil Paradis, Tom Ryder, Adel Shahin, Anand Shete, Diane Simonelli.

L. Standley opened the public meeting at 7:35 pm.

MINUTES

Motion to approve minutes of December 8, 2011, as amended, by J. Bernardo, seconded by M. Salett, approved 7-0-0.

Motion to approve minutes of December 22, 2011, as amended, by C. Shapiro, seconded by M. Salett, approved 7-0-0.

ENFORCEMENTS

328 CEDAR STREET

L. Standley explained that Mr. Adler and the Grimaldos have completed the required remedial action to stabilize their properties and prevent further erosion as required by the Commission to release them from the Enforcement Order. The remaining fill is located on the Tower Company's property. The eroded material continues to progress towards the wetlands. Town Counsel, Dave Tobin communicated to the Commission what additional action can be taken to inform the Tower Company that they must comply with the Enforcement Order. He thinks that the Commission has a strong case against the Tower Company. He recommends that the Commission send a letter to the contractor, Petrucci and The Richland Tower Company and if there is no response, civil legal action against both can be implemented. D. Tobin will draft the letters and then the Commission will review them.

33 PENNSYLVANIA AVENUE

Mr. Daniel Socci, the property owner came to meet with the Commission per their request. L. Standley noted that she had witnessed freshly cut trees and shrubs stacked near the wetlands on the property. Mr. Socci explained that last August the hurricane damaged some of the trees and uprooted the elms. Dead trees were leaning up on other trees. He cut and stacked the wood to try to clean up the area to make it more apparent to the public that his property is cared for and not for their trash. Mr. Socci explained that he cut out some of the invasive bittersweet and knotweed, as well as a spruce and hemlock. He installed 40 additional plantings and expressed his interest and appreciation for the wetland wildlife. In addition, he brought photos of his property and the wetlands. The Commission clarified that any work in the wetland or buffer zone required the Commission's permission. The Commission explained that the Town and State have wetland laws that have to be followed by everyone and added that fallen trees often have value to the ecology of the wetland wildlife. The Commission suggested that Mr. Socci meet with the Conservation Department to decide which application to submit for any further work he intends to

undertake. The Commission reiterated that any further work done without obtaining Commission approval would be subject to enforcement action.

HEARINGS

1362 GREAT PLAIN AVENUE (DEP FILE #234-633) – CONTINUED NOTICE OF INTENT

L. Standley opened the public hearing at 7:40 pm. The hearing had been continued simply for the lack of a DEP File number. D. Anderson said that she had spoken with Rachel Freed from DEP, who explained that the applicant's check had been applied to the wrong town which caused the delay in assigning a DEP File number to this project. **Motion to close the hearing for 1362 Great Plain Avenue by S. Soltzberg, seconded by J. Bernardo, approved 6-0-1.** The public hearing was closed at 7:42 pm. **Motion to issue the Order of Conditions by J. Bernardo, seconded by S. Soltzberg, approved 6-0-1 (P. Alpert abstained).**

MASS DOT ADD-A-LANE (DEP FILE #234-632) – CONTINUED NOTICE OF INTENT

L. Standley recused herself. J. Bernardo opened the public hearing at 7:45 pm. Dennis Lowry (AECOM) reviewed the project. The entire project covers 13.2 miles of Route 128 with the intention to restore the use of the breakdown lane, add a fourth lane and make improvements to the interchange at Highland Avenue in Needham. The wetland median area south of Highland Avenue will have the most impact (0.8 acres of wetland impact). This wetland area contains a peat deposit approximately 20' deep. The DOT plans to re-grade the peat and bring it to the elevation that will allow for wetland conditions (approximately 3-4 feet). The plans expand the wetlands to the south and north of the stream. The mitigation area covers 1.9 acres. The plans also call for the removal of some of the invasive plants in the buffer zone. The mitigation planting area proposes a 2.4:1 ratio.

Adel Shahin presented information regarding the storm water management. He stated that 65 test pits were done in Needham. Twice as much ground water recharge volume (17,000 cubic feet) is proposed than warranted in the stormwater regulations ensuring sustainable wetland conditions. Infiltration basins would be installed and lead to Cutler Park, detention basins are proposed near Highland Avenue as well as leaching catch basins, deep sump catch basins within the area. A proposed water quality swale includes a sediment forebay. The low point is located near the Wellesley line where detention basins are proposed.

S. Soltzberg asked whether the water table or global warming is of concern. When asked about maintenance of the project area, A. Shahin responded that the Massachusetts Highway Department will be maintaining the area. Erosion controls of hay bales and siltation fencing are proposed. DOT stated that this project hopes to accomplish their goals while respecting and sustaining wetland resource areas. **Motion to close the public hearing of MASS DOT Add-A-Lane by P. Alpert, seconded by M. Salett, approved 6-0-0.** The public hearing was closed at 8:23 pm.

84 GLENDALE ROAD (DEP FILE #234-620) – CONTINUED REQUEST TO AMEND ORDER OF CONDITIONS

L. Standley opened the public hearing at 8:24 pm. L. Standley noted that all of the proposed work aside from mitigation plantings and temporary construction access had been removed from the 25-foot buffer zone and therefore a waiver was no longer necessary. D. Simonelli summarized the changes to the plans, and stated that the hay bales are in the 25 foot buffer zone. The proposed grading was removed from the plans and the retaining walls were changed to a single wall which will hug the backside of the house and be a planting bed. **Motion to close the public hearing for 84 Glendale Road by J. Bernardo, seconded by C. Shapiro, approved 6-0-1 (P. Alpert abstained).** The public hearing was closed at 8:26 pm. **Motion to issue the Amended Order of Conditions with edits by J. Bernardo, seconded by S. Soltzberg, approved 6-0-1 (P. Alpert).**

**DPW BROOK MAINTENANCE GENERAL PERMIT (DEP FILE #234-631) – CONTINUED
NOTICE OF INTENT**

L. Standley opened the public hearing at 8:32 pm. Tom Ryder, Assistant Town Engineer, submitted a new plan which shows the locations where the DPW maintains culverts and channels, inland restricted wetlands, and NHESP Priority Habitats. The application now includes maintenance of skating ponds, gravel parking lots, and other areas. . The Commission was very pleased with the plan and how the DPW responded to their concerns. **Motion to close the public hearing by J. Bernardo, seconded by M. Salett, approved 7-0-0.** The public hearing was closed at 8:38 pm.

**WALKER GORDON ATHLETIC FIELD IMPROVEMENTS (DEP FILE #234-631) -
CONTINUED NOTICE OF INTENT**

L. Standley opened the public hearing at 8:45 pm. L. Standley explained that she had gone to the site to clarify the limit of Riverfront Area, and determined that flags A7, A8 and A9 are at the top of bank, which extends to approximately 10 feet below flag A-12. On 1/11/12 Phil Paradis of Beta Group submitted a supplemental memorandum to the Performance Standard Analysis for the Commission's review. He described the changes to the plan, and explained that the proposed work in Riverfront Area is considered a redevelopment project which will improve water quality by installing an infiltration trench and stabilizing the parking lot. **Motion to close the public hearing for Walker Gordon Athletic Field Improvements by M. Salett, seconded by S. Soltzberg, approved 6-0-1 (P. Alpert abstained).** The public hearing was closed at 9:05pm. **Motion to issue the Order of Conditions by M. Salett, seconded by J. Bernardo, approved 6-0-1 (P. Alpert abstained).**

**1381 GREAT PLAIN AVENUE (DEP File #234-590) – PARTIAL CERTIFICATE OF
COMPLIANCE REQUEST**

L. Standley reported that the Commission is in receipt of the As-Built Plan and the Botanist report of the restoration plantings. D. Anderson conducted a site visit and had no concerns. The Commission agreed that one more year of monitoring is required for the complete Certificate of Compliance. **Motion to issue the Partial Certificate of Compliance by J. Bernardo, seconded by P. Alpert, approved 7-0-0.**

**ALGONQUIN CATHODIC PROTECTION PROJECT – GROUND BED EASEMENT
AGREEMENT APPROVAL**

The Commission discussed the easement. P. Alpert reported that he had discussed the proposed easement with David Tobin, Town Counsel. The easement referenced a Plan which contained an approximate, proposed, location for the cathode protection facilities, and which contained a note that the actual location of the easement would change to the as-built location of the facility. However, the Town and the Commission had previously granted a license to Algonquin for the work, and the facilities have been installed. As the facilities have been installed, the Temporary Work Space easement was no longer necessary. Algonquin has agreed to revise the Plan to reference the as-built location of the cathode protection facilities, and to have the Temporary Work Space easement expire on December 31, 2012. The easement will be signed after the revised Plan has been delivered to the Commission.

ALGONQUIN MARY CHILTON DATA BUILDING ENCROACHMENT – DEED APPROVAL

P. Alpert reviewed the deed and has proposed changes. D. Tobin has shared these notes with his counterpart at Algonquin and they have agreed to the changes. The deed will be signed by the Commission after the revised Deed has been delivered by Algonquin.

MACC ANNUAL CONFERENCE (MARCH 3, 2012)

D. Anderson asked members of the Commission to let our department know who would like to attend the Conference so we can register them. P. Alpert will let us know.

Motion to adjourn by M. Salett, seconded by S. Soltzberg, approved 7-0-0. The meeting was adjourned at 9:43 pm.

NEXT PUBLIC HEARING

January 26, 2012 at 7:30 p.m. in the Public Services Administration Building, Charles River Room