

**TOWN OF NEEDHAM
CONSERVATION COMMISSION
MEETING MINUTES
Thursday, March 8, 2012**

LOCATION: Public Services Administration Building, Charles River Room

ATTENDING: Lisa Standley (Chair), Paul Alpert (Vice Chair), Janet Bernardo, Carl Shapiro, Dawn Stolfi Stalenhoef, Patricia Barry (Agent), Debbie Anderson (Assistant)

GUESTS: Ryan Colarusso, Scott Colarusso, David Crossman, John Fitzgerald, Scott Goddard, Matt Harkins, Charlie Hurwitch, Kerry Hurwitch, Ken Keegan, Denny Nackoney, Karen Peirce, Ardi Rrapi, Diane Simonelli, Padma Sri

L. Standley opened the public meeting at 7:33 pm.

MULLEN RULE CERTIFICATIONS

L. Standley accepted the written certification from J. Bernardo that she missed no more than one single session of the hearings pertaining to 145 Winding River Road (DEP File #234-637) Notice of Intent, and that she 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.

MINUTES

Motion to approve the minutes of February 23, 2012, as amended, by P. Alpert, seconded by C. Shapiro, approved 5-0-0.

ENFORCEMENTS

350 CEDAR STREET

P. Barry explained that she had met on-site with Mark Cahill, the construction contractor sent on behalf of the Richland Tower Company on March 1, 2012 at 2 pm. to discuss compliance with the Enforcement Order issued by the Needham Conservation Commission. P. Barry presented the contractor with the approved stabilization plan entitled "Site Plan, 320 Cedar Street", prepared by Morse Engineering Co., Inc. and dated 9/14/2011 for his consideration. The Commission reviewed a revised restoration plan submitted by Richland Tower Company. The revised Plan did not include the removal of fill directly adjacent to the wetland as this would necessitate the removal of trees to access the area. The area will be re-vegetated via an approved seed mix. P. Barry informed the Commission that she observed thin layer of sediment a couple of inches deep on portions of the Bordering Vegetated Wetland that could be raked out by hand. L. Standley suggested the Commission hold off making a decision on raking the sediment until further investigation was conducted to determine the damage. C. Shapiro questioned whether another recipient of the Enforcement Order, Petrucci Corporation was still involved in the matter. P. Barry explained that the Petrucci Corporation's lawyer had contacted Town Council, Dave Tobin. J. Bernardo asked P. Barry how the site was accessed for the site visit. P. Barry replied that it was easily accessed via the Richland Tower Company access road. **Motion to accept the Restoration Plan for 350 Cedar Street by J. Bernardo, seconded by P. Alpert, approved 5-0-0.**

305 DEDHAM AVENUE (DEP FILE #234-563)

L. Standley had informed the Commission that she had noticed tree clearing on the 305 Dedham Avenue property within the 100-foot buffer zone that appeared to be inconsistent with the approved Order of Conditions. At the April 23, 2012 public meeting, the Commission requested that P. Barry conduct a site visit to investigate the potential non-compliance with the Order. P. Barry explained that the Request for a Certificate of Compliance filed by the property owner in September 2011 for work conducted under an Order of Conditions issued in 2009 was denied by the Commission due to unstable soils and an unpermitted sump pump. P. Barry added that due to the Permit Extension Act, their Permit is still valid. P. Barry informed the Commission that she conducted a site visit and observed unauthorized placement of fill, excavation and alteration of vegetation within the 100-foot buffer zone to inland bank and bordering vegetated wetland, and that work also appeared to be located within 25-feet of the inland bank to Alder Brook and adjacent bordering vegetated wetland inconsistent with the approved Order. She elaborated that a number of large trees were cut and removed within 50-feet of inland bank and that no erosion controls had been installed at the time. An enforcement order was issued on February 28, 2012 to the property owner and landscape contractor for violations of both the MA Wetlands Protection Act and the Needham Wetlands Protection Bylaw.

The homeowner, Padma Sri, was present at the meeting and addressed the Commission. She explained that they had only wanted to clean up the large amount of twigs and brush on the property and decided to hire a contractor to do the work. P. Sri noted that trees had been uprooted during a storm. The contractor, Ken Keegan, was present and addressed the Commission. K. Keegan stated that he did not realize that a permit was required for the work. He explained that he was hired to clean up the property and loam the area. The equipment on site was used to push the brush back. He went on to explain that he thought the fill brought in was up against the house and he assumed was outside of the 100-foot buffer zone. He said he did not remove any trees except one that fell and one hanging over the swing set.

L. Standley stated that the homeowner would need to submit a restoration plan that indicates what they would propose to plant to stabilize the disturbed areas and proposed replacement for any natural vegetation removed within the 25-foot no disturb buffer zone. The plan must include the removal of debris pushed up against the wetland. They also need to propose replacements for the trees they removed. L. Standley stated the owners have two weeks to submit the restoration plan to the Commission. P. Barry will send a letter requiring that a restoration plan be submitted and specifying what restoration measures are required. L. Standley asked the Commission if they wanted to consider fines against the owners for the violations of the Needham Wetlands Protection Bylaw. After discussion, the Commission agreed to defer consideration of fines, pending receipt of restoration plan and review of Order of Conditions. P. Barry stated that the erosion controls the Commission required be installed immediately were not installed properly and told the owner how to properly install the hay bales and silt fence. The Commission ratified the enforcement order.

170 NEHOIDEN STREET (DEP FILE #234-461)

The homeowner, John Fitzgerald, was present at the meeting. P. Barry explained to the Commission that land disturbance, fill piles and the removal of trees took place at 170 Nehoiden Street within riverfront and buffer zone without the installation of erosion controls and without a valid Order of Conditions. At the Commission's request, P. Barry sent an enforcement letter to the property owners requiring installation of erosion controls by Friday, March 2, 2012 and attendance at the March 8, 2012 public meeting. P. Barry stated that she had researched the outstanding Order of Conditions for the demolition and reconstruction of the home. The permit expired in July 2010. P. Barry had conducted a site visit and noted that the required erosion controls had not been installed.

The unpermitted work is located within Riverfront Area and the 100-foot buffer zone to inland bank and possibly bordering vegetated wetlands. L. Standley stated that a permit is required for any work within the Riverfront Area or 100-foot buffer zone. L. Standley required that J. Fitzgerald install erosion controls immediately and asked him why there are piles of fill in the back yard. He stated that he had to cut the trees to get to the deadfall that had accumulated in the branches, creating a safety hazard and that he had been clearing the trail on town land. J. Bernardo explained to J. Fitzgerald the new Trail Steward Program that the Trails Committee is implementing and how it may help him in policing the Town property abutting his parcel for tree hazards and the role of the Department of Public Works on managing town lands. P. Barry explained the Commission's tree exemption request process to J. Fitzgerald for any future hazard tree issues he may have on his property. L. Standley recommended that a Certificate of Compliance be requested as required in the Order of Conditions for the previous project (DEP File #234-461).

HEARINGS

180 STANDISH ROAD (DEP FILE #234-639) – NOTICE OF INTENT

L. Standley opened the public hearing at 8:10 pm. The applicant's representative, Scott Goddard gave proof of abutter notification to P. Barry and presented the project to the Commission. S. Goddard explained that the property owner needs to rehabilitate a failed retaining wall at the rear of his property. He stated that there is a perennial stream located further than 200-feet off the rear of the property line as well as Bordering Vegetated Wetland and Bordering Land Subject to Flooding. The proposed work is outside of the 25-foot no disturb buffer zone. Bordering Land Subject to Flooding extends to 137 elevation contour and reaches approximately 6-inches up the current retaining wall. S. Goddard further explained that the work would take place in existing lawn and that it is not the intent of the owner to rebuild the wall to the same height.

The owner is requesting permission to place boulders up against the existing wall in an attempt to stabilize the wall. This will result in the filling of approximately 86 cubic feet of floodplain storage. S. Goddard explained that the only compensatory storage area available is located on the side of the property within the drainage easement area and the applicant has proposed to create about 91 cubic feet of flood storage. L. Standley discussed several issues with the notice of intent application filing and required the following additional information be submitted: (1) a cross-section of the proposed retaining wall and schematic of the boulder locations that include how much fill and size of boulders; (2) a narrative explaining how the flood storage area will be restored and stabilized; (3) a letter from the Department of Public Works granting permission to perform excavation over the Town drainage easement; (4) wetland delineation data forms; (5) an explanation of the existing PVC pipe that extends into the buffer zone; and (6) larger scale plans. **Motion to continue the public hearing (for additional information) for 180 Standish Road (DEP File #234-639) to March 22, 2012 at 7:45 p.m. by P. Alpert, seconded by C. Shapiro, approved 5-0-0.**

46 EDGEWATER DRIVE (DEP FILE #234-640) – NOTICE OF INTENT

L. Standley opened the public hearing at 8:20 pm. The property owners, Charlie and Kerry Hurwitch, were present at the hearing. The Applicant's Representative, Scott Goddard, submitted proof of abutter notification to P. Barry and presented the project to the Commission. S. Goddard stated that he had completed the wetland delineation as required by the Commission. He noted that the entire property is located in Bordering Land Subject to Flooding. The Applicant had recently received a Negative Determination of Applicability from the Commission in December of 2011 to demolish and re-build an addition off the side of the house within the existing footprint. However, during the construction the contractor discovered that the foundation design needed to be revised and dewatering was required due to organic, peaty material unsuitable for a stable foundation.

The proposed scope of the Notice of Intent includes the completion of the addition, a dewatering pit, an elevated deck off the rear of the house, repaving of the driveway, removal of the existing impervious patio, an overhang over the approved stoop with the addition of a walkway, installation of three columns proposed at the entrance to the garage and removal of the greenhouse. S. Goddard explained that the project would be considered redevelopment under the Riverfront Area regulations and would comply with the required performance standards as they are reducing the total amount of impervious area as the proposed walkway and patio will be constructed of pervious materials, and the proposed work would be located further from the river. Floodplain impacts include the addition of the columns to hold up the proposed deck, and the decorative columns in front of the garage along with the proposed front stoop. There will be a net gain of 284 cubic feet of flood storage due to the removal of the greenhouse.

L. Standley stated that the Commission did not receive any field data forms with the filing which are required and noted that the wetland delineation had not been accepted by the Commission previously under the Request for Determination of Applicability. Ardi Rrapi, of Cheney Engineering, Co., explained to the Commission that the “sediment trap (by others)” notation on the Plan is simply a dewatering area. Carl Dumas of Kneeland Construction described the proposed watering plan which includes approximately 9-foot by 9-foot dewatering basin using a 2-inch pump. L. Standley stated that she would prefer the flood storage calculations be presented in table form instead of in the narrative. J. Bernardo asked P. Barry if the erosion controls are stable at this time. P. Barry responded that they are stable. C. Dumas explained the organic material located directly adjacent to the erosion controls would be trucked off site. P. Barry questioned whether the flooded bordering vegetated wetland would be considered a vernal pool. S. Goddard replied that he had not made a determination. P. Barry will add a Condition to the Order of Conditions requiring the submittal of the field data forms. **Motion to close the public hearing for 46 Edgewater Drive (DEP File#234-640) by J. Bernardo, seconded by D. Stolfi Stalenhoef, approved 5-0-0.**

145 WINDING RIVER ROAD (DEP FILE #234-637) – *continued* NOTICE OF INTENT

L. Standley opened the public hearing at 8:45 p.m. The hearing was continued for additional information, including submittal of field data forms and re-delineation of the bordering vegetated wetland boundary. It was determined at the site visit through confirmation of the updated flagging that the proposed tree removal/yard expansion project was located outside of the 100-buffer zone to Bordering Vegetated Wetland, and therefore outside of the Commission’s jurisdiction. P. Barry will prepare a Form 6 – Notice of Non-Significance for the Commission to sign at the next meeting. **Motion to close the public hearing for 145 Winding River Road (DEP File #234-637) by J. Bernardo, seconded by P. Alpert, approved 5-0-0.**

OTHER BUSINESS

RIDGE HILL RESERVATION – CHARLES RIVER TRAIL EAGLE SCOUT PROJECT – TRAIL MAINTENANCE ACTIVITY NOTIFICATION FORM

Eagle Scout Ryan Colarusso presented his proposed project to the Commission to clear portions of the Charles River Trail at Ridge Hill Reservation by removing overgrown brush from the trail edge. He would also like permission to install new trail markers to be supplied by the Trails Advisory Group. The work is proposed to be completed over the April 6th and 7th weekend. J. Bernardo added that the trail is not defined enough and asked if it would be possible to line the trail with downed logs from the adjacent woods as the trails become quickly overgrown. L. Standley thought that this was a sound idea to implement in the future. The debris would be piled in the adjacent woods to provide wildlife habitat. L. Standley stated that the Commission does not allow the use of gas powered equipment during this project. The scout’s father, Scott Colarusso, notified the Commission that a downed tree was blocking a portion of the trail. L. Standley explained that the Department of Public Works needs to be notified of downed trees

and it is their responsibility to remove them. The Scout will coordinate with Karen Peirce the Trails Coordinator and Patty Barry when work is to commence. **Motion to approve the proposed Charles River Trail maintenance under the Generic Trail Maintenance Determination of Applicability by J. Bernardo, seconded by D. Stolfi Stalenhoef, approved 5-0-0.**

274 RESERVOIR STREET – RESERVOIR B PUMP STATION (DEP FILE #234-616) – MINOR MODIFICATION REQUEST

L. Standley stated that the Minor Modification Request was to remove the willow (*Salix sp.*) tree which the Applicant had previously received permission to remove the leader as it was found to be hollow and will most likely die. The request to remove the oak tree (*Quercus sp.*) located adjacent to the wall was denied as the documentation indicated it was not a hazard. **Motion to approve the removal of the willow tree (with a 6-foot snag) and deny the removal of the oak tree by C. Shapiro, seconded by P. Alpert, approved 5-0-0**

WELLESLEY TRAILS COMMITTEE – SUDBURY PATH EAGLE SCOUT PROJECT DISCUSSION

Denny Nackoney of the Wellesley Trails Committee presented the proposed eagle scout project to the Commission. He explained that the Town of Wellesley has a trail which goes through a portion of Needham on the Sudbury Trail near Olin College. He further explained that in Wellesley, the Scouts complete the permit application and go before their Committee to present the project to gain exposure to Town Government. D. Nackoney distributed a map of the project location and the need for a bog bridge to be installed due to wet conditions within a Bordering Vegetated Wetland. He explained that he had received complaints from Wellesley and Needham residents about the wet area along the trail. D. Nackoney handed out a copy of the proposed bog bridge design to the Commission. Babson College and Olin College own the property and it is their intent to receive permission from the property owners prior to filing with the Commission. L. Standley stated that the work likely would require filing a Request for Determination of Applicability.

SWEET WILDLIFE PRESERVE – UPDATE

L. Standley had requested that P. Barry lock the gates to the Sweet Wildlife Preserve, however P. Barry could not close the gates at the time because the area was overgrown. The Commission directed P. Barry to work with the Department of Public Works to clear the area and successfully lock the gates. P. Barry also notified the Conservation Commission that an area along the entrance way to the Sweet Wildlife Preserve off of Central Avenue had been cleared. The Commission requested that an awareness letter be sent out to the neighbors along Central and West Streets regarding the Sweet Preserve vegetation clearing.

Meeting to adjourn by P. Alpert, seconded by D. Stoli Stalenhoef, approved 5-0-0. The meeting was adjourned at 9:30 pm.

NEXT PUBLIC HEARING

March 22, 2012 at 7:30 p.m. in the Public Services Administration Building, Charles River Room