

**TOWN OF NEEDHAM
CONSERVATION COMMISSION
MEETING MINTUES
Thursday, February 23, 2012**

LOCATION: Public Services Administration Building, Charles River Room

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

GUESTS: Brian Barron, John Cotter, William Dube, Dave Horton, Charlie Hurwitch, Clark Jarvis, Russell Wheatley

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

MULLEN RULE CERTIFICATIONS

P. Barry accepted written certifications from L. Standley and S. Soltzberg that they had missed no more than one single session of the hearings pertaining to 145 Winding River Road (DEP File #234-637) Notice of Intent, and 685 & 689 Charles River Street (DEP File #234-636) Notice of Intent and that they 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 9, 2012, as amended, by C. Shapiro, seconded by D. Stolfi Stalenhoef, approved 5-0-0.

ENFORCEMENTS

350 CEDAR STREET

P. Barry explained that Richland Tower Company had scheduled a site meeting with her on March 1, 2012 at 2 pm. to discuss compliance with the Enforcement Order issued by the Needham Conservation Commission.

46 EDGEWATER DRIVE

P. Barry explained to the Commission that the Hurwitchs had submitted the required Notice of Intent application for the newly proposed work located within the 200-foot Riverfront Area to the Charles River and Alder Brook, associated Bordering Land Subject to Flooding and the 100-foot buffer zone to Bordering Vegetated Wetland. P. Barry stated that the Hurwitchs will also be applying for a Special Permit from the Zoning Board of Appeals for work proposed within the Town of Needham Floodplain District. The property owner, Charles Hurwitch, was in attendance.

305 DEDHAM AVENUE (DEP FILE #234-563)

L. Standley 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. P. Barry explained that the applicant had submitted a Certificate of Compliance in the summer of 2011 and the Commission had denied the issuance for lack of compliance with the approved Order. The Commission requested that P. Barry conduct a site visit to investigate the apparent non-compliance.

170 NEHOIDEN STREET (DEP FILE #234-461)

P. Barry notified the Commission that land disturbance, fill piles and vegetation removal took place at 170 Nehoiden Street without the installation of erosion controls and without a valid Order of Conditions. The Commission requested that P. Barry send 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. She will check on the status of the OOC issued for construction of the house on this property.

HEARINGS

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

L. Standley opened the public hearing at 7:45 pm. L. Standley discussed the findings of the site visit performed by the Commission on March 19, 2012. She explained that she did not agree with the wetland delineation performed by the Applicant's consultant, David Crossman. At the site visit, the Commission requested that the Applicant revise the delineation and submit field data forms. The hearing was continued for additional information, including submittal of field data forms and re-delineation of the bordering vegetated wetland boundary. **Motion to continue the public hearing (for additional information) for 145 Winding River Road (DEP File#234-637) to March 8, 2012 at 8:15 pm. by S. Soltzberg, seconded by P. Alpert, approved 5-0-0.**

685 & 689 CHARLES RIVER STREET (DEP FILE #234-636) – *continued* NOTICE OF INTENT

L. Standley opened the public hearing at 8:00 pm. L. Standley explained that the hearing had been continued due to the submittal of new material at the previous hearing. P. Alpert read a statement for the record dated February 23, 2012 explaining his position on voting to issue an Order of Conditions for the project. **Motion to close the public hearing for 685 & 689 Charles River Street (DEP File#234-636) by P. Alpert, seconded by D. Stolfi Stalenhoeft, approved 5-0-0.** Public hearing was closed at 8:05 pm. The Commission reviewed the Order of Conditions. **Motion to issue the Order of Conditions for 685 & 689 Charles River Street (DEP File#234-636), as amended, by D. Stolfi Stalenhoeft, seconded by S. Soltzberg, approved 5-0-0.**

OTHER BUSINESS

11 ELIZABETH CIRCLE (DEP FILE #234-482) – CERTIFICATE OF COMPLIANCE REQUEST

P. Barry explained that the Applicant's Representative, D. Simonelli of Field Resources Inc., had submitted updated Plans and the required written certification that the work was completed in compliance with the Order of Conditions. Deviations noted by P. Barry during her site visit and by D. Simonelli included a small change in pool size and shape and the installation of a retaining wall. P Barry noted that the two (2) red maple (*Acer rubrum*) trees were planted per the Order. **Motion to issue the Certificate of Compliance for 11 Elizabeth Circle (DEP File# 234-482), by P. Alpert, seconded by S. Soltzberg, approved 5-0-0.**

70 GAY STREET (DEP FILE #234-465) - CERTIFICATE OF COMPLIANCE REQUEST

D. Anderson explained that the Applicant had submitted the written certification that the work was completed in compliance with the Order of Conditions. D. Anderson stated that she performed a site visit to the property and found no deviations from the approved plan. **Motion to issue the Certificate of Compliance for 70 Gay Street (DEP File# 234-465), by P. Alpert, seconded by C. Shapiro, approved 5-0-0.**

TOWN OF NEEDHAM – KENDRICK STREET BRIDGE PROJECT (DEP FILE #234-603) – MINOR MODIFICATION REQUEST

William Dube of New England Infrastructure, Inc. presented the minor modification request to the Commission. He explained that the Town is requesting a minor modification to their Permit to accommodate their proposed procedures for cleaning the existing concrete bridge abutments prior to the installation of concrete penetrating sealer. Prior to the installation of the sealer, the abutments must be cleaned of all dirt and dust. They would like to accomplish this by utilizing pressure washing equipment. Mr. Dube stated that the procedure would utilize approximately 50 gallons of water. Protective measures would be installed to catch all the water and collect the dirt and dust removed from the abutments. Geotextile filter fabric is proposed to be placed on top of the existing riprap below the bridge, and anchored in place to act as a barrier between the work zone and the adjacent waterway. L. Standley asked why hay bales were not proposed. Mr. Dube stated that due to the uneven surface of the riprap, hay bales could not be securely installed. He indicated that the work would take one to two days to complete. Mr. Dube asked the Commission if they would prefer the utilization of hydrant or river water for the procedure. Due to the possibility of chlorine in the hydrant water, the Commission requested that river water be used. Mr. Dube stated that the work would be overseen by Beta Engineering. P. Barry explained that she had notified Anthony DelGaizo, the Town Engineer, via email but had not yet heard back from him regarding the modification request. However, she had spoken to Steve Nadeau in the Engineering Department and he had no problem with the project as proposed. **Motion to approve the work as a Minor Modification not requiring an amendment to the OOC for the Kendrick Street Bridge Project (DEP File #234-603) by C. Shapiro, seconded by P. Alpert, approved 5-0-0.**

TOWN OF NEEDHAM 274 RESERVOIR STREET (DEP FILE #234-616) – MINOR MODIFICATION REQUEST

The Town of Needham Department of Public works is requesting the removal of a large limb of a willow tree (*Salix* sp.) within the 100-foot buffer zone to bordering vegetated wetland and the 200-foot Riverfront Area of the Charles River in order to provide sufficient construction access for the Reservoir B Pump Station replacement project. **Motion approve the work as a Minor Modification not requiring an amendment to the OOC for 274 Reservoir Street (DEP File #234-616) by C. Shapiro, seconded by P. Alpert, approved 5-0-0.**

ALGONQUIN MARY CHILTON DATA BUILDING ENCROACHMENT – DEED APPROVAL

P. Alpert stated that he felt the Deed was ready to be signed, and that he had no further comments.

Motion to accept and sign the Deed, as revised, by P. Alpert, seconded by C. Shapiro, approved 5-0-0.

CONSERVATION COMMISSION MEETING SCHEDULE (JULY 1, 2012 TO DECEMBER 31, 2012) – APPROVAL

The Commission amended the 2012 meeting schedule, specifically changing the November meeting to the third Thursday of the month and the December hearings to the first and third Thursdays of the month. The Conservation Department will make the changes and post the new hearing schedule.

1885 CENTRAL AVENUE – REQUEST FOR COMMISSION’S GUIDANCE

Brian Barron of 1885 Central Avenue explained to the Commission that he planted the required restoration along the Charles River in the fall of 2012. He described a potential new project to construct a 16-foot x 12-foot shed (approximately 192 square feet) on his property due an electrical fire and the recommendation of the electrician to remove such materials from their current storage location in his garage. He stated there would be no soil disturbance. L. Standley explained that Mr. Barron should speak to the Conservation Director, P. Barry, to get guidance on filing with the Commission for proposed work in Riverfront Area.

43 CORNELL STREET – TREE REMOVAL EXEMPTION LETTER REQUEST

D. Anderson explained that she had conducted a site visit and provided photos of the two (2) red maple (*Acer rubrum*) trees proposed for removal. She explained that the owner of the property, Mrs. Steele, is mainly concerned about the larger of the two trees as the roots are far out of the ground and it appears the tree has split. The Commission approved the removal of the one (1) red maple tree that poses a hazard and denied the removal of the healthy tree within the 100-foot buffer zone. **Motion to approve removal of one hazard tree as an exempt minor activity at 43 Cornell Street (6-foot snag to remain) by C. Shapiro, seconded by P. Alpert, approved 5-0-0.**

Meeting to adjourn by P. Alpert, seconded by D. Stoli Stalenhoef, approved 5-0-0. The meeting was adjourned at 9:00 pm.

NEXT PUBLIC HEARING

March 8, 2012 at 7:30 p.m. in the Public Services Administration Building, Charles River Room