

**TOWN OF NEEDHAM
CONSERVATION COMMISSION
MEETING MINUTES
Thursday, April 26, 2012**

LOCATION: Public Services Administration Building, Charles River Room

ATTENDING: Lisa Standley (Chair), Paul Alpert (Vice Chair), Janet Bernardo (arrived at 7:50 pm), Sharon Soltzberg, Patricia Barry (Agent), Debbie Anderson (Assistant)

GUESTS: Robert Allen, Brian Barron, John Cronin, Lisa Daly, Tom Daly, Barbara DeLuca, Peter Fallon, Sean Green, Dan Hess, Andrew Janower, David Kelly, Carolyn Leskanic, Justine Mullen, Emery Orrall, Jack Savage, Diane Simonelli, Lena Sokolove

L. Standley opened the public meeting at 7:50 pm.

MINUTES

Motion to approve the minutes of April 12, 2012, as amended, by J. Bernardo, seconded by P. Alpert, approved 4-0-0.

ENFORCEMENTS

170 NEHOIDEN STREET (DEP FILE #234-461)

P. Barry informed the Commission that she gave Mr. Fitzgerald copies of both Plans and questioned whether he could complete the restoration with the approved Plan and then request a Certificate of Compliance. L. Standley agreed with this course of action. The property owner, Mr. Fitzgerald was not present for the hearing. The Commission ratified the Enforcement Order.

220 NEHOIDEN STREET

P. Barry informed the Commission that the homeowner is away on business but had been in contact with her. She will be conducting a site visit the first week in May and will discuss the permit process and will probably recommend filing a Request for Determination of Applicability.

130 SOUTH STREET

The homeowner, Lana Sokolove and Robert Allen were present. P. Barry explained that on Saturday April 21, 2012 she issued a verbal cease & desist at 130 South Street for clearing of wetland vegetation in the Riverfront Area and Bank. The homeowner explained that they were trying to create a scenic vista. The Commission will not issue any enforcement action at this time as the homeowner is working with the Agent to remedy the violation. L. Standley stated that an after-the-fact Notice of Intent and restoration plans will be required. P. Barry will coordinate with Robert Allen (the landscaper). The Commission issued a deadline for filing by May 10, 2012.

764 CENTRAL AVENUE

The homeowners, Barbara Deluca and Jack Savage, were present at the meeting. P. Barry explained that she had received an anonymous phone call regarding vegetation removal and filling of wetlands at 764 Central Avenue. Mr. Savage had come into the Conservation Department in the fall inquiring about removing cattails from the pond, fixing sedimentation issues and stocking the pond with fish. P. Barry explained at that time that any work would require a permit. P. Barry explained that if they were having

mosquito problems because of the sedimentation in the drainage ditch, they should call Norfolk County Mosquito Control to address the problem.

P. Barry reported that she noted during her site visit on April 25, 2012 some vegetation removal and some sediment removal from the ditch. Mr. Savage reported that the ditch collects stormwater runoff from Jarvis Circle. He had spoken with the DPW regarding the drainage and the litter and trash that ends up on their property from Jarvis Circle. The DPW could flush out the culverts but the sediment would end up on their property as well. L. Standley pointed out that the DPW would need approval under the General Order of Conditions to clear out the culvert. The homeowner stated that she did take down a few trees that were hazardous but retained the stumps. The Commission explained the requirements for Commission approval of hazardous trees, and described the areas of the property subject to jurisdiction. The Commission determined that there was no permanent damage and no further action was needed at this time.

HEARINGS

1885 CENTRAL AVENUE – REQUEST FOR DETERMINATION OF APPLICABILITY

L. Standley opened the public hearing at 8:00 pm. The property owner, Brian Barron, presented the project to the Commission. Mr. Barron explained that he is proposing to build a shed approximately 16' x 12' (192 sq. ft.) in size to store gas powered yard equipment. The proposed shed will be placed on top of granite or concrete blocks in a lawn area and will require no excavation. The property abuts the Charles River and the proposed shed will be 61' from the River. The Applicant has installed evergreens between the proposed shed and the street to hide the shed from possible vandalism and for aesthetic reasons. J. Bernardo asked if a path would be constructed to access the shed. Mr. Barron said that he would not build a path.

Motion to close the public hearing for 1885 Central Avenue by S. Soltzberg, seconded by J. Bernardo, approved 4-0-0.

Motion to issue a Negative Determination of Applicability for 1885 Central Avenue by S. Soltzberg, seconded by P. Alpert, approved 4-0-0.

636 CHARLES RIVER STREET – REQUEST FOR DETERMINATION OF APPLICABILITY

L. Standley opened the public hearing at 8:10 pm. The homeowner, Justine Mullen, was present at the hearing. The Applicant's Representative, Emery Orrall, presented the request to the Commission. The Mullens had been issued an Enforcement Order by the Conservation Commission on October 13, 2011 regarding the un-permitted installation of a dock on the Charles River to the rear of 636 Charles River Street. In addition to the dock, it was noted that a path had apparently been mowed to access the dock and vegetation had been removed resulting in exposed slopes. The Enforcement Order required that the Mullens remove the dock and request a Permit from the Commission to install the dock in the spring. D. Anderson reported at the November 10, 2011 public hearing that the dock had been removed. D. Anderson spoke with the Applicant's Representative, Mr. Orrall, who explained that the dock was only seasonal and was rolled in place for the season and removed in the fall.

Mr. Orrall explained to the Commission that the Mullens had been using that area to launch their canoe for several years but had recently purchased the rolling dock to aid in launching the boat without getting muddy. They had the impression that a Conservation Restriction on the property gave them permission to install the dock, which was incorrect. P. Alpert explained the relationship between the Conservation Restriction and the Wetlands Protection Act. The homeowner explained that they had not removed any vegetation and that no new mowing had occurred. She indicated that the shrubs had been cut by beavers.

Motion to close the public hearing for 636 Charles River Street by J. Bernardo, seconded by P. Alpert, approved 4-0-0.

Motion to issue a Negative Determination of Applicability for installation and removal of a seasonal dock at 636 Charles River Street by J. Bernardo, seconded by P. Alpert, approved 4-0-0. The Commission voted to indicate in the DOA that any cutting or removal of vegetation would require a Notice of Intent.

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

L. Standley opened the public hearing at 8:25 pm. The Applicant's Representative, Sean Green, presented the project to the Commission. This project is to repair an un-permitted stone wall that was damaged. The hearing had been continued due to requested additional information including allowing for additional time to coordinate with the Town of Needham regarding the design of the culvert. The information requested by the Commission included: (1) a waiver request for work proposed within the 25-foot no disturb portion of the buffer zone along with the associated \$1,000 fee, (2) revised plans reducing the work limits and showing the restoration plan, and (3) confirmation of responsible parties for project implementation.

Mr. Green noted that the Town of Needham is moving forward with plans to build a swale on the north side of Great Plain Avenue that will re-direct the flow of water toward the pond on the other side of the aqueduct, and that the culvert under Great Plain Avenue would be abandoned. He explained that all work had been moved outside of the 25-foot portion of the Buffer Zone, so a waiver is no longer required. As the gas company maintains an easement that is routinely cleared, no restoration plantings are proposed. Erosion controls consisting of filter fabric and salt marsh hay bales would be installed prior to reconstructing the wall..

Motion to close the public hearing for 3 Mary Chilton Road (DEP File #234-615) by P. Alpert, seconded by S. Soltzberg, approved 4-0-0.

87 RIVERBEND LANE (DEP FILE #234-527) – REQUEST TO AMEND ORDER OF CONDITIONS

L. Standley opened the public hearing at 8:35 pm. The applicant, Peter Fallon was present at the hearing. The Applicant's Representative, David Kelly, presented the request to the Commission. Mr. Kelly gave a brief overview of the history of the project. The original permit was issued in 2008 and Amended in 2010. The Permit Extension Act extended the permit to April of 2013. A new buyer for the property is requesting approval for a different house plan increasing the square footage of the proposed house from 4,500 to 6,500, most of the increase in garage size. The driveway will also be reconfigured and enlarged from 1,600 sq. ft. to 2,800 sq. ft... Mr. Kelly explained that the 50 foot wetland setback would still be observed and a more robust drainage system (4x the capacity) would be implemented due to the increased impervious area. The Applicant will return with the landscape plan for the Commission's approval at a later date.

J. Bernardo had gone over the drainage report. She questioned why they were using concrete galleys as opposed to plastic galleys. Mr. Kelly explained it was the preference of the contractor. J. Bernardo asked if any test pits had been done. Mr. Kelly replied that test pits had been dug and that the groundwater elevation was consistent with the wetland elevation.

Motion to close the public hearing for 87 Riverbend Lane (DEP FILE #234-527) by P. Alpert, seconded by J. Bernardo, approved 4-0-0.

Motion to issue an Amendment to the Order of Conditions for a revised house plan located at 87 Riverbend Lane (DEP FILE #234-527) by P. Alpert, seconded by J. Bernardo, approved 4-0-0.

156 STANDISH ROAD – REQUEST FOR A DETERMINATION OF APPLICABILITY

L. Standley opened the public hearing at 8:45 pm. Diane Simonelli of Field Resources, Inc., represented the Applicant. Ms. Simonelli described the proposed project as the removal of a portion of the existing house and the existing patio and replacement with a larger addition and pervious patio set in stone dust. Approximately 113 sq. ft. of the addition will be located in the outer 50-feet of the buffer zone to bordering vegetated wetlands. A revised Plan was submitted to the Commission that shows the new haybale location moved up from the 50-foot buffer line and leaders were added to show the drainage connection to the drywells.

Motion to close the public hearing for 156 Standish Road by S. Soltzberg, seconded by P. Alpert, approved 4-0-0.

Motion to issue a Negative Determination of Applicability for the removal of a portion of an existing house and patio and the installation of an addition and pervious patio located at 156 Standish Road by P. Alpert, seconded by J. Bernardo, approved 4-0-0.

OTHER BUSINESS

40 WILDWOOD DRIVE (DEP FILE #234-610) – MINOR MODIFICATION REQUEST

The homeowners were present at the meeting. Mrs. Leskanic explained that the wetlands were re-delineated as required by the Order of Conditions however she requested that the Commission not approve the wetland line as delineated, as the Leskanics would like to revisit the accuracy of the delineation. They are requesting approval to move the proposed fence back towards the wetland approximately three feet and inward one to two feet. Mrs. Leskanic told the Commission that they would submit a plan for the use of shrubs as a boundary to encroachment on wetland resources for the Commission's approval.

Motion to approve the request to change the location of the proposed fence located at 40 Wildwood Drive as a minor modification to the Order of Conditions not requiring an amendment (DEP FILE #234-610) by P. Alpert, seconded by S. Soltzberg, approved 4-0-0.

106 FOREST STREET (DEP FILE #234-526) – CERTIFICATE OF COMPLIANCE REQUEST

D. Anderson explained that she had conducted a site visit to the property and had found the following deviations: (1) work was continuing on the driveway, (2) the site was not stabilized, (3) erosion controls were in bad shape, (4) of the 30 shrubs required as mitigation plantings, 25 were present of which 3 were dead, although a 90% survival rate was required in the Order of Conditions.

D Anderson had spoken with the Engineer, James DeVellis, to update him on the conditions at the site and it's noncompliance with the Order of Conditions. Mr. DeVellis agreed that he would speak to the Applicant and re-submit the Certificate of Compliance request when all of the work was completed and the site was stabilized. The Commission asked the Agent to contact the Applicant and require that they fix the erosion controls by May 8th or the Commission would issue an enforcement order.

J. Bernardo added that the Plans show a 6" sewer pipe going into an 8" sewer pipe and tying into the leaching pit. The sewer line should not be attached to the leaching pit and needs to be corrected on the Plan. The Commission accepted the withdrawal of the Certificate of Compliance Request.

WETLAND EMERGENCY PROTOCOL DISCUSSION

The recent cease & desist order issued by the Agent this past weekend prompted a discussion regarding emergency coverage on weekends. P. Barry said that, in general, enforcement actions can be handled on Mondays, when staff is in the office. She should be notified of any wetland emergencies that occur on weekends and would give the Commission all of her contact information for that purpose. If P. Barry

cannot be contacted and immediate attention is required (for example, dumping into a wetland), L. Standley would be contacted next, followed by P. Alpert. She explained the general process for dealing with violations; go to the site, knock on the door and speak with the homeowner, check out the site work if possible. The police should not be asked to assist unless there is a criminal (not civil) violation.

Motion to adjourn by P. Alpert, seconded by S. Soltzberg, approved 4-0-0. The meeting was adjourned at 9:35 pm.

NEXT PUBLIC HEARING

May 10, 2012 at 7:30 p.m. in the Public Services Administration Building, Charles River Room