

**TOWN OF NEEDHAM
CONSERVATION COMMISSION
MEETING MINUTES
Thursday, June 14, 2012**

LOCATION: Public Services Administration Building, Charles River Room

ATTENDING: Paul Alpert (Acting Chair), Janet Bernardo, Marsha Salett, Carl Shapiro, Sharon Soltzberg, Dawn Stolfi Stalenhoef, Patricia Barry (Agent), Debbie Anderson (Assistant)

GUESTS: Kiran Bindignavale, Allary Braitch, John Bruno, Raymond Capobianco, Dotty Crompt, Fred Crompt, Richard Howell, Scott Jones, William Lenahan, Brian Nelson, Christopher Nowak, Stephen Petrucci, John Rockwood, Diane Simonelli

P. Alpert opened the public meeting at 7:40 pm.

MINUTES

Motion to approve the minutes of May 24, 2012, as amended, by J. Bernardo, seconded by M. Salett, approved 5-0-0.

ENFORCEMENTS

130 SOUTH STREET

P. Barry informed the Commission that its deadline of May 31, 2012 given to the homeowner and contractor to file an after-the-fact Notice of Intent including restoration plans had passed without submittal of a Notice of Intent or explanation. The Commission discussed the issuance of an enforcement order and associated fine. There being several resource areas affected, the Commission asked P. Barry to calculate the total amount of the fine based on \$200 per violation in each affected resource area and gave the approval to issue to the homeowner.

380 DEDHAM AVENUE – DEFAZIO FIELD

P. Barry explained to the Commission that installation of crushed stone on the parking lot located adjacent to DeFazio Field Complex was performed by the Needham DPW within the 100-foot buffer zone to bordering vegetated wetlands and inland bank in violation of the DPW General Maintenance Permit Order of Conditions and a memorandum sent to the Engineering Department in March of 2012 from the Conservation Department regarding the required Commission approval for the project. The Commission will discuss the matter further at the June 28, 2012 public hearing.

HEARINGS

32 CANTERBURY LANE – REQUEST FOR DETERMINATION OF APPLICABILITY

P. Barry explained that the Applicant has withdrawn the Request for Determination of Applicability. At a site visit by P. Barry with the Applicant's Representative, Scott Goddard, to review the location of wetland resources located on and within 100-feet of the site, P. Barry confirmed the presence of state and local jurisdictional wetland resources. P. Barry informed the Commission that Mr. Goddard stated that the Applicant will file a Notice of Intent to permit repairs to a drainage structure. The Commission accepted the withdrawal.

220 NEHOIDEN STREET – REQUEST FOR DETERMINATION OF APPLICABILITY

P. Alpert opened the public hearing at 8:00 pm. The Applicant/Homeowner, Scott Jones presented the Request for an after-the-fact garden and fence installation located within the 100-foot buffer zones to bordering vegetated wetland and intermittent stream bank to the Commission. Mr. Jones explained that the garden was existing when he purchased the property. He installed plantings in the garden which was enclosed by a dilapidated fence. After the plantings suffered damage from wildlife, he replaced the fencing. This work was brought to the attention of the Conservation Department. P. Barry investigated and determined that the garden was located in the 100-foot buffer zone. P. Barry is concerned that a portion of the garden may be located within 25-feet of a bordering vegetated wetland. The Applicant agreed to move the fencing back to allow the native vegetation to re-claim the closest 10-foot section of the garden to the wetland, and to assure that the garden is fully outside of the 25-foot buffer zone. The Commission agreed to allow the fence posts to remain. The Commission requested that a new sketch be submitted showing the new fence location once it has been moved. The Applicant's neighbor, Bill Lenahan, expressed his support of Mr. Jones and his garden. **Motion to close the Public Hearing for 220 Nehoiden Street by J. Bernardo, seconded by M. Salett, approved 6-0-0. Motion to issue a Negative Determination of Applicability for the after-the-fact installation of a garden and fencing, provided the fence is re-located 10 feet further from the wetland, the area is allowed to re-vegetate naturally, and the Applicant provides the Commission with a revised sketch showing the revised fence location once completed at 220 Nehoiden Street, by J. Bernardo, seconded by M. Salett, approved 6-0-0.**

1346 GREAT PLAIN AVENUE (DEP FILE #234-643) – NOTICE OF INTENT

P. Alpert opened the public hearing at 8:20 pm. The Applicant's Representative, Richard Howell, presented the proposed project to the Commission. Several members of the Needham Sportsman's Club were present. Mr. Howell explained that Trout Pond was historically an ice pond. Currently the pond is used by members of the Needham Sportsman's Club for recreational fishing. Mr. Howell stated that the pond receives storm drain runoff from the surrounding area causing an increase in the amount of sedimentation and organic material as well as hydrocarbons and warm water being deposited into the pond. Mr. Howell further stated that during the summer months, the pond stratifies with the top 3 feet warming to 80 degrees and below that cooler but with little dissolved oxygen to support a fish population, and that the fish tend to die off later in the summer and need to be re-stocked yearly.

The Applicant stated that by increasing available dissolved oxygen in the pond, the fish will survive and the overall health of the pond ecosystem will improve. He further stated that increased dissolved oxygen should allow the overabundance of organic material to be broken down more effectively, reduce phosphate levels and increase growth of vegetation, which is lacking. In order to increase the available dissolved oxygen, the Applicant proposes the installation of a submerged aeration system. The proposed system will include a small compressor and housing unit that will be mounted on a concrete pad approximately 30 feet from the pond's edge. The proposed system will use self-weighted air hoses that will run from the compressor to each of the three diffuser stations, which will be manually placed along the bed of the pond from a boat. The Applicant intends to use an existing conduit between the compressor and the pond's edge. If that does not work, a larger conduit may need to be installed. The Commission advised the Applicant that it would require an Amendment to the Order of Conditions if a new conduit is needed.

D. Stolfi Stalenhoef commented that a pond near her parent's home has used a similar system and has had great success. Mr. Howell noted that the compressor moves 13,990 gallons/minute. A water quality analysis was completed of the pond in 2011. C. Shapiro requested more scientific data be presented showing the success of similar projects.

As work will be conducted within the 25-foot buffer zone, the Commission requested the Applicant complete a waiver request. The Commission also requested that the Applicant propose a monitoring program to implement once the system is installed and provide it to the Commission, provide additional scientific data, and provide abutter notification green cards to P. Barry. **Motion to continue the public hearing (for green cards and additional information) for 1346 Great Plain Avenue to June 28, 2012 at 8:15 pm. by C. Shapiro, seconded by M. Salett, approved 6-0-0.**

22 MILLER STREET (DEP FILE #234-644) – NOTICE OF INTENT

P. Alpert opened the public hearing at 8:55 pm. The Applicant's Representative, J. Rockwood presented the project to the Commission. J. Rockwood explained that the proposed project consists of a second story addition over the existing home, a 2.5 story addition with a full foundation and bulkhead at the rear of the house, removal of the existing garage, reconfiguration of the driveway, the addition of a deck with stairs and other associated site features. Two areas of bordering vegetated wetland were identified, shown as "Wetland A" and "Wetland B" on the Plan. The existing house is located 20 feet from Wetland B, and the proposed foundation for the rear addition will be located 18.5 feet from Wetland A. The existing driveway is located 2 feet from Wetland A and 8 feet from Wetland B; the proposed driveway will be located 29 feet from Wetland A and 7 feet from Wetland B. Wetland A consists of a lawn wetland with landscaped areas that borders an intermittent stream. Wetland B consists of a forested swamp associated with an intermittent stream. Impervious surface on site will be reduced by 406 square feet. The mowing of the existing lawn area to remain is proposed. A request for a waiver for work within the 25-foot buffer zone (Section 2.06 (2) (a) of the Bylaw Regulations) was provided as well as a request to waive the \$1,000 waiver fee (Section 1.12 (G) of the Bylaw Regulations) was provided. A neighbor, Fred Crompt, of 17 Miller Street expressed his concern regarding drainage issues, but was satisfied when it was explained that the proposed grading would not add to his drainage problems. A leaching drywell is proposed to address roof runoff. The Commission suggested the Applicant propose mitigation plantings along the intermittent stream area adjacent to Wetland A. J. Bernardo noted that she had reviewed the drainage calculations and found no issues. P. Alpert recommended the Commission perform a site visit to confirm the wetland boundary. **Motion to continue the public hearing (for a site visit and resource area delineation confirmation) for 22 Miller Street (DEP File #234-644) to June 28, 2012 at 8:30 pm. by J. Bernardo, seconded by C. Shapiro, approved 6-0-0.**

0 CEDAR STREET (DEP FILE #234-645) – NOTICE OF INTENT

P. Alpert opened the Public Hearing at 9:15 pm. P. Barry informed the Commission that the Department of Environmental Protection has not issued a DEP File number for the project yet so the hearing cannot be closed. The Applicant was present at the hearing. The Applicant's Representative, Brian Nelson of Metrowest Engineering presented the project to the Commission. The lot is bisected by the Needham/Wellesley town line. The site contains an existing house and driveway. The existing house is located entirely in Wellesley and the majority of the existing driveway and cesspool is located within Needham. The proposed work includes; the demolition of the existing house and driveway, and the construction of a new house, driveway, hardscape and landscape areas. A majority of the property is located within the 100-foot buffer zone to bordering vegetated wetlands. Hurd Brook, a perennial stream, is located approximately 135-feet south of the locus. Therefore; the 200-foot Riverfront Area extends onto the property approximately 65-feet. Work proposed in the Town of Needham includes the removal of the existing driveway (including portions in the 25-foot buffer), restoration plantings, grading and infiltration system.

J. Bernardo noted that a portion of the existing driveway slated for removal is located on the abutting Richland Towers property. The Commission required that the Applicant obtain written permission from the owner's of Richland Tower Company to remove this portion of driveway located on their property and submit it to the Commission. Mr. Nelson noted that no trees greater than 6" dbh would need to be

removed. P. Barry explained that portions of the MA DEP WPA-Form 3 that was submitted with the filing had incorrect calculations related to Riverfront Area, and the Commission asked that they be corrected. The Commission questioned the installation of a proposed foundation drain. P. Barry noted other deficiencies in the Notice of Intent application. There was no sufficient performance standard analysis submitted for work in the Riverfront Area and the 25-foot buffer zone. A request for a waiver for work in the 25-foot buffer zone also needs to be submitted. The Commission required that the additional information be submitted one week prior to the next hearing. **Motion to continue the public hearing (for a site visit, issuance of a DEP File number and additional information) for 0 Cedar Street (DEP File #234-645) to June 28, 2012 at 8:45 pm. by M. Salett, seconded by C. Shapiro, approved 6-0-0.**

865 CENTRAL AVENUE NORTH HILL LIFE CARE FACILITY (DEP FILE #234-619) – REQUEST TO AMEND ORDER OF CONDITIONS

P. Alpert opened the public hearing at 9:55 pm. The Applicant's Representative, Christopher Nowak of VHB presented the project to the Commission. The proposed project includes the installation of a new subsurface natural gas pipeline to connect to the proposed maintenance building associated with the North Hill Life Care Facility Project within the 100-foot buffer zone to inland bank jurisdictional under the Needham General Wetlands Protection Bylaw. The proposed amendment includes work within 50-feet of inland bank and includes "after-the-fact" clearing of forested vegetation. The Applicant did submit a satisfactory waiver request to the Commission to perform the work in the 50-foot no disturb buffer zone. To mitigate for work in the 50-foot no disturb zone, the Commission requires that the Applicant submit a restoration planting plan. **Motion to close the public hearing for 865 Central Avenue (DEP File #234-619) by J. Bernardo, seconded by S. Soltzberg, approved 5-0-0. The Commission reviewed the draft Amended Order of Conditions. Motion to issue an Amendment to the Order of Conditions for the installation of a new subsurface natural gas pipeline located at 865 Central Avenue (DEP File #234-619) by J. Bernardo, seconded by S. Soltzberg, approved 5-0-0.**

OTHER BUSINESS

92 WILSHIRE PARK (DEP FILE #234-629) – CERTIFICATE OF COMPLIANCE REQUEST

D. Simonelli of Field Resources, Inc., presented the Request to the Commission for the Applicant. D. Simonelli explained that the wrong geotextile fabric was installed on the slope and is inhibiting the growth of the seeds beneath it. The Applicant proposes removing the fabric and hydroseeding the slope with the approved upland wildlife grass mix and erosion control mat. She explained that the Applicant had installed 17 additional shrubs beyond those required to the slope. P. Barry had conducted a site visit. The other deviations from the approved Plan included; the change of location of the air conditioning unit and rubber mulch applied beneath the play area. Condition #11 of the Order of Conditions required that the installation of the drywell be witnessed by a Professional Engineer or Land Surveyor and certify, in writing, that the drywell was installed in accordance with the referenced Plan. D. Simonelli provided the required documentation to the Commission. The Commission agreed that it can issue a Partial Certificate of Compliance until the slope is stabilized. At that point the Applicant can apply for a full Certificate of Compliance. **Motion to issue a Partial Certificate of Compliance for 92 Wilshire Park (DEP File #234-629) by J. Bernardo, seconded by S. Soltzberg, approved 6-0-0.**

60 LANTERN LANE (DEP FILE #234-113) – CERTIFICATE OF COMPLIANCE REQUEST

D. Anderson had conducted a site visit. She advised the Commission that the Order of Conditions did not require that an As-Built Plan be submitted, and that the approved Site Plan was not very detailed. There appeared to be some deviation as to the location of the pool. The main area of concern noted in the Order was the degree of slope located adjacent to the driveway. The slope is well-vegetated with eastern white pine, *Pinus strobus*, trees and groundcover. A portion of the property is under a Conservation Restriction.

Motion to issue a Certificate of Compliance for 60 Lantern Lane (DEP File #234-113) by J. Bernardo, seconded by M. Salett, approved 6-0-0.

620 CENTRAL AVENUE (DEP FILE #234-135) – CERTIFICATE OF COMPLIANCE REQUEST

D. Anderson had conducted a site visit. She advised the Commission that Special Condition #10 of the Order of Conditions issued April 8, 1988 states that Partial Certificate of Compliances shall be issued if requested by the Applicant with respect to lots shown on the Subdivision Plan that lie entirely outside of the buffer zone abutting the resource area and are not affected by the Order of Conditions. 620 Central Avenue, formerly Lot 16, falls into this category.

Motion to issue a Partial Certificate of Compliance for 620 Central Avenue (DEP File #234-135) by S. Soltzberg, seconded by M. Salett, approved 6-0-0.

180 STANDISH ROAD (DEP FILE #234-639) – ISSUE CERTIFICATE OF COMPLIANCE

The Commission reviewed the draft Order of Conditions. **Motion to issue the Order of Conditions for 180 Standish Road (DEP File #234-639) by J. Bernardo, seconded by S. Soltzberg, approved 6-0-0.**

The meeting was adjourned at 10:55 pm.

NEXT PUBLIC HEARING

June 28, 2012 at 7:30 p.m. in the Public Services Administration Building, Charles River Room