

**TOWN OF NEEDHAM  
CONSERVATION COMMISSION  
MEETING MINUTES  
Thursday, June 28, 2012**

LOCATION: Public Services Administration Building, Charles River Room

ATTENDING: Lisa Standley (Chair), Paul Alpert, Janet Bernardo, Sharon Soltzberg, Patricia Barry (Agent), Debbie Anderson (Assistant)

GUESTS: Kiran Bindignavale, John Bruno, Bob Cohen, Fred Crompt, Scott Goddard, Bill Hayes, Richard Howell, Kevin McCune, Dave McElroy, Sarah McElroy, Dalton Murphy, Brian Nelson, Ed Olsen, Armando Pertruzziello, Stephen Petrucci, Greg Register, Raven Register, John Rockwood, Jeff Souza

L. Standley opened the public meeting at 7:40 pm.

**MINUTES**

**Motion to approve the minutes of June 14, 2012, as amended, by J. Bernardo, seconded by P. Alpert, approved 4-0-0.**

**ENFORCEMENTS**

**130 SOUTH STREET**

P. Barry informed the Commission that she has the Enforcement Order that she was authorized at June 14, 2012 hearing to issue for the Commission to sign. There being seven resource areas affected, the Commission had asked P. Barry to calculate the total amount of the fine based on \$200 per violation in each affected resource areas, specifically within the 200-foot Riverfront Area to the Charles River, the 100-foot buffer zone to inland bank and bordering vegetated wetland, the 25-foot no disturb zone to inland bank and bordering vegetated wetland, Natural Heritage and Endangered Species Priority Habitat, and Bordering Land Subject to Flooding. The resulting fine totals \$1,400. P. Barry will issue the Enforcement Order and fine to the homeowner. **Motion to issue the Enforcement Order for 130 South Street, including the \$1,400 fine, by P. Alpert, seconded by J. Bernardo, approved 4-0-0.**

**HEARINGS**

**89 CHARLES RIVER STREET – REQUEST FOR DETERMINATION OF APPLICABILITY**

L. Standley opened the public hearing at 7:45 pm. The Applicants/Homeowners, Greg and Raven Register, were present. The Applicant's Representative, Jeff Souza of Mason Works LLC, presented the request to the Commission. The proposed work consists of the replacement of a patio and deck and the installation of new stone sitting walls and steps. The patio will be slightly smaller than the existing patio and it is proposed to be constructed of blue stone with pea stone for drainage. The limit of work will be located more than 25 feet away from the bordering vegetated wetland.

The Commission noted that on the Plot Plan submitted with the filing, there is an existing wooden planter box that encroaches onto Town of Needham Conservation Land. The owner's apologized to the Commission and stated that they didn't realize this was the case until they saw the finished plot plan themselves. The proposed patio is entirely on the owner's property. The owners have no plans for the planter boxes other than to leave them in place. L Standley explained that they appear to be more than just planter boxes. They act as a retaining wall and removing them would do more harm than good. The

Commission discussed conditioning the Determination to require that the Applicant re-vegetate the area between the retaining wall and the patio with native vegetation such as ferns, sweet pepperbush (*Clethra alnifolia*), blueberry (*Vaccinium spp.*) and mountain laurel (*Kalmia latifolia*). P. Alpert suggested that the Commission add a Condition regarding the encroachment onto the Commission's land. P. Alpert will send the wording to P. Barry to incorporate into the Conditions. The Condition would explain that the planter is on Town property with the permission of the Commission but would require that the Commission receive notice if any changes are proposed to the planting box. **Motion to close the public hearing for 89 Charles River Street by S. Soltzberg, seconded by J. Bernardo, approved 4-0-0. Motion to issue a Negative Determination of Applicability including the Conditions discussed at the hearing for the replacement of a patio and deck and the installation of sitting walls and steps at 89 Charles River Street, by P. Alpert, seconded by J. Bernardo, approved 4-0-0.**

### **23 JAMES AVENUE (DEP FILE #234-646) – NOTICE OF INTENT**

L. Standley opened the public hearing at 8:00 pm. The Owners/Applicants were present. P. Barry asked the Commission how to calculate the filing fee based on updates to the Bylaw Regulations. The Commission determined that the proposed addition and driveway expansion would count as two separate minor activities and would require an additional \$150. The Applicant's Representative, Scott Goddard, presented the proposed project to the Commission. Mr. Goddard explained that the project consists of removing a portion of the existing house and constructing an addition and removal of an existing driveway and replacing it with a wider driveway. The limit of work for the project is located outside of the 25-foot buffer zone to Inland Bank and within existing lawn. A large bordering vegetated wetland network is located offsite. P. Barry stated that she did not agree with the wetland delineation. L. Standley noted that the driveway detail is incorrect and questioned whether the impervious area calculations would therefore be incorrect. J. Bernardo asked why there was no recharge provision proposed. Mr. Goddard will add it to the revised Plan. The Commission questioned the proposed haybale location as far as equipment access is concerned and suggested the haybale location be moved back to the 25-foot buffer line to provide adequate room for access. P. Barry noted that the off-site wetland delineation (on Conservation Commission land) is incorrect, but that the proposed work would be located outside of the 25-foot buffer zone. The Commission asked Mr. Goddard to correctly label the 50-foot buffer zone line on the revised Plans. The Commission required that the catch basin shown in photographs adjacent to the house on James Avenue be shown on the revised Plans and that a silt sack is placed in it during construction. The Commission also noted that the existing catch basin is located in the footprint of the proposed driveway. Mr. Goddard stated that he will look into it. **Motion to continue the public hearing (for a revised Plan and additional information) for 23 James Avenue to July 12, 2012 at 7:45 pm. by P. Alpert, seconded by S. Soltzberg, approved 4-0-0.**

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

L. Standley opened the public hearing at 8:15 pm. L. Standley explained that the hearing was continued for the receipt of proof of abutter notification, a waiver request, a proposed monitoring program and additional scientific data. All of the additional information was submitted. P. Alpert asked Mr. Howell who would be performing the required monitoring. Mr. Howell is proposing a twice annual monitoring of dissolved oxygen. L. Standley suggested that a better way to determine the success of the proposed aeration system would be to require a one time monitoring of fish, zooplankton and phytoplankton populations. Mr. Howell was concerned about the cost of such a program. L. Standley stated that short term grab samples should not be expensive and that the Rosemary Pool report measurements for Trout Pond could act as a baseline. The report would need to be submitted prior to the Applicant requesting a Certificate of Compliance. **Motion to close the public hearing for 1346 Great Plain Avenue (DEP File #234-643) by P. Alpert, seconded by J. Bernardo, approved 4-0-0. Motion to issue an Order of Conditions, as amended, for installation of an aeration system including the Condition for monitoring at 1346 Great Plain Avenue (DEP File #234-643) by S. Soltzberg, seconded by J.**

**Bernardo, approved 4-0-0. Motion to waive strict compliance with the Bylaw Regulations for work in the 25-foot buffer zone by P. Alpert, seconded by J. Bernardo, approved 4-0-0. Motion to waive the filing fee for work in the 25-foot buffer zone by P. Alpert, seconded by J. Bernardo, approved 4-0-0.**

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

L. Standley opened the public hearing at 8:30 pm. The hearing had been continued for a site visit by the Commission. The Commission conducted a site visit on June 19, 2012 and agreed with the wetland delineation. The Applicant's Representative, John Rockwood, presented the proposed revisions to the Commission. Spot elevations were added to the revised Plan which pull the high spots back toward the house. This revision means that less water will be discharged to Miller Street. L. Standley noted that she would like a Condition requiring the removal of invasive species, especially Japanese barberry (*Berberis thunbergii*) and plant native shrubs along the edge of the lawn. L. Standley had noted a large amount of landscaping debris dumped in the wetland and would like a Condition added to the Order of Conditions requiring removal of the debris by hand. A neighbor, Fred Crompt, of 17 Miller Street had expressed his concern regarding drainage issues, but was satisfied when it was explained that the proposed grading would not add to his drainage problems. Mr. Crompt also explained that he had witnessed a landscaper dumping debris in the wetland. The Commission hopes that once the debris is removed, it will discourage further dumping. **Motion to close the public hearing for 22 Miller Street (DEP File #234-644) by P. Alpert, seconded by S. Soltzberg, approved 4-0-0. Motion to issue an Order of Conditions, as amended, for construction of a second story and rear two-story addition with foundation, bulkhead, deck, precast block wall, landscaping and reconstruction of the existing paved driveway including the Conditions for the removal of invasive species, planting of native shrubs and removal of landscaping debris by hand at 22 Miller Street (DEP File #234-644) by S. Soltzberg, seconded by P. Alpert, approved 4-0-0. Motion to waive strict compliance with the Bylaw Regulations for work in the 25-foot buffer zone by J. Bernardo, seconded by P. Alpert, approved 4-0-0. Motion to waive the filing fee for work in the 25-foot buffer zone by P. Alpert, seconded by J. Bernardo, approved 4-0-0.**

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

L. Standley opened the Public Hearing at 8:50 pm. The hearing had been continued for a site visit by the Commission, submittal of a waiver request, submittal of a Riverfront Area analysis and permission from the Richland Tower Company to remove a portion of the existing driveway that had encroached onto the Tower Company's land. P. Barry informed the Commission that she had received all of the requested information. The Applicant's Representative, Brian Nelson of Metrowest Engineering presented revisions to the proposed Plan to the Commission. The revised Plan shows a shortened foundation drain and an alternative erosion control line (not necessary). L. Standley stated that she was satisfied with the Riverfront Area analysis submitted. S. Soltzberg noted that invasive species control, especially oriental bittersweet (*Celastrus orbiculata*), will be required to protect the restoration area. P. Barry will draft the Order of Conditions to be reviewed at the July 12, 2012 public meeting. **Motion to close the public hearing for 0 Cedar Street (DEP File #234-645) by P. Alpert, seconded by J. Bernardo, approved 4-0-0.**

**380 DEDHAM AVENUE – DEFAZIO FIELD COMPLEX (DEP FILE #234-522) – REQUEST TO AMEND ORDER OF CONDITIONS**

L. Standley opened the public hearing at 8:55 pm. The Applicant's Representative, Ed Olsen, the Superintendent of the Parks and Forestry Division for the Town of Needham, presented the project to the Commission. Mr. Olsen explained that Warner and Healy Fields were the last fields finished during the Town's "Field of Dreams" project and unlike all the other natural grass fields that were renovated and sodded, these two fields were seeded. Due to the timing of the seeding in late fall there was little success. An attempt was made in the spring to touch up bare spots with little success. Subsequently, both of these

fields had to compete with weeds. Due to the safety concerns that uneven terrain can cause to players, it was determined that the fields would need to be stripped and sodded to ensure the safety of the athletes that use them.

A specialized piece of equipment called a Koro Field Topmaker is proposed to be used to mechanically strip the existing vegetation down to a depth of 1 and ½ inches. Once all vegetation is removed from the fields, they will be laser graded to match the finished grades indicated on the submitted Plans. Once the grades are confirmed, the sod will be rolled out and knit in place. Mr. Olsen confirmed that the old erosion controls had been removed and that straw wattles would be installed just outside of the 25-foot buffer zone. It will take approximately 2 days to strip the field during the summer. The proposed work is located 31-feet from the wetland at its closest point. Once installed, the sod can root in 5 days. A neighbor, A neighbor expressed his concern over access points for the equipment. Mr. Olsen stated that there were two possible access points, one around the pavilion and the other off Dedham Avenue. No large equipment is proposed. P. Barry will get proof of abutter notification from Judy Oakes in the Public Works Department. **Motion to close the public hearing for 380 Dedham Avenue – Defazio Field Complex (DEP File #234-522) by P. Alpert, seconded by S. Soltzberg, approved 4-0-0. Motion to issue an Amendment to the Order of Conditions for the stripping of vegetation and the installation of sod at the Warner and Healy Fields located at 380 Dedham Avenue (DEP File #234-522) by J. Bernardo, seconded by P. Alpert, approved 4-0-0.**

## **OTHER BUSINESS**

### **263 NEHOIDEN STREET (DEP FILE #234-624) – CERTIFICATE OF COMPLIANCE REQUEST**

P. Barry explained that the Applicant's had been issued a Partial Certificate of Compliance due to an unstabilized slope. The Applicant installed sod and P. Barry performed a site visit. She confirmed the site is now stable. **Motion to issue a Certificate of Compliance for 263 Nehoiden Street (DEP File #234-624) by J. Bernardo, seconded by S. Soltzberg, approved 4-0-0.**

### **NSTAR ELECTRIC RIGHT-OF-WAY 3 MAINTENANCE ACTIVITIES VEGETATION MANAGEMENT EXEMPTION**

L. Standley recused herself from the hearing. P. Alpert chaired the discussion. Bill Hayes and Kevin McCune from NSTAR Electric presented the Right-of-way 3 maintenance project to the Commission. Bill Hayes explained the location that the work was proposed and gave the Commission maps of the right-of-way location. The right-of-way location in Needham extends from Charles River Street in the South and then follows the railroad right-of-way until it exits at the Dedham border. Mr. Hayes explained that each right-of-way is given a "maintenance prescription". The width of the right-of-way in Needham is approximately 100-feet. Last year NSTAR performed spot maintenance that couldn't wait. Vegetation is encouraged that reaches 1-3 feet in the wire zone up to 15 feet in the border zone. In wetland areas, NSTAR will leave any wetland vegetation shorter than 5 feet. If vegetation in the wetland needs to be removed, it will be hand cut, if possible. If the wetland area has a high-density of vegetation to be removed and they can access it, swamp mats will be installed and a flail mower brought in to cut. If a bare spot remains once the vegetation is removed, straw wattles will be installed to protect the resource. Trees located outside of the right-of-way will have the limbs of the trees pruned as necessary. NSTAR plans on follow this vegetation management plan every 3-5 years with spot work earlier if necessary. P. Alpert notes that the Commission does not need to vote as this is an exempt activity under the Massachusetts Wetlands Protection Act and the Town of Needham Wetlands Bylaw. P. Barry will put together a letter to this effect for the file and NSTAR will provide the Commission with a third map detailing the right-of-way.

## **DPW GENERAL MAINTENANCE ORDER OF CONDITIONS (DEP FILE #234-630) – UPDATE AND DISCUSSION**

The Commission requested that P. Barry draft an Enforcement Order to the Town of Needham Department of Public Works for unauthorized parking lot rehabilitation at De Fazio Field including regrading and removal of vegetation within the buffer zone to bordering vegetated wetland. The Enforcement Order would require that the DPW re-vegetate and stabilize the area from which vegetation was removed. P. Barry noted that she had informed the DPW back in March of the filing requirements for the work. The Commission discussed modifying the DPW General Maintenance Order of Conditions (DEP File #234-630) to remove parking lot maintenance from the Order of Conditions. The DPW would be required to file an RDA or NOI prior to any proposed parking lot work so the Commission it is assured of adequate review. P. Barry informed the Commission that DEP had withdrawn its Appeal of the Order of Conditions. The Commission agreed that a representative from the Department of Public Works be asked to attend the July 26, 2012 hearing where the Commission will consider modifying the existing Order of Conditions and will ratify the Enforcement Order.

## **COMMUNITY PRESERVATION COMMITTEE – COMMUNITY PRESERVATION ACT UPDATE AND DISCUSSION**

J. Bernardo gave an update on the changes proposed for the Community Preservation Act legislation which included a \$25 million transfer from the state's FY 2013 budget surplus to the statewide CPA Trust Fund, for distribution to CPA communities in the fall of 2013. In addition, it allows communities to use their annual 10% open space set-aside on both passive and active recreation projects, and would allow CPC funds to be used to improve open space lands that were not purchased with CPA funding. J. Bernardo suggested that the Committee talk with the different Town Boards to get their wish lists in for uses for the money and prioritize the needs. The rail trail people are looking for funds. L. Standley suggested they schedule a discussion on this topic for a meeting in August.

**The meeting was adjourned at 10:00 pm.**

## **NEXT PUBLIC HEARING**

*July 12, 2012 at 7:30 p.m. in the Public Services Administration Building, Charles River Room*