

**TOWN OF NEEDHAM
CONSERVATION COMMISSION
MEETING MINUTES
Thursday, August 9, 2012**

LOCATION: Public Services Administration Building, Charles River Room

ATTENDING: Lisa Standley (Chair), Paul Alpert, Janet Bernardo, Sharon Soltzberg, Debbie Anderson (Agent), Elisa Litchman (Assistant).

GUESTS: Stephen Bourdeau, Jim DeVellis, Scott Goddard, John Grugan, John Hollywood, Evan Korsmeyer, Jason Korsmeyer, Richard Merson, Brian Nelson, Steve & Tracy Rubin, Tom Ryder, Diane Simonelli, Gene Voloshin, Andrew Weaver.

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

MINUTES

Motion to approve the minutes of July 26, 2012, as amended, by J. Bernardo, seconded by S. Soltzberg, approved 4-0-0.

ENFORCEMENT UPDATES

DPW General Maintenance (DEP File #234-630)

The Enforcement Order issued to DPW was for unpermitted work on the DeFazio Field parking area, including the addition of crushed stone and the removal of vegetation within the buffer zone to bordering vegetated wetlands, in violation of the DPW General Maintenance Order of Conditions (DEP File #234-630). The DPW submitted a Restoration Plan for approval by the Conservation Commission. R. Merson, DPW Director and T. Ryder, Assistant Town Engineer represented the Public Works Department. Mr. Merson explained that as the Director of the DPW he takes full responsibility for the violations. He acknowledged the DPW's failure to engage the Commission through the agent and the failure to oversee the contractor on the project. The Department of Public Works should have filed with the Conservation Department for the work. Though the Agent, P. Barry had been involved early on, there had not been continuous communication with her. L. Standley stated that the Commission could have turned the approval around quite quickly had the application been submitted. The Commission recommended one minor change to the Restoration Plan, that high bush blueberry (*Vaccinium corymbosum*) shrubs were preferred to the low bush blueberry (*Vaccinium angustifolium*) proposed in the restoration plan. T. Ryder stated that the best time to plant would be sometime after September 19, 2012. **Motion to accept the restoration plan, as amended, by S. Soltzberg, seconded by J. Bernardo, approved 4-0-0.**

HEARINGS

56 WINDING RIVER ROAD (DEP FILE#234-648) – NOTICE OF INTENT

L. Standley opened the public hearing at 7:47 pm. The Applicant's Representative, Brian Nelson, presented the proposed project to the Commission. A portion of the property adjacent to the Charles River is located in Wellesley. The proposed project includes the demolition and re-construction of portions of an existing single-family house in the same footprint, construction of a farmer's porch on the front of the house, resurfacing of the existing driveway, construction of a patio to the rear of the house and the installation of a restoration planting area. All of the proposed work will be located within the Riverfront Area associated with the Charles River. A portion of the proposed restoration planting area will be

located within the first 25-feet of the 100-foot buffer zone to inland bank. Landscaping is proposed in the front in lieu of grass which reduces the lawn area by 938 square feet. He stated that there would be a slight decrease in impervious area. The Applicant requested a waiver for work within the 25-foot buffer zone and submitted a request to waive the \$1,000 filing fee. Nancy Vanbroekhoven, an abutter at 70 Winding River Road requested information clarifying which trees were proposed for removal by the Applicant, and how close the restoration area would be to the top of Bank. **Motion to close the public hearing for 56 Winding River Road (DEP File #234-648) by J. Bernardo, 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 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 J. Bernardo, seconded by P. Alpert, approved 4-0-0.**

1285 SOUTH STREET (DEP FILE#234-499) – REQUEST TO AMEND ORDER OF CONDITIONS

L. Standley opened the public hearing at 8:10 pm. John Hollywood of Concord Land Design presented the proposal. Mr. Hollywood submitted a request to waive the filing fee for work in the 25-foot buffer zone at the hearing. The approved permit issued to the previous owners included demolition of the existing house and construction of a two-story single-family house. The applicant is requesting to amend the Order of Conditions to permit the construction of a new one story building to house five residents with physical and mental disabilities, new access drive, sidewalk, parking porch to the rear, covered entry at front, retention and recharge system, and on-site sanitary disposal system. The driveway would have a Cape Cod berm directing rainwater to the storm water catch basin. Grading for the driveway and a portion of the existing pool removal are located in the 25-foot buffer zone. A wooden guard rail is proposed along the rear of the parking area within the 25-foot no disturb area and may require the addition of a small amount of fill to grade the area. As the facility would house significantly handicapped people, the Applicant proposes the project is of public benefit. He stated that, due to zoning and wetland constraints, there is no practicable alternative for this proposal. He also stated that a two-story house would require an elevator and be too expensive. J. Hollywood stated that the alteration to the resource area is minimal.

L. Standley explained that the request for a waiver must be written as a letter and meet the requirements outlined in the Bylaw regulations. She stated that the plans are incomprehensible and should show all the proposed work on one plan and only the proposed work on that plan. The existing conditions should be submitted as a separate plan. If there are impacts to naturally vegetated areas within 50 feet of the wetland, the Applicant would also need to provide a waiver request from strict compliance with the Bylaw Regulations for work in the 50-foot buffer zone. L. Standley clarified the definition of mitigation and recommended that the applicant consider all types of mitigation for this project. L. Standley requested that the limit of lawn be shown on the revised plan. Mr. Hollywood clarified that the shed will be removed as part of the project. The Commission questioned the proposed location of the stormwater outlet in the 25-foot buffer zone, and asked if scour protection is required. Mr. Hollywood agreed to back up the outlet so it is outside of the 25-foot buffer and provide erosion controls around it. J. Bernardo asked Mr. Hollywood where the data from test pit #5 could be located in the filing so she could ascertain if there is adequate separation to groundwater. She requested that the revised plans show a detail for the infiltration trench construction. Mr. Hollywood will provide the Commission with the requested information in the revision, including; the type of soil, chamber detail, location of the bottom of the system, bottom of the stone, the inverts and depth to ground water.

S. Soltzberg asked that the revised plan show any trees to be removed that may be 6 inches in diameter or greater. An abutter, Mike Robbins, asked if the project would require any vegetation removal.

The applicant agreed to submit all additional information by August 16th in order for the continued hearing to be held on August 23rd. **Motion to continue the hearing for 1285 South Street (DEP File #234-499) for additional information to August 23rd at 8:30pm by J. Bernardo, seconded by S. Soltzberg, approved 4-0-0.**

68 SYLVAN ROAD (DEP FILE#234-649) – NOTICE OF INTENT

L. Standley opened the public hearing at 8:30pm. The Applicant's Representative, Scott Goddard of Goddard Consulting, presented the proposal to the Commission. The proposed work includes widening the existing driveway within the 100-foot buffer zone to bordering vegetated wetlands and constructing a deck off the back of the house within 25-feet of the bordering vegetated wetlands. S. Goddard explained that there are wetlands and an intermittent stream located to the rear of the property, and bordering vegetated wetlands adjacent to the property. He indicated that the wetland delineation, which runs through a lawn, was based on soils. L. Standley explained that the waiver request from strict compliance with the Bylaw Regulations for work in the 25-foot buffer zone and the request to waive the filing fee for work in the 25-buffer zone at the hearing must be submitted in writing. L. Standley stated that the vegetation analysis on the Mass. DEP Bordering Vegetated Wetland Field Data Forms submitted with the application were inadequate as it is not possible, as Mr. Goddard did, to assign a wetland indicator category without identifying the species. She stated that the Commission will accept the delineation based strictly on soils. When questioned by the Commission about the deck, S. Goddard stated that it would be installed on posts and that most of the additional impervious area would be created by widening the driveway. The owner of the property, Stephen Bourdeau, said that the deck would be 3 to 4 feet above the ground and grass would be planted underneath it. L. Standley stated her concern for drainage since no recharge has been proposed. D. Simonelli of Field Resources stated that there is a significant amount of ledge making recharge difficult for the driveway in front of the house. J. Bernardo recommended that something mitigation be proposed, and that the shed should be relocated outside of the wetlands. The Commission requested a restoration plan. Mr. Goddard acknowledged that any additional information must be submitted to the Conservation Department by August 16th. **Motion to continue the hearing for 68 Sylvan Road (DEP File #234-649) for additional information to August 23rd at 8:45pm by J. Bernardo, seconded by P. Alpert, approved 4-0-0.**

OTHER BUSINESS

67 WAYNE ROAD (DEP FILE#234-622) – CERTIFICATE OF COMPLIANCE REQUEST

D. Anderson conducted a site visit and explained to the Commission that the area was stabilized and the plants are all healthy. P. Alpert commented that this engineer's letters to the Conservation Department were not dated. **Motion to issue the Certificate of Compliance for 67 Wayne Road (DEP File #234-622), by J. Bernardo, seconded by P. Alpert, approved 4-0-0.**

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

D. Anderson conducted a site visit and explained to the Commission that a Certificate of Compliance request by the Applicant had been denied several months ago due to factors including; the site was not stabilized, the work on the driveway was incomplete, several of the mitigation plantings had died and needed to be replaced and erosion controls were non-functioning. On her recent site visit, she noted that the site is stabilized with grass, the driveway is complete, the drywell is installed for roof run-off, and there are 31 living plants installed on the property. The erosion controls had been removed without Conservation Department approval. **Motion to issue the Certificate of Compliance for 106 Forest Street (DEP File #234-526) by P. Alpert, seconded by S. Soltzberg, approved 4-0-0.**

51 HOMSY LANE (DEP FILE#234-240) – CERTIFICATE OF COMPLIANCE REQUEST

Bruce Linsky, the attorney working for the owners explained that the owners have already moved out of the house and out of state so he was representing them. D. Anderson stated that this house was completed years ago as part of a subdivision project which included several homes. The area is stable. During investigation of the files for this Certificate of Compliance request, D. Anderson ascertained that the abutter at 45 Homsy Lane had been issued only a partial Certificate of Compliance in 2010. L. Standley

explained that this was due to the fact that the abutting property contains the detention basin and the Order required on-going monitoring of the basin. Therefore, the Commission could issue a complete Certificate of Compliance for the 51 Homsy Lane property. **Motion to issue the Certificate of Compliance for 51 Homsy Lane (DEP File #234-240) by S. Soltzberg, seconded by P. Alpert, approved 4-0-0.**

80 SYLVAN ROAD (DEP FILE#234-573) – CERTIFICATE OF COMPLIANCE REQUEST

D. Anderson conducted a site visit and found the site to be stable. As noted in the Engineer's certification, the stairs are configured slightly different than proposed. D. Simonelli explained that the additional 33 square feet of impervious area is due to the area between the foundation and the sheathing. **Motion to issue the Certificate of Compliance for 80 Sylvan Road (DEP File #234-573) by J. Bernardo, seconded by S. Soltzberg, approved 4-0-0.**

61 BRIARWOOD CIRCLE (DEP FILE#234-598) – CERTIFICATE OF COMPLIANCE REQUEST

D. Anderson conducted a site visit and noted that the builder had removed four northern red oak (*Quercus rubra*) trees which were to be protected as outlined in the Order of Conditions. D. Simonelli explained that she spoke with the builder to find out what happened and he had "inadvertently" removed the trees. D. Simonelli explained to him the Commission's Tree Removal Guidelines and suggested to him that he plant two trees for every one tree removed. A total of four (4) trees were removed and therefore, eight (8) replacement trees should have been planted. The owner has installed six (6) maple (*Acer sp.*) trees. Several other deviations from the approved plans were documented including, changes to the retaining wall configuration and the addition of a propane tank. L. Standley felt that an Enforcement Order should be issued with a fine for each tree removed, for a total fine of \$1,200. The Commission agreed that the owner should be required to plant two additional native trees of at least a 2½" caliper. The Commission would require a full growing season to pass before they will consider issuing a Certificate of Compliance, to ensure tree survival. If all of the required trees are installed by this September, the applicant could apply for a Certificate of Compliance in August of 2013. D. Anderson will confirm the total fine amount for the tree violations and will draft the Enforcement Order.

DPW GENERAL MAINTENANCE ORDER OF CONDITIONS (DEP FILE #234-630) – MINOR MODIFICATION

As a result of the unpermitted work performed on the DeFazio Field parking area by the Department of Public Works as part of the DPW General Maintenance Order of Conditions (DEP File #234-630), L. Standley proposed that the Commission modify the General Maintenance Order by revoking the contracting of parking lot work and/or resurfacing. Parking lot maintenance in the Commission's jurisdiction now would require a separate permit application process. R. Merson, DPW Director, had no objections to this modification. **Motion to approve the minor modification to the DPW General Maintenance Order of Conditions for DEP file #234-630 by P. Alpert, seconded by J. Bernardo, approved 4-0-0.**

MA WETLAND PROTECTION ACT FUND – FY 2013 CONSERVATION DIRECTOR & CONSERVATION SPECIALIST USE APPROVAL

D. Anderson explained that additional funds are needed for Conservation Department staffing for fiscal year 2013.

Motion to approve the allocation of up to \$2,200 from the Wetlands Protection Act Fund for the Conservation Specialist's salary for fiscal year 2013 by J. Bernardo, seconded by P. Alpert, approved 4-0-0.

Motion to approve the allocation of up to \$10,000 from the Wetlands Protection Act Fund for the Conservation Director's salary for fiscal year 2013 by P. Alpert seconded by S. Soltzberg, approved 4-0-0.

MISCELLANEOUS

J. Bernardo said that the CPC is looking for the Commission's input on a proposed feasibility study for the rails-to-trails bike path. The proponents have suggested funding the study for a total of \$26,000 under the administrative expenses category of the CPA, not requiring a Town Meeting Vote. The sense of the Commission was that this action should be proposed under the open space category and should be voted on by Town Meeting.

D. Anderson reminded the Commission to schedule a site visit for 100 Wilson Lane.

**Motion to adjourn by P. Alpert, seconded by J. Bernardo, approved 4-0-0.
The meeting was adjourned at 9:27 pm.**

NEXT PUBLIC HEARING

August 23, 2012 at 7:30 p.m. in the Public Services Administration Building, Charles River Room