

**TOWN OF NEEDHAM
CONSERVATION COMMISSION
MEETING MINUTES
Thursday, November 15, 2012**

LOCATION: Needham Free Public Library, Community Room

ATTENDING: Paul Alpert (Acting Chair), Janet Carter Bernardo, Stephen Farr, Sharon Soltzberg, Dawn Stolfi Stalenhoef, Patricia Barry (Conservation Agent), Debbie Anderson (Conservation Specialist)

GUESTS: William Balutis, Leah Basbanes, Mikhail Deychman, Emily Kochnaek, Walter Kochnaek, Bill Lehahan, Mike Lenahan, Kyle Northrop, Tyler Schwabe

P. Alpert opened the public meeting at 7:35 p.m.

MINUTES

Motion to approve the minutes of October 25, 2012, as amended, by J. Bernardo, seconded by S. Farr, approved 5-0-0.

ENFORCEMENT AND VIOLATION UPDATES

1516 CENTRAL AVENUE – ENFORCEMENT ORDER

Michael Lenahan of Lenahan’s Landscaping submitted a Notice of Intent application as required in the September 19, 2012 issued Enforcement Order.

HEARINGS

95 BOOTH STREET – REQUEST FOR DETERMINATION OF APPLICABILITY

P. Alpert opened the public hearing at 7:45 p.m. Proof of abutter notification was submitted to the Commission. Mikhail Deychman represented the property owner and described the proposed project to construct a paver walkway and movable shed in the rear of a single family home within the 100-foot buffer zone to bordering vegetated wetland. The proposed work will be located approximately 60 feet from the wetland within existing lawn. J. Carter Bernardo asked if any construction equipment would be used to install the walkway or shed. M. Deychman responded that all work will be conducted by hand as there is an existing fence installed around the property which prohibits equipment access. S. Farr inquired whether a foundation was planned for installation for the shed. The Applicant’s Representative indicated that no foundation was proposed. Erosion controls will be installed at the limit of work as shown on the submitted plans. **Motion to close the public hearing for 95 Booth Street by J. Carter Bernardo, seconded by S. Soltzberg, approved 5-0-0.** The hearing was closed at 7:48 p.m. **Motion to issue a Negative Determination of Applicability for 95 Booth Street, by S. Farr, seconded by S. Soltzberg, approved 5-0-0.**

1516 CENTRAL AVENUE (DEP FILE #234-654) – NOTICE OF INTENT

P. Alpert opened the public hearing at 8:02 p.m. The DEP File number was not yet issued for the Notice of Intent application. This “after the fact” Notice of Intent application was submitted in accordance with an Enforcement Order issued September 19, 2012. The Enforcement Order fine was paid in full. Proof of abutter notification, the Bylaw application form and a waiver request were submitted at the hearing. Bill

Lenahan represented the Applicant, Mike Lenahan, and presented to the Commission the project to replace a portion of the existing driveway with granite tiles, heating conduits, natural gas line and associated drainage structures within the 200-foot Riverfront Area, and the 100-foot buffer zone to bordering vegetated wetland and inland bank. B. Lenahan explained that the existing asphalt driveway was removed and replaced in situ as the original drive and that a proposed new gas line would be installed about 38-inches deep in a different location than provided on the proposed plan. He identified the remaining work to install the rest of the stone, the gas line and either connect the proposed French drain to the Town system or a proposed drywell. He also noted that no additional run off would be created as a result of the project as there will be no increase in impervious surface and further explained that there is a soil berm on each side of the asphalt drive to contain runoff along with a 4-inch French drain at the base of the driveway to be tied into a proposed drywell to provide for infiltration. J. Bernardo inquired about the drywell calculations and noted that there likely will not be sufficient separation from the annual high groundwater table for the drywell to function properly due to site constraints. Therefore she recommended the Applicant provide an alternative to manage the stormwater (i.e. connecting to the Town's storm drain system). D. Stolfi Stalenhoef expressed concern regarding the purpose and need of the project.

P. Alpert identified additional information and clarifications that must be submitted as part of the Notice of Intent application: (1) NOI Wetland Fee Transmittal Form; (2) corrected state and local filing fees (including \$1,000 waiver request fee); (3) written permission from Town of Needham regarding the existing French drain encroachment on the Central Avenue road right-of way; (4) infiltration system calculations; (5) waiver request for work within 25-feet of a vegetated wetland and inland bank in accordance with Section 1.11 of the Needham Wetland Protection Bylaw Regulations; (6) Riverfront Area performance standard analysis in accordance with 310 CMR 10.58 of the MA Wetlands Protection Act Regulations; (7) site plan changes. The Commission discussed proposed plan changes that included: removing the proposed dotted line drywell off the plan; labeling the 25-foot no disturb buffer zone; moving the erosion controls outside of the 25-foot no disturb buffer zone; show catch basin(s); and revise the proposed gas line location. The Conservation Commission will schedule a site visit prior to the next public hearing. **Motion to continue the public hearing (for DEP File number issuance, site visit and additional information) for 1516 Central Avenue (DEP File#234-654) to December 6, 2012 at 7:45 p.m. in the PSAB – Charles River Room by J. Bernardo, seconded by S. Farr, approved 5-0-0.**

92 SUTTON ROAD (DEP FILE #234-653) – NOTICE OF INTENT

P. Alpert opened the public hearing at 8:38 p.m. Proof of abutter notification was submitted. Diane Simonelli of Field Resources Inc. represented the applicant and described the proposed project to demolish a portion of the existing single-family house and construct a new addition, garage, driveway, patio and front porch with associated plantings, irrigation well, deck, fencing and drywells within the 100-foot buffer zone to inland bank. D. Simonelli noted that in previous Conservation Commission permits, specifically the 305 Dedham Avenue Order of Conditions, the Conservation Commission had determined that this section of Alder Brook was intermittent. She also noted that the property owners would like to install a fence and trees and/or shrubs within the 25-foot no disturb buffer zone. P. Alpert noted that this would require a waiver request of the Bylaw regulations. J. Bernardo and S. Farr inquired about the roof runoff and the proposed mechanism for catching and infiltrating all of the runoff. Currently the proposed system would only capture a portion of the roof runoff and none of the driveway runoff. The Commission required that the plan be revised to infiltrate all roof runoff and that sufficient calculations be submitted. J. Bernardo indicated that test pit data will be required in the Order to prove there is a 2-foot separation between the annual high groundwater table and the proposed drywells. **Motion to continue the public hearing (for additional information) for 92 Sutton Road (DEP File#234-653) to December 6, 2012 at 8:00 p.m. in the PSAB – Charles River Room by S. Farr, seconded by S. Soltzberg, approved 5-0-0.**

COMMISSION ACTIONS

178 HIGH ROCK (DEP FILE#234-586) – CERTIFICATE OF COMPLIANCE REQUEST

D. Anderson explained to the Commission that the Applicant had planted low bush blueberry (*Vaccinium angustifolium*) instead of the proposed highbush blueberry (*Vaccinium corymbosum*) shrubs, however the required plants were installed and appeared healthy. There was no monitoring period required for the plantings within the Order. S. Solzberg inquired about the marker in the 25-foot no disturb buffer zone. Bill Balutis, the property owner, explained that this area was existing lawn and the marker had to be moved a couple feet to allow access to the existing foot bridge. P. Barry confirmed. **Motion to issue a Certificate of Compliance for 178 High Rock (DEP File#234-586) by S. Soltzberg, seconded by S. Farr, approved 5-0-0.**

1508 Great Plain Avenue (DEP FILE#234-576) – CERTIFICATE OF COMPLIANCE REQUEST

D. Anderson explained to the Commission that a partial Certificate of Compliance was issued and only the plant monitoring special condition remained. A site visit indicated that the plantings were in good health and the required permanent markers were installed. **Motion to issue a Certificate of Compliance for 1508 Great Plain Avenue (DEP File#234-586) by J. Bernardo, seconded by S. Soltzberg, approved 5-0-0.**

OTHER BUSINESS

STORM EMERGENCY REGULATIONS IN THE AFTERMATH OF TROPICAL STORM SANDY – DISCUSSION

P. Alpert explained the new MA DEP Storm Emergency Regulations (310 CMR 10.61) to authorize the immediate repair to existing structures damaged by Tropical Storm Sandy. A Conservation Commission may vote to revoke these regulations by November 25, 2012. The Commission discussed the Regulations and determined that they did not foresee any issues with its content or any reason to revoke. S. Farr noted that all emergency repair work authorized under these regulations must be completed by December 26, 2012.

CONSERVATION COMMISSION 2013 HEARING SCHEDULE – APPROVAL

The Conservation Commission approved the 2013 hearing schedule and noted that there should be a quorum for the hearing scheduled on Valentine's Day.

Motion to adjourn by Janet Bernardo, seconded by D. Stolfi Stalenhoef, approved 5-0-0. The meeting was adjourned at 9:15 p.m.

NEXT PUBLIC HEARING

December 6, 2012 at 7:30 p.m. in the Public Services Administration Building, Charles River Room