

**TOWN OF NEEDHAM  
CONSERVATION COMMISSION  
MEETING MINUTES  
Thursday, February 14, 2013**

LOCATION: Public Services Administration Building, Charles River Room

ATTENDING: Lisa Standley, Paul Alpert, Janet Carter Bernardo, Stephen Farr, Sharon Soltzberg, Marsha Salett, Debbie Anderson (Acting Agent), Marita Klements (Assistant)

GUESTS: Marvin Berkowitz, Andrew Betts, John Connolly, Darlene DioDato, John DioDato, James Duffy, George Geurgilly, Mary Geurgilly, Tom Ryder, Sharon Serinsky, Diane Simonelli, Dan Wells

L. Standley opened the public meeting at 7:33 pm.

**MINUTES**

**Motion to approve the minutes of January 24, 2013, as amended, by P. Alpert, seconded by S. Farr, approved 3-0-1.**

**ENFORCEMENTS**

**213 WASHINGTON AVENUE**

D. Anderson reported that a violation letter was sent to the homeowners, Kenneth and Christina Herold by email and certified mail requiring the submittal of a "Planting Plan" describing the proposed replacement species and planting locations for the six new native trees to be installed per the Commission's "Guidelines for Reviewing Tree Removal Projects". The replacement trees are required to be installed by June 15, 2013. The owners have not yet replied.

**5 BANCROFT STREET**

D. Anderson reported that per the Commission, an Enforcement Order was sent to the homeowner, Manuel Fernandez detailing the steps he needs to take to rectify the tree removal violation. In addition, the home owner will be setting up a site visit with D. Anderson or P. Barry of the Conservation Department to discuss what type of trees should be installed and their location on the property.

**CEDAR STREET**

L. Standley discussed with the other members of the Conservation Commission the next Enforcement action to take against the Petrucci Corp. for their part in the violations on several Cedar Street properties. P. Alpert inquired if the other recipients of the Enforcement Orders had completed their required mitigations. L. Standley explained that the other recipients had completed their mitigation satisfactorily and that no Enforcement fines had been issued. The Conservation Director, Patty Barry, has been in contact with Town Council regarding the next Enforcement action to take against Petrucci Corp. L. Standley explained that Town Counsel, in preliminary discussions with P. Barry advised that Petrucci Corp. could be fined at \$200/day for each day they did not act to rectify the violations, for an estimate of \$40,000. In addition to issuing a fine, L. Standley suggested placing a press release in the newspaper. The Commission requested that the Agent determine the appropriate number of days in violation, draft an enforcement order, and a press release to be published in the local paper and present it to the Commission at the next meeting for their review.

### **36 PHEASANT LANDING ROAD**

L. Standley explained that the mowed lawn associated with this property extends across the Algonquin Easement and has encroached onto the Conservation Commission's Ridge Hill property and trail. L. Standley noted that it appears to have been kept as lawn for quite a while. This lawn area is within 100-feet of a bordering vegetated wetland. No Enforcement action is proposed for this violation, however the Commission agreed that the Ridge Hill Property and trail should be demarcated with shrubs or posts and a rope fence to clearly indicate that trail users are not trespassing. L. Standley would also like to see the lawn area that encroaches on the Ridge Hill Property to be allowed to go back to a wild state. The Agent will speak with the homeowner.

### **HEARINGS**

#### **GREAT PLAIN AVENUE @ MARY CHILTON ROAD (DEP FILE # 234-655) – continued**

##### **NOTICE OF INTENT**

Tom Ryder, Assistant Town Engineer, represented the DPW. Mr. Ryder explained that the Engineering Department has revised the proposed grading in order to keep it within the right of way, and has submitted the required storm water calculations. As requested, Mr. Ryder has submitted the DEP BVW Delineation Field Data Forms to the Commission. J. C. Bernardo questioned where the proposed 6" washed stone would be located in the channel. Mr. Ryder explained the stone placements shown in a detail on the Plan.

**Motion to close the public hearing for Great Plain Avenue @ Mary Chilton Road by P. Alpert, seconded by J. C. Bernardo, approved 6-0-0.**

**Motion to issue an Order of Conditions, as amended, for Great Plain Avenue @ Mary Chilton Road (DEP FILE # 234-655) by J. Carter Bernardo, seconded by P. Alpert, approved 6-0-0.**

#### **17 WAYNE ROAD (DEP FILE # 234-659) –NOTICE OF INTENT**

Diane Simonelli of Field Resources represented the Applicant. L. Standley asked if any trees were proposed to be removed for the project. Ms. Simonelli stated that no trees were to be removed and no re-grading was proposed. The entire area within the limit of work line would be sodded or seeded. The new house construction will be located closer to the bordering vegetated wetlands than the existing house. L. Standley noted there was a discrepancy regarding the BVW Field Data Forms submitted and the narrative of the work. D. Simonelli explained that the forms were correct and the difference in the narrative was in error. L. Standley questioned why the limit of lawn was not shown on the Plan submitted as required. D. Simonelli indicated that there wasn't a real limit of lawn discernable on the site, instead the lawn area is really mossy without definitive borders and extends to the property line.

J. C. Bernardo asked if D. Simonelli was aware of flooding issues on Wayne Road. D. Simonelli noted that the Applicant was mitigating for additional roof runoff with a stormwater infiltration system. J. C. Bernardo replied that in an area with known flooding issues, the entire roof area should infiltrate not just the new roof area. The Plan illustrates that lawn is proposed up to the 25-foot buffer zone. J. C. Bernardo and P. Alpert noted that the 25-foot buffer should be permanently demarcated. J. C. Bernardo questioned whether there was high groundwater because of the location so close to the wetlands. D. Simonelli indicated that there was not high groundwater, based on internet source maps. J. C. Bernardo indicated that test pit data should be required prior to the beginning of construction showing a 2-foot separation. L. Standley added that a native shrub planting area should be installed between the limit of work and the property line within the 25-foot buffer zone, and that this area should not be mowed.

Sharon Serinsky, resident of 24 Wayne Road, confirmed that the street and lawns in the neighborhood are subject to flooding. The Commission is requiring the submission of drainage calculations and a Plan showing proposed restoration plantings in the 25-foot buffer zone. L. Standley added that the Commission will not require a waiver for the plantings.

**Motion to continue the public hearing (for additional information) for 17 Wayne Road (DEP File #234-659) to February 28, 2013 at 8:15 p.m. in the PSAB – Charles River Room by P. Alpert, seconded by M. Salett, approved 6-0-0.**

**1566 GREAT PLAIN AVENUE (DEP FILE #234-658) –NOTICE OF INTENT**

Dan Wells of Goddard Consulting represented the Applicant. Mr. Wells explained that the site presently contains an unoccupied single family home in disrepair. It is currently being gutted and renovated. There is a common driveway shared with the property next door and a narrow rear yard that borders an existing bordering vegetated wetland.

The applicant proposes to construct a 400-square foot addition on the rear of the existing home. Approximately half of the addition falls within the 25-foot no disturb zone. Three separate infiltration dry wells are proposed. The applicant has requested a waiver for work in the 25-foot zone on the basis that the proposed work is within existing lawn. They also requested a waiver of the fee because it is minor construction and within existing lawn. Mr. Wells did not know whether the addition would have a full basement, nor whether the applicant proposed to seed or sod the disturbed area.

L. Standley stated that the waiver request only addresses habitat value, and it cannot necessarily be said that lawn has no value. Alternatives, minimization, and mitigation were not addressed in the waiver request. The Commission examined site photos provided by the Applicant and D. Anderson. The Commission asked why there is already earth moving equipment on site. D. Wells stated that he believes it is for the purposes of removing debris.

Based on previous and current GIS maps and photographs, L. Standley stated her concern that trees may have been removed from the site at some point without consulting with the Commission. She stated that the agent will need to do a site visit when the snow has melted to check the wetland delineation line. J.C. Bernardo asked that storm water calculations be done, and that all roof runoff be mitigated due to the proximity to the wetlands. D. Anderson stated that the applicant has not yet paid the fees in full.

**Motion to continue the public hearing (for additional information) for 1566 Great Plain Avenue (DEP File #234-658) to March 14, 2013 at 7:45 p.m. in the PSAB – Charles River Room by J.C. Bernardo, seconded by S. Farr, approved 6-0-0.**

**OTHER BUSINESS**

**LOT 48 WOODWORTH ROAD (FORMERLY LOT 2) (DEP FILE # 234-491) – MINOR MODIFICATION REQUEST**

Diane Simonelli represented the applicant. D. Simonelli indicated that the wetland line on a previous application plan for this site does not appear accurate. The Applicant recently had the wetland line re-delineated. The Applicant is withdrawing the request for a minor modification and plans on filing a new Notice of Intent for the proposed work and approval of the revised wetland line. L. Standley stated that the Commission would not be able to do a site visit and check the revised wetland line until the second half of March.

**216 WASHINGTON AVENUE (DEP FILE # 234-592) – MINOR MODIFICATION REQUEST**

Diane Simonelli from Field Resources represented the Applicant. Several deviations from the approved plans have taken place. Deviations include changes to the size and shape of the patio, the addition of a retaining wall, and additional grading, increasing impervious surface. There was a question as to whether the required mitigation plantings have been installed. L. Standley stated that the plantings would be examined as part of the Certificate of Compliance process.

**Motion to accept the changes to the size and shape of the patio, the addition of the retaining wall and additional grading, at 216 Washington Avenue (DEP FILE # 234-592) as a minor modification not requiring an Amendment to the Order of Conditions by P. Alpert, seconded by J. C. Bernardo, approved 6-0-0.**

**216 WASHINGTON AVENUE (DEP FILE # 234-592) – CERTIFICATE OF COMPLIANCE REQUEST**

The Commission tabled the Certificate of Compliance request until the resolution of the minor modification request for the same property.

**MA WETLAND PROTECTION ACT FUND – FUNDING CHANGE REQUEST APPROVAL**

P. Barry has requested that the Commission use \$5,000 from the Wetlands Protection Act Funds to fund D. Anderson's time for an additional 10 hours a week for the remainder of the fiscal year in order to allow P. Barry to concentrate on work for Ridge Hill.

**Motion to allocate \$5,000 from the Wetland Protection Fund by P. Alpert, seconded by S. Soltzberg, approved 6-0-0.**

**Motion to close the public hearing at 9:08 PM by S. Farr, seconded by J. C. Bernardo, approved 6-0-0.**

**NEXT PUBLIC HEARING**

*February 28, 2013 at 7:30 p.m. in the Public Services Administration Building, Charles River Room*