

**TOWN OF NEEDHAM
CONSERVATION COMMISSION
MEETING MINUTES
Thursday, February 28, 2013**

LOCATION: Public Services Administration Building, Charles River Room

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

GUESTS: Olga Geyyer, Victor Geyyer, Diane Simonelli, Chris Watt, Laura Watt

P. Alpert opened the public meeting at 7:45 p.m. and the Commission observed a moment of silence for the loss of Selectman Gerry Wasserman.

MULLEN RULE CERTIFICATIONS

P. Barry accepted the written certification from D. Stolfi Stalenhoef that she missed no more than one single session of the hearings pertaining to 17 Wayne Road (DEP File #234-659) Notice of Intent, and that she examined all evidence received at the missed session including a transcript of the meeting in accordance with MGL Chapter 39, Section 23 D Adjudicatory Hearings.

MINUTES

The Commission tabled the February 14, 2013 Meeting Minutes agenda item to the March 14, 2013 public meeting agenda as the draft minutes were not yet available for review.

ENFORCEMENTS

CEDAR STREET

P. Barry explained that she had again spoken with Town Counsel, David Tobin, Esq. regarding the Cedar Street Enforcement issue. Attorney Tobin informed P. Barry that under state statute, the Conservation Commission can not issue fines under the Bylaw more than 15 days after the date the violation occurred. The Commission discussed when the violation occurred. D. Stolfi Stalenhoef suggested that since the Petrucci Corporation has not acted to rectify the violations that the violations are renewed daily. P. Barry explained that the property owners had remediated the violations in accordance with plans of remediation approved by the Commission, and the final inspection at the site is due this spring. Town Counsel is drafting a letter to send to Petrucci Corporation and understands that the Conservation Commission would like to review the letter prior to its issuance.

36 PHEASANT LANDING ROAD

P. Barry has spoken with the property owner, John Connolly, and conducted a site visit after the Engineering Department staked out the property boundaries to determine the Ridge Hill Reservation limits and encroachment. J. Connolly indicated that he would like to become a trail steward. He mows the right of way and trails to keep them clear. He inquired as to whether skating on the nearby pond located on Ridge Hill Reservation was an allowable use. The Commission discussed the request and determined that the Reservation Regulations do not prohibit ice skating on Conservation owned land; however the homeowner may not remove any vegetation in or along the pond as has occurred in the past.

213 WASHINGTON AVENUE

P. Barry reported that she had spoken to the homeowners, Kenneth and Christina Herold. They would like to replace the three trees that they removed with the six new native trees required by the Commission's "Guidelines for Reviewing Tree Removal Projects". They explained to P. Barry that due to the snow cover, they find it difficult to determine the exact planting locations to propose to the Commission on the required "Planting Plan" to be submitted for review. Therefore, they are requesting changing the submittal date for the "Planting Plan" to April 20, 2013 as their favorite nursery opens on April 1st. P. Alpert reminded the Commission that in order for the Commission to review the proposed "Planting Plan", it would need to be submitted by April 18, 2013 to make the deadline for the scheduled April 25, 2013 Conservation Commission Meeting. The Commission agreed to allow the Herolds to submit the "Planting Plan" by April 18, 2013. The replacement trees are required to be installed by June 15, 2013.

HEARINGS

273 NEHOIDEN STREET (DEP FILE #234-6XX) – NOTICE OF INTENT

P. Barry noted that DEP has not yet issued a File Number for the project. D. Simonelli represented the Applicant. D. Simonelli explained that she was unaware that the 273 Nehoiden Street property had an outstanding Order of Conditions (DEP File #234-423) that would need to be closed out prior to filing a new Notice of Intent. The Applicant will re-submit the Notice of Intent filing once the Certificate of Compliance is issued. She submitted a Request for Certificate of Compliance Form, As-Built Plan and Project Compliance Certificate to the Commission for review. As the Commission just received this information, the Request for a Certificate of Compliance will need to be placed on the Agenda for the March 14, 2013 Conservation Commission Meeting but allowed Ms. Simonelli to discuss the deviations.

D. Simonelli explained that the proposed picket fence was extended all the way to the northerly lot line and is now straight across the back or westerly side of the sport's court. The sport's court is slightly closer to the bordering vegetated wetlands than proposed; however, an updated wetland delineation shows that a slight change in the wetland location accounts for the difference. In addition, the sport's court is 18 square feet larger than proposed.

P. Alpert explained that Special Condition #20 in the original Order of Conditions required the submittal of a Plan in recordable form showing the fence as the permanent limit of work so that future owner's would be informed. D. Simonelli questioned whether the As-Built Plan could be an attachment to the deed or the Certificate of Compliance so that the homeowner's wouldn't need to pay for the drafting of a recordable plan. P. Alpert noted that the Commission could not vote on the Certificate of Compliance Request because it was not on the Agenda. P. Alpert will look into the need for a recordable plan prior to the March 14, 2013 Meeting.

D. Simonelli briefed the Commission on the Notice of Intent project. The proposed project would include the reconstruction of existing granite steps, replacement of an existing fence and a driveway addition within the 100-foot buffer zone to bordering vegetated wetlands. The Plan calls for the placement of haybales on the back side of the fence. P. Alpert questioned the need for the erosion controls near the fence and whether they could be moved up closer to the house near the sewer line. P. Alpert noted that the limit of lawn needs to be placed on the Plan. J. Bernardo asked where the second of two proposed drywells is shown on the plan. D. Simonelli explained that the wells are situated one on top of the other. P. Alpert noted that the replacement of the fence is within the 25-foot no disturb area. P. Alpert stated that a formal waiver request is not necessary for this work as the applicant is replacing a fence that was already approved by the Commission and is needed to permanently mark the limit of work in accordance with the prior Order of Conditions. P. Barry had visited the site and noticed that the downspout near the stairs to be re-constructed will continue to erode the newly re-constructed stairs and they may want to infiltrate the

runoff into the proposed drywell. J. Carter Bernardo would like to condition a deep test hole at the time of construction.

Motion to continue the public hearing (for additional information and DEP File# issuance) for 273 Nehoiden Street (DEP File #234-6XX) to March 14, 2013 at 8:30 p.m. in the PSAB – Charles River Room by S. Soltzberg, seconded by J. Carter Bernardo, approved 4-0-0.

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

D. Simonelli of Field Resources represented the Applicant. D. Simonelli explained that the Commission required the submission of drainage calculations and a Plan showing proposed restoration plantings in the 25-foot buffer zone. The information has been submitted. D. Simonelli noted that the Engineer has designed the stormwater infiltration system to infiltrate the entire roof overflow. The Applicant is proposing the installation, in the 25-foot buffer zone, of blueberries or another shrub from the approved Needham list. P. Alpert explained that the Hearing will have to be continued to the next Conservation Meeting on March 14, 2013 because the additional information was not submitted by the deadline.

D. Simonelli requested that she be allowed to present the proposed Plan to the Commission for their comment. P. Alpert requested that the Plan include the note “pervious pavers” on it so that contractor’s will know what to install. J. Carter Bernardo will review the drainage calculations that were submitted. D. Simonelli noted that the existing topography on the site will guide the drainage overflow toward the wetlands. S. Soltzberg addressed the proposed installation of blueberry bushes. She advised that the existing forsythia shrubs will overtake the proposed blueberry plantings. D. Simonelli inquired if arrowwood shrubs may be a better choice. S. Soltzberg concurred. J. Carter Bernardo requested the submittal of a proposed and an existing watershed map. Ms. Simonelli asked the Commission for information regarding an open Order of Conditions on this property as well as many throughout the Town. P. Barry explained that what she was referring to was not an actual Conservation Commission issued Order of Conditions. It is Wetland Restrictions issued by the Division of Natural Resources prior to the existence of Orders of Conditions. The Wetland Restrictions were put in place to educate the homeowner’s of properties abutting these wetlands of what they are not allowed to do such as dumping leaves in wetlands. The Applicant questioned whether having this restriction on the deed with no way to close it out as being a “blemish” on an otherwise clean deed. P. Alpert will research the restrictions.

Motion to continue the public hearing (for additional information) for 17 Wayne Road (DEP File #234-659) to March 14, 2013 at 8:45 p.m. in the PSAB – Charles River Room by J. Carter Bernardo Alpert, seconded by S. Soltzberg, approved 4-0-0.

OTHER BUSINESS

DPW WATER & SEWER DIVISION – CHARLES RIVER WELL 3 ROUTINE MAINTENANCE CLEANING EXEMPTION REQUEST

P. Barry explained that the maintenance cleaning is performed on an annual or semi-annual basis as an exempt activity requiring notification to the Commission 14 days prior to the work. The mitigation is the installation of erosion controls. P. Barry explained that over time minerals get caked to the walls inside the wells and needs to be removed using an acid. The water is released in the inner buffer zone through a hose then overland to the river. Prior to release, the water is put in a conex box to remove the acid. Once the well is cleaned, it must be tested. A fire hydrant there will have a backflow stop on it and spray the water out as a heavy rain for approximately 15 minutes to ensure there is enough pressure in the well. P. Barry will make sure that the erosion controls are in place prior to the work commencing. **Motion to accept the proposed project at the Charles River Well 3, and to allow the proposed project as an Exempt Activity, by J. C. Bernardo, seconded by S. Soltzberg, approved 4-0-0.**

PUBLIC FACILITIES DEFAZIO PARKING AREA FEASIBILITY STUDY – EXPLORATORY TEST BORING EXEMPTION REQUEST

P. Barry and P. Alpert clarified the location of the proposed test borings to take place adjacent to the DeFazio Parking Area complex and the DPW Salt Shed within DPW Garage Bay upper parking area. Four test borings conducted via a drill will take place in the DPW upper parking lot. Three of the four borings will be within the 100 foot buffer zone of Bordering Vegetated Wetland and Inland Bank. The closest test boring will take place approximately 75 feet from the wetland. The Commission agreed that this is an exempt activity as per the Needham Wetlands By-law Regulations at Section 1.02(4)(b) - exemption for exploratory borings using a motorized drill rig and the MA Wetlands Protection Act Regulations 310 CMR 10.02.

Motion to close the public hearing at 9:12 PM by S. Soltzberg, seconded by J. Carter Bernardo, approved 4-0-0.

NEXT PUBLIC HEARING

March 14, 2013 at 7:30 p.m. in the Public Services Administration Building, Charles River Room