

**TOWN OF NEEDHAM
CONSERVATION COMMISSION
MEETING MINUTES
Thursday, March 28, 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: Mark Wambolt, Peter Bemis, Scott Goddard, John Hollywood, Tyler Piazza, John Rockwood, Vlad Vilkomir, Bob White

L. Standley opened the public meeting at 7:37pm.

MINUTES

Motion to approve the minutes of March 14, 2013, as amended, by P. Alpert, seconded by S. Farr, approved 6-0-0.

MULLEN RULE CERTIFICATIONS

D. Anderson accepted the written certifications from S. Soltzberg and J. Carter Bernardo that they missed no more than one single session of the hearings pertaining to 17 Wayne Road (DEP File #234-659) Notice of Intent and that they 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.

ENFORCEMENTS

78 FREMONT STREET

P. Barry drafted the Enforcement Order for the Commission's review. The Agent intends to hand deliver it to W. R. Scanlon, Inc. The Commission reviewed the draft Enforcement Order and L. Standley asked that the requirement to file a Notice of Intent for ongoing activities be added to the Enforcement, as discussed at the prior meeting..

Motion to ratify the Enforcement Order for 78 Fremont Street as drafted provided that it include the additional provision that the owner of 78 Fremont Street, W. R. Scanlon, file a Notice of Intent within 4 weeks of receipt of the Enforcement Order, by P. Alpert, seconded by S. Farr, approved 5-0-1. M. Salett abstained.

CHARLES RIVER STREET (BELLE LANE) VERNAL POOL TREE CUTTING

Several trees in the buffer zone to a vernal pool have been removed. Attorney Roy Cramer, representing the property owner, told the Agent that the homeowners were not responsible for the tree clearing. Spectra Energy Company also states that they are not responsible for the work. L. Standley advised D. Anderson that an Enforcement Letter should be sent to the property owners and copied to Roy Cramer stating the Conservation Commission's Tree clearing policy and requesting that they attend the next Conservation Commission hearing to discuss the matter with the Commission.

HEARINGS

44 WAYNE ROAD (DEP FILE # 234-657) – REQUEST TO AMEND ORDER OF CONDITIONS

L. Standley opened the public hearing at 7:48pm. John Rockwood represented the Applicant. J. Rockwood explained that the Applicant has proposed modifications to the approved plan which are substantial enough that they require an Amendment to the Order of Conditions. The proposal includes sliding the proposed house forward slightly, further from the wetlands. The deck is proposed to be converted to a screened porch with a patio next to it. The proposed driveway and walkway will both be shorter. There will be an additional 200 square feet of impervious surface in the buffer zone. The drainage calculations for the new proposal still demonstrate that there will be no increase in runoff. The tree mitigation, removal of the fence, and the erosion controls remain the same. There is a slight change to the grading in the buffer zone. He clarified that Sheet 2 was identical to the OOC Plan of Record. J. C. Bernardo suggested that the engineers run their calculations again at a lower rate as the application seemed to overstate the infiltration rate. She asked that test pits be evaluated prior to installing the infiltration units.

Motion to close the public hearing for 44 Wayne Road (DEP File #234-657) by J. C. Bernardo, seconded by M. Salett, approved 6-0-0. The public hearing was closed at 7:55pm. Motion to issue an Amended Order of Conditions for 44 Wayne Road (DEP File #234-657) by P. Alpert, seconded by S. Soltzberg, approved 6-0-0.

0 OLIN WAY (WELLESLEY TRAILS COMMITTEE) –REQUEST FOR DETERMINATION OF APPLICABILITY

L. Standley opened the public hearing at 8:00pm. The Applicant, Tyler Piazza, presented his Eagle Scout project to the Commission. The project consists of constructing a bog bridge along a wet portion of a path located between Babson and Olin College. T. Piazza explained that cross country teams often use this path, but it becomes quite wet at certain times of year. The proposed bog bridge would be made with pressure treated wood and all of the cutting and drilling would be done offsite. Some assembly would be done on the adjacent parking lot before it is installed on the path. The bridge would be three feet wide. T. Piazza hopes to complete the work by May or June. L. Standley stated that a member of the office staff or the Commission must be present during the installation.

Motion to close the public hearing for 0 Olin Way by M. Salett, seconded by S. Soltzberg, approved 6-0-0. The public hearing was closed at 8:05 p.m. Motion to issue a Negative Determination of Applicability for 0 Olin Way, by P. Alpert, seconded by M. Salett, approved 6-0-0.

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

L. Standley opened the public hearing at 8:20pm. L. Standley explained that the Applicant did not submit the additional materials in time for their review by the Commission prior to the meeting, and therefore the Commission was not ready for a discussion. She allowed the applicant to describe the new material. Scott Goddard, wetlands specialist, represented the owner, Mark Wambolt. Peter Bemis, the engineer, was also present. S. Goddard explained that the Drainage Plans have been revised and the \$1000 waiver fee has been submitted. The design has been revised to collect and infiltrate runoff from the entire roof not only the new addition. In addition, the proposed driveway will include an infiltration trench. The Applicant has proposed installation of mitigation plantings in the 25-foot buffer zone. There is a proposed split rail fence located along the 25-foot buffer to act as a permanent marker and to discourage further encroachment. Mr. Goddard argued that the existing 25-foot buffer zone is degraded and does not protect the interests of the Bylaw, and stated that the proposal is an improvement to the existing site conditions. J. Bernardo will contact the engineer to go over any drainage questions. The Commission scheduled a site visit to review the wetland delineation for Monday, April 1, 2013 at 6:15 p.m.

Motion to continue the public hearing (for a site walk and to review new material) for 1566 Great Plain Avenue (DEP File#234-658) to April 11, 2013 at 7:45 p.m. in the PSAB – Charles River Room by J. C. Bernardo, seconded by M. Salett, approved 6-0-0.

OTHER BUSINESS

71 STOCKDALE ROAD (DEP FILE # 234-651) – MINOR MODIFICATION REQUEST

The Applicant, Vlad Vilkomir of GS Real Estate Management Company, is requesting permission to cut down the maple (*Acer spp.*) tree in front of 71 Stockdale Road that he had originally proposed to save. It has been trimmed back substantially. The roots have been cut at the foundation and will need to be cut further to lower the sidewalk as required by the Town. The Applicant and their arborist do not believe it will survive the cutting. The Applicant intends to install a paper birch (*Betula papyrifera*) and a red cedar tree (*Juniperus virginiana*) as mitigation.

Motion to accept the tree removal as a minor modification not requiring an Amendment to the Order of Conditions by S. Soltzberg, seconded by S. Farr, approved 6-0-0.

SABRINA LAKE (DEP FILE # 234-529) – MINOR MODIFICATION REQUEST

The Minor Modification Request was tabled to the April 11th meeting at the applicant's request.

1285 SOUTH STREET (DEP FILE # 234-499) – MINOR MODIFICATION REQUEST

John Hollywood represented the Applicant. J. Hollywood explained that in his negotiations with NSTAR they asked that the absorption field not be located on the North Side of the building but instead be located in the previously identified reserve area. It will be a similar system; it meets the setback requirements, and is outside of the 50 foot buffer zone. Upon demolition of the building the health department will come out for the percolation tests. If this proposed site does not have percolation equal to or greater than that at the rear of the property then the originally designed septic system near the power lines will have to be reconsidered. This will not require a change in grading or limits of disturbance. J. Hollywood explained that NSTAR believes that their easement extends 50 feet further towards the house than shown on the Applicant's Plan.

Motion to accept the location change of the absorption field as a minor modification not requiring an Amendment to the Order of the Conditions by J. C. Bernardo, seconded by S. Farr, approved 6-0-0.

17 WAYNE ROAD (DEP FILE #234-659) – ISSUE ORDER OF CONDITIONS

Motion to issue the Order of Conditions for 17 Wayne Road (DEP File #234-659), as amended, by P. Alpert, seconded by S. Farr, approved 5-0-1. M. Salett abstained.

Motion to adjourn by P. Alpert, seconded by S. Soltzberg. The meeting was adjourned at 8:45 p.m.

NEXT PUBLIC HEARING

April 11, 2013 at 7:30 p.m. in the Public Services Administration Building, Charles River Room