

**TOWN OF NEEDHAM
CONSERVATION COMMISSION
MEETING MINUTES
Thursday, April 25, 2013**

LOCATION: Public Services Administration Building, Charles River Room

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

GUESTS: Holden Barth, Suzanne Barth, Bob DiRamio, Scott Goddard, Deborah Krieg, Jason Korsmeyer, David LaPointe, Ron Lopez, Brian Nelson, Joe Petrucci, Rudy Riedl, Betty Ann Scanlon, Bill Scanlon, Jack Sullivan, Mary Ann Sullivan, Peter Sullivan, Jean Veigas

L. Standley opened the public meeting at 7:50 p.m.

MINUTES

Motion to approve the minutes of April 25, 2013, as amended, by P. Alpert, seconded by S. Soltzberg, approved 4-0-0.

ENFORCEMENTS

78 FREMONT STREET

Bill and Betty Ann Scanlon, The business owners, were present. P. Barry informed the Commission that the Scanlons had paid their \$400 fine and that she had visited the site. P. Barry explained that the business operations including stockpiling had been permitted under an existing Order of Conditions. P. Barry explained that the existing fencing adjacent to the river is in a state of disrepair and needs to be replaced, and woodchips have fallen over the side of the Bank and need to be removed. L. Standley explained that there were two ways to require that the work be done. The Commission could require the Scanlons to file a new Notice of Intent, or the Commission could issue an Enforcement Order outlining the work to be completed and the deadlines to finish it by. The Commission determined that the issuance of the Enforcement Order is the better choice. The Commission gave the Scanlons until May 30, 2013 to install the new fencing and cleanup the woodchips on the Bank. The Scanlons are to contact P. Barry when the work is complete. P. Barry will draft the Enforcement Order.

350 CEDAR STREET

The contractor, Joe Petrucci of Petrucci Construction Company was present. P. Barry explained that she had met on-site with personnel from the Richland Tower Company. While on-site they observed an area of erosion washout on the slope. P. Barry stated that the Richland Tower Company plans to install rip-rap to the washout to stabilize it. P. Barry noted that the erosion controls are still in place and protecting the wetland from the erosion.

J. Petrucci addressed the Commission. J. Petrucci said he was bewildered as he believed his role in this enforcement issue was blown out of proportion. He explained that the Grimaldos of 328 Cedar Street informed him that they had a permit to allow the placement of fill on their property and that he knew of several other contractors that had done the same. P. Barry told Mr. Petrucci that the Grimaldos of 328 Cedar Street and the Adlers of 320 Cedar Street, who were both recipients of the Enforcement Order, in addition to the Petrucci Construction Company, had completed the restoration and stabilization of the

portions of disturbance on their properties and had been released from the Enforcement Order. P. Barry questioned why Mr. Petrucci had not contacted the Conservation Department to discuss remedying the Enforcement Order issued against the Petrucci Construction Company. Mr. Petrucci claimed that his lawyer and the Richland Tower Company's lawyer agreed that the Petrucci Construction Company was not to blame. The Commission pointed out that J. Petrucci has been requested to attend a Conservation Commission hearing and that he never attended the hearings pertaining to the Cedar Street Enforcement.

Mr. Petrucci and the Commission discussed the need to work out a process by which a contractor could be informed that they may be working in an area requiring a permit from the Conservation Commission. L. Standley stated that she was surprised how little Mr. Petrucci knew about the Wetlands Protection Act and the Town's Wetlands Bylaw. L. Standley informed him that all sites with a wetlands permit would have a DEP number posted. L. Standley asked if J. Petrucci was willing to work with the Richland Tower Company since it was Petrucci's dumping of fill that created the Enforcement issue to begin with. Mr. Petrucci replied that he would be willing to contact the Richland Tower Company.

1560 & 1584 GREAT PLAIN AVENUE

P. Barry informed the Commission that she had gone to the site today. The Hartshorns (owners) were not present at the meeting. P. Barry explained that a vehicle was used to remove a fallen tree, causing ground disturbance. The homeowners had informed P. Barry that they had planned to loam and seed the disturbed area. P. Barry noted that the area was generally flat so erosion was not a major concern. The owner had taken down a lilac bush during the process and was willing to mitigate by installing six (6) shrubs of whatever type the Commission preferred.

P. Barry stated that the Hartshorns would like to install a fence at the front of the property. She informed them that they would need to file a fence exemption request. L. Standley asked P. Barry to draft a letter to send to the owners allowing them to hydroseed and install six (6) native shrubs.

RATIFY ENFORCEMENT ORDER – 1566 GREAT PLAIN AVENUE

Motion to ratify the Enforcement Order for 1566 Great Plain Avenue as drafted by J. Carter Bernardo, seconded by P. Alpert, approved 4-0-0 (D. Stolfi Stalenhoef having excused herself from the meeting prior to the vote).

RATIFY ENFORCEMENT ORDER – 21 ARMEN WAY (formerly 198-200 Nehoiden Street)

Motion to ratify the Enforcement Order for 21 Armen Way as drafted by P. Alpert, seconded by J. Carter Bernardo, approved 4-0-0 (D. Stolfi Stalenhoef having excused herself from the meeting prior to the vote).

HEARINGS

0 HIGHLAND AVENUE (DCR CHARLES RIVER RESERVATION) (DEP FILE #234-663) – NOTICE OF INTENT

P. Alpert opened the public hearing at 8:05 p.m. L. Standley recused herself. J. Carter Bernardo raised the question whether she needs to recuse herself also. After discussion, the Commission determined that J. Carter Bernardo need not recuse herself from the hearing.

Dave LaPointe of Beals & Thomas and Bob DiRamio of DCR presented the project. The proposed project consists of upgrading the existing Charles River Reservation Pathway to create a handicapped accessible pathway that links the residential and commercial developments located on Second Avenue and the surrounding area with the commercial area located on Highland Avenue. The Applicant plans on retaining a portion of the existing 20-foot wide paved emergency fire lane for the Charles River Landing

Apartment Complex, renovating the path entrances with DCR standard pavers to identify that it is a public trail, narrowing the remaining 20-foot wide asphalt pavement pathway to 10-feet, and seeding the former asphalt paved areas. The portion of the existing path that consists of gravel will be paved. A total reduction of 16,000 square feet of pavement will result from the project. Benches are proposed for installation at the turn around area along the trail.

Silt fence will be installed along the length of the project. A chain link fence and orange snow fencing will be installed to identify the work area to the public. B. DiRamio noted that a DCR Vegetation Management Plan was submitted with the filing and includes controlling of invasives, cutting back the substantial amount of poison ivy and seeding exposed areas with conservation seed mix. Some plantings were included in the Plan. B. DiRamio stated that DCR is concerned with the cost of such plantings at this time, and that DCR has not committed to a certain number of plants at this initial phase, as it will depend on the bids received for the project. B. DiRamio further stated that, to the extent that plantings do occur, the planting schedule will use native plantings. B. DiRamio stated that DCR plans on supplemental plantings in future years. As part of the project, two trees are proposed to be removed near the turn around. The trees will need to be removed if they are too close to the path. S. Soltzberg inquired about the size of the trees to be removed. D. LaPointe replied they are approximately 6-inch diameter dbh trees. B. DiRamio explained that future maintenance will be done by a field person they already have in the area.

D. LaPointe noted that MassDOT is planning work in the area near Highland Avenue at some future point but informed DCR to continue with their project. DCR agreed to abide by the Commission's Tree Removal Guidelines and replace any trees removed in the Riverfront Area or the buffer at a 2:1 ratio. P. Alpert suggested that a site visit by members of the Commission to look at the trees to be removed is not necessary, and the Commission agreed. J. C. Bernardo stated that she has examined the stormwater calculations and has no issues. The Applicant will update the planting schedule. **Motion to close the public hearing for 0 Highland Avenue (DEP File #234-663) by S. Soltzberg, seconded by J. Carter Bernardo, approved 4-0-1.** The hearing was closed at 8:30 p.m. **D. Stolfi Stalenhoef excused herself from the Conservation Commission Meeting @ 8:30 p.m.**

130 WINDING RIVER ROAD (DEP FILE #234-662) – NOTICE OF INTENT

L. Standley opened the public hearing at 8:30 p.m. The Applicant, D. Krieg, was present. The Applicant's Representative, Brian Nelson, of Metrowest Engineering presented the proposed project. B. Nelson explained that the proposed project includes the construction of a 201 square foot addition to the front of the existing garage. Approximately 157 square feet of the addition will be constructed on land that is presently the driveway. The proposal also includes the construction of a stone terrace at the rear of the existing house. The terrace will convert approximately 810 square feet of existing lawn. The project also includes the reconstruction of the existing driveway.

B. Nelson stated that the majority of the property is located within the 200-foot Riverfront Area associated with the Charles River. The property is relatively flat until it reaches the Bank where it drops off 6-feet to 7- feet over a 10-foot span. The project as proposed will result in a slight net increase in the quantity of impervious area in the 200-foot Riverfront Area by 433 square feet. To help compensate for the terrace, the impervious surface of the driveway will be reduced by 350 square feet and the existing shed will be re-located. A simpler proposed walkway will also result in less impervious area.

The proposed project also includes two proposed buffer zone restoration planting areas that will convert a total of 900 square feet of existing lawn into a naturalized landscaped condition. The restoration areas are located along the southerly and northerly boundary lines near the Bank of the Charles River. The

Applicant has requested a waiver for work in the 25-foot no disturb area to install a portion of the buffer restoration areas.

The Applicant, D. Krieg, noted that an arborist told her she should remove four (4) trees that are in poor health. Of the four (4) trees, one (1) red oak (*Quercus rubra*) tree is located in the Commission's jurisdiction. J. Carter Bernardo asked if a letter from the arborist would be necessary. L. Standley did not think a letter was necessary as P. Barry had seen the trees previously. L. Standley asked B. Nelson if the stone terrace was going to be pervious. He replied that the owner would prefer installation of a traditional paver. The Applicant had proposed planting white pine (*Pinus strobus*) trees and shrubs in the two restoration areas. L. Standley stated that she would prefer that the Applicant plant native shrubs at the top of slope to aid in stabilizing the eroding Bank. L. Standley noted that a past Order of Conditions issued on the property prohibited removal of brush from the slope but that some has been removed. **Motion to close the public hearing for 130 Winding River Road (DEP File #234-662) by J. Carter Bernardo, seconded by P. Alpert, approved 4-0-0.** The hearing was closed at 8:45 p.m.

42-44 BIRCH STREET (DEP FILE #234-664) – continued NOTICE OF INTENT

L. Standley opened the public hearing at 8:45 p.m. The Applicant, Ron Lopez was present at the hearing. The Applicant's Engineer, Jack Sullivan noted that the hearing had been continued for issuance of a DEP File Number by DEP, the submittal of the DEP Bordering Vegetated Wetlands Delineation Field Data Forms and submittal of an updated Plan indicating the location of the two (2) replacement trees. The Applicant has submitted the additional information and DEP has issued a file number. **Motion to close the public hearing for 42-44 Birch Street (DEP File #234-664) by J. Carter Bernardo, seconded by S. Soltzberg, approved 4-0-0.** The hearing was closed at 8:48 p.m.

OTHER BUSINESS

216 WASHINGTON AVENUE – HAZARD TREE EXEMPTION LETTER REQUEST

The homeowners, Peter and Mary Ann Sullivan were present. They explained that the tree was damaged during Hurricane Sandy. They had an Arborist examine the tree and his opinion was that it was a potential hazard as it had lost one side of a split trunk. D. Anderson had examined the tree on-site and reviewed her photos with the Commission. The Sullivans stated that they would be satisfied with only removing the top of the tree below the split and leaving the remainder. The Sullivans were informed that the Commission's hazard tree removal guidelines require a 2:1 replacement of trees removed. While a portion of the tree will remain, the homeowners stated that they are happy to install two native trees at the top of slope. **Motion to approve the hazard tree trimming at 216 Washington Avenue as an exempt minor activity by J. Carter Bernardo and P. Alpert 4-0-0.**

106 FOREST STREET – FENCE EXEMPTION REQUEST

The homeowner's father, Rudy Riedl, was present. D. Anderson had visited the site and reviewed her photos with the Commission. The proposed fence will be located along the front of the house. There are existing granite posts that the Riedls would like to use if structurally possible. L. Standley stated that she had no issues with the proposed project. **Motion to approve the fence installation as an exempt activity at 106 Forest Street by J. Carter Bernardo and S. Soltzberg, approved 4-0-0.**

RESERVOIR TRAIL (PARKS & FORESTRY) – TRAIL MAINTENANCE ACTIVITY NOTIFICATION FORM

P. Barry explained that the proposed trail maintenance was for the annual fishing derby. **Motion to approve the Reservoir Trail (Parks and Forestry) maintenance under the Generic Trail Maintenance Determination of Applicability by P. Alpert, seconded by S. Soltzberg, approved 4-0-0.**

RIDGE HILL RESERVATION CHARLES RIVER TRAIL – TRAIL MAINTENANCE ACTIVITY NOTIFICATION FORM

Eagle Scout, Holden Barth, presented his proposed project to the Commission. He explained that he will be removing brush one-half inch in diameter or greater along the sides of the trail. In addition, he will be replacing a couple of boards in the bog bridge. P. Barry noted that both she and J. C. Bernardo had walked the trail with H. Barth and that they would monitor his progress and advise as needed. **Motion to approve the Ridge Hill Reservation Charles River Trail maintenance under the Generic Trail Maintenance Determination of Applicability by S. Soltzberg, seconded by J. C. Bernardo, approved 4-0-0.**

RIDGE HILL RESERVATION NIKE ACCESS ROAD (DEP FILE #234-630) – DPW GENERAL MAINTENANCE ACTIVITY NOTIFICATION FORM

P. Barry explained that the Community Farm uses the road to access the Farm. She reviewed the site photos with the Commission. She told the Commission that they are requesting to have the town remove or trim back overhanging pine saplings. P. Barry noted that of the 4 saplings, 3 are located in the buffer zone and 1 is outside the buffer. The Commission had no issues with the proposed work. **Motion to approve the Ridge Hill Reservation Nike Access Road maintenance under the DPW General Maintenance Order of Conditions (DEP File #234-630) by J. Carter Bernardo, seconded by P. Alpert, approved 4-0-0.**

56 WINDING RIVER ROAD (DEP FILE #234-648) – MINOR MODIFICATION REQUEST

The Applicant's Representative, Jason Korsmeyer, presented the project. He explained the project was simply a septic system holding tank upgrade from a 1,000 gallon system to a 2,000 gallon system as required by the Health Department. J. Bernardo noted that she felt that the upgraded system was appropriately sized. J. Korsmeyer submitted a revised Plan showing the erosion controls. **Motion to accept the holding tank upgrade to a 2,000 gallon system as a minor modification not requiring an Amendment to the Order of Conditions by J. Carter Bernardo, seconded by P. Alpert, approved 4-0-0.**

1566 GREAT PLAIN AVENUE (DEP FILE #234-658) – ISSUE ORDER OF CONDITIONS

The Commission briefly discussed the unpermitted removal of 15 trees from the neighboring 1584 Great Plain Avenue property by the owner of 1566 Great Plain Avenue. The proposed Plan calls for installing 8 trees. Under the Commission's tree removal guidelines, the owner would be required to replace the 15 removed trees with 30 trees. The Commission determined, however, that due to space issues, only an additional 7 trees will be required to be installed by the owner for a total of 15 replacement trees. L. Standley suggested that a Condition #7A be added to the Order of Conditions requiring the Applicant to submit a Restoration Planting Plan detailing the proposed replacement species and planting locations. **Motion to waive strict compliance with the Bylaw Regulations for work in the 25-foot buffer zone by P. Alpert, seconded by J. Carter Bernardo, approved 4-0-0. Motion to deny the request for relief from the Waiver Fee for work in the 25-foot buffer zone by S. Soltzberg, seconded by J. Carter Bernardo, approved 4-0-0. Motion to issue the Order of Conditions, as amended, for 1566 Great Plain Avenue (DEP FILE #234-658) by Janet Carter Bernardo, seconded by P. Alpert, approved 4-0-0.**

BRAKING AIDS CHARITY BIKE RIDE (SEPTEMBER 27, 2013) – RIDGE HILL RESERVATION USE REQUEST

P. Barry explained that the request was to use the parking lot at Ridge Hill as had been done last year. J.C. Bernardo questioned whether there were any issues last year. L. Standley replied that no issues were noted. **Motion to grant the use of the Ridge Hill Reservation parking lot to members of the Annual Braking the Cycle Charity Bike Ride by J.C. Bernardo, seconded by P. Alpert, approved 4-0-0.**

TEMPLE BETH SHALOM – RIDGE HILL RESERVATION PARKING AREA MAINTENANCE APPROVAL

P. Barry explained that the request by Temple Beth Shalom is to pick up trash along the right hand side of the parking lot on April 28, 2013. The work would be located more than 100-feet from the wetland.

Motion to approve the Ridge Hill Reservation parking area maintenance under the Generic Trail Maintenance Determination of Applicability by J. C. Bernardo, seconded by P. Alpert, approved 4-0-0.

Motion to adjourn the meeting by J. Carter Bernardo, seconded by S. Soltzberg, approved 4-0-0. The meeting adjourned at 9:40 p.m.

NEXT PUBLIC HEARING

May 9, 2013 at 7:30 p.m. in the Public Services Administration Building, Charles River Room