

**TOWN OF NEEDHAM
CONSERVATION COMMISSION
MEETING MINUTES
Thursday, May 23, 2013**

LOCATION: Public Services Administration Building, Charles River Room

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

GUESTS: Jeff Bransford, Cathy McCarthy, John McCarthy, Johnny McCarthy, Peter Oehlkers, Steve Popper, Tom Ryder, Anand Shete, Derrek Shulman, Vlad Vilkomir, John Zimmer

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

MINUTES

Motion to approve the minutes of May 9, 2013, as amended, by J. Carter Bernardo, seconded by S. Farr, approved 4-0-0.

ENFORCEMENTS

78 FREMONT STREET

P. Barry informed the Commission that she has been in contact with the Scanlons and they have reported to her that they have complied with the requirements of the Enforcement Order including installation of a plywood fence and placement of a silt sack in the storm drain to trap sediment before it enters the pipe and empties into the adjacent Charles River. P. Barry stated that the Scanlons will have to maintain the silt sack regularly to prevent blockage of the drain. P. Barry will conduct a site visit and inspect the site improvements.

1584 GREAT PLAIN AVENUE

P. Barry explained that Bill Hurwitz, the owner of the Old Time Garage located at 1584 Great Plain Avenue has completed the removal of yard waste from the adjacent wetland and the “No Dumping” signs have been installed. P. Barry will send out neighborhood yard waste letters to inform the neighbors of the “No Dumping” policy.

21 ARMEN WAY (formerly 198-200 Nehoiden Street)

P. Barry reported that it will be some time before a resolution to the encroachment/enforcement issue at 21 Armen Way is determined. Chief Leary is in the process of drafting his report. The homeowners may decide to restore the area.

1509 CENTRAL AVENUE – RATIFY ENFORCEMENT ORDER

The property owners, the McCarthy’s were present at the meeting. J. McCarthy explained that he has been attempting to clean up the property. He noted that the area under his driveway appeared to be sinking, weeds, tree branches and trash were left from the previous owners, and lit cigarettes are often thrown out of moving cars and end up on his property. J. McCarthy explained that the poison ivy was so bad that he couldn’t remove the trash. He noted that he was not informed of any “Conservation issues” on the property when he purchased it. He stated that he had been working from a septic plan that did not show any wetland buffer zones and was only trying to fix the problems left by the builder. He stated that when he installed the Koi pond, he tried to stay out of the wetland.

P. Alpert replied that J. McCarthy had raised a number of different issues. P. Alpert explained the Commission's jurisdiction as it relates to this property. P. Alpert encouraged him to pick up the trash but noted that tree removal, including dead trees and brush removal, requires permission and asked him to contact P. Barry in the future. J. Carter Bernardo emphasized to J. McCarthy not to do any work on the wetland side of the wall. P. Alpert explained that there is a Conservation Restriction in place from the wall back to the wetlands. J. McCarthy was informed by the Commission that he will have to move the Koi pond to another location on the property and restore the area, and that he will be need to file a Notice of Intent for the work.

The Commission discussed the issuance of a fine. P. Barry noted that there were a total of 3 violations in 3 resource areas. P. Barry will revise the Enforcement Order to require the submittal of a new Notice of Intent.

Motion to ratify the Enforcement Order for 1509 Central Avenue as drafted provided that it include the additional provision that the owner file a Notice of Intent by S. Soltzberg, seconded by J. Carter Bernardo, approved 4-0-0.

Motion to have P. Barry revise the Enforcement Order to include the issuance of the \$1200 fine by J. Carter Bernardo, seconded by S. Soltzberg, approved 4-0-0.

HEARINGS

1850 GREAT PLAIN AVENUE (SPECTRA ENERGY) (DEP FILE #234-665) – NOTICE OF INTENT

P. Alpert opened the public hearing at 7:58 p.m. John Zimmer with TRC Companies, Inc. and Jeff Bransford with Spectra Energy presented the project. J. Zimmer noted that the entire site is surrounded by bordering vegetated wetlands associated with an intermittent portion of Fuller Brook. The project consists of conducting maintenance activities within the existing natural gas pipeline regulator station within the 100-foot buffer zone to bordering vegetated wetlands and inland bank. The maintenance activities include replacing the existing subsurface piping within the regulator station facility footprint and installing temporary aboveground bypass piping. The bypass piping will be supported on concrete blocks. During the process, groundwater will most likely be encountered. Therefore, a dewatering structure needs to be installed and will consist of a filter bag and straw bale containment structure. The work will take approximately 6-8 weeks to complete. A portion of the proposed project is located within the 25-foot no disturb buffer, so a waiver request has been submitted. J. Zimmer added that they are requesting relief from the requirement to pay the waiver request fee. No work is proposed within Bordering Land Subject to Flooding. The access will be provided via Mary Chilton Road and no stockpiling will take place on site.

J. Zimmer explained that Environmental Inspections would be done weekly and after rain events during the project. The excavation will take place inside of the existing building. The pipes will be buried approximately 5-feet down. Approximately 1400 cubic yards of soil will be removed from the site.

An abutter, Derrek Shulman, of 11 Mary Chilton Road addressed the Commission. D. Shulman explained that he had been a resident for 13-years and has been concerned about a loud noise coming from the station especially in the winter. J. Bransford replied that the noise is coming from the pipes and should decrease once this work is completed. P. Alpert noted that noise pollution wasn't really within the Commission's jurisdiction, but asked J. Zimmer if he could follow up with Spectra Energy and D. Shulman regarding the noise issues. D. Shulman was also concerned that they were planning on installing more structures. J. Zimmer replied that they were installing temporary concrete slabs to support the temporary piping, then removing it once the project is complete. D. Shulman asked what time the work

would commence each day. P. Alpert mentioned that the Town has a noise bylaw preventing noisy work from beginning before 7:00 am. D. Shulman also expressed his concern for the health of the two small ponds and all of the wildlife he has observed drinking water from them. On the surface of the first pond, he has noticed a sheen. P. Barry will investigate the complaint. **Motion to close the public hearing for 1850 Great Plain Avenue (Spectra Energy) (DEP File #234-665) by S. Farr, seconded by J. Carter Bernardo, approved 4-0-0.** The hearing was closed at 8:22 p.m.

Motion to waive strict compliance with the Bylaw Regulations for work in the 25-foot buffer zone by S. Farr, seconded by J. Carter Bernardo, approved 4-0-0.

Motion to issue an Order of Conditions, as amended, for maintenance activities including replacement of the existing subsurface piping within the regulator station facility footprint and installing temporary aboveground bypass piping at 1850 Great Plain Avenue (DEP File #234-665) by S. Soltzberg, seconded by S. Farr, approved 4-0-0.

Motion to waive the waiver fee for 1850 Great Plain Avenue (DEP FILE #234-665) by Janet Carter Bernardo, seconded by S. Farr, approved 4-0-0.

OTHER BUSINESS

170 NEHOIDEN STREET (DEP FILE #234-461) – MINOR MODIFICATION REQUEST

P. Barry stated that Vlad Sirotin, the current owner of 170 Nehoiden Street, could not be present. P. Barry explained that the previous owners of the property encroached onto Town of Needham Parks and Recreation land. At this point the new owner is requesting a Minor Modification to the existing Order of Conditions to remove a shed that was installed by the previous owners on the Park and Recreation property and not shown on the Plan filed with the Notice of Intent. The owner would like to remove the shed and restore the area with shrubs and trees. P. Barry noted that the Extension on the Permit will expire on June 25, 2014. Adjacent to the shed is a paved drive which will act as a limit of work. P. Barry explained that P. Carey, the Director of the Parks and Recreation Department, would like the shed removed. P. Barry noted that the drywell had been installed in a different location than proposed. **Motion to accept the removal of the shed and restoration of the area as a minor modification not requiring an Amendment to the Order of Conditions by J. Carter Bernardo, seconded by S. Farr, approved 4-0-0.**

273 NEHOIDEN STREET (DEP FILE # 234-661) – MINOR MODIFICATION REQUEST

P. Barry explained that the Order of Conditions for work at this property was issued in March of 2013. The owners are requesting a minor modification to the Order of Conditions including replacement of the existing front porch step and the replacement of the existing flagstone walk extending from the front porch to the driveway with a 4-foot wide walk made of paver stones.

Motion to accept changes to the front entrance and the replacement of a walkway as a minor modification not requiring an Amendment to the Order of Conditions by J. Carter Bernardo, seconded by S. Farr, approved 4-0-0.

500 DEDHAM AVENUE (PUBLIC SERVICES ADMINISTRATION BUILDING) (DEP FILE #234-547) – CERTIFICATE OF COMPLIANCE REQUEST

T. Ryder and S. Popper representing the Town of Needham were present. J. Carter Bernardo asked them how the stormwater management was working. T. Ryder explained that the storm drain had been pumped out recently. A Stormdefender was installed and the vendor was supposed to monitor it four (4) times for the Town but has not. S. Farr questioned whether the Town trusts the vendor. T. Ryder noted that the Town Engineer, Tony DelGaizo believes it is functioning as intended. J. Carter Bernardo asked if the discharge water had been sampled in the rain. T. Ryder replied that it had not. P. Barry explained that she had spoken with the Town Engineer and he was happy with the functioning of the Stormdefender and would use it again.

T. Ryder explained that the rocks in the swale are scheduled to be cleaned in June. The rocks will be moved manually and the sediment will be removed with the Town's vacuum truck. J. Carter Bernardo mentioned that the swale appeared to be working nicely but was not aesthetically pleasing. P. Barry stated that she had spoken with V. Roy of the Water and Sewer Department and Ed Olsen from the Parks and Forestry Division about the installation of a bridge over the swale to access the PSAB, as well as the installation of plants along the banks of the swale. Perhaps the plantings and bridge would deter people from walking through the swale. P. Barry explained that the Water and Sewer Department may have the funds available for the project. P. Barry mentioned that since the Town DPW had recently cleared vegetation in excess around the reservoir, perhaps the project would make good mitigation. P. Barry stated that an exemption letter request would be the mechanism to approve the work. **Motion to issue a Certificate of Compliance for 500 Dedham Avenue (Public Services Administration Building) (DEP File#234-547), by J. Carter Bernardo, seconded by S. Soltzberg, approved 4-0-0.**

1381 GREAT PLAIN AVENUE (DEP FILE #234-590) – CERTIFICATE OF COMPLIANCE REQUEST

The homeowner, Anand Shete, was present. A Partial Certificate of Compliance had been issued. The remaining Conditions related to the two growing season monitoring of the mitigation plantings. D. Anderson had visited the site and found more than 75% of the plantings to be in good condition. An invasive species control plan had been implemented and overall had been successful. A. Shete stated that he planned to continue the invasive species removal. **Motion to issue a Certificate of Compliance for 1381 Great Plain Avenue (DEP File #234-590), by S. Farr, seconded by J. Carter Bernardo, approved 4-0-0.**

71 STOCKDALE ROAD (DEP FILE #234-651) – CERTIFICATE OF COMPLIANCE REQUEST

The builder, Vlad Vilkomir, was present. D. Anderson had visited the site and found the project complete and the site stabilized. No deviations from the approved Plan were noted. D. Anderson noted that the mitigation plantings had been installed per the Revised Plan presented as a minor modification. D. Anderson stated that the builder had installed five (5) granite blocks along the boundary of the 10-foot mitigation planting area to act as a permanent demarcation of the limit of work. V. Vilkomir explained that he planned to educate future buyers of the property about the conservation issues. D. Anderson noted that as there is still a two (2) growing season monitoring period Special Condition, a Partial Certificate of Compliance can be issued. **Motion to issue a Partial Certificate of Compliance for 71 Stockdale Road (DEP File #234-651), by J. Carter Bernardo, seconded by S. Soltzberg, approved 4-0-0.**

36 PHEASANT LANDING – RIDGE HILL RESERVATION ENCROACHMENT PLANTING PLAN REVIEW & APPROVAL

P. Barry explained that John Connolly, the owner of 36 Pheasant Landing had prepared a planting plan to help demarcate his property boundary from the Town owned trail adjacent to his property. S. Soltzberg approved the planting choices. P. Barry will conduct a site visit once the plantings are installed.

NEEDHAM RECYCLING TRANSFER STATION – POTENTIAL LANDFILL REUSE SOLAR ENERGY FACILITY DISCUSSION

P. Barry explained that she had put this item on the Agenda to update the Commission on the proposed development of solar energy facilities at the 10 acre, capped landfill site at the Needham Recycling and Transfer Station. P. Barry stated that the project is located more than 100-feet from any wetlands and would therefore, be outside of the Conservation Commission's jurisdiction. A member of the audience, Peter Oehlkers, informed the Commission that he walked that site before and had noted it was an unusual bird breeding habitat. He went on to express his concern that the area is mowed by the Town during breeding season. P. Alpert stated that if the area were in the wetland buffer zone, the Commission could

protect it. P. Barry explained that the Town had received a Permit to cap and maintain the area but could probably delay the mowing until later in the summer, after bird breeding season.

P. Barry will draft a letter response to the Solar Energy Exploration Committee regarding the Commission's concerns about mowing of the bird habitat.

CONSERVATION COMMISSION TRUST FUND (CHAPTER 40 §8C) – RIDGE HILL RESERVATION FUND USE DISCUSSION

Discussion was postponed.

Motion to adjourn by S. Farr, seconded by J. Carter Bernardo, approved 4-0-0. The meeting adjourned at 9:27 p.m.

NEXT PUBLIC HEARING

June 13, 2013 at 7:30 p.m. in the Public Services Administration Building, Charles River Room