

**TOWN OF NEEDHAM
CONSERVATION COMMISSION
MEETING MINUTES
Thursday, July 11, 2013**

LOCATION: Public Services Administration Building, Charles River Room

ATTENDING: Lisa Standley, Paul Alpert, Janet Carter Bernardo, Stephen Farr, Peter Oehlkers, Sharon Soltzberg, Patricia Barry (Agent), Debbie Anderson (Assistant)

GUESTS: Karon Skinner Catrone, Gene Glekel, Gary Kaufman, Thomas Keough, Ann Fay Remnitz, Alan Rubin, Mindy Rubin, Mary Trudeau, Gene Voloshin

L. Standley opened the public meeting at 7:30 p.m.

MULLEN RULE CERTIFICATIONS

P. Barry accepted the written certification from P. Oehlkers that he missed no more than one session of the hearings pertaining to 59 Pershing Road (DEP File #234-666) Notice of Intent, and that he 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 Conservation Commission tabled the approval of the June 27, 2013 meeting minutes to the July 25, 2013 public meeting to allow review time.

ENFORCEMENTS/VIOLATIONS:

1516 CENTRAL AVENUE

P. Barry reported that she has not been contacted by the homeowner, W. Tanger, regarding the recently issued Enforcement Order and fine.

25 MARR ROAD POTENTIAL VIOLATION

P. Barry identified a potential violation consisting of an unauthorized fence installation and driveway expansion that was potentially within the 100-foot buffer zone to inland bank and bordering vegetated wetlands at 25 Marr Road. She said that she would investigate further.

HEARINGS:

63 ARDMORE ROAD – REQUEST FOR DETERMINATION OF APPLICABILITY

L. Standley opened the public hearing at 7:45 p.m. The Applicant, Oliver Fitz, and Representative, Mary Trudeau, were in attendance. M. Trudeau explained that the property encompassed approximately one-third of an acre that she would characterize as upland based on her observation of vegetation. The rear of the parcel rises steeply to Lincoln Street. M. Trudeau stated that prior to visiting the site; she had reviewed all available data including the Town of Needham GIS Maps online for the property. She noted that an isolated wetland was depicted on the GIS maps adjacent to 63 Ardmore Road at 71 & 77 Ardmore Road. M. Trudeau stated that she was unable to get permission to gain access to either 71 or 77 Ardmore Road to examine the properties for wetland resource areas. She noted two slight depressions on the adjoining lots observed plant species identified from 63 Ardmore. She reported that 71 Ardmore Road

appeared to be a relatively newly built home and the area referenced on the GIS map was currently mulched and landscaped. M. Trudeau stated that she saw no wetland characteristics and assumes it to be a historic isolated wetland depression that no longer has the hydrology to be functioning as a wetland. She visited the 63 Ardmore property several times in June after rain events and saw no standing water in the depression. She does not believe the area would qualify as Isolated Land Subject to Flooding under the Massachusetts Wetlands Protection Act. M. Trudeau explained that the depression located at 77 Ardmore Road appeared more natural. Plant species identified at a distance M. Trudeau were: virginia creeper, norway maple, oriental bittersweet and common buckthorn, none of which are considered wetland vegetation. She stated that this area is most likely also historic isolated wetland depression. As the area is still relatively natural, she would expect to find hydric soils due to its history but with no wetland vegetation observed, the area would not be jurisdictional under the Wetlands Protection Act or Bylaw.

P. Barry explained that she had conducted a site visit and did not observe any wetland vegetation in the depressions. At 77 Ardmore Road, P. Barry did note evidence of overland flow from an abutting property. She stated that while a designation of Isolated Land Subject to Flooding is possible, she did not find any water marks or water stains to confirm such a determination. The depression is more than 100-feet away from the 63 Ardmore Road property. The Commission discussed whether the property is subject to the jurisdiction of the Massachusetts Wetlands Protection Act or the Town of Needham Wetlands Protection Bylaw. Based on M. Trudeau's report and P. Barry's site visit, the Commission agreed that there are no resource areas on the 63 Ardmore property subject to jurisdiction under the Act or the Bylaw. **Motion to close the public hearing for 63 Ardmore Road by P. Alpert, seconded by J. Carter Bernardo, approved 6-0-0.** The hearing was closed at 8:00 p.m. **Motion to issue a Negative Determination of Applicability for 63 Ardmore Road, by P. Alpert, seconded by J. Carter Bernardo, approved 6-0-0.**

59 PERSHING ROAD (DEP FILE #234-666) – continued NOTICE OF INTENT

L. Standley opened the public hearing at 8:00 p.m. The Applicant, Gene Glekel and his Representative Karon Skinner Catrone were present. K. Skinner Catrone gave an overview of the proposed project which consists of demolishing an existing single family dwelling, removing an in-ground pool, fence and shed and constructing a new single family home with associated site work and driveway within the 100-foot buffer zone to bordering vegetated wetland. D. Anderson had reviewed the filing and noted several errors and/or missing information on the plan and in the application including: (1) inaccurate recording information on the WPA Form; (2) project is exempt from MESA review, page 5 of 8 should be revised; (3) on page 7 of 8, the Plan reference, scale and revision date are incorrect along with missing signed and stamped by information; (4) plans do not indicate that test pits will be performed in the location of the proposed infiltration system; (5) the limit of existing lawn is not identified on the plan; and (6) erosion controls are shown within the 25-foot buffer zone.

K. Skinner Catrone stated that she had delineated the boundary of the wetlands on April 6, 2013. She noted that a swamp is located adjacent to the property. She indicated that a detailed Construction Sequence Plan had been submitted to the Commission. The Commission and P. Barry indicated that they had not received said Plan. L. Standley said that she had difficulty determining the footprint of the existing home on the plan. L. Standley questioned the purpose of the 2 lines to the left of the home shown on the submitted Plan and noted the erosion controls are located inside the 25-foot buffer on the plan. The Commission asked the Applicant, G. Glekel, where he was proposing the construction access. He indicated along the left hand side of the house. The Commission suggested the erosion controls could be moved in towards the house and out of the 25-foot buffer on that side. K. Skinner Catrone explained that the area labeled "building envelope" is for zoning purposes and not proposed construction. S. Soltzberg questioned the removal of three trees and the proposed installation of only three trees. L. Standley explained that two of the trees proposed for removal are located outside the buffer zone, therefore; the proposed installation of the three trees is adequate. J. Carter Bernardo questioned whether the proposed

trench drain at the edge of the driveway was necessary as there is a catch basin located adjacent to the street. L. Standley opened the hearing for public comment. Ann Fay Remnitz, of 56 Pershing Road explained that during rain storms the water backs up at the end of 59 Pershing Road and does not enter the catch basin. J. Carter Bernardo indicated that the proposed trench drain could address this problem. An abutter on Damon Road questioned the location of the tree removals and was satisfied by looking at the Plan.

P. Barry stated that she had conducted a site visit and disagreed with some of the wetland flag locations, due to the presence of hydric soils and vegetation on the upland side of flag 6. P. Barry requested that K. Skinner Catrone move flag 6 up approximately 10 feet and connect it to flag 8, essentially removing flag 7. L. Standley requested that the Applicant submit revised plans, correct the errors on the WPA forms and that K. Skinner Catrone relocate flag 6 as discussed by P. Barry. The Applicant questioned whether his Architect could finish the house plans prior to the Commission's issuance of the Order of Conditions. L. Standley stated that she has not found any "red flags" in the filing that would require a revision of the proposed house plans. **Motion to continue the public hearing (for additional information and wetland flag relocation) for 59 Pershing Road (DEP File #234-666) to July 25, 2013 at 9:00 p.m. in the PSAB – Charles River Room by S. Farr, seconded by P. Alpert, approved 6-0-0.**

NSTAR GAS COMPANY – SOUTH STREET/MARANT STREET – REQUEST FOR DETERMINATION OF APPLICABILITY

P. Alpert opened the public hearing at 8:25 p.m. L. Standley and S. Farr recused themselves from the hearing due to a conflict of interest. Thomas Keough of AECOM represented the Applicant, NSTAR Gas Company. T. Keough explained that the proposed gas main extension project was located in the roadway layouts of South Street and Marant Drive. He stated that the majority of the work will be located in upland areas outside of the buffer zone, however a small portion of the work will occur within previously disturbed areas of the 100-foot buffer zone to bordering vegetated wetlands and inland bank and within the 200-foot Riverfront Area of a perennial stream. T. Keough explained that the proposed construction activities will include the installation of a new 4-inch plastic gas pipeline within the roadway layout of South Street, and a new 2-inch IP plastic main within the roadway layout of Marant Drive. An unnamed perennial stream flows under South Street within the project area. He also explained that the work will be constructed using the "open trench method" which consists of digging an excavation approximately 2-3 feet wide and approximately 4 feet deep. Trenches will be excavated using backhoes. The trenching will be limited to the length that can be completed in one day. Approximately half of the excavated material will be used to backfill the trench. The remaining excavated material will be placed in a truck and disposed of legally. The pipe will then be installed in a sand bed inside the trench. After backfilling the trench, a small work zone at the end of the pipe may be left unfilled and covered with a steel plate so the end of the pipe can be located the next day. J. Carter Bernardo questioned the depth of excavation above the box culvert transporting water from the perennial stream under South Street. T. Keough explained that there is a steep drop-off of approximately 6-8 feet from the street to the stream and they will ensure the excavation is above the box culvert. P. Alpert reminded T. Keough that if dewatering becomes necessary, they will have to have a dewatering plan approved by the Commission. **Motion to close the public hearing for South Street/Marant Street (NSTAR) by J. Carter Bernardo, seconded by S. Soltzberg, approved 4-0-2, L. Standley and S. Farr abstained.** The hearing was closed at 8:35 p.m. **Motion to issue a Negative Determination of Applicability for South Street/Marant Street (NSTAR), by J. Carter Bernardo, seconded by P. Alpert, approved 4-0-2, L. L. Standley and S. Farr abstained.**

27 CYNTHIA ROAD – REQUEST FOR DETERMINATION OF APPLICABILITY

L. Standley opened the public hearing at 8:35 p.m. The Applicants, Mindy and Alan Rubin explained that the reason for the proposed work is to comply with MA Title V Certification. The proposed work is to

abandon a septic system, which entails digging down to the septic system using a bobcat, drilling a hole in the tank and filling it with sand. The proposed work will take place in existing lawn approximately 60-feet away from Bordering Vegetated Wetlands. All of the disturbed lawn will be re-seeded. M. Rubin asked if work could begin immediately, as she did not believe that a 10-day appeal period applies. P. Barry identified a section on the WPA Form discussing the Appeal Period. L. Standley noted that it did not specifically state that no work could take place during the Appeal Period but stated that it would be at the Applicants' risk to begin work during the 10-day Appeal Period. **Motion to close the public hearing for 27 Cynthia Road by J. Carter Bernardo, seconded by P. Alpert, approved 6-0-0.** The hearing was closed at 8:45 p.m. **Motion to issue a Negative Determination of Applicability for 27 Cynthia Road, by S. Soltzberg, seconded by S. Farr, approved 6-0-0.**

32 CANTERBURY LANE (DEP FILE #234-671) – NOTICE OF INTENT

P. Barry stated that the abutters were not notified properly by the Applicant; therefore Applicant's Representative requested that the hearing be continued. **Motion to continue the public hearing (to notify abutters properly) for 32 Canterbury Lane to July 25, 2013 at 8:45 p.m. in the PSAB – Charles River Room by J. Carter Bernardo, seconded by P. Alpert, approved 6-0-0.**

415 WARREN STREET – LOT 2A (DEP FILE #234-670) – NOTICE OF INTENT

P. Barry stated that the abutters were not notified properly by the Applicant; therefore Applicant's Representative requested that the hearing be continued. **Motion to continue the public hearing (to notify abutters properly) for 415 Warren Street – Lot 2A (DEP File #234-670) to July 25, 2013 at 9:00 p.m. in the PSAB – Charles River Room by J. Carter Bernardo, seconded by P. Alpert, approved 6-0-0.**

415 WARREN STREET – LOT 2B (DEP FILE #234-669) – NOTICE OF INTENT

P. Barry stated that the abutters were not notified properly by the Applicant; therefore Applicant's Representative requested that the hearing be continued. **Motion to continue the public hearing (for proper abutter notification) for 415 Warren Street – Lot 2B (DEP File #234-669) to July 25, 2013 at 9:15 p.m. in the PSAB – Charles River Room by J. Carter Bernardo, seconded by P. Alpert, approved 6-0-0.**

OTHER BUSINESS

305 DEDHAM AVENUE (DEP FILE #234-563) – CERTIFICATE OF COMPLIANCE REQUEST

P. Barry informed the Commission that the Applicant had submitted a Certificate of Compliance Request several months ago and the Request was denied at that time due to an unpermitted installation of a sump pump and the unpermitted installation of a drainage pipe discharging into the wetland, as well as disturbance in the 25-foot buffer zone. P. Barry explained that the Applicants were subsequently issued an Enforcement Order for the unpermitted removal of several trees and other landscaping work. P. Barry explained that she had conducted a site visit and found all of the issues resolved and the site restored. **Motion to issue a Certificate of Compliance for 305 Dedham Avenue (DEP File #234-563), by S. Soltzberg, seconded by J. Carter Bernardo, approved 5-0-0.**

449 SOUTH STREET (DEP FILE #234-556) – CERTIFICATE OF COMPLIANCE REQUEST

The Applicants, Mark and Monica Anderson, were not in attendance at the hearing due to their relocation out of state. P. Barry had conducted a site visit and explained that the house appeared abandoned and the lot overgrown. A Partial Certificate of Compliance had been issued in August of 2011 for all of the work with the exception of the 2-year monitoring of the restoration planting.. The Order of Conditions, Special Condition #23 required the installation of one (1) 6-8 foot red maple tree and two (2) flowering dogwood trees as mitigation for trees removed without permission under a previous Order of Conditions. P. Barry

stated that due to the overgrowth, she could not identify the replacement trees, and the proposed tree locations were not included on the Plan. P. Barry did note that natural recruitment had taken place and filled in the restoration area. **Motion to issue a Certificate of Compliance for 449 South Street (DEP File #234-556), by S. Soltzberg, seconded by J. Carter Bernardo, approved 6-0-0.**

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

P. Barry reported that she has not yet obtained the remaining quote for the proposed fence installation at Ridge Hill Reservation. The Commission signed the Ridge Hill Reservation Gate Conservation Trust Fund Approval Form that was approved at the June 27, 2013 public meeting.

RIDGE HILL RESERVATION EAST & WEST MEADOWS BLUEBIRD BOX INSTALLATIONS

P. Barry reported that the Eagle Scout bluebird box installation project was complete. L. Standley noted that P. Oehlkers, a new member of the Commission, had volunteered to assist with the bluebird box project as he had found some design flaws with the boxes. He stated that there was not enough ventilation in the boxes and noted that non-target species have taken up residence in the boxes. P. Oehlkers suggested that the nesting period for bluebirds was most likely over for this season, and that modifications to the boxes would be done before the 2014 nesting season.

NEEDHAM RECYCLING AND TRANSFER STATION – GRASSLAND HABITAT

P. Barry informed the Commission that in reply to the Commission's correspondence regarding grassland habitat, Ann Dorfman from the RTS contacted P. Barry inquiring as to when the field could be mowed to have the least impact on nesting birds. P. Barry informed the RTS that mowing should resume in August 2013.

RIDGE HILL RESERVATION SWAMP TRAIL BOARD WALK REPLACEMENT PROJECT

P. Barry noted that the Permitting and Construction Plans had been submitted by the Contractor. P. Barry will circulate the Plans to L. Standley and J. Carter Bernardo for their review and approval, and then the Architectural Access Board waiver application will be submitted. L. Standley said that the Commission should set a date to go over the Plans.

RIDGE HILL RESERVATION NEW LOOP TRAIL

L. Standley informed the Commission that she, J. Carter Bernardo and P. Barry marked out the proposed new Ridge Hill Loop trail with flagging and that the new trail should be cleared in the Fall. L. Standley requested that P. Barry GPS the new trail flag locations.

649 SOUTH STREET – SITE VISIT SCHEDULE

P. Barry will coordinate setting up a time next week via email for a site visit to 649 South Street.

STREAMLINING THE CONSERVATION COMMISSION MEETING VOTES

L. Standley recommended a procedure to make the Conservation Commission Meetings run smoother regarding motions and voting procedures. At each meeting, two members of the Commission will be designated to make the motions and second them.

Motion to adjourn the meeting by P. Alpert, seconded by J. Carter Bernardo, approved 6-0-0.

The meeting adjourned at 9:01 p.m.

NEXT PUBLIC HEARING

June 25, 2013 at 7:30 p.m. in the Public Services Administration Building, Charles River Room