

**TOWN OF NEEDHAM
CONSERVATION COMMISSION
MEETING MINUTES
Thursday, August 8, 2013**

LOCATION: Public Services Administration Building, Charles River Room

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

GUESTS: Todd Bello, Suzanne Billante, Barbara Cataldo, Richard Cataldo, Tom Kelleher, Brian Nelson, Steve Petrucci, John Rockwood, Ardi Rrapi, Rob Ticktin

L. Standley opened the public meeting at 7:35 p.m.

MINUTES

Motion to approve the minutes of July 25, 2013, as amended, by J. Carter Bernardo, seconded by P. Oehlkers, approved 5-0-0.

ENFORCEMENT & VIOLATION UPDATES:

25 MARR ROAD

P. Barry explained that she had received an email from the owner of 25 Marr Road, David Bamel, and had provided copies for the Commission to review. P. Barry explained that D. Bamel's email account of the work they had completed and subsequent issues with the Urich's of 427 South Street Road were very different. P. Barry explained that the Bamels were not available to attend the Commission's meeting this evening but did apologize to the Commission in their email and stated that they will do whatever is necessary to rectify any recent unauthorized work in the 100-foot buffer zone to bordering vegetated wetlands. The Commission discussed the matter and instructed P. Barry to request that D. Bamel attend the August 22, 2013 Conservation Commission Meeting and to modify the Enforcement Order to require an after-the-fact submission of a Notice of Intent application for the unpermitted work within 30 days of notification and issue an enforcement fine of \$1500.00. **Motion for P. Barry to request that D. Bamel attend the August 22, 2013 Conservation Commission Meeting and submit an after-the-fact Notice of Intent for the unpermitted work by J. Carter Bernardo, seconded by P. Oehlkers, approved 5-0-0.**

20 CANTERBURY LANE

P. Barry explained that she has tried to contact the home owners via phone but has been unsuccessful and is waiting to hear back before she sends the Enforcement Letter for unpermitted work.

16 CENTRAL AVENUE

L. Standley recused herself due to a conflict of interest. P. Alpert opened the enforcement discussion regarding unauthorized trench work conducted by NSTAR Gas Company at 16 Central Avenue within the 100-foot buffer zone to Inland Bank, Bordering Land Subject to Flooding, the 200-foot Riverfront Area to the Charles River and potentially within the 25-foot no disturb portion of the buffer zone. P. Barry did contact NSTAR and spoke with D. Batrone regarding the violation and verbally approved the installation of a tarp over the disturbed area as an erosion control measure. J. Carter Bernardo stated that since NSTAR would have to file an after-the-fact Notice of Intent, the fines would be doubled and at this point did not see a need to issue a fine. P. Alpert asked P. Barry to conduct a site visit and inspect for damage to

confirm no adverse impact has occurred to the wetland resource areas and that if the site inspection shows evidence that there is damage to wetland resource areas, then fines could be issued. J. Carter Bernardo asked if the work conducted was an exempt activity. P. Alpert explained that only maintenance activities were exempt from the WPA and Bylaw, not new gas main installations. **Motion for P. Barry to send an Enforcement Letter to NSTAR requiring that they submit an after-the-fact Notice of Intent for the unpermitted work within 30 days of receipt of the Enforcement Letter by J. Carter Bernardo, seconded by P. Oehlkers, approved 4-0-1 (L. Standley recused).**

1516 CENTRAL AVENUE, 1509 CENTRAL AVENUE, 585 CENTRAL AVENUE

P. Barry notified the Commission that there were no updates regarding the enforcement actions associated with 1516, 1509 and 585 Central Avenue.

HEARINGS

1012 SOUTH STREET – REQUEST FOR DETERMINATION OF APPLICABILITY

L. Standley opened the public hearing at 7:45 p.m. Ardi Rrapi represented the Applicant. A. Rrapi explained that approximately 2 years ago, the Applicant received a Negative Determination of Applicability from the Conservation Commission to install a drinking water well on the property. This proposal includes the abandonment of an existing failed cesspool per the Board of Health Regulations and the installation of a new 1,500 gallon holding tank and associated sewer line to the existing MWRA sewer located on the property. A. Rrapi stated that proposed work is located approximately 75 feet from the bordering vegetated wetlands, 640 feet from the proposed manhole to the Charles River and 470 feet from Bordering Land Subject to Flooding. A. Rrapi described the tank as 2-chambered with one holding the sewer and the other a pump. He added that the Board of Health and the Sewer Department approved the proposed plan. P. Oehlkers questioned the erosion controls location at 50 feet from the wetland. A. Rrapi explained that the erosion controls would be installed at the limit of pavement. **Motion to close the public hearing for 1012 South Street by J. Carter Bernardo, seconded by S. Peter Oehlkers, approved 5-0-0.** The hearing was closed at 8:00 p.m. **Motion to issue a Negative Determination of Applicability, for the abandonment of the existing cesspool and installation of a new 1,500 gallon holding tank and associated sewer main at 1012 South Street by J. Carter Bernardo, seconded by P. Oehlkers, approved 5-0-0.**

649 SOUTH STREET (DEP FILE #234-667) – continued NOTICE OF INTENT

L. Standley opened the public hearing at 8:00 p.m. Brian Nelson represented the Applicant and explained that the hearing had been continued for the Commission to review the revised plans, waiver request, Invasive Species Control Plan and Planting Plan. The Applicant did submit the required information. B. Nelson summarized the changes to the Plan including relocating the proposed sport court 17 additional feet to keep all construction and grading outside of the 50-foot portion of the buffer zone. Additionally, two red maple trees were added to the Planting Plan as requested. The areas of proposed invasive species removal are noted on the Plan, as well as the area of lawn to be removed and seeded with the Wildlife Conservation Seed Mix. S. Soltzberg asked for clarification of the invasive species removal locations and which species were included. B. Nelson explained the location and indicated Japanese knotweed and oriental bittersweet were to be targeted. P. Barry mentioned that one of the proposed red maple trees was located outside of the 100-foot buffer. **Motion to waive strict compliance with the Bylaw Regulations for Invasive Species Control measures proposed within the 50-foot buffer zone and the 25-foot buffer zone by J. Carter Bernardo, seconded by P. Oehlkers, approved 5-0-0.** J. Carter Bernardo suggested that the Commission waive the filing fee for the waiver request. P. Alpert asked whether the Applicant had requested a waiver of the filing fee, and P. Barry stated that the Applicant had not. P. Alpert stated that his opinion is that the Commission should not waive or reduce fees unless requested by the Applicant. The Commission requested that P. Barry inform the Applicant that he can file an “after the

fact” letter requesting a Bylaw fee waiver in accordance with Section 1.13, and the Commission will consider that request at a future hearing, if submitted. **Motion to close the public hearing for 649 South Street (DEP File #234-667) by J. Carter Bernardo, seconded by P. Oehlkers, approved 5-0-0.** The hearing was closed at 8:07 p.m.

692-744 GREENDALE AVENUE (DEP FILE #234-673) – ABBREVIATED NOTICE OF RESOURCE AREA DELINEATION

L. Standley opened the public hearing at 8:15 p.m. J. Rockwood explained that the hearing had been continued for the Commission to conduct a site walk. L. Standley stated that several Commission members had met at the site and confirmed that the wetland resources depicted on the submitted Plan were accurate. **Motion to close the public hearing for 692-744 Greendale Avenue (DEP File #234-673) by J. Carter Bernardo, seconded by P. Oehlkers, approved 5-0-0.** The hearing was closed at 8:20 p.m.

Motion to issue an Order of Resource Area Delineation for 692-744 Greendale Avenue (DEP File #234-673) by J. Carter Bernardo, seconded by P. Oehlkers, approved 5-0-0.

391 DEDHAM AVENUE (DEP FILE #234-674) – NOTICE OF INTENT

L. Standley opened the public hearing at 8:31 p.m. J. Rockwood explained that the hearing had been continued for the Commission to review the Supplemental Riverfront Area Analysis and he explained his findings that the proposed project meets the general performance standards of the WPA along with the work that qualifies as redevelopment and those associated standards. He discussed in detail the proposed Invasive Species Control Plan and the Mitigation Planting Plan. L. Standley indicated that the Applicant has satisfactorily answered the Commission’s questions regarding the Riverfront Area performance standard compliance, specifically the no adverse impact test and that there are no economically equivalent alternatives that would have less effect on the resource areas particularly pertaining to the amount of disturbance and proposed for the project. J. Rockwood discussed that the Applicant would like to conduct the invasive species control prior to the installation of erosion controls to avoid damage to the erosion controls. The Commission approved the request to be reflected within the issued Order. **Motion to close the public hearing for 391 Dedham Avenue (DEP File #234-674) by J. Carter Bernardo, seconded by S. Peter Oehlkers, approved 5-0-0.** The hearing was closed at 8:37 p.m. **Motion to waive strict compliance with the Bylaw Regulations for work in the 50-foot buffer zone by J. Carter Bernardo, seconded by P. Oehlkers, approved 5-0-0.** **Motion to waive strict compliance with the Bylaw Regulations for work in the 25-foot buffer zone by J. Carter Bernardo, seconded by P. Oehlkers, approved 5-0-0.**

Motion to waive strict compliance with the Bylaw Regulations for work in the bordering vegetated wetlands by J. Carter Bernardo, seconded by P. Oehlkers, approved 5-0-0. **Motion to reduce the waiver fee for 391 Dedham Avenue (DEP FILE #234-674) to \$500.00 by Janet Carter Bernardo, seconded by P. Oehlkers, approved 5-0-0.** The Commission reviewed the draft Order. **Motion to issue an Order of Conditions, as amended, for the demolition of an existing detached garage and renovation of an existing single-family home including second story addition, driveway, garage, patio and landscaping at 391 Dedham Avenue (DEP File #234-674) by J. Carter Bernardo, seconded by P. Oehlkers, approved 5-0-0.**

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

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

L. Standley opened the public hearings at 8:45 p.m. Neither the property owners nor their representative were present. P. Barry stated that neither the property owners nor their representative had requested a continuance. Several abutters were present. P. Barry confirmed that she had not received revised plans including the proposed stormwater mitigation and grading or the appropriate waiver requests from the Applicant.

Motion to continue the public hearing to a date uncertain with the requirement that the Applicant re-notify the abutters and re-submit the legal ad to the newspaper by J. Carter Bernardo, seconded by P. Oehlkers, approved 5-0-0.

121 CHARLES RIVER STREET (DEP FILE #234-672) – NOTICE OF INTENT

L. Standley opened the public hearing at 9:05 p.m. Rich Kirby of LEC Environmental Consultants, Inc. represented the Applicant, Rob Ticktin. R. Kirby explained that the hearing had been continued for the Commission to review (1) revised plans showing the 2 proposed drywells to infiltrate runoff; (2) the Waiver Requests; and (3) the Planting Plan submitted at the July 25, 2013 hearing. R. Kirby noted that the entire site is located more than 100feet from the bank. J. Carter Bernardo asked if they had provided drainage calculations as requested. R. Kirby replied that they were proposing the installation of a 2-chamber dry well that holds 1,000 gallons. The proposed house will be approximately 2,285 square feet and the system is designed to capture the first ½-inch of roof runoff. R. Kirby calculated that the first ½ inch would produce 710 gallons, well below the 1,000 gallons the system is designed for. J. Carter Bernardo requested that R. Kirby submit the calculations in writing. J. Carter Bernardo added that if the contractor digs the test pit and the Engineer finds that a shallower system is necessary, it must still hold the 1,000 gallons.

L. Standley opened the hearing to public comment. Barbara Cataldo of 24 Mosley Avenue asked the Commission whether the addition of a geothermal unit on the property would have an effect on the wetlands. L. Standley explained that the installation of a geothermal unit is not included in the Notice of Intent and the homeowner would have to come back before the Commission in the future to request a Permit to install a geothermal unit. L. Standley added that the Commission could add a Condition to the Order of Conditions requiring the homeowners to apply for a Permit if they would like to install a geothermal unit. **Motion to close the public hearing for 121 Charles River Street (DEP File #234-672) by J. Carter Bernardo, seconded by P. Oehlkers, approved 5-0-0.** The hearing was closed at 9:15 p.m.

OTHER BUSINESS

12 PHEASANT LANDING ROAD (DEP FILE #234-126) – CERTIFICATE OF COMPLIANCE REQUEST

P. Barry stated that she had conducted a site visit and discussed the location of the property in relation to the rest of the subdivision on the approved plans.

Motion to issue a Certificate of Compliance for 12 Pheasant Landing Road (DEP File #234-126), by J. Carter Bernardo, seconded by P. Oehlkers, approved 5-0-0.

1012 SOUTH STREET – POTENTIAL NEW WATERMAIN REPLACEMENT PROJECT

A. Rrapi discussed an additional potential future project at 1012 South Street to replace the existing mile long driveway and replace the existing water main that enters the property from South Street through the wetland and into the rear of the carriage house with a new 6 to 8-inch water main within the access drive. The Applicant would like to install a new 6-inch water line from South Street up the driveway. P. Barry explained that there has been a massive water leak on the property for some time. A. Rrapi asked if the work could be completed under an emergency certification. L. Standley replied that a Notice of Intent application would be required for the proposed work, as there is no emergency. A. Rrapi asked the Commission if it would be sufficient for a wetland scientist to flag portions only portions of the wetland since the drive is a mile long. The Commission agreed that only the wetlands within 25 feet of the proposed work should be flagged and that wetlands more than 25 feet from the work area could be interpolated onto the project plans by a wetlands consultant based on photo interpretation.

RIDGE HILL RESERVATION – SWAMP TRAIL BOARDWALK & CHARLES RIVER TRAIL REPLACEMENT PROJECT STATUS

P. Barry informed the Commission that the initial application to the Community Preservation Committee for the Swamp Trail & Charles River Trail project construction was submitted and that the CPC will be meeting on August 11, 2013 to determine project eligibility. L. Standley inquired as to the status of the Architectural Access Board Variance application for the Swamp Trail Boardwalk Replacement project. P. Barry replied that it has been drafted except for the photo documentation. L. Standley requested the application be submitted to her for review and comment.

Motion to adjourn by J. Carter Bernardo, seconded by P. Oehlkers, approved 5-0-0. The meeting adjourned at 9:25 p.m.

NEXT PUBLIC HEARING

August 22, 2013 at 7:30 p.m. in the Public Services Administration Building, Charles River Room