

**TOWN OF NEEDHAM  
CONSERVATION COMMISSION  
MEETING MINUTES  
Thursday, September 12, 2013**

LOCATION: Public Services Administration Building, Charles River Room

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

GUESTS: Scott Goddard, Jeffrey Hirsch, Brad Holmes, Hilde Karpawich, Aaron Lieberman, John Rick, Bradley Riedl, Eric Rothenberg, John Rockwood.

L. Standley opened the public meeting at 7:32 p.m.

**MULLEN RULE CERTIFICATIONS**

P. Barry accepted written certifications from Peter Oehlkers, Paul Alpert and Sharon Soltzberg that they missed no more than one session of the hearings pertaining to 32 Canterbury Lane (DEP File #234-671) Notice of Intent and 30 Taylor Street (DEP File #234-677) Notice of Intent. Sharon Soltzberg certified that she missed no more than one session of the hearings pertaining to 470 Dedham Avenue (DEP File #234-675) Notice of Intent. Each Commissioner certified 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.

**MINUTES**

**Motion to approve the minutes of August 8, 2013, as amended, by J. Carter Bernardo, seconded by S. Soltzberg, approved 4-0-1. A. Crocker abstained.**

**Motion to approve the minutes of August 22, 2013, as amended, by J. Carter Bernardo, seconded by S. Soltzberg, approved 5-0-1. P. Oehlkers abstained.**

**ENFORCEMENT & VIOLATION UPDATES:**

**25 MARR ROAD**

P. Barry explained that she had spoken with Bill Urich (427 South Street) and he had the property survey completed. The results of the survey were that the majority of the work had been undertaken on Mr. Urich's property. Mr. Urich indicated that he had not given permission for any work to be done on his property and would like it removed and the area restored. The Commission instructed P. Barry to amend the Enforcement Order to require D. Bamel (25 Marr Road) to remove what was installed on the Urich property, submit a Restoration Plan to the Commission for their approval and restore the area.

**Motion to amend the Enforcement Order for 25 Marr Road to remove what was installed, require the submittal of a Restoration Plan and restore the area by J. Carter Bernardo, seconded by S. Soltzberg, approved 6-0-0.**

**1065 SOUTH STREET**

P. Barry explained that she had noticed the un-authorized removal of trees at 1065 South Street within the 100-foot buffer zone. P. Barry stopped the work. The owner will file an after-the-fact Notice of Intent. L. Standley reminded P. Barry that the Application Fee should be doubled for an after-the-fact filing.

### **1516 CENTRAL AVENUE – SUNNYHILL HORSE FARM**

P. Barry reported that the Enforcement fine had been paid and that she had spoken with M. Lenahan, the party responsible for the field mowing. M. Lenahan will submit a mowing plan to the Commission for approval and meet P. Barry on-site in the fall to go over the plan.

### **16 CENTRAL AVENUE**

P. Alpert asked P. Barry if NSTAR had submitted the after-the-fact Notice of Intent yet. P. Barry clarified that the Applicant has until the second hearing in September to file.

### **BIRCH STREET**

P. Barry indicated that she had visited the site and the area had been cleaned up and the erosion controls installed. The fine has not been paid. L. Standley asked if P. Barry had checked the area for washout after the recent major rain storm. P. Barry responded that she had not. L. Standley requested that P. Barry schedule a follow-up visit to check.

### **HEARINGS**

#### **90 GLENDALE ROAD (DEP FILE #234-678) – NOTICE OF INTENT**

L. Standley opened the public hearing at 7:45 p.m. J. Rockwood represented the Applicant, Aaron Leiberman. J. Rockwood explained that the proposed project consists of the installation of a shed and an in-ground pool with associated patio, spa, fencing, utilities, grading and landscaping. The activities are proposed within existing lawn and landscaping. Erosion controls, mitigation plantings, and roof and patio runoff infiltration are proposed. The proposed work is located within the 100-foot buffer to inland Bank. J. Rockwood noted that 2 trees are proposed to be removed. One is a maple tree located within the pool footprint and the other tree is dying. The Applicant proposes to install 4 trees within the 25-foot buffer as replacements. The Applicant is requesting a waiver to allow work in the 25-foot buffer as well as a waiver for relief from paying the waiver fee.

Mr. Rockwood explained that erosion controls consisting of staked wattles and silt fence are proposed. Roof and patio runoff infiltration will be provided using 4 Cultec units. Drainage calculations have been provided. The runoff from the proposed shed will infiltrate from the patio. If necessary, after a heavy rain, the pool water will be pumped to the infiltration system. If the pool needs to be completely pumped out, a truck will be used or the pumping to the system staggered. A test pit will be performed during the construction of the pool to confirm that the proposed infiltration system will function.

L. Standley asked whether the entire 25-foot buffer is currently mulched and where the four proposed trees would be installed. J. Rockwood explained that the area is mulched and would be left as is and the trees installed in the mulched area after construction. J. Carter Bernardo asked P. Barry for clarification as to whether the Town Wetlands Bylaw not only required the submission of drainage calculations but also required a reduction in runoff. P. Barry replied that drainage calculations were required if there was a 5% increase in impervious area on the lot but no reduction is required. J. Carter Bernardo asked J. Rockwood why there was such a large increase in runoff, even with the Cultec units. J. Rockwood responded that the proposed pool patio is large. J. Carter Bernardo questioned the discharge of pool water into the infiltration system. J. Rockwood explained that no chlorine was necessary as it will be a salt water pool. S. Soltzberg asked if there are any invasive species on-site. J. Rockwood said that oriental bittersweet was prevalent. S. Soltzberg asked if the bittersweet could be removed prior to installation of the trees. J. Carter Bernardo informed J. Rockwood that in the future time-of-concentration calculations should not be less than 6 minutes.

**Motion to close the public hearing for 90 Glendale Road (DEP File #234-678) by J. Carter Bernardo, seconded by S. Soltzberg, approved 6-0-0.** The hearing was closed at 7:55 p.m.

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

The Applicant requested a continuance of the hearing to the September 26, 2013 public hearing.

**Motion to continue the public hearing (per the Applicant’s request) for 32 Canterbury Lane (DEP File #234-671) to September 26, 2013 at 8:15 p.m. by J. Carter Bernardo, seconded by S. Soltzberg, approved 6-0-0.**

**30 TAYLOR STREET (DEP FILE #234-677) – continued NOTICE OF INTENT**

L. Standley opened the public hearing at 8:18 p.m. The Applicant, Joe Centola, was present, as well as his Representative Scott Goddard. S. Goddard explained that the Applicant had submitted a revised site plan dated September 10, 2013 that supersedes the previously submitted plan. The revised plan includes a proposed pool. S. Goddard clarified that the planting plan submitted previously has not changed. S. Goddard noted that the Commission had conducted a site walk and he submitted photos of the site. S. Goddard explained that there are shingles and building debris in the 25-foot buffer as well as within the offsite wetland. He stated that the Applicant offered to include the removal of debris from the 25-foot buffer and indicated that they could solicit permission from the abutter to clean up off-site as well. J. Carter Bernardo asked if the removal would be done by hand. S. Goddard replied that he didn’t think that was possible. P. Barry noted that two scour lines (erosion features) were observed toward the middle of the lot but would not be considered resource areas.

S. Goddard explained that the proposed pool was partially located in the 100-foot buffer. S. Goddard noted that during the site walk, S. Soltzberg had pointed out certain trees of interest that were proposed for removal. S. Goddard stated that the 18-inch tree would be saved but the 30-inch oak tree located 95 feet from the wetland would be removed. S. Goddard noted that the Applicant would be willing to add a Conservation Restriction to the rear of the property. J. Carter Bernardo questioned why the proposed retaining wall had to be located at 25-feet from the wetland rather than 50 feet, as there was no construction other than grading within this area. S. Goddard replied that it had to do with the grading and stated that the grading and replanting would provide wildlife habitat. S. Soltzberg pointed out that, in her opinion, the area beyond the fence near the house looks to be a natural woodland rather than the disturbed habitat as characterized by Mr. Goddard. She noted that the Commission protects the 50-foot buffer if it functions as habitat. S. Goddard replied that the forest is dominated by invasive Norway maple. S. Soltzberg noted older non-invasive species as well. L. Standley asked how the increased runoff from the pool patio would be infiltrated. S. Goddard replied that it would be captured by a proposed stone trench. J. Carter Bernardo requested the drainage calculations. L. Standley questioned where the required pool fencing would be located, as well as the pumps and filters for the pool. S. Goddard replied that he didn’t know at this time. S. Goddard asked what the “sense” of the Commission was, as far as, approving a waiver for work in the 50-foot buffer. L. Standley explained that the proposed work did not appear to meet the requirements for issuance of a waiver for work in the 50-foot buffer. J. Carter Bernardo questioned why the existing trees need to be removed and replaced. L. Standley stated that the Commission requires additional information including the proposed pool fence and shed locations. J. Carter Bernardo and L. Standley will schedule a site visit.

**Motion to continue the public hearing (for submittal of additional information) for 30 Taylor Street (DEP File #234-677) to September 26, 2013 at 8:30 p.m. by J. Carter Bernardo, seconded by S. Soltzberg, approved 6-0-0.**

**1143 SOUTH STREET (DEP FILE #234-613) – continued REQUEST TO AMEND ORDER OF CONDITIONS**

L. Standley opened the public hearing at 8:40 p.m. The Applicant's landscape designer, Jonathan Keep, and the Applicant's Engineer, Sean Reardon, were present. J. Carter Bernardo questioned why the Applicant was proposing work in the bordering vegetated wetland. J. Keep replied that the Applicant was not happy with the existing landscaping and was aware that the majority of the property is located within the 100-foot buffer and the proposed landscaping reflects this with the proposed installation of native plantings. J. Keep noted that the area of the wetland proposed for restoration is dominated by invasive species including bittersweet, multiflora rose and buckthorn. The Applicant proposes to remove the invasives and install native species in the wetland. J. Keep explained that an area overtaken by Japanese Knotweed would be treated and the area settled with trees including shade creating evergreens. S. Soltzberg stated that the proposed landscape plan seemed reasonable.

**Motion to close the public hearing for 1143 South Street (DEP File #234-613) by J. Carter Bernardo, seconded by S. Soltzberg, approved 6-0-0.** The hearing was closed at 8:50 p.m.

**147 OXBOW ROAD – REQUEST FOR DETERMINATION OF APPLICABILITY**

L. Standley opened the public hearing at 8:50 p.m. Brad Holmes represented the Applicant, Michael London. B. Holmes explained that the property abuts the Charles River to the south and the site contains Bordering Vegetated Wetlands; Riverfront Area; FEMA Floodplain and buffer zone to Bordering Vegetated Wetlands and Bank. B. Holmes indicated that the Applicant would like to maintain the existing lawn up to the river. The proposed work includes the addition of a second story to the existing garage located outside of the 50-foot buffer. An addition is proposed within the footprint of the existing porch with a slight overhang of the associated deck.

B. Holmes indicated that the Applicant had not submitted landscaping plans but explained that planting beds are proposed within the 200-foot Riverfront Area and a plant list of acceptable species had been submitted. B. Holmes noted that several of the proposed activities would meet the DEP designations of exempt minor activities. J. Carter Bernardo questioned what type of fertilizer was being used on the lawn. M. London replied that he had just purchased the property and while he had not instructed landscapers to apply fertilizer, he had received an invoice for fertilizer application. The Commission and recommended the use of slow-release organic fertilizer.

**Motion to close the public hearing for 147 Oxbow Road by J. Carter Bernardo, seconded by S. Soltzberg, approved 6-0-0.** The hearing was closed at 8:57 p.m. **Motion to issue a Negative Determination of Applicability for 147 Oxbow Road, by J. Carter Bernardo, seconded by S. Soltzberg, approved 6-0-0.**

**OTHER BUSINESS**

**1 WHITNEY WAY formerly 342 Cartwright Road – MINOR MODIFICATION REQUEST**

Hilde Karpawich of Kelly Engineering represented the Applicant. H. Karpawich explained that the proposed modification includes the substantial decrease in the footprint of the proposed house from a 5-bedroom 4,860 square foot footprint to a 4-bedroom 2,220 square foot footprint. The Applicant is proposing to install a permeable driveway and walkway. The Applicant still proposes to install 4 drywells but the proposed installation location has been modified. A restoration planting plan had been submitted. **Motion to approve the proposed changes as a minor modification not requiring an amendment to the Order of Conditions, and to accept the planting plan for 1 Whitney Way by J. Carter Bernardo, seconded by S. Soltzberg, approved 6-0-0.**

**1850 GREAT PLAIN AVENUE (DEP FILE #234-665) – MINOR MODIFICATION REQUEST**

P. Alpert chaired the minor modification request. L. Standley recused herself from the discussion due to a conflict of interest. P. Barry explained that the original Order of Conditions for the project included maintenance activities inside the natural gas regulator station facility building. Due to geotechnical difficulties, the Applicant is requesting the removal and re-build of the natural gas regulator station facility building on the same footprint. J. Carter Bernardo noted that the modification entails a lot more work than proposed in the original filing. P. Barry indicated that under the state regulations, the work is considered a maintenance project, the limit of work has not changed, the work is inside a fenced area and they will use the dewatering pit that is already approved.

**Motion to accept the removal and rebuild of the natural gas regulator station facility building at 1850 Great Plain Avenue (DEP File #234-665) as a minor modification not requiring an Amendment to the Order of Conditions by J. Carter Bernardo, seconded by S. Soltzberg, approved 5-0-1 L. Standley abstained.**

**19 JENNIFER CIRCLE (DEP FILE #234-595) – CERTIFICATE OF COMPLIANCE REQUEST**

The Applicant, Eric Rothenberg, was present. P. Barry explained that the Applicant had emailed her a letter that was not included with the Commission's packages. P. Barry indicated that she had conducted a site visit and the restoration was complete. P. Barry instructed the Applicant to remove the silt fence. P. Barry explained that no As-Built Plan had been submitted, though it was required by the Order of Conditions. E. Rothenberg explained that the drafting of an As-Built Plan would be costly and the work consisted of mainly of grading and restoration. E. Rothenberg noted that the Town's Wetland Bylaw reads only that an As-Built Plan may be necessary. E. Rothenberg indicated that the Commission requested three trees be preserved and they were. P. Alpert questioned whether the proposed pool house had been constructed. L. Standley replied that it was located outside of the 100-foot buffer.

**Motion to issue a Certificate of Compliance for 19 Jennifer Circle (DEP File #234-595), by J. Carter Bernardo, seconded by S. Soltzberg, approved 6-0-0.**

**820 SOUTH STREET formerly Lot 2 (DEP FILE #234-642) – CERTIFICATE OF COMPLIANCE REQUEST**

Hilde Karpawich from Kelly Engineering represented the Applicant. H. Karpawich noted the deviations from the Order of Conditions included: The proposed retaining wall had not been constructed, and grading was used in place of the wall and; the proposed 2 chamber infiltration drywells were replaced with 8 shallower chambers due to site conditions. P. Barry noted that a Planting Plan had been implemented but the installed plantings were not included on the As-Built Plan. P. Barry indicated that she had visited the site and the Applicant had installed additional plantings in addition to what was required.

**Motion to issue a Certificate of Compliance for 820 South Street formerly Lot 2 (DEP File #234-642), by J. Carter Bernardo, seconded by S. Soltzberg, approved 6-0-0.**

**34 BLACKSMITH DRIVE (DEP FILE #234-110) – CERTIFICATE OF COMPLIANCE REQUEST**

P. Barry reported that the Certificate of Compliance request was for an Order of Conditions that was issued in 1995. P. Barry located the Order of Conditions Plan of the proposed project and visited the site. She noted two minor deviations from the Order and approved Plan, but stated that the work was completed and the site is stable.

**Motion to issue a Certificate of Compliance for 34 Blacksmith Drive (DEP File #234-110), by J. Carter Bernardo, seconded by S. Soltzberg, approved 6-0-0.**

**POLLARD MIDDLE SCHOOL (9/27/13) – RIDGE HILL RESERVATION USE APPROVAL**

L. Standley explained that this is the yearly request by Ken Lundberg of the Pollard Middle School to use Ridge Hill with the seventh grade to build soda bottle terrariums. The request included permission to use

the picnic area. L. Standley noted that the picnic area is not located on Conservation Commission property but on the Selectmen's property.

**Motion to approve the use of the Conservation Commission's portion of Ridge Hill Reservation by the Pollard Middle School by J. Carter Bernardo, seconded by S. Soltzberg, approved 6-0-0.**

**470 DEDHAM AVENUE – DPW GARAGE (DEP FILE #234-675) – ISSUE ORDER OF CONDITIONS**

L. Standley explained that DEP had commented on the filing after issuing a file number, and after the hearing had been closed, and requested additional information. P. Barry stated that Phaldie Taliep of the Needham Public Facilities Department had submitted the required information to DEP including: additional calculations; TSS Removal information and; the Stormwater Checklist.

**Motion to issue an Order of Conditions, as amended, for the construction of a DPW Garage at 470 Dedham Avenue (DEP File #234-675) by J. Carter Bernardo, seconded by S. Soltzberg, approved 4-0-2 P. Alpert and P. Oehlkers abstained.**

**Community Preservation Committee – Ridge Hill Trails Construction Funding Request**

L. Standley noted that she had met with the CPC and that they had voted to send the funding request to the fall Town Meeting. The CPC will hold a public hearing on October 9<sup>th</sup>.

**Motion to adjourn by J. Carter Bernardo, seconded by S. Soltzberg, approved 6-0-0. The meeting adjourned at 9:40 p.m.**

**NEXT PUBLIC HEARING**

*September 26, 2013 at 7:30 p.m. in the Public Services Administration Building, Charles River Room*