

**TOWN OF NEEDHAM
CONSERVATION COMMISSION
MEETING MINUTES
Thursday, November 7, 2013**

LOCATION: Public Services Administration Building, Charles River Room

ATTENDING: Lisa Standley, Paul Alpert, Janet Carter Bernardo, Artie Crocker, Peter Oehlkers, Sharon Soltzberg, Debbie Anderson (Acting Agent), Kristen Phelps

GUESTS: Todd Bello, Suzanne Billante, Jennifer Flagel, Sumeet Joshi, Tom Kelleher, Brandon Lee, Ron Lopez, Modtiw Sen, Jack Sullivan, Rachel Watsky

L. Standley opened the public meeting at 7:34 p.m.

MINUTES

The Commission reviewed the draft minutes of October 24, 2013. Janet Carter Bernardo confirmed that she had abstained from the vote on 1065 South Street. D. Anderson will revise the minutes to reflect a 6-0-1 vote on that matter.

Motion to approve the Minutes of October 24, 2013 as amended by Paul Alpert, seconded by Janet Carter Bernardo, approved 6-0-0.

ENFORCEMENTS

MASS HIGHWAY - 128 ADD-A-LANE

L. Standley noted that, at the prior meeting, the Commission received a letter from a resident of Valley Road regarding recent flooding in that area which he blamed partially on the Route 128 construction project, and alleging that the contractor was not maintaining the erosion controls. She stated that there are two issues: (1) whether the contractor was in compliance with the Order of Conditions, and (2) identifying the cause of flooding on Valley Road, which is outside of the Commission's jurisdiction. D Anderson stated that a site visit was conducted and that erosion controls are still in place. A portion of the haybale line that runs parallel to Great Plain Avenue near Bridge #4 had been breached; however, this area is well outside the buffer zone and there was no evidence of erosion and sedimentation downgradient of this breach. The Town Engineer indicated that the flooding was caused by the fact that the drainage system was not designed to handle a 100-year storm such as the one that occurred on September 1, 2013. L. Standley recommended that there was no reason to pursue enforcement action at this time.

HEARINGS

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

L. Standley opened the public hearings at 7:45 p.m. Rachel Watsky from Goddard Consulting and Brandon Lee from Kelly Engineering were present on behalf of the Applicant. R. Watsky explained the revisions to the plan which include (1) adding a beehive grate on the existing catch basin (in the wetland) in order to avoid clogging, and (2) adding a berm along the existing edge of lawn to prevent flooding in the basement of the existing house. The berm incorporates an emergency spillway for larger storm events. L. Standley asked for clarification as to how the berm would work given the

proposed elevations. B. Lee stated the berm (with a maximum elevation of 213.5) was intended to hold most storms within the wetland while the spillway (at elevation 213) would allow for overflow in larger storm events to bypass the house and enter the storm drainage system. B. Lee confirmed that the berm would be grassed. J. Carter Bernardo asked whether the proposed berm and spillway would impact the neighbors by changing drainage patterns. B. Lee replied that the neighbors are up gradient from the project site and the proposed design should not result in flooding on their property. J. Carter Bernardo asked that the Order reflect her concern. L. Standley noted that the current plan replaces the existing deck with a patio and asked whether the patio would be constructed of pervious material. The property owner replied that the existing deck was unsafe and needed to be removed. She indicated that she would be happy to use whatever materials the Commission specified. P. Oehlkers observed that the proposed work would result in the loss of a tree from the buffer zone and asked whether it would be replaced in accordance with the Commission policy. R. Watsky confirmed that two trees could be installed within existing lawn area to replace the tree being removed. R. Watsky noted that a letter had been submitted explaining these changes and requesting that the filing fee be waived.

Motion to close the public hearing for 32 Canterbury Lane (DEP FILE # 234-671) by P. Alpert, seconded by J. Carter Bernardo, approved 6-0-0.

Motion to waive the Bylaw regulations for work being conducted within a wetland resource area and within 25 feet of a wetland by P. Alpert, seconded by J. Carter Bernardo, approved 6-0-0.

Motion to reduce the Bylaw Filing Fee for work requiring a waiver from \$1000 to \$300 by P. Alpert, seconded by J. Carter Bernardo, approved 6-0-0.

Motion to issue the Order of Conditions, as amended, by P. Alpert, seconded by J. Carter Bernardo, approved 6-0-0.

1133 SOUTH STREET (DEP FILE # 234-688) - continued NOTICE OF INTENT

L. Standley opened the public hearings at 8:00 p.m. She stated that no new information had been submitted and that the Applicant had requested a continuance to the next hearing.

Motion to continue the public hearing for 1133 South Street (DEP FILE # 234-699) to November 21, 2013 at 9:30 p.m. by P. Alpert, seconded by J. Carter Bernardo, approved 6-0-0.

OTHER BUSINESS

RIDGE HILL - UPDATE

L. Standley noted that work had started on the stone wall at Ridge Hill. She asked when the gate at the Cartwright Road entrance would be installed, adding that she had met with a representative from SteelCo to review the installation location. K. Phelps stated that the contracts for both jobs will be signed within the next week. She will follow up with the gate contractor as to a start date.

298 ROSEMARY STREET - HAZARD TREE REMOVAL

Parks & Forestry Superintendent, Ed Olsen, submitted a request to remove a dead oak tree from the property at 298 Rosemary Street. The tree is dead and its proximity to the street and overhead wires makes it a potential hazard.

Motion to approve the request to remove the tree at 298 Rosemary Street as an exempt minor activity by P. Alpert, seconded by J. Carter Bernardo, approved 6-0-0.

30 TAYLOR STREET (DEP FILE # 234-677) - LETTER FROM APPLICANT

D. Anderson noted that the Applicant submitted a letter requesting that the Commission consider modifications to the planting requirements specified in the Order of Conditions. L. Standley stated that the intent of the condition was to promote diversity and establish a shrub layer. She noted that the Applicant was given a comprehensive list of acceptable tree and shrub species. J. Carter Bernardo asked whether the Applicant was seeking a minor modification or an amendment. L. Standley stated that the Applicant had the option of appealing the Order of Conditions, filing for an amendment or formally requesting a minor modification of the Order. The Commission directed D. Anderson to inform the Applicant that if he wishes to modify the planting requirements specified in the Order, he should pursue one of the options discussed.

42-44 BIRCH STREET (DEP FILE # 234-664) - CERTIFICATE OF COMPLIANCE

Ron Lopez of North Shore Construction and Jack Sullivan of Sullivan Engineering were present. Jack Sullivan explained the project and the deviations (noted in the Request) from the reference plan. L. Standley stated that there were several minor changes and informed the parties present that they should have come to the Commission before the fact to request the modifications rather than including the list of changes at the conclusion of the project in the Request for Certificate of Compliance. K. Phelps said that she had conducted a site visit and confirmed that the work was completed and the site stabilized.

Motion to issue a Certificate of Compliance for 42-44 Birch Street (DEP FILE # 234-664) by P. Alpert, seconded by J. Carter Bernardo, approved 6-0-0.

1566 GREAT PLAIN AVENUE (DEP FILE # 234-658) - CERTIFICATE OF COMPLIANCE

Mark Wambolt of Hollerbrook Construction was present. K Phelps confirmed that she had conducted a follow-up site visit after the Applicant moved the permanent markers to the upgradient boundary of the restoration area . P. Alpert stated that the deed restriction (prohibiting alterations beyond the permanent bounds) was acceptable. L. Standley stated that the Order of Conditions required the restoration area to be monitored for a period of two years. The Applicant requested that the Commission consider issuing a Partial Certificate of Compliance, with a continuing condition of monitoring.

Motion to issue a partial Certificate of Compliance for DEP File # 234-658 by P. Alpert, seconded by J. Carter Bernardo, approved 6-0-0.

415 WARREN STREET - LOT 2A (DEP FILE # 234-670) - ISSUE ORDER OF CONDITIONS

L. Standley informed the audience that the hearing on this matter had been closed and that no further testimony would be accepted. She added that discussion of this matter would be limited to consideration of whether to permit the proposed project and, if so, to decide what special conditions to include in the Order to protect the wetland resource areas.

L. Standley summarized the proposed project for Lot 2A, noting that this lot is currently undeveloped and no work is proposed within 50 feet of the BVW with the exception of demolishing a small portion of the existing house. Restoration plantings are proposed within 25 feet of the wetland. The draft Order of Conditions prohibits work on the lot until final design plans have been submitted to the Commission for review and approval. Tree removal is being mitigated with plantings on both Lot 2A & 2B, with more trees being planted on the latter lot, as Lot 2A is heavily vegetated. Following construction, the permanent no-disturb line will fall along the 50-foot buffer zone boundary. A. Crocker expressed concerns with the adequacy of both the proposed replanting plan and drywell capacity. L. Standley stated that the project would maintain a 50-foot vegetated buffer. J. Carter Bernardo stated that only half of the roof runoff was being directed to a drywell, while the other half drained to Warren Street. The Commission agreed that the project should be conditioned to require infiltration of the first half-inch of runoff from the entire roof.

Motion to issue the Order of Conditions for DEP File # 234-670, as amended, by P. Alpert, seconded by J. Carter Bernardo, approved 5-1-0 (A. Crocker voted against).

415 WARREN STREET - LOT 2B (DEP FILE # 234-669) - ISSUE ORDER OF CONDITIONS

L. Standley informed the audience that the hearing on this matter had been closed and that no further testimony would be accepted. She added that discussion of this matter would be limited to consideration of whether to permit the proposed project and, if so, to decide what special conditions to include in the Order to protect the wetland resource areas.

Motion to waive the Bylaw regulations for work (tree planting) being conducted within the 25-foot no disturb zone by P. Alpert, seconded by J. Carter Bernardo, approved 6-0-0.

Motion to waive the Bylaw Filing Fee for work requiring a waiver by P. Alpert, seconded by J. Carter Bernardo, approved 6-0-0.

Motion to issue the Order of Conditions for DEP File # 234-669, as amended, by P. Alpert, seconded by J. Carter Bernardo, approved 6-0-0.

16 WINFIELD STREET - FENCE EXEMPTION REQUEST

Property owner Jennifer Flagel was present. She stated that there is an existing fence that runs parallel to the armored bank of Rosemary Brook. She would like to extend the fence up the side property lines and connect to the house to create a fenced-in rear yard. The proposed fence would be installed within existing lawn area.

Motion to approve the proposed fence at 16 Winfield Street as an exempt minor activity by P. Alpert, seconded by J. Carter Bernardo, approved 6-0-0.

TILLOTSON ROAD (PETRINI) - REQUEST TO AMEND PLANTING PLAN

L. Standley noted that a revised planting and inspection plan had been submitted by the property owner's representative. The revised plan calls for 21 additional shrubs, specifies a mowing and invasive species treatment protocol and suggests that a final monitoring report be submitted in 2014. As the planting plan was submitted in response to an enforcement action (not as part of an NOI), D. Anderson confirmed that the suggested changes had been approved by the property owner.

Motion to accept the revised plan for planting, maintenance and monitoring by P. Alpert, seconded by J. Carter Bernardo, approved 6-0-0.

CONSERVATION COMMISSION 2014 HEARING SCHEDULE

The Commission reviewed the proposed schedule for calendar year 2014. Commission members noted conflicts that they were aware of at this time and approved the schedule as proposed through August of 2014.

**Motion to adjourn the meeting by P. Alpert, seconded by J. Carter Bernardo, approved 6-0-0.
The meeting was adjourned at 9:24 p.m.**

NEXT PUBLIC HEARING

November 21, 2013 at 7:30 PM in the Public Service Administration Building, Charles River Room