

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

LOCATION: Public Services Administration Building, Charles River Room

ATTENDING: Lisa Standley, Paul Alpert, Janet Carter Bernardo (arrived at 7:40), Artie Crocker, Peter Oehlkers, Sharon Soltzberg, Debbie Anderson (Acting Agent), Kristen Phelps

GUESTS: Lisa & David Bamel, Jo Crawford, Chris Fallon, Joyce Hastings, Bob Place, John Rockwood, Diane Simonelli, Courtney Sodano

L. Standley opened the public meeting at 7:31 p.m.

**ENFORCEMENTS**

**MASS HIGHWAY - 128 ADD-A-LANE**

K. Phelps stated that she had met with the neighbors to the Bridge IV project at their request to discuss the flooding that occurred in that area in early September. On the site walk, large pieces of concrete with rebar - presumably from the demolition of the old bridge - were observed at the base of the slope before the sluiceway. The neighbors indicated that the concrete had acted as a dam in the large storm, catching tree limbs and other debris which prevented stormwater runoff from reaching the sluiceway (where it would flow in most typical storms). K. Phelps contacted Mass Highway and is waiting to hear back as to if and when the construction material will be removed from the area in question. Although the stormwater issues are not within the Commission's jurisdiction, because the swale (sluiceway) was mapped as a jurisdictional wetland on the ORAD plans for the project, placing debris in the swale is a violation of the OOC.

**HEARINGS**

**914 SOUTH STREET (DEP FILE # 234-691) - NOTICE OF INTENT**

L. Standley opened the public hearing at 7:45 p.m. Joyce Hastings of GLM Engineering was present on behalf of the Applicant. She addressed the items that had been omitted from the original application (owner's signature, DEP data forms, request for waiver, request for fee reduction) and explained that she had not properly notified abutters in Dover. Given the issue with notification and the fact that supplemental information was recently submitted, L. Standley stated that the hearing could not be closed at this meeting. J. Hastings explained the proposed project which involves installing a gas line within the 100-foot buffer zone and within the second 100 feet of Riverfront Area to service an existing single-family dwelling. The work will occur in the shoulder of the driveway, which is mostly grassed and is separated from the BVW by an existing stone wall. J. Hastings explained how the project meets performance standards for Riverfront Area and requested that the Commission waive both the performance standards and fee for work within the 25-foot buffer zone, noting that (1) locating the gas line further from the wetland (on the opposite side of the driveway) is not possible due to the presence of ledge; (2) the proposed work area is currently grassed or stone, is bounded by an existing asphalt driveway

and stone wall, and already houses underground electric utilities; and (3) the project will be temporary in nature (3-4 days) and the area will be returned to its pre-construction condition. The hearing was continued to allow the Commission to review material submitted at the hearing and to allow proper notification of abutters in Dover.

**Motion to continue the public hearing for 914 South Street (DEP FILE # 234-691) to January 9, 2014 at 7:45 p.m. by A. Crocker, seconded by P. Alpert, approved 6-0-0.**

**LOT 48 WOODWORTH ROAD (DEP FILE #234-692) - NOTICE OF INTENT**

L. Standley opened the public hearing at 8:00 p.m. Diane Simonelli of Field Resources was present on behalf of the Applicant. She stated that the resource areas on and around this site had been confirmed under an Order of Resource Area Delineation issued in the summer of 2013 and explained the proposed project which involves constructing a single-family dwelling with associated driveway, utilities and landscaping. No work is proposed within the naturally vegetated 50-foot buffer zone. Pervious pavers will be used for both the driveway and patio, and roof runoff will infiltrated to mitigate for the increase in impervious area on the site. The plan includes a planting schedule to replace the trees which will be removed from the outer 50 feet of the buffer zone at a ratio of 2:1.

L. Standley stated that the plan does not show the limit of lawn nor does it provide adequate space (for post-construction access) between the corner of the proposed garage and the permanent limit of work. She noted that most of the proposed plantings shown of the plan were outside of the 100-foot buffer zone which is not compliant with the Commission's policy for tree replacement and added that the proposed planting plan should not include the introduced and invasive species Scotch pine, Norway spruce and cultivated yew. D. Simonelli replied that they would revise the planting plan and would work with the Applicant to increase the space between the garage and the permanent limit of work (50' buffer zone line) to at least five (5) feet. She agreed to revise the plan to show a fence or some other type of permanent boundary along the 50-foot buffer zone line. J. Bernardo noted that a test pit will be needed to confirm suitability of the site for a leaching system. A. Crocker asked for clarification on site drainage. D. Simonelli said that the entire roof runoff will be directed to the Cultec unit.

**Motion to continue the public hearing for revised plans for Lot 48 Woodworth Road (DEP FILE # 234-692) to January 9, 2014 at 8:00 p.m. by A. Crocker, seconded by P. Alpert, approved 6-0-0.**

**1560 GREAT PLAIN AVENUE - continued REQUEST FOR DETERMINATION OF APPLICABILITY**

L. Standley opened the continued public hearing at 8:15 p.m. Property owner Courtney Sodano was present. She explained the proposed project which involves installing a 4' x 6' chicken coop to house four chickens. The structure will be placed approximately 80 feet from the wetland line within existing lawn area, which is enclosed in a stockade fence.

Abutter Joan Crawford from Howe Road spoke on behalf of some of the abutters. She informed the Commission that the neighbors did not receive notification until the day prior to the scheduled hearing date and expressed concern about the chicken coop attracting coyotes to the

area. L. Standley explained that the Commission's jurisdiction was limited to whether the structure would impact any wetland resource areas. Selectman John Bulian was present at the request of the abutters, and he asked the Commission to clarify the process (both in terms of jurisdiction and notification). L. Standley stated that notification must be provided five business days prior to any hearing and that non-wetland issues were under the purview of the Board of Health. The Applicant agreed to continue the public hearing on this matter due to lack of adequate notification and to discuss the non-wetland related issues with Mr. Bulian and the concerned neighbors outside of the Commission's meeting.

**Motion to continue the public hearing for 1560 Great Plain Avenue to January 9, 2014 at 8:15 p.m. by A. Crocker, seconded by P. Alpert, approved 6-0-0.**

**731 SOUTH STREET (DEP FILE # 234-689) - continued NOTICE OF INTENT**

L. Standley opened the continued public hearing at 8:30 p.m. She stated that the hearing had been continued as new plans were provided at the last meeting and the Commission had not had adequate time to review the new information. There were no further questions from the Commission regarding the proposed project.

**Motion to close the public hearing for 731 South Street (DEP FILE # 234-689) by A. Crocker, seconded by P. Alpert, approved 6-0-0.** . The Commission reviewed the draft Order of Conditions. They discussed whether and where to require permanent markers and agreed to add a condition requiring five (5) permanent markers along the proposed limit of work line.

**Motion to issue the Order of Conditions for DEP File #234-689 as amended by Artie Crocker, seconded by Paul Alpert, approved 6-0-0.**

**25 MARR ROAD (DEP FILE # 234-685) - continued NOTICE OF INTENT**

L. Standley opened the continued public hearing at 8:32 p.m. Property owner David Bamel was present. He informed the Commission that the dispute over the property line had been resolved and that the portion of the new fence and stone parking area that fell on his neighbor's property had been removed and the area restored. He provided a new plan with the elements the Commission requested including the edges of Marr Road, the location of the fence and the limits of the crushed stone parking area. He agreed to plant eight replacement trees and requested that the Commission consider allowing him to plant to the rear of his existing house adjacent to a large tract of woods. The Commission agreed to allow replacement plantings in the proposed location rather than in the area of disturbance and informed the Applicant that a revised plan showing the post-construction condition of the property would be required before a Certificate of Compliance could be issued.

**Motion to close the public hearing for 25 Marr Road (DEP FILE # 234-685) by A. Crocker, seconded by P. Alpert, approved 6-0-0.** . The Commission reviewed the draft Order of Conditions. Findings were revised to reflect that the Applicant removed both the fence and gravel from the neighbors property. The Commission agreed that the Order should require submission of a plan showing the location of replacement trees (which can be planted to rear of property) as well as the work which occurred on the subject property. **Motion to issue the Order of Conditions for DEP File #234-685 as amended by A. Crocker, seconded by P. Alpert, approved 6-0-0.**

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

L. Standley opened the continued public hearing at 8:45 p.m. D. Anderson stated that the Applicant had requested a continuance as they were still finalizing the design for the septic system.

**Motion to continue the public hearing at the Applicant's request for 1133 South Street (DEP FILE # 234-688) to January 9, 2014 at 8:30 p.m. by A. Crocker, seconded by P. Alpert, approved 6-0-0.**

**921 SOUTH STREET (DEP FILE # 234-690) - continued NOTICE OF INTENT**

L. Standley opened the continued public hearing at 8:45 p.m. Joyce Hastings was present on behalf of the Applicant. She reviewed the changes to the plan since the last meeting, noting that the propane tanks had been removed, the erosion controls were relocated to the top of the existing retaining wall and the infiltration system (including a detail) were now shown on the plan. There were no further questions from the Commission regarding the proposed project.

**Motion to close the public hearing for 921 South Street (DEP FILE # 234-690) by A. Crocker, seconded by P. Alpert, approved 6-0-0**The Commission reviewed the draft Order of Conditions. **Motion to issue the Order of Conditions for DEP File #234-690 as amended by A. Crocker, seconded by P. Alpert, approved 6-0-0.**

**OTHER BUSINESS**

**0 CHARLES RIVER STREET (NGWP #12) - MINOR MODIFICATION REQUEST**

John Rockwood was present on behalf of the Applicant. L. Standley stated that the Applicant requested the rewording of special condition # 28 to allow for a longer construction window prior to amphibian breeding season. The current condition allows construction between September 1 and February 1. The modification would extend the construction period on the front end to earlier of September 1 *or* the date the pool is observed to be dry. On the back end, construction would be permitted through February 15. The Commission discussed the proposed timing and was amenable to the request as presented.

**Motion to extend the timing of construction activities per the Applicant's request (in letter dated November 25, 2013) as a minor modification to the Order of Conditions (NGWP #12) by A. Crocker, seconded by P. Alpert, approved 6-0-0.**

**20 CANTERBURY LANE (DEP FILE # 234-687) - CERTIFICATE OF COMPLIANCE**

D. Anderson reported that the Order of Conditions for an after-the-fact Notice of Intent for the unauthorized construction of a sports court. was filed at the Registry of Deeds, the site is stabilized and there are no outstanding issues at this property. **Motion to issue a Certificate of Compliance for 20 Canterbury Lane (DEP FILE # 234-667) by A. Crocker, seconded by P. Alpert, approved 6-0-0.**

**NSTAR HAZARD TREE REMOVAL REQUEST - VARIOUS LOCATIONS**

L. Standley recused herself from the hearing on this matter. P. Alpert chaired the discussion. NSTAR submitted a letter with accompanying map and photos requesting the Commission's

approval to remove several trees on South Street, Sylvan Road, Central Avenue, May Street, and Perry Drive that were dead, diseased and/or posed a hazard to the overhead utility lines.

**Motion to approve the request for tree removal at various locations as an exempt minor activity by A. Crocker, seconded by J. Carter Bernardo, approved 5-0-1 (L. Standley recused).**

#### **RIDGE HILL TRAILS - ACTION PLAN**

L. Standley distributed a proposed action plan for raising awareness about Ridge Hill and increasing public support for the proposed Swamp Trail project that the Commission will be seeking CPC funding for in the spring. The action plan (attached) includes guided hikes, newspaper articles and other PR materials.

#### **ROSEMARY POOL PUBLIC MEETING - UPDATE**

J. Bernardo and A. Crocker stated that they had attended the public meeting held by the Park & Recreation Commission to discuss options relating to Rosemary Pool. The options range from minor modifications to extend the useful life of the existing pool to complete reconstruction of the pool in its current location to removing the existing pool and constructing a new pool facility elsewhere in town. J. Bernardo stated that the options appear to maintain (i.e. not enlarge) the existing pool footprint and that the discussion at the meeting included concerns with water quality and continued/improved access to trails around Rosemary Lake.

#### **EXECUTIVE SESSION**

Motion to enter into Executive Session at 9:20 p.m. for the purpose of discussion pending litigation made by P. Alpert, seconded by A. Crocker, approved 6-0-0.

#### **NEXT PUBLIC HEARING**

*January 9, 2014 at 7:30 PM in the Public Service Administration Building, Charles River Room*