

**TOWN OF NEEDHAM
CONSERVATION COMMISSION
MEETING MINUTES
Thursday, August 7, 2008**

LOCATION: Needham Public Library, Community Room

ATTENDING: Lisa Standley, Paul Alpert, Carl Shapiro, Sharon Soltzberg, Janet Bernardo, Marsha Salett, Kristen Phelps (Agent), Amy Holland (Administrator)

GUESTS: Tom Ryder, Stephen Nadeau, Robert Cahoon, John Rockwood, Amy Lassman, Joseph Duggan, Stephen Popper, Fred Hamwey, Mark Piermarini, Dana Weeder, Kathleen Giorgio, Lawrence Giorgio.

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

PUBLIC HEARINGS

CHESTNUT STREET RECONSTRUCTION (DEP File #234-536) – Notice of Intent

L. Standley opened the continued public hearing at 7:45 p.m. Tom Ryder, Assistant Town Engineer, Robert Cahoon (Coler & Colantonio), and Steve Nadeau (DPW) were present. L. Standley stated that she and Paul Alpert had conducted a site visit on July 26th, and were unable to find wetland flags. Based on the site visit, the Commission questioned (1) the reason for the retaining wall to the east of Chestnut Street between High Rock Street and Parkman Way; (2) whether the proposed treatment of the westerly slope in this same area was necessary; and (3) which utility poles would need to be moved and whether their relocation would result in impacts to wetland resource area. T. Ryder stated that the retaining wall was proposed in order to avoid a 2:1 slope next to the wetlands in this area, and the Commission agreed that the wall was a preferable approach. With respect to the slope on the opposite side of Chestnut Street in this area, T. Ryder stated that Town was amenable to leaving the slope in question untouched, though in order to grade out the proposed curb they would need to backfill an area of 8-12 inches against the back of the curb. He agreed to revise the location of erosion controls (towards the street) to protect as much of the existing vegetation as possible. He added that only a few of the utility poles – none of which fell in close proximity to wetlands – would be moved, and that the road, sidewalk and retaining wall layout would be tweaked to accommodate the current location of existing utility poles. Discussion of the proposed drainage design followed.

L. Standley stated that the Town needs to demonstrate compliance with the Massachusetts Stormwater Management Standards. T. Ryder reviewed the current drainage patterns and the proposed stormwater management system. J. Bernardo requested treatment, preferably a vortech unit or stormceptor, at each discharge point and expressed concerns about the additional stormwater being directed to Southwood Road. She also asked that the consultant review the calculations as there were some questionable numbers as well as flow volumes that seemed excessive. T. Ryder stated that the Town did not have the equipment to maintain the devices suggested, and were proposing sediment tanks (25% TSS removal) as an alternative. The Town agreed to review the layout to determine whether and where additional treatment could be added.

Abutter Amy Lassman of 608 Chestnut Street asked for clarification about the location and distance of the retaining wall in front of her property and whether it would impact her fence. T. Ryder and S. Nadeau stated that the wall will be approximately 4 feet from the existing fence.

Motion to continue the public hearing for DEP File #234-536 to August 21, 2008 at 7:45 by Sharon Soltzberg, seconded by Paul Alpert, approved 6-0-0.

608 CHESTNUT STREET (DEP File #234-537) – Notice of Intent

L. Standley opened the public hearing at 8:30 p.m. Property owner Amy Lassman was accompanied by John Rockwood of EcoTec, Inc. J. Rockwood explained the proposed project which involves (1) widening the existing driveway at the point where it enters the property; (2) expanding the driveway in the area next to the existing garage; (3) adding a sunroom (on sona tubes) with associated grading to the to the southern side of the existing house; and (4) removing trees and converting a portion of the property that is currently landscaped to lawn. He stated that the owners would like to widen the driveway for safety reasons as the current width is inadequate to allow for emergency vehicles to access the property. A written request for a waiver to allow work within 25 feet of the wetlands on both sides of the driveway accompanied the Notice of Intent application. J. Rockwood pointed out that the applicant is also seeking a waiver of the filing fee for work requiring a waiver due to the fact that the widening of the driveway is intended to address a safety concern. The project, as proposed, will result in the removal of 12 mature trees from the 100-foot buffer zone and the alteration of 990 square feet of naturally vegetated buffer zone. J. Rockwood stated that the proposed plan includes mitigation measures including the installation of four cultec units to infiltrate roof runoff, five separate buffer zone enhancement planting areas totaling 1250 square feet, and the placement (by hand) of 12 logs within the first 50 feet of undisturbed buffer zone.

L. Standley stated that she and Paul Alpert had conducted a site visit at the property on July 26th. She noted that while 12 mature trees are to be removed, the mitigation planting plan proposes only 8 saplings. In addition, the proposed planting areas are in relatively shady areas, thus reducing their mitigation value. She asked the applicant to consider revising the mitigation planting plan to increase the number and location of proposed saplings. She suggested that the existing lawn area towards the front of the lot within the 50-foot buffer could be converted to naturally vegetated buffer zone. The applicant agreed to review the suggested changes to the mitigation planting plan and to a continuance of the public hearing. **Motion to continue the public hearing for DEP File # 234-537 to August 21, 2008 at 8:15 p.m. by Paul Alpert, seconded by Carl Shapiro, approved 6-0-0.**

410 CENTRAL AVENUE – Request for Determination of Applicability

L. Standley opened the public hearing at 8:45 p.m. Property owner Kathleen Giorgio was present. K. Phelps stated that this was an after-the-fact filing for landscaping work that had commenced. The owner had complied with the direction to cease work and file a formal application. K. Giorgio stated that she was planning to repair/replace the lawn and install a perennial bed following the completion of construction work on her house. L. Standley clarified that the determination Ms. Giorgio was seeking was whether the work was subject to the Commission's jurisdiction (rather than the area as noted on the RDA application) and noted that the plans submitted with the application did not indicate the location of the resource areas. K. Phelps stated that an intermittent stream ran in a well defined channel on the lot behind 410 Central Avenue, and the disturbed area is approximately 50 feet from the bank of the stream. K. Giorgio stated that she did not intend to change the grade of her rear yard. **Motion to close the public hearing by Paul Alpert, seconded by Janet Bernardo, approved 6-0-0. Motion to issue a Negative Determination of Applicability for the proposed work at 410 Central Avenue by Paul Alpert, seconded by Janet Bernardo, approved 6-0-0.**

0 ROSEMARY MEADOW (DEP File #234-538) – Notice of Intent

L. Standley opened the public hearing at 8:55 p.m. Joseph Duggan from the Wellesley Water Department was present. He explained the proposed project which involves installing two gravel pack wells in the same location as the recently permitted test wells (DEP File # 234-501) at respective distances of 35 feet and 55 feet from the bank of the impoundment. He stated that DEP had approved the new wells with a stipulation that cumulatively no more than 845 gallons per minute could be withdrawn from the three wells in this area. The DEP permit further requires that testing must be done

6 months after the wells start operating to ensure that the wells are not extracting surface water. Based on the initial testing, J. Duggan does not expect the wells to impact the water levels in the impoundment or the hydrology of the surrounding wetlands.

The project also involves relocating the transmission main to an area that falls within 25 feet of the bank of the impoundment. The relocation is necessary to improve the operation of the water distribution system. A formal request for a waiver, as well as a request to waive the filing fee was submitted with the Notice of Intent. **Motion to close the public hearing for DEP File #234-538 by Carl Shapiro, seconded by Janet Bernardo, approved 6-0-0. Motion to waive the \$1000 fee for work within 25 feet of bank by Sharon Soltzberg, seconded by Janet Bernardo, approved 6-0-0.**

COMMISSION ACTIONS

1336 GREAT PLAIN AVENUE – Donation of Land

Per discussions held with the Commission over the past year, the owner of 1336 Great Plain Avenue (parcel A) has finalized the documentation which would deed 13,000+ feet of land adjacent to Sportsman's Pond to the Town of Needham under the care and custody of the Conservation Commission. Through her attorney, she is now seeking acceptance of this parcel by the Commission and the Board of Selectmen. Paul Alpert reviewed the history of the proposed donation and summarized the changes he had requested (including the addition of a confirmatory easement following the sale of the front portion of the subdivided lot). He confirmed that the documents had been modified per his request and recommended that the Commission accept the parcel of land and the access easement. **Motion to accept the donation of land and access easement shown on the subdivision (ANR) plan dated March 7, 2006 by Janet Bernardo, seconded by Paul Alpert, approved 6-0-0.**

28 MARR ROAD (DEP File #234-533) – Issuance of Order of Conditions

The Commission reviewed the draft Orders of Conditions denying the proposed project under both the MA Wetlands Protection Act and the Needham Wetlands Protection Bylaw. **Motion to issue the Order of Conditions denying the proposed project under both the Massachusetts Wetlands Protection Act (M.G.L. c. 131, §40) and the Needham Wetlands Protection Bylaw (Section 6) for DEP File # 234-533 by Janet Bernardo, seconded by Carl Shapiro, approved 6-0-0.**

OTHER BUSINESS

49 WACHUSETT AVENUE – Discussion

The Commission viewed a video sent by an abutter to the site showing sediment running of the site during recent storms. The property is outside of jurisdiction, however a letter was sent to the owner in June requiring that erosion controls be installed to prevent silt from entering the stormwater system and ultimately impacting the resource area where the system discharges. The Commission agreed that if sediment laden water was seen discharging to a resource area, that enforcement should be pursued. K. Phelps will continue to monitor the site and the outflow (near Ivy Road).

HIGH ROCK HOMES – Discussion

L. Standley stated that she had received a request from the Building Inspector as to whether the Commission could step in to address sediment that is coming off of the High Rock Homes construction site. She confirmed that the site contractor developed a Stormwater Pollution Prevention Plan and received coverage under the NPDES General Construction Permit; however, the erosion control measures specified in their plan were not being implemented. EPA is the administering agency for NPDES permits in Massachusetts and the Commission cannot pursue enforcement unless there is evidence that the activity has resulted in an adverse impact to a resource area. K. Phelps will monitor area and will continue to seek action from EPA. L. Standley noted that the runoff issues from this site

and the 49 Wachusett Avenue site could be handled if the Town had a Stormwater Bylaw. The Commission agreed that they should consider if and how to pursue such a bylaw at a future meeting.

PUBLIC SERVICE ADMINISTRATION BUILDING (500 Dedham Avenue) – Discussion

Stephen Popper from the Permanent Public Building Committee introduced the design team for the proposed building at the corner of South Street and Dedham Avenue and explained that while the design was not complete, they were appearing before the Commission informally to request feedback on the conceptual plan.

Fred Hamwey from Hamwey Engineering reviewed the proposed building and parking areas – pointing out areas of new development versus redevelopment – and noted that they were trying to fully comply with bylaw setbacks while minimizing impacts to the pine grove. He gave an overview of the drainage system which will send parking lot runoff to a stormceptor before discharging to a retention basin parallel to Dedham Avenue. At Mr. Hamwey's request, the Commission confirmed that stormwater management measures are not included in the calculation of square footage of alteration for work within Riverfront Area.

L. Standley stated that the Commission would be looking to see that the project complied with (1) the Riverfront Area performance standards; (2) the bylaw performance standards; and (3) the stormwater management standards. On a specific note, she would like additional information with respect to the proposed parking and whether it can be reconfigured to reduce encroachment into the forested buffer zone (e.g. by adding parking between the buildings). S. Popper stated that under zoning they would need 80 spaces within 300 feet of the proposed building, but that they are continuing to explore changes to the parking layout. Janet Bernardo asked whether the drainage design would comply fully with the Stormwater Standards. F. Hamwey stated that it was their intention to do so and that compliance with each standard would be documented in the required checklist.

S. Popper stated that they intend to submit a Notice of Intent to the Commission in September and to file with the Planning Board shortly thereafter. L. Standley suggested that one or two members of the Conservation Commission might attend the Planning Board meetings on this matter, and she requested that PPBC consider leaving the hearing on the application for this project open with the Commission until the Planning Board had completed their review.

FEE FOR WORK REQUIRING A WAIVER – Discussion

Paul Alpert raised the question of when and under what conditions the Commission should consider waiving the \$1000 filing fee for work requiring a waiver from the bylaw performance standards. The Commission discussed recent examples including the Wellesley Well project (heard at this meeting), Sabrina Lake, and the 608 Chestnut Street project that has yet to be voted. The Commission agreed to discuss a policy for addressing such requests.

Meeting was adjourned at 9:40 p.m.

Next Meeting: Thursday, August 21, 2008 at the Library Community Room

Respectfully submitted,

Kristen Phelps