

**TOWN OF NEEDHAM
CONSERVATION COMMISSION
MEETING MINUTES
Thursday, August 21, 2008**

LOCATION: Needham Public Library, Community Room

ATTENDING: Lisa Standley, Paul Alpert, Sharon Soltzberg, Janet Bernardo, Dawn Stolfi Stalenhoef, Kristen Phelps (Agent), Amy Holland (Administrator)

GUESTS: Tony Del Gaizo, Stephen Nadeau, Robert Cahoon, John Rockwood, George Giunta, Pat Colohan

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

MINUTES

Motion to accept the minutes of August 7, 2008 (as modified) by Janet Bernardo, seconded by Paul Alpert, approved 5-0-0.

PUBLIC HEARINGS

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

L. Standley opened the continued public hearing at 7:45 p.m. Tony DelGaizo, Town Engineer, Robert Cahoon (Coler & Colantonio), and Steve Nadeau (DPW) were present and submitted one set of revised plans to the Commission. T. DelGaizo stated that he met with J. Bernardo and K. Phelps to review the proposed drainage design. Discussion at that meeting led to the incorporation of two (2) 5,000 gallon, off-line sediment tanks. In addition to the proposed tank to the south of South Street, new tanks will be located in front of 608 Chestnut and by the NSTAR facility. T. DelGaizo also provided information confirming that there was an existing discharge to the culvert in front of 608 Chestnut Street.

J. Bernardo stated that she was satisfied with the additional treatment being provided. She remained concerned, however, with the flows to the discharge point at the end of Southwood Avenue. Currently, the stormwater system is not maintained. Catchbasins lack capacity due to the accumulation of sediment and there is no curbing in place along most of Chestnut Street. As a result, stormwater currently sheetflows across abutting properties rather than being directed into catchbasins and drainpipes. J. Bernardo noted that the increased control of stormwater runoff in the post-construction condition could potentially increase the rate of flow coming out of the Southwood Avenue pipe and might cause damage to the existing splashpool and the downgradient wetlands. L. Standley noted that the Commission was not prepared to act on the revised plans as they had not been submitted in advance of the meeting. In addition to copies of the revised plans, she asked the applicant to calculate pre- and post-construction rates of runoff to the pipe on Southwood Avenue and to make a determination about whether there would be a change in the peak rate. **Motion to continue the public hearing for DEP File #234-536 to September 11, 2008 at 7:45 p.m. by Paul Alpert, seconded by Janet Bernardo, approved 5-0-0.**

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

L. Standley opened the continued public hearing at 8:15 p.m. Property owner Amy Lassman was accompanied by John Rockwood of EcoTec, Inc. L. Standley stated that the Commission had asked the applicant to consider modifying their mitigation plan to include planting a portion of the front lawn within 50 feet of the resource area. J. Rockwood reviewed the revised plans which call for 12 saplings (4 more than originally proposed) and 33 shrubs in two planting areas, including the lawn area that had been discussed at the last hearing. He reiterated that the proposed project would alter approximately

990 square feet of buffer zone and noted that the two proposed mitigation planting areas covered approximately 1,000 square feet. Lastly, he noted that the revised plan also includes changes to the proposed erosion controls to eliminate haybales in certain areas (outside the 25-foot no-disturb zone) where the site is flat. **Motion to close the public hearing for DEP File # 234-537 by Paul Alpert, seconded by Janet Bernardo, approved 5-0-0.**

1336 GREAT PLAIN AVENUE (DEP File #234-539) – Notice of Intent

L. Standley opened the public hearing at 8:25 p.m. George Giunta was present on behalf of the applicant. L. Standley stated that the filing fee for the application was insufficient as it did not include the additional 50% associated with work in Riverfront Area.

G. Giunta reviewed the history of the subject property, noting that the site had been recently subdivided and the rear portion (next to Sportsman's Pond) had been donated to the Commission. He added that his client, Kevin Delaney, had purchased both of the new lots and that he would be filing for work on the abutting parcel at a future date. He also noted that the Commission had permitted the property owner to demolish the existing house prior to filing due to safety concerns. G. Giunta then described the proposed project which involves removing the existing driveway and garage and constructing a new single-family dwelling with associated site work. A portion of the site falls within the 100-foot buffer zone to the bank of Sportsman's Pond, and the majority of the site falls within the Riverfront Area associated with Rosemary Brook which flows through masonry banks on the Town-owned parcel at 1352 Great Plain Avenue. The proposed house will be located closer to the stream than the original dwelling, however it will remain within the limit of prior disturbance. The amount of impervious area within the Riverfront Area will decrease in the post-construction condition as the existing driveway will be removed and the new driveway will be located outside of the 200-foot Riverfront Area. The existing depression on the site, which is currently vegetated with a mixture of herbaceous species, will be filled and subsequently loamed and seeded. G. Giunta indicated that the property owner would ultimately install landscaping along the property line dividing the two newly-created lots. L. Standley stated that the proposed project complies with redevelopment standards for work within Riverfront Area, however the applicant will need to submit a proposed landscaping plan before site work is completed. P. Alpert stated that he would like the reference plan corrected to show the five-foot access easement on both the existing conditions plan and the proposed site plan.

Abutter Pat Colohan of 1328 Great Plain Avenue asked whether the project would increase flooding on her property and noted her specific concern about the proximity of the new driveway to her yard. L. Standley replied that the driveway is outside of the Commission's jurisdiction, however runoff from the site should be minimal as roof runoff is being directed to drywells. G. Giunta added that the site was graded away from Ms. Colohan's property and towards Great Plain Avenue. **Motion to close the public hearing for DEP File #234-539 by Janet Bernardo, seconded by Paul Alpert, approved 5-0-0.**

67 BRIARWOOD CIRCLE (DEP File #234-540) – Notice of Intent

L. Standley opened the public hearing at 8:45 p.m. George Giunta was present on behalf of the applicant. He described the proposed project which involves demolishing an existing single-family dwelling and constructing a new house with associated site work including 2 drywells to infiltrate roof runoff. He added that two retaining walls will be installed within 50 feet of BVW to the east of the site, and characterized this sloped area as sparsely vegetated. The Commission raised concerns about (1) the nature of this area; (2) the construction of the retaining walls; and (3) the ultimate use of the terraced areas between the two walls. L. Standley asked why the erosion controls were shown so far down the slope (well below base of lower retaining wall) and whether the applicant was planning to install a tree well around the existing oak tree to protect it from the proposed grading. G. Giunta replied that the location of the erosion control line was set to allow room to install the retaining wall

and that he would consider adding a tree well if it appeared that the trunk of the tree would be significantly impacted by proposed grading. The Commission agreed that they would like to conduct a site visit and asked that the erosion control line and house corners be staked in the field. K. Phelps will coordinate a date and time after the Labor Day holiday. **Motion to continue the public hearing for DEP File #234-540 to September 11, 2008 at 8:00 p.m. by Janet Bernardo, seconded by Paul Alpert, approved 5-0-0.**

COMMISSION ACTIONS

10 ROSEMARY MEADOW (DEP File #234-538) – Order of Conditions

The Commission reviewed the draft Order of Conditions. **Motion to issue the Order of Conditions for DEP File # 234-538 (as modified) by Sharon Soltzberg, seconded by Janet Bernardo, approved 5-0-0.**

OTHER BUSINESS

NIKE SITE – Discussion

L. Standley stated that equipment belonging to the contractor working at the High School was parked on conservation land next to the entrance to the Nike site. She added that the contractor has been directed to refrain from parking in this area. The Commission agreed that a letter should be sent to the PPBC (with copies to the Town Manager and the Board of Selectmen) requiring that the area be restored.

POLICY REGARDING WAIVER OF BYLAW FILING FEE – Discussion

In response to several recent requests to waive the \$1000 filing fee associated with work requiring a waiver from compliance with bylaw performance standards, the Commission initiated a discussion about developing a fee waiver policy at their August 7, 2008 meeting. L. Standley stated that the higher fee associated with work requiring a waiver relates to the higher level of scrutiny (research, site visits, permit writing, monitoring) that must be applied both during and after the permitting process. She added that she had considered several factors relating to a draft policy since the Commission's last meeting, noting that the regulations currently exempt reconstruction within an existing footprint for work that falls within a no-disturb area. She stated that she would be open to adding additional exemptions. The Commission discussed the types of activities that might be eligible for a waiver exemption, including landscaping of areas that are currently lawn and resource area improvement projects. P. Alpert stated that he would like for the Commission to have some discretion to decrease the fee. He cited the example of 608 Chestnut Street where the potential for resource area impacts were greater due to the proximity of work the wetland, however, the proposed work within the no-disturb zone was prompted primary by safety concerns. L. Standley agreed to produce a draft policy addressing fee exemptions for consideration at a future meeting.

Meeting was adjourned at 9:05 p.m.

Next Meeting: Thursday, September 11, 2008 at the Library Community Room

Respectfully submitted,

Kristen Phelps