

**TOWN OF NEEDHAM
CONSERVATION COMMISSION
MEETING MINUTES
Thursday, September 11, 2008**

LOCATION: Needham Public Library, Community Room

ATTENDING: Carl Shapiro Paul Alpert, Marsha Salett, Sharon Soltzberg, Dawn Stolfi Stalenhoef, Kristen Phelps (Agent), Amy Holland (Administrator)

GUESTS: Tony Del Gaizo, Stephen Nadeau, Robert Cahoon, George Giunta, Joe Flueckiger, Nathan Collins, Joe White, Bob Smart, Dan Kasper, Milton Shaffer, Michael Kaplan, Greg Beinars, George & Karen Bumpus

C. Shapiro opened the meeting at 7:32 p.m.

PUBLIC HEARINGS

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

C. Shapiro opened the continued public hearing at 8:00 p.m. Tony Del Gaizo, Town Engineer, Steve Nadeau (DPW) and Robert Cahoon (Coler & Colantonio) were present. Revised plans showing a total of three 5,000 gallon sediment tanks had been submitted at the last meeting and a revised stormwater report had been provided to the Conservation Department. The Applicant stated that pre- and post-construction peak rates of runoff to the discharge point on Southwood Avenue had been reviewed by Coler & Colantonio and that there would not be a significant increase in peak rates to this area. No further information had been requested by the Commission at the last hearing. **Motion to close the public hearing for DEP File #234-536 by Paul Alpert, seconded by Sharon Soltzberg, approved 5-0-0.**

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

C. Shapiro opened the continued public hearing at 8:04 p.m. Property owner Joe Flueckiger was accompanied by George Giunta who stated that the proposed project has been redesigned to relocate all work outside of the first 50 feet of buffer zone. The changes were prompted by opinions expressed by the Commission at their September 4th site visit that this area was protected under the bylaw as undisturbed natural buffer zone. G. Giunta reviewed the revised plan, noting that the house had been decreased in size and only minimal grading in the rear yard was proposed. C. Shapiro asked why the drywell to the east of the site was located below the proposed retaining wall. G. Giunta replied that placing the drywell above the wall might undermine it. Following further discussion of this matter, the Applicant agreed to modify the location of this drywell to an area within the level portion of the yard and to provide a revised plan showing the revised location. Additionally, the Applicant agreed to remove the lawn clippings and other landscaping debris that was observed by the Commission to have been dumped on the slope to the east of the property. **Motion to continue the public hearing for DEP File #234-540 to 8:15 p.m. on September 25, 2008 by Marsha Salett, seconded by Paul Alpert, approved 5-0-0.**

380 DEDHAM AVENUE,(DEP File # 234-522) – REQUEST FOR AMENDMENT

C. Shapiro opened the public hearing at 8:17 p.m. Nathan Collins of Gale Associates and Steve Nadeau from the Department of Public Works were present on behalf of the Applicant. N. Collins explained the proposed project change which involves replacing approximately 185 linear feet of 15” reinforced concrete pipe that has deteriorated and is clogged with debris and overgrown roots with an 18” drain line within the limits of bordering vegetated wetland. No changes in the approved drainage

patterns are proposed. S. Nadeau added that the condition of the pipe had only recently been evaluated and that alternatives had been explored. The DPW attempted to clean the pipe, without success, and they also ruled out the use of in-situ forms due to logistics and expense. N. Collins stated that the contractor will need a 15'-wide work area, resulting in approximately 2,400 square feet of temporary alteration within the BVW. The new pipe will terminate at a flared end section (with rip rap) just short of where the existing pipe daylights. He added that the project will take approximately two days to complete, and that the area will be seeded with a wetland seed mix upon completion.

The Commission discussed oversight responsibilities, and the Applicant's representatives agreed that their site supervisor would oversee the pipe replacement. Additionally, the Commission informed the Applicant that the disturbed area would need to be planted with wetland shrubs upon completion of the proposed work. **Motion to close the hearing on the Request for Amendment to DEP File #234-522 by Sharon Soltzberg, seconded by Marsha Salett, approved 5-0-0.** The Commission reviewed the draft language for the amended Order of Conditions. **Motion to issue the Amendment to the Order of Conditions (as modified) for DEP File #234-522 by Sharon Soltzberg, seconded by Paul Alpert, approved 5-0-0.**

131 OXBOW ROAD – REQUEST FOR DETERMINATION OF APPLICABILITY

C. Shapiro opened the public hearing at 8:49 p.m. Dan Tibma of Tibma Design was present on behalf of the property owner. He stated that the proposed project involves the construction of an addition and deck at the limits of the 100-foot buffer zone. The new construction will occur within an area that is currently a deck and patio. The work area is separated from the bordering vegetated wetland by a pool, patio, lawn and landscaping, and a post-and-rail fence runs along the limit of lawn approximately 94' from the limit of the proposed addition. **Motion to close the public hearing for 131 Oxbow Road by Sharon Soltzberg, seconded by Paul Alpert, approved 5-0-0. Motion to issue a Negative Determination of Applicability by Sharon Soltzberg, seconded by Paul Alpert, approved 5-0-0.**

COMMISSION ACTIONS

16 WINFIELD STREET (DEP File # 234-509) – Request for Minor Modification

Petitioners George and Karen Bumpus were present. They stated that they had the property at 16 Winfield Street under agreement, and that they had permission from the property owner to pursue the requested modification. G. Bumpus explained that they were seeking a minor modification to change the size and layout of the proposed house, to replace the proposed rainbarrels with a drywell, and to modify the proposed planting plan. He stated that the house they would like to construct is approximately 20% smaller than the approved house and will be located farther from the armored bank of Rosemary Brook. He added that they would like to simplify the planting plan which had been proposed by the original Applicant who had intended on building and living in the new house. The revised plantings – including 7 trees on ten foot centers and 22 shrubs on five foot centers – will be planted within the 25-foot no-disturb zone. Lastly, G. Bumpus requested that the Commission consider the substitution of a drywell for the proposed rainbarrels (substitution allowed by the Order of Conditions). **Motion to approve the proposed changes as a minor modification to the Order of Conditions for DEP File # 234-509 by Marsha Salett, seconded by Sharon Soltzberg, approved 5-0-0.**

608 CHESTNUT STREET (DEP File # 234-537) – Issue Order of Conditions

The Commission discussed the Applicant's request to waive or reduce the \$1000 fee associated with proposed work within the 25-foot no-disturb zone. It was the consensus of the Commission that there was no compelling reason to reduce or eliminate the fee. The Commission reviewed the draft Order of Conditions. **Motion to issue the Order of Conditions for DEP File #234-537 by Sharon Soltzberg,**

seconded by Paul Alpert, approved 5-0-0.

1336 GREAT PLAIN AVENUE (DEP File #234-539) – Issue Order of Conditions

The Commission reviewed the draft Order of Conditions. **Motion to issue the Order of Conditions (as modified) for DEP File # 234-539 by Paul Alpert, seconded by Sharon Soltzberg, approved 5-0-0.**

DPW GENERIC PERMIT (DEP File # 234-356) –

Vegetation removal on Needham Reservoir Trail
In response to inquiries from residents, the Parks & Forestry Division submitted a request to prune vegetation along a portion of the trail around the Needham Reservoir between the DPW parking area and the practice green at the Needham Golf Club. All work will be done in accordance with the Generic Order of Conditions for DPW maintenance activities. **The Commission unanimously agreed to approve the proposed work under DEP File # 234-356.**

OTHER BUSINESS

NIKE SITE – Discussion

P. Alpert asked for an update on what actions are being taken to prevent construction vehicles from parking on conservation land at 149 Pine Street (near the entrance to the Nike Site). K. Phelps stated that Lisa Standley had sent a letter to the Permanent Public Building Committee (PPBC) directing them to install construction fencing around the area in question and to loam and seed the disturbed property. She added that while the Town's contractors caused the initial damage, the area had more recently been used as a staging area by NSTAR. The Highway Department provided construction horses to protect the corner from future use. Following further discussion of this matter, the Commission agreed that NSTAR should be required to restore the disturbed area by loaming and seeding. The Commission directed K. Phelps to communicate their approach to the PPBC.

245 DEDHAM AVENUE – Discussion

Property owner Tom Higgins was accompanied by Brian Wood of B.D. Wood LLC. He stated that he would like to install a rain garden in his rear yard in association with some landscaping work and the installation of an above-ground pool. He noted that all work will be conducted within the limits of existing lawn. B. Wood explained the proposed design of the rain garden, noting that the project would provide infiltration and water-quality improvements. The owner is seeking feedback from the Commission as to whether they would consider permitting the work under a Request for Determination of Applicability. M. Salett stated that while the project has post-construction benefits, the proposed work is very close to the 25-foot no-disturb zone. She would therefore be more comfortable with reviewing under a Notice of Intent so that the Commission could condition the construction activity. The Commission discussed further and concurred that they would be inclined to require an NOI for the project as it was presented.

449 SOUTH STREET – Discussion

Property owner Joseph White was accompanied by Attorney Robert Smart. R. Smart stated that the White's would like to install a lawn area to the rear of the existing dwelling in an area denoted on their as-built plan (from prior filing for construction of house) as an "area of future lawn expansion". The as-built plan was submitted in 2003 and was provided to the Whites along with a copy of the deed restriction prohibiting alteration within 25 feet of the on-site BVW. R. Smart stated that the White's assumed – based on the as-built plan and the other information of record – that they would be allowed to install a lawn when they purchased this property. R. Smart then reviewed the plan showing the tree removal and landscape work that the White's would like to undertake. Much of the work falls within the 25- to 50-foot buffer zone area, which would likely be protected as a no-disturb area under the

Wetland Protection Bylaw Regulations adopted in January of 2005. He asked for feedback from the Commission as to whether they would consider acting favorably on this request, based on the specifics of the case. He further inquired as to whether the Commission would consider waiving the requirement to undertake a Wildlife Habitat Analysis as two such reports on this area have been produced within the past 8 years.

C. Shapiro stated that he would need additional information before responding. He suggested that the Commission do a site visit, and requested copies of the prior wildlife habitat analyses. M. Salett stated that the prior plan did not constitute permission to do the work. The Commission agreed to take a look at the property (independently) and to get feedback to the owner through the Conservation Office.

28 MARR ROAD – Discussion

Attorney Dan Kaspar was present on behalf of the property owner. He stated that the developer has been unable to sell the home due to the lack of a useful yard area and explained that he was before the Commission this evening to request feedback pertaining to a proposal to create 3,500 square feet of lawn directly to the rear of the dwelling at 28 Marr Road. He stated that part of this area is currently encumbered by a conservation restriction granted to the Town acting through the Conservation Commission (however not accepted by the Secretary of EOEEA). The proposal that the owner would like to pursue would modify the provisions of the restriction to remove a percentage of the property behind the house and to encumber an additional 14,000 square feet of property beyond the proposed yard area. He added that installing a lawn in this area would require the removal and replanting of the shrubs required by the original Order of Conditions as well as a temporary access road within the 25-foot no-disturb area to reach the proposed work area. M. Salett recalled that the maximum possible leeway was granted to the Applicant when this house was originally proposed, and she was not inclined to relax the limits of work that were established at that time. P. Alpert asked whether modifications to the conservation restriction were possible without going through the Article 97 disposition process. D. Kaspar agreed to review and to respond to the Commission with respect to the applicability of Article 97. K. Phelps will provide copies of the restriction to P. Alpert and D. Stolfi Stalenhoef.

Meeting was adjourned at 9:46 p.m.

Next Meeting: Thursday, September 25, 2008 at the Library Community Room

Respectfully submitted,

Kristen Phelps