

**TOWN OF NEEDHAM
CONSERVATION COMMISSION
MEETING MINUTES
Thursday, June 12, 2008**

LOCATION: Needham Public Library, Community Room

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

GUESTS: Sandra Prinz, Ron and Simonia Tocci, George Giunta, Marguerite Murphy, Ellen Berlin, Eric Klotch

L. Standley opened the meeting at 7:35 p.m.

MINUTES

Motion to approve the minutes of May 8, 2008 (as amended) by Janet Bernardo, seconded by Carl Shapiro, approved 7-0-0.

PUBLIC HEARINGS

17 CENTRAL AVENUE (DEP File #234-532) – Notice of Intent

L. Standley opened the public hearing at 8:00 p.m. G. Giunta was present on behalf of the applicant. He explained the existing conditions on the site, noting that the project was separated from the Charles River by Central Avenue, and that only a portion of the lot falls within the second 100 feet of the Riverfront Area. The proposed project involves demolishing an existing single-family dwelling and constructing a new single family house with associated driveway, utilities, grading and landscaping. G. Giunta explained how the project met the performance standards for redevelopment within Riverfront. He noted that roof runoff (for approximately $\frac{3}{4}$ of the new dwelling) will be directed to a drywell and a pea-stone filter trench. A filter trench will also be installed to capture a portion of the driveway. The proposed work will occur within previously disturbed areas and the amount of impervious surface within Riverfront will be reduced from 1,650 square feet to 1,496 square feet.

Abutter Ellen Berlin from Hamilton Place questioned the integrity of the stone wall between her property and the proposed project and asked whether the site work would exacerbate the flooding in her rear yard. G. Giunta stated that the new grading (outside of the Riverfront Area) should decrease the amount of water flowing towards Ms. Berlin's yard. **Motion to close the hearing for DEP File # 234-532 by Sharon Soltzberg, seconded by Janet Bernardo, approved 7-0-0.** The Commission reviewed the draft Order of Conditions. **Motion to issue the Order of Conditions (as modified) for DEP File # 234-532 by Marsha Salett, seconded by Sharon Soltzberg, approved 7-0-0.**

COMMISSION ACTIONS

411 CARTWRIGHT ROAD (DEP File #234-462) – Request for Minor Modification

Property owner Sandra Prinz was present. She explained that the plan referenced in the Order of Conditions required the planting of 38 red-osier dogwoods around the perimeter of her lawn. She requested that the planting list be expanded to include a variety of native shrubs and that both the number of required plantings and the extent of the planting area be reduced. L. Standley recalled that the plantings were part of the original Notice of Intent proposal and were intended to address the standard requiring that redevelopment of Riverfront Area result in an improvement over existing conditions. She suggested that the plantings be installed on five-foot centers within the area shown on

the modified plan, but that the row of shrubs be continued toward Cartwright Road to a point parallel with drywell #2. She noted that this change would require the same number of shrubs, however, there would be no requirement to plant along Cartwright Road. The Commission concurred with this approach and approved the proposed planting list with the deletion of wintergreen. **Motion to allow the changes (as discussed) as a minor modification to the Order of Conditions for DEP File # 234-462 by Marsha Salett, seconded by Sharon Soltzberg, approved 7-0-0.**

115-117 Booth Street (DEP File # 234-513) – Request for Certificate of Compliance

The Commission reviewed the Request for Certificate of Compliance. K. Phelps stated that the site had been stabilized and the erosion controls had been removed. **Motion to issue a Certificate of Compliance for DEP File #234-513 by Sharon Soltzberg, seconded by Marsha Salett, approved 7-0-0.**

SABRINA LAKE (DEP File #234-529) – Request for Waiver of Application Fee

L. Standley stated that the Town Manager and Town Counsel had received a letter from the Mr. Robert Sarly contesting the assessment of the \$1000.00 Notice of Intent fee (associated with work requiring a waiver from the performance standards set forth in the Needham Wetlands Protection Bylaw). She stated that the Commission had not received a formal, written request from the Applicant for a waiver of this fee. K. Phelps stated that she had spoken to Mr. Sarly earlier in the day to recommend that he submit a request for a fee waiver directly to the Commission. She confirmed that a brief letter making this request based on the reasons set forth in his earlier letter to the Town Manager had been received. L. Standley stated that the project was a continuation of an ongoing Lake Management program and as such did not require the research or site investigation generally associated with work that cannot meet the Bylaw performance standards. She recommended that the Commission waive the \$1000 fee for this reason. **Motion to waive the Bylaw filing fee for work requiring a waiver by Janet Bernardo, seconded by Marsha Salett, approved 7-0-0.**

COMMUNITY PRESERVATION COMMITTEE – Appointment

Motion to appoint Janet Bernardo serve as the Conservation Commission’s designee to the Community Preservation Committee for a three year term (until June 30, 2011) by Paul Alpert, seconded by Marsha Salett, approved 6-0-1 (Janet Bernardo abstained).

OTHER BUSINESS

36 ROBINWOOD AVENUE (NGWP # 10, #11) – Discussion

P. Alpert and D. Stolfi Stalenhoef stated that they had reviewed the file history pertaining to original Enforcement Order and the subsequent Bylaw Notice of Intent applications. They agreed that the Commission does not have a liability issue stemming from the hiring of an independent consultant to review the first wetland restoration attempt at this site. They also agreed that the Commission had the latitude to revisit the viability of the restoration under the first permit decision if it was determined that this work did not accomplish the intended results. L. Standley noted that the original restoration was conducted under an Enforcement Order, and that the original Order of Conditions pertained only to the secondary work recommended by the Commission’s consultant. She stated that the question that the Commission must address is whether the wetland was adequately restored. M. Salett stated that this question is difficult to address because there is no information about what the site looked like prior to the initial violation. L. Standley agreed to review the file information and to produce a timeline chronicling the administrative actions and responses from the property owners to assist the Commission in their deliberation about how to resolve the ongoing problems at this site.

198-200 NEHOIDEN STREET (DEP File #234-472) – Discussion

The Board of Selectmen are in receipt of a letter from the abutters to the proposed 40B project at 198-200 Nehoiden Street which accuses the Conservation Commission of acting inappropriately with respect to their recent decision to make no objection to the consideration (by the Office of Appeals and Dispute Resolution) of revised plans as part of the ongoing appeal of this matter. L. Standley stated that she had spoken with the Town Manager regarding this matter; however the Commission needed to submit a written response to clarify the record. The Commission reviewed and discussed a draft response. K. Phelps will incorporate comments and distribute for further feedback.

Meeting was adjourned at 9:10 p.m.

Next Meeting: Thursday, June 26, 2008 at the Library Community Room

Respectfully submitted,

Kristen Phelps