

**TOWN OF NEEDHAM
CONSERVATION COMMISSION
MEETING MINUTES
Thursday, March 11, 2010**

LOCATION: Town of Needham Public Services Administration Building – Charles River Room

ATTENDING: Lisa Standley (Chairperson), Carl Shapiro (Vice Chairperson), Janet Bernardo, Sharon Soltzberg, Patricia Barry (Agent), Amy Holland (Administrative Assistant)

GUESTS: Patricia Carey, Roy Cramer, Bob Gray, David Kelly, Robert Lynch, Greg Petrini, Brian Wall, Harvey Winchester, John Whalen, Susan Whalen

L. Standley opened the meeting at 7:32 p.m.

PUBLIC HEARINGS

1346 GREAT PLAIN AVENUE – REQUEST FOR DETERMINATION OF APPLICABILITY

L. Standley opened the public hearing at 7:48 p.m. Bob Lynch, representing the Needham Sportsman's Club, presented to the Commission the annual maintenance activities to cut and trim trees and shrubs along the parking area and driveway, maintain parking area and driveway, maintain club house exterior, maintain existing foot path along the property, and remove two (2) dead trees on the property. L. Standley stated for the record that maintaining the club house is outside of the Commission's jurisdiction. Bob Lynch explained that maintaining the path would be conducted by hand using weed-wackers for cutting brush. S. Soltzberg requested that no herbicides be used on the property within the jurisdiction of the Commission. **Motion to issue a Negative Determination of Applicability on March 11, 2010 by C. Shapiro, seconded by S. Soltzberg, approved 4-0-0. Public hearing was closed at 7:50pm.**

178 ROSEMARY STREET (DEP FILE #234-577) – NOTICE OF INTENT

L. Standley opened the public hearing at 8:00 p.m. Patty Carey representing the Needham Park and Recreation Department discussed the annual draining of Rosemary Lake required to maintain the existing pool, explaining that the Parks and Forestry Division conducts the work, and that it takes about ten (10) days to two (2) weeks to drain the lake. In response to a letter dated March 8, 2010 from Anthony Cefalo of 2 Sunset Road in Needham, MA, the Town of Needham met with Mr. Cefalo about the marker elevation for monitoring his property to ensure his yard will not be adversely impacted during the temporary lake drawdown period.

L. Standley stated that the Commission required the following additional information a week before the next hearing:

- Wildlife Habitat Assessment;
- Waiver under the bylaw for Land Under Water (previously submitted);
- Statement as to the Limited Project Status;
- Written Monitoring Plan that includes discharge rates, frequency and where and how turbidity is monitored;
- Certificate of Compliance Request to close out previous Order of Conditions MA DEP File#234-484 including the required summation of annual reports.

L. Standley expressed concerns regarding the wildlife and fisheries impact and the drawdown period. She requested that this time period starting in April be shortened to the maximum extent practicable. L. Standley also required that a Certificate of Compliance be submitted to close out the existing Order of Conditions for the annual drawdown that should include the turbidity monitoring report and assessment in

accordance with Condition #12 of MA DEP File#234-484. L. Standley opened the hearing to public comment.

Harvey Winchester of 32 Lake Drive in Needham, MA asked the Commission if anyone has evaluated the effect of drawdown on the living organisms (i.e. fish and turtles) within Rosemary Lake. L. Standley stated that this is an issue of great concern to the Commission and that the annual drawdown does affect the biota of the lake; however, the drawdown also provides additional mudflat habitat for migratory shore birds like herons (*Ardea herodias*) and killdeer (*Charadrius vociferus*). Harvey Winchester also stated that the lake is filling in with sediment. C. Shapiro indicated that he believed the town had plans to dredge the lake at some point in time.

C. Shapiro asked what is the anticipated time period for the maintenance activities to be completed. Patty Carey responded that the maintenance activities are weather-dependent and are usually completed within six (6) weeks.

Attorney Bryan Wall of Troy Wall Associates of Sandwich, MA represented Mr. and Mrs. Whalen of 297, 315 and 297 West Street in Needham, MA and submitted a Notice of Intent denial request letter to the Commission. Mr. and Mrs. Whalen are not abutters to the lake or the project, but do own property that abuts Rosemary Brook downstream. Attorney Wall discussed the reasons why Mr. and Mrs. Whalen object to the issuance of an Order of Conditions to allow the annual draining and maintenance of Rosemary Pool as follows: (1) Rosemary Brook bank is breaching; (2) NOI is incomplete because it does not include (a) other wetland resource areas downstream and subsequent effect on resource areas including inland bank and bordering vegetated wetland, (b) a wildlife habitat evaluation, and (c) a waiver request from the bylaw regulations; (3) project is not eligible for treatment as a limited project; and (4) a Certificate of Compliance has not been issued. Attorney Wall stated that the town has been unresponsive to information requests.

Robert Gray, PWS of Sabatia Inc. in Pocasset, MA represented Mr. and Mrs. Whalen and submitted a letter to the Commission requesting (A) a copy of the Certificate of Compliance, (B) required monitoring reports and associated professional engineer's narrative. Robert Gray expressed (1) concern regarding the Rosemary Brook breaching. Additionally, he stated that (2) the US EPA has listed Rosemary Brook as an impaired waterbody in the Charles River Watershed 2002 and 2006 Water Quality Assessment Report. He indicated that the report recommends that additional field reconnaissance should be documented to better understand what effect water withdrawals and impoundments are having on the habitat (outlet control practice). (3) He reiterated that the Notice of Intent application is incomplete. (4) Additionally, Robert Gray asked if the town had provided notification to MA DEP as required by MGL Chapter 131 Section 48 regarding pond and lake drawdowns

Harvey Winchester asked the Commission how Robert Gray knows that the erosion is not a result of stormwater rather than the annual drawdown as it appears that a lot more water is coming out of Rosemary Lake from a heavy storm versus the drawdown. L. Standley believes that the drawdown cannot be the only factor contributing to the erosion in Rosemary Brook.

Motion to continue the public hearing to 7:45 p.m. on May 25, 2010 by C. Shapiro, seconded by S. Soltzberg, approved 4-0-0. Public hearing was closed at 8:55pm.

COMMISSION ACTIONS

708 SOUTH STREET (DEP File#234-527/234-528) – Minor Modification/Amendment Request

Roy Cramer represented Petrini Corporation of Needham, MA and asked the Commission whether the proposed changes to Lot 4A and Lot 4B projects would require a minor modification or an amendment to

the existing orders of condition. David Kelly submitted revised plans to the Commission showing the following changes: Lot 4B lot line has changed in a southerly direction; the dwelling has increased by about 200 square feet in size; driveway has moved slightly; erosion control location has changed to run around a newly proposed pool cabana area; and new landscaping is proposed to provide additional screening. J. Bernardo and L. Standley inquired about existing conditions and clarification on new cabana, pool and decking. Petrini Corporation representatives explained that some changes to the final grading in the vicinity of the retaining wall will also need to be made. L. Standley explained that there is new work being proposed for the project, however the new work does not appear to change the impacts to wetlands and a shift in the lot line can be documented in the Certificate of Compliance stage. J. Bernardo requests the total square footage of additional work. Petrini Corporation representatives answer that a net increase of 2,600 square feet of impervious surface is proposed. **Motion to approve the proposed work under DEP File # 234-527/234-528 as a minor modification to the existing Orders of Condition by L. Standley, seconded by J. Bernardo, denied by C. Shapiro and S. Soltzberg 2-0-2.**

2 SUNSET ROAD – Tree Removal Request

P. Barry indicated that a willow (*Salix* sp.) tree in the bordering vegetated wetland adjacent to Rosemary Brook had been cut down by a beaver and fell on Anthony Cefalo's fence at 2 Sunset Road in Needham, MA and that Mr. Cefalo has requested permission in a letter dated March 8, 2010 to remove the tree. She also showed the Commission pictures of a beaver dam created on Mr. Cefalo's property at Rosemary Brook. **Motion to approve the tree removal by L. Standley, seconded by J. Bernardo, approved 4-0-0.**

370 COUNTRY WAY (DEPFile#234-507) – Certificate of Compliance

The Commission signed the Certificate of Compliance that was voted and approved for issuance at the February 25, 2010 public hearing.

608 CHESTNUT STREET (DEPFile#234-537 – Certificate of Compliance

The Commission signed the Certificate of Compliance that was voted and approved for issuance at the February 25, 2010 public hearing.

OTHER BUSINESS

ROSEMARY LAKE (DEP FILE #234-569) – Superseding Order of Conditions

The Superseding OOC was issued to the Park and Recreation Department. The Commission is supportive of the stormwater improvement project. The response to MA DEP's information request should be submitted by the Department of Public Works and the Engineering Office in coordination with the Park and Recreation Department.

198-200 NEHOIDEN STREET – Discussion

P. Barry will send a letter to the Planning Board regarding the new subdivision application referencing MA DEP's Superseding Order of Conditions.

CHARLES RIVER WATERSHED ASSOCIATION – Discussion

P. Barry will notify the CRWA that the area of Ridge Hill along Charles River Road is a priority trash pick-up area. P. Barry will also notify the Cub Scouts that the area around Rosemary Lake also needs trash pick-up.

CYNTHIA ROAD AND GLOVER ROAD – Discussion

P. Barry will send the neighborhood yard waste letter this spring.

UPCOMING PUBLIC HEARING QUORUM – Discussion

L. Standley, J. Benardo and M. Salett will not be in attendance at the March 25, 2010 public hearing.

Meeting was adjourned at 9:12 p.m.

Next Meeting: Thursday, March 25, 2010 at Town of Needham Public Services Administration Building,
Charles River Room

Respectfully submitted,

Patricia L. Barry