

**TOWN OF NEEDHAM
CONSERVATION COMMISSION
MEETING MINUTES
Thursday, August 25, 2011**

LOCATION: Public Services Administration Building, Charles River Room

ATTENDING: Dr. Lisa Standley (Chair), Dawn Stolfi Stalenhoeft (Vice Chair), Janet Bernardo, Carl Shapiro, Patricia Barry (Agent), Debora Anderson (Conservation Specialist)

GUESTS: Aaron Adler, Tim Davison, Michail Deychman, Susan Welsh de Grimaldo, Julio Cesar Grimaldo Rios, Li Li, Michael McGovern, Laura McGovern, Armando Petruzzello, Aaron Pressman, Diane Simonelli, Mary Trudeau, Gene Voloshin, Chris Watt, Laurie Watt

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

MULLEN RULE CERTIFICATIONS

L. Standley presented written certification that she had missed no more than one single session of the hearings pertaining to 15 Bancroft Street (DEP File #234-621) Notice of Intent. L. Standley accepted the written certification from D. Stolfi Stalenhoeft that she had missed no more than one single session of the hearings pertaining to 15 Bancroft Street (DEP File #234-621) Notice of Intent. L. Standley accepted the written certifications from D. Stoli Stalenhoeft and C. Shapiro that these members have missed no more than one single session of the hearings pertaining to 67 Wayne Road (DEP File #234-622) Notice of Intent, and that these members have examined all evidence received at the missed session including a transcript of the meeting in accordance with MGL Chapter 39, Section 23 D Adjudicatory Hearings.

ENFORCEMENTS

320, 328, and 350 CEDAR STREET - ENFORCEMENT ORDER

Aaron Adler of 320 Cedar Street, Susan Welsh de Grimaldo and Julio Cesar Grimaldo Rios of 328 Cedar Street were present at the hearing. L. Standley stated that a restoration plan should have been submitted to the Commission already and asked the Grimaldos why it had not been submitted yet. Mrs. Grimaldo stated that the sedimentation controls including the haybales and silt fencing had been installed and that they weren't sure what information the Commission required on the plan. L. Standley explained that the plan needed to show the wetland location, the topographic contour lines and the elevation and slope of the material place there. L. Standley noted that Mary Trudeau, the wetland consultant was concerned that the erosion controls were being "overtopped" by the eroded material. Mrs. Grimaldo replied that more erosion controls had been added as required. L. Standley requested the timeline until the Commission received the plan. Mrs. Grimaldo stated that they should have an engineer on board by that Friday. L. Standley stated the Commission would need at least an engineering plan to be submitted by September 8, 2011. Mr. Adler of 320 Cedar Street stated that he would be in agreement with the plan. The Grimaldos will speak further with P. Barry regarding the stabilization/restoration plan.

HEARINGS

263 NEHOIDEN STREET (DEP FILE #234-624) – NOTICE OF INTENT

L. Standley opened the public hearing at 7:45 p.m. Diane Simonelli of Field Resources represented the Applicant, Armando Pertruzzello. P. Barry accepted the abutter notification form and the green cards. The proposed project is to raze the existing house, construct a new single family house with associated grading, driveways, and paths, and relocate the sewer line which currently runs through the center of the property. Ms. Simonelli explained that Mary Trudeau conducted the wetland delineation at the site and

that Ms. Simonelli had put together the filing. A request for a waiver from the Needham Wetlands Protection Bylaw Regulations for work within 25 feet of a vegetated wetland, and a request to waive the \$1,000.00 waiver bylaw fee were submitted by the Applicant. The work proposed within 25 feet of the wetland is associated with the proposed relocation of the sewer line.

Ms. Simonelli noted that the proposed house would be located further back on the site, closer to the wetlands. The Applicant proposed two trees to be removed from the outer 75' of the buffer zone and the possibility of one tree be removed within the 25-foot buffer zone. As mitigation for these tree removals, the Applicant proposed to replace the trees with 6 trees as noted on the plan. D. Simonelli noted that the Board of Selectmen has issued written approval for the sewer relocation, and that it has been approved by the Town Engineering Department as it would be easier for the Town to maintain. D. Simonelli added that two drywells were proposed at the rear of the property and one in the front to handle the additional impervious surfaces. She stated that they may have to do perc tests during construction but there should not be a need for dewatering. J. Bernardo asked why the sewer manhole required extensive grading within the 25-foot buffer zone. D. Simonelli described the proposed retaining walls and agreed to reconsider the need for this grading.

L. Standley explained that the trees used for mitigation be as large as possible. She stated her concern that the plan does not identify the trees to be planted and that their proposed location along the street does not really provide mitigation that provides an equivalent wetland habitat function. L. Standley expressed the need for a site visit to examine the trees proposed for removal. L. Standley and C. Shapiro informed Ms. Simonelli that the waiver request that was submitted was not adequate and gave her instruction on completing the waiver as required by the Commission. Ms. Simonelli stated that the plan would be updated to show new locations and species for the mitigation trees. L. Standley opened the hearing to the public and Laurie Watt of 273 Nehoiden Street questioned whether the garage would be razed and would the grading remain the same along their property line. Ms. Simonelli stated that the garage would be raised and the grading would remain the same.

Motion to continue the hearing (to conduct a site visit) to September 8, 2011 at 8:15 p.m. in the PSAB – Charles River Room by C. Shapiro seconded by J. Bernardo, approved 4-0-0.

1051 SOUTH STREET (DEP FILE #234-623) – NOTICE OF INTENT

L. Standley opened the public hearing at 8:05 p.m. Mary Trudeau represented the Applicant, Tim Davison. P. Barry accepted the wetland fee checks, the abutter notification form and the green cards. The proposed project is the construction of a single family home and associated construction within the buffer zone to bordering vegetated wetlands. Ms. Trudeau indicated that Leah Basbanes of Basbanes Wetlands Consulting conducted the wetlands delineation of the property. Ms. Trudeau explained that there are two areas of wetlands on the site, a wet meadow is adjacent to South Street in the front of the property and a bordering vegetated wetland is north and east of the property. A ditch was noted in Ms. Basbanes' report that appears to have been a past attempt to connect the two wetland areas, possibly in an effort to drain the wet meadow. Ms. Trudeau explained that the grading within the ditch as well as a lack of wetland vegetation and hydric soils would show that the ditch never functioned as intended and is not a wetland resource area.

Ms. Trudeau stated that the Applicant is aware of the restrictions to work within 50 feet of the vegetated wetland, as the parcel is heavily wooded, and has been designed to avoid any work within this area. Ms. Trudeau explained that the Applicant plans to connect to the town sewer on Burr Street. She noted that the proposed house would be located on a knoll and would therefore require subterranean mitigation for drainage. A system of leaching drywells has been designed, as shown on the plans. L. Standley said that the Commission would require a site visit and requested that the limits of the erosion controls, the limit of work, the four corners of the proposed house and the 50-foot buffer zone be staked out in the field prior to

the site visit. J. Bernardo asked M. Trudeau about the seasonal high ground water. As Ms. Trudeau did not have that information, J. Bernardo suggested test pits be dug prior to construction. L. Standley opened the hearing to the public with no comments received.

Motion to continue the hearing (to conduct a site visit) to September 8, 2011 at 8:30 p.m. in the PSAB – Charles River Room by C. Shapiro seconded by J. Bernardo, approved 4-0-0.

67 WAYNE ROAD (DEP FILE #234-622) – Continued NOTICE OF INTENT

L. Standley opened the public hearing at 8:15 p.m. The Applicant, Gene Voloshin, was present to answer questions from the Commission. The green cards were submitted to P. Barry. The proposed project is to demolish an existing single family dwelling and construct a new home within the 100-foot buffer zone to bordering vegetated wetlands. The hearing had been continued for the Commission to conduct a site visit. The Commission had recommended at the previous hearing that the erosion controls be moved outside of the 25-foot buffer zone, the revised plan reflects this change. L. Standley informed Mr. Voloshin of the Commission's findings from the site visit. Of the proposed trees for removal, only the 40" tree off the right rear corner of the home is approved for removal. The Commission requested the other large trees remain, however, two or three could be limbed up. The Commission noted that the two clusters of small invasive trees located at the rear of the property could be removed, if desired. At the previous hearing, L. Standley requested a wetland delineation report be submitted as required with the application. The wetland delineation report was received by the Conservation Department on August 18, 2011. J. Bernardo had requested calculations for the infiltration system and these were added to the revised plan.

The Commission required an updated plan be submitted (as a requirement of the Order of Conditions) reflecting the removal of only the 40" tree, and that a list of proposed shrub species including their sizes be placed on the plan. L. Standley opened the hearing to the public with no comments received. **Motion to close the hearing for 67 Wayne Road (DEP FILE #234-622) by J. Bernardo, seconded by C. Shapiro, approved 4-0-0.** The public hearing was closed at 8:27 p.m.

3 MARY CHILTON ROAD (DEP FILE #234-615) – Continued NOTICE OF INTENT

Motion to continue the public hearing (at the applicant's request) to September 8, 2011 at 8:45 p.m. in the PSAB – Charles River Room by J. Bernardo, seconded by C. Shapiro, approved 4-0-0.

OTHER BUSINESS

74 PILGRIM ROAD (DEP FILE #234-602) – Continued CERTIFICATE OF COMPLIANCE REQUEST

The Applicant, M. Deychman was present to answer questions from the Commission. At the previous hearing, L. Standley had expressed her concerns that the restoration conditions have not been met. A revised As-Built Plan dated August 16, 2011 had been submitted with the requested change. A "Monitoring Report" dated August 16, 2011 was received by the Conservation Department on August 17, 2011. The Applicant's Wetland Specialist, Karon Skinner Catrone, prepared the letter report. L. Standley voiced her concern about the thoroughness of the monitoring report. As the restoration area has not yet been stabilized, P. Barry suggested that the straw wattle be moved from its current location adjacent to the fence, to the edge of the stream, to better protect the resource. The Commission agreed with her recommendation. At the Applicant's request, the Commission agreed to allow the wetland delineation flags to be removed.

Motion to issue a Partial Certificate of Compliance for 74 Pilgrim Road (DEP File# 234-602) by J. Bernardo, seconded by C. Shapiro, approved 4-0-0.

43 NEWELL AVENUE (DEP FILE #234-580) – CERTIFICATE OF COMPLIANCE REQUEST

Mr. and Mrs. McGovern, the homeowner's, were present. The site had been inspected for compliance with the Order of Conditions and there were no deviations from the approved plans. It was noted that there were two piles of lumber and a compost bin located in the buffer zone to the Bordering Vegetated Wetlands. The Commission members examined photographs taken during the site visit, which showed the lumber and compost bin located on the lawn.

Motion to issue the Certificate of Compliance for 43 Newell Avenue (DEP File# 234-580) by J. Bernardo, seconded by C. Shapiro, approved 4-0-0.

741 CHESTNUT STREET (DEP FILE #234-278)-CERTIFICATE OF COMPLIANCE REQUEST

Motion to issue the Certificate of Compliance for 741 Chestnut Street (DEP File# 234-278) by J. Bernardo, seconded by C. Shapiro, approved 4-0-0.

15 BANCROFT STREET (DEP FILE #234-621) – ISSUE ORDER OF CONDITIONS

The Commission reviewed the draft Order of Conditions. **Motion to issue the Order of Conditions for 15 Bancroft Street (DEP File #234-621) by S. Bernardo, seconded by D. Stolfi Stalenhoef approved 4-0-0.**

Motion to adjourn by J. Bernardo, seconded by D. Stolfi Stalenhoef, approved 4-0-0. The meeting was adjourned at 9:00 p.m.

NEXT PUBLIC HEARING

September 8, 2011 at 7:30 p.m. in the Public Services Administration Building, Charles River Room.