

**TOWN OF NEEDHAM
CONSERVATION COMMISSION
MEETING MINUTES
Thursday, January 26, 2012**

LOCATION: Public Services Administration Building, Charles River Room

ATTENDING: L. Standley (Chair), Paul Alpert, Janet Bernardo, Sharon Soltzberg, Dawn Stolfi Stalenhoef, Patricia Barry (Agent), Debbie Anderson (Assistant).

GUESTS: Robert Bibbo, Stephen Chen, Robert Curatola, John Cutler, Jim Fuller, Susan Horne, David Horton, Terry Horton, Gary Lesanto, Kathy Lewis, Barry Lydgate, Matthew Lynch, Brook Monroe, Melanie Morgan, Peggy Prock, John Rockwood, Diane Simonelli, Diana Wells, Warren Wells, Russell Wheatley

L. Standley opened the public meeting at 7:35 pm.

MINUTES

Motion to approve minutes of January 12, 2012, as amended, by P. Alpert, seconded by S. Soltzberg, approved 5-0-0.

ENFORCEMENTS

350 CEDAR STREET

P. Barry explained that Town Counsel, Dave Tobin, is drafting a letter to send to the Richland Tower Company and Petrucci Construction regarding their responsibility to comply with the requirements of the Enforcement Order issued by the Commission. The Commission agreed that they would review the draft letter and then vote on its issuance.

33 PENNSYLVANIA AVENUE

D. Anderson informed the Commission that Daniel Socci, the property owner of 33 Pennsylvania Avenue, had come into the Conservation Department office, as requested, to speak to her to determine which application to submit for any further work he intends to undertake. He was given a copy of the updated Town of Needham Wetlands Protection Regulations (Section 6) as well as the required paperwork for filing for a permit with the Conservation Commission.

HEARINGS

130 CLARKE ROAD (DEP FILE #234-634) – NOTICE OF INTENT

L. Standley opened the public hearing at 7:50 pm. John Rockwood of EcoTec, Inc. provided proof of abutter notification to P. Barry and presented the project to the Commission. The proposed project consists of the demolition of an existing single-family home, paved driveway and associated site features and the construction of a new single-family home with a deck, patio, paved driveway and walkway, runoff infiltration systems, restoration plantings, and associated landscaping within 100 feet of an intermittent stream and bordering vegetated wetland.

J. Rockwood explained that the Applicant is requesting a waiver from strict compliance with the Needham Wetlands Protection Bylaw Regulations, specifically Section 1.11 for removal of a dead tree, restoration plantings and removal of a leaf and brush pile within the 25-foot zone to vegetated wetlands. J.

Rockwood informed the Commission that a portion of the existing lawn is located within the 25-foot zone and would be maintained as lawn. He indicated that although the proposed project would increase the impervious surface on-site, that the proposed driveway would be located further from the wetland and a new catch basin would infiltrate driveway runoff. Additionally, the Applicant proposed to install a drywell to infiltrate roof runoff.

L. Standley requested that the existing brush pile located in the 25-foot zone remain in place as it functions as valuable wildlife habitat. Furthermore, she inquired as to whether the proposed mitigation planting area was open enough to support the installation of the proposed trees. A site photo provided to the Commission showed that the area of the proposed plantings would support the proposed restoration area. The Applicant requested approval to remove four (4) red oak (*Quercus rubra*) trees in the 100-foot buffer zone in addition to the one (1) dead red oak located in the 25-foot zone. The Commission agreed to the removal of three live red oak trees (retaining the tree located between elevations 88 & 89 on the referenced site plans). In addition, the Commission required a 6 foot snag be left in place when removing the dead tree in the 25-foot zone. The Applicant's representative agreed to provide the Commission with a revised plan indicating the red oak tree to remain, the brush pile to be retained and inclusion of the erosion control detail. L. Standley opened the hearing to public comment. No comments were received. **Motion to close the public hearing for 130 Clarke Road by P. Alpert, seconded by J. Bernardo, approved 5-0-0.** The public hearing was closed at 7:55 pm. **Motion to issue the Order of Conditions for DEP File #234-634 by S. Soltzberg, seconded by J. Bernardo, approved 5-0-0.**

685 & 689 CHARLES RIVER STREET (DEP FILE #234-636) – NOTICE OF INTENT

L. Standley opened the public hearing at 8:00 pm. The Applicant's representative, Russell Wheatley, presented the Commission with proof of abutter notification for both 685 and 689 Charles River Street properties, as well as the quit claim deed for 685 Charles River Street. L. Standley stated that the Commission was in receipt of the 689 Charles River Street property owner signature, but also requires the property owner signature for the 685 Charles River Street property and would be unable to close the hearing until they receive sufficient documentation. R. Wheatley explained that the owners of 685 Charles River Street were out of the country and that he would contact them upon their return to provide the requested documentation.

R. Wheatley presented the proposed project to the Commission to construct a gravel and crushed stone driveway, associated with a single family dwelling, within the 100-foot buffer zone to Bordering Vegetated Wetland. A portion of the proposed access way would be located within the 25-foot zone protected under the Needham Wetlands Protection Bylaw; therefore a waiver request and restoration/mitigation plan was also presented to the Commission. The buyer of 689 Charles River Street, James Fuller, explained the history of the access to the lot which was via a gravel driveway on an easement located adjacent to Sabrina Lake. The dilapidated building on 689 Charles River Street has been abandoned for over 40 years and the access drive is no longer present.

L. Standley expressed her concern that the waiver submitted by the Applicant for work within the 25-foot zone did not adequately explain why there are no alternatives to the proposed work. She questioned why the proposed drive could not be moved further away from the wetland. She also had concerns that the proposed mitigation area located between the 25-foot and 50-foot buffer zone on the 689 Charles River Street property would not provide the functions of the 25 foot buffer and would prefer to see the mitigation work conducted on the 685 Charles River Street property between the proposed driveway and the wetlands. L. Standley indicated that a row of shrubs in that area may provide better mitigation. R. Wheatley stated that they would approach the owner's of 685 Charles River Street with the potential to mitigate on that property. L. Standley expressed concern that the proposed mitigation area appears to be in a wooded area. P. Alpert questioned whether any trees were proposed to be removed from 25 to 50 feet

from the vegetated wetland as this area appears to have brush and large pine trees interspersed within the lawn. R. Wheatley explained that the access roadway will be designed to avoid all large trees and that no trees are proposed to be removed as a result of the access way installation. He further explained that the surveyors had marked the boundary of the proposed mitigation area and access way on the site if the Commission would like to conduct a site visit.

L. Standley opened the hearing to public comment. Mr. Dave Horton of 59 Locust Lane explained that the abandoned building was a writer's cottage built by the previous owners of 685 Charles River Street and abandoned approximately 40 years ago. He stated that he believed there is a thick layer of clay in that area and was concerned the new driveway and presumed new house would create more flooding on his property. L. Standley explained that this hearing was strictly for the gravel driveway not any proposed house and that no impervious surface is proposed. Susan Horne of 41 Locust Lane had concerns about the blue flagging she has observed to the rear of her property and questioned whether the proposed mitigation area would increase the flooding in the area. L. Standley explained the blue flags delineate the wetland and that the mitigation plantings could improve the flooding situation as trees and shrubs take up the water. An abutter, Dave Hunter, questioned whether the new owner of 685 Charles River Street would allow the proposed drive to be constructed further from the wetland. Mr. Fuller replied that the property owners have been presented with this alternative proposal but they would not allow the movement of the easement. Diana Wells of 723 Charles River Street explained that the current driveway accessing 685 Charles River Street was relocated to its current location to provide the owners with a better view of Sabrina Lake.

L. Standley informed the Applicant that the Commission requires documentation in writing from the owner of 685 Charles River Street stating that they would not allow movement of the easement away from the wetland and that the property owner signature be obtained for work associated with the Notice of Intent application Kathy Lewis, a realtor for the 689 Charles River Street owner, the Archdiocese, asked what if the Applicant could not obtain the required letter from the owner of 685 Charles River Street. P. Alpert indicated that this is a hypothetical situation and would be discussed at a later date, if needed. **Motion to continue the public hearing (for additional information) for 685 & 689 Charles River Street (DEP File#234-636) to February 9, 2012 at 8:00 pm in the PSAB – Charles River Room by P. Alpert, seconded by J. Bernardo, approved 5-0-0.**

4 WARE ROAD (DEP FILE #234-635) – NOTICE OF INTENT

L. Standley opened the public hearing at 8:35 pm. Robert Bibbo, P.L.S. of Bibbo Brothers and Associates provided proof of abutter notification to P. Barry and presented the project to the Commission. The proposed project consists of the demolition of an existing single-family home, paved driveway and associated site features and the construction of a new single-family home. Mr. Bibbo explained that the work is located approximately 158 feet from the bank of Rosemary Brook and is within the 200-foot Riverfront Area. The Applicant is proposing the removal of two (2) trees. J. Bernardo requested the Applicant plant two replacement trees on the property. L. Standley stated that this project was separated by a street and another house and yard from the banks of Rosemary Brook. **Motion to close the public hearing for 4 Ware Road (DEP File#234-635) by P. Alpert, seconded by J. Bernardo, approved 5-0-0.** The public hearing was closed at 8:40 pm.

OTHER BUSINESS

47 WAYNE ROAD – TREE REMOVAL EXEMPTION REQUEST

Gary Lesanto of Lesanto Development Corporation requested the removal of a hazard red oak (*Quercus rubra*) tree at 47 Wayne Road within the 100-foot buffer zone to vegetated wetlands as an exempt minor activity under the Needham General Wetland Protection Bylaw. G. Lesanto presented a letter from a

Certified Arborist explaining the need for removal of the hazard tree as well as photos of the tree. In addition, G. Lesanto requested approval to remove a shed standing on concrete blocks and located adjacent to the tree and partially on the adjacent lot. The Commission was provided with a letter from the property owner where the portion of the shed is located granting permission to remove the shed. The Commission determined that these activities occurring exclusively in the buffer zone (about 90-feet from the vegetated wetland) were not likely to alter the resource area; and therefore did not require a permit application filing. **Motion to approve the tree and shed removal at 47 Wayne Road as an exempt minor activity by J. Bernardo, seconded by P. Albert, approved 5-0-0.**

NEEDHAM DEPARTMENT OF PUBLIC WORKS – GENERAL MAINTENANCE PERMIT (DEP FILE #234-630) – ORDER OF CONDITIONS ISSUANCE

The Commission reviewed the draft Order of Conditions. This Order of Conditions shall be in effect for five (5) years following issuance. **Motion to issue the Order of Conditions for the Needham Department of Public Works General Maintenance Permit (DEP File #234-630), as amended, by J. Bernardo, seconded by Dawn Stolfi Stalenhoef, approved 5-0-0.**

MASS DOT ROUTE 128 PHASE V BRIDGE PROJECT (DEP FILE #234-632) – ORDER OF CONDITIONS DENIAL

The Commission reviewed the draft Order of Conditions Denial. The Conservation Commission concluded that the standard set forth at 310 CMR 10.55 (4) (b) cannot be achieved with respect to the proposed loss of Bordering Vegetated Wetland, and that the proposed project cannot be conditioned to protect the interests of the Act. **Motion to deny the Order of Conditions for the Mass DOT Route 128 Phase V Bridge Contract Project (DEP File #234-632), by P. Alpert, seconded by S. Soltzberg, approved 4-0-1, (L. Standley abstained).**

RIDGE HILL RESERVATION ECOLOGICAL MANAGEMENT PLAN – APPROVAL

L. Standley explained that four members of the Commission had contributed to the Ridge Hill Reservation Ecological Management Plan and she thanked them for their assistance. L. Standley will finalize the Plan and P. Barry will add to the Conservation Commission website. **Motion to approve and adopt the Ridge Hill Reservation Ecological Management Plan by P. Alpert, seconded by S. Soltzberg, voted to approve and adopt Plan 5-0-0.**

LEAGUE OF WOMEN VOTERS – RIDGE HILL RESERVATION FORUM

L. Standley notified the Commission that she will be presenting at the League of Women Voters Ridge Hill Reservation Forum scheduled for Thursday, February 9, 2012 at 7:15 pm. to be held in the Needham Library Community Room, and thus would be unavailable to attend the Commission's next hearing. P. Alpert acknowledged that he would chair the February 9, 2012 public hearing.

Motion to adjourn by P. Alpert, seconded by S. Soltzberg, approved 5-0-0. The meeting was adjourned at 9:30 pm.

NEXT PUBLIC HEARING

February 9, 2012 at 7:30 p.m. in the Public Services Administration Building, Charles River Room