

**TOWN OF NEEDHAM
CONSERVATION COMMISSION
MEETING MINUTES
Thursday, May 8, 2008**

LOCATION: Needham Public Library, Community Room

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

GUESTS: Anthony DelGaizo, Mary Trudeau, Gerry M. & Elizabeth M. Goldman, Tricia and Scott Sherman, Evan A. Wilmarth, Maurice Handel, David Smith, Robert Sarly, Fran Whyman, Tamara Ledley, Gerald Smith

L. Standley opened the meeting at 7:30 p.m.

MINUTES

Motion to approve the minutes of April 24, 2008 by Janet Bernardo, seconded by Sharon Soltzberg, approved 5-0-0.

PUBLIC HEARINGS

26 MEADOWBROOK ROAD (DEP File #234-530); NOTICE OF INTENT – Public Hearing

L. Standley opened the public hearing at 7:35 p.m. M. Trudeau was present on behalf of the applicants. She explained the existing conditions on the site, noting that Rosemary Brook (a perennial stream) runs through armored banks in this area. She stated that she observed hydric soils in the landscaped area adjacent to the stream, but contended that the soils were likely a relic of the wetland/waterbody that existed in this area prior to the installation of the masonry bank walls. She does not believe that the area of hydric soils is technically a wetland, however they intend to keep the proposed pool at least 25-feet away from this area. M. Trudeau then reviewed the proposed project which involves constructing a 1,260 square foot, two-story addition to the rear of an existing single-family house, removing the existing in-ground pool and installing a new in-ground pool and patio with sufficient separation from the new addition. She stated that the configuration of the relocated pool was constrained by the applicant's wish to protect a large pin oak (shown on plan) which is thought to be more than 100 years old. Roof runoff from the addition will be directed to a drywell and a 1,750 square foot mitigation planting area including 36 shrubs is proposed. L. Standley asked how the proposed project met the performance standards for work in the Riverfront Area, noting that the pool may qualify as an exempt minor activity under the Act (conversion of lawn to accessory use). M. Trudeau stated that alternatives for siting the addition were limited due to setbacks and the layout of the existing house and that the threshold for "no significant adverse impact" was not exceeded. She added that the installation of a drywell and mitigation plantings would result in an improvement over existing conditions. The Commission requested a revised plan showing existing and proposed conditions on the same plan and including a more detailed planting plan and species list. M. Trudeau stated that the proposed conditions plan could be revised to show the plantings and plant list, however the surveyors she is working with have indicated that they cannot overlay the existing conditions on this same plan. **Motion to continue the public hearing for DEP File # 234-530 (for revised plan) to May 22, 2008 at 7:45 p.m. by Marsha Salett, seconded by Janet Bernardo, approved 5-0-0.**

470 DEDHAM AVENUE; REQUEST FOR DETERMINATION OF APPLICABILITY

L. Standley opened the public hearing at 7:53 p.m. A. DelGaizo, Town Engineer, and M. Trudeau were present on behalf of the Town of Needham. A. DelGaizo explained that the delineation was undertaken in order to determine the limits of the Conservation Commission's jurisdiction over the parcel on the corner of Dedham Avenue and South Street, where the Town is considering constructing a Public Service Administration building. L. Standley stated that the Commission had reviewed the wetland line, and asked how M. Trudeau had delineated the mean annual high water (MAHW) for Alder Brook. M. Trudeau stated that in most areas MAHW coincided with first observable break in slope. She noted that there were a few areas where the bank had been compromised and the MAHW line was expanded based on staining and other field indicators. K. Phelps confirmed that she had reviewed this line. L. Standley noted that the plans submitted with the Request for Determination of Applicability did not show the 200-foot Riverfront Area, the 100-foot buffer zone or Bordering Land Subject to Flooding. She requested a revised plan showing these buffer zones and resource areas. **Motion to continue the public hearing to May 22, 2008 at 8:00 p.m. (for revised plan) by Carl Shapiro, seconded by Janet Bernardo, approved 5-0-0.**

470 DEDHAM AVENUE; REQUEST FOR DETERMINATION OF APPLICABILITY

L. Standley opened the public hearing at 8:07 p.m. A. DelGaizo was present on behalf of the Town of Needham. He stated that the Town had replaced portions of the 48-inch pipe outside of the 100-foot buffer zone. The Town subsequently investigated the remainder of the drain line and observed several areas where the pipe was in poor condition. The Town would like to replace the pipe to within 4 feet of the headwall this summer prior to the field reconstruction (regulated under DEP File # 234-522) that will be taking place in this area. L. Standley requested a revised plan showing erosion controls along the edge of the field and moving the haybale line at the outlet closer to the headwall. **Motion to continue the public hearing to May 22, 2008 at 8:05 p.m. (for revised plan) by Janet Bernardo, seconded by Sharon Soltzberg, approved 5-0-0.**

7 PHEASANT ROAD (DEP File #234-526); AMENDMENT – Public Hearing

L. Standley opened the public hearing at 8:15 p.m. Property owners Tricia and Scott Sherman were present to discuss the proposed modifications to their approved plan including the construction of a deck and the relocation of no-disturb bounds (as discussed at the April 10, 2008 meeting). **Motion to close the public hearing on the amendment to DEP File # 234-526 by Sharon Soltzberg, seconded by Carl Shapiro, approved 5-0-0. Motion to issue the Amended Order of Conditions for DEP File # 234-526 (adopting the revised plan) by Sharon Soltzberg, seconded by Carl Shapiro, approved 5-0-0.**

SABRINA LAKE (DEP File #234-529); NOTICE OF INTENT – Public Hearing

L. Standley opened the public hearing at 8:25 p.m. The applicant's representatives had indicated that they may be late due to a conflicting meeting, thus the hearing was left opened to await their arrival. R. Sarly from the Friends of Sabrina Lake and G. Smith from Aquatic Control Technologies, Inc. arrived at 8:50 p.m. G. Smith presented the proposal for continued chemical treatment of Sabrina Lake to control algae and invasive aquatic plants such as water milfoil and water lily. He stated that the management program began in 1989 and the original application covered mechanical harvesting. The current application requests permission to undertake hydro-raking, although this approach is not being contemplated as an imminent treatment method. G. Smith added that the management program includes water quality monitoring (three times per year) and plant surveys (twice per year). There are three potential chemical treatments that will be undertaken as needed including (1) whole lake treatments with the herbicide fluridone (typically required once every three to four years); (2) spot treatments using Rodeo when plant coverage exceeds 20-30%; and (3) algaecide treatment once every several

years. L. Standley stated that additional information would be required with respect to protection of bank and BVW during any proposed hydro-raking. G. Smith stated that the applicant would accept a condition requiring that they return to the Conservation Commission with a detailed plan (addressing access, stockpiling, etc.) in the event hydro-raking is necessary. **Motion to close the public hearing for DEP File # 234-529 by Marsha Salett, seconded by Janet Bernardo, approved 5-0-0.** K. Phelps stated that she informed the applicant that the proposed project constituted work requiring a waiver and that the associated filing fee was \$1000. The applicant asked whether this fee could be waived. The Commission unanimously concurred that the fee should be paid in its entirety.

127 ARDMORE ROAD; REQUEST FOR DETERMINATION OF APPLICABILITY

L. Standley opened the public hearing at 8:45 p.m. Property owner, Christopher Maxwell was present. He explained the proposed project which involves landscaping his front and side yards, pruning some of the existing trees and installing a patio in an area that is currently lawn. The Commission approved the proposed plant list and concurred that haybales should be installed to mark the limit of planting (to be completed by an independent landscaping company). L. Standley asked that K. Phelps review and approve any limbs to be pruned as part of this request. **Motion to close the public hearing by Marsha Salett, seconded by Sharon Soltzberg, approved 5-0-0. Motion to issue a Negative Determination of Applicability by Marsha Salett, seconded by Sharon Soltzberg, approved 5-0-0.**

24 BROOKSIDE ROAD (DEP File #234-531); NOTICE OF INTENT – Public Hearing

Evan Wilmarth was present on behalf of the applicant. He explained that the existing system (cesspool) is in failure and that the Board of Health required the upgrade. The proposed septic system is sized to accommodate the three bedroom dwelling and the leaching field will be a minimum of 50 feet from the edge of the bordering vegetated wetland. K. Phelps confirmed that she had reviewed the delineation and was comfortable with the line as shown. **Motion to close the public hearing for DEP File #234-531 by Sharon Soltzberg, seconded by Carl Shapiro, approved 5-0-0.**

COMMISSION ACTIONS

708 SOUTH STREET, LOT 4 RIVERBEND LANE – CONSERVATION RESTRICTION

K. Phelps stated that P. Alpert had reviewed the Conservation Restriction (for the rear portion of this site) which will be submitted to the Executive Office of Energy and Environmental Affairs for acceptance. He is comfortable with the document and recommended that the Commission approve the proposed restriction. **Motion to accept the Conservation Restriction for 708 South Street, Lot 4 Riverbend Lane by Carl Shapiro, seconded by Sharon Soltzberg, approved 5-0-0.**

1285 SOUTH STREET (DEP File #234-499); Request for approval of a Minor Modification

The property owners submitted a request to modify their proposed plan to replace a proposed patio to the rear of the house with a smaller addition and to extend the front of the house towards South Street by approximately 15 feet. All proposed changes will occur within the existing limit of work and no change in grade will be required. **Motion to approve the proposed changes as a minor modification to the plan approved under DEP File #234-499 by Carl Shapiro, seconded by Janet Bernardo, approved 5-0-0.**

564 CENTRAL AVENUE (DEP File #234-464); Request for Extension

The property owners have completed construction; however they are concerned that they will not have sufficient time to obtain the required as-built plan and certification prior to the expiration date of their permit. **Motion to issue a one year extension to the Order of Conditions for DEP File # 234-464 by Carl Shapiro, seconded by Janet Bernardo, approved 5-0-0.**

106 FOREST STREET (DEP File #234-526); Notice of Intent

The Commission reviewed the draft Order of Conditions. **Motion to issue the Order of Conditions for DEP File # 234-526 (as modified) by Carl Shapiro, seconded by Marsha Salett, approved 5-0-0.**

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

K. Phelps gave a brief explanation of the status of the administrative appeal of this filing. The project proponent submitted revised plans for consideration by the Administrative Law Judge and there is a question as to whether the revised plans are admissible and whether the proposed changes are significant. DEP's plan change policy allows the court to consider plan changes – even when the proposed changes are significant – so long as there is no objection from the Conservation Commission. The Commission reviewed the revised plans under which the proposed residential units would be pulled out of the Riverfront Area. The units would be replaced with the proposed parking and driveway, though these elements would be located farther from Rosemary Brook than the units as originally proposed. **The Commission voted unanimously to issue a letter to DEP stating the Commission does not object to the DEP considering this plan change.**

OTHER BUSINESS

ROSEMARY POOL TRAIL/LAKE DRIVE – Discussion

Lake Drive resident Harvey Winchester was in attendance to express concerns about the condition of the trail coming off of the Rosemary Pool parking lot. He suggested that the runoff that is eroding the trail could be improved if the parking lot were regraded towards the catchbasin on the pool house side of the lot. L. Standley stated that the trail is on land controlled by Park and Recreation and the Commission would need to seek their feedback prior to requesting any repair work. She explained that she was preparing a generic Request for Determination of Applicability for trail work that would cover this type of trail repair. Mr. Winchester added that he was also concerned that the rip-rap installed along the channel between the Lake Drive stormwater outflow and the bottom of the slope was inadequate. K. Phelps will review and discuss with the Town Engineer.

CPA FUNDING REQUESTS

Lisa Standley informed the Commission that Town Meeting had approved both of the Commission's requests for funding (transfer of \$25,000 to the Conservation Fund and \$5,500 for signs and kiosks).

Meeting was adjourned at 9:25 p.m.

Next Meeting: Thursday, May 22, 2008 at the Library Community Room

Respectfully submitted,

Kristen Phelps