

**TOWN OF NEEDHAM
CONSERVATION COMMISSION
MEETING MINUTES
Thursday, July 23, 2009**

LOCATION: Needham Public Library

ATTENDING: Lisa Standley, Carl Shapiro, Janet Bernardo, Paul Alpert, Kristen Phelps (Agent), Amy Holland (Office Administrator)

GUESTS: Mary Trudeau, Ralph Feinberg, Mark Allen, Bruce Dean, Alan Dean, Sean Sweeney, Diane Simonelli, Steve Poole, George Collins, Phil Lavelle, Connie Barr, Jane Swett, David Blakelock, Sam Behar, Bernice Behar, Jim Duffy, Traci Todalis, Margaret Pantridge, Roger Hunt, Janice Hunt

L. Standley opened the meeting at 7:36 p.m.

PUBLIC HEARINGS

10 LEWIS STREET (DEP File # 234-559) – NOTICE OF INTENT

L. Standley opened the continued public hearing at 7:45 p.m. She stated that the hearing had been continued for proof of abutter notification. Mary Trudeau was present on behalf of the applicant and she provided a brief summary of the project and a review of the resource areas. She requested that the Commission consider issuing a waiver for construction within 50 feet of the wetlands as well as a reduction in the filing fee (based on the purpose and minimal size of the proposed addition). L. Standley stated that the waiver requirement only pertained to work within 50 feet of a wetland resource area when that area was naturally vegetated. She added that the decision regarding fees is based on the level of scrutiny given to a project, not the size of that project. K. Phelps stated that while the finished addition would fall at the 25-foot buffer line, construction and grading related to the installation of the foundation would occur within the first 25-feet of the buffer zone. **Motion to close the public hearing for DEP File # 234-559 by Paul Alpert, seconded by Janet Bernardo, approved 4-0-0.** The Commission considered the Applicant's request to reduce or waive the filing fee for work requiring a waiver. L. Standley noted that the project met two of the criteria identified in the Commission's guidelines for waiving/reducing fees (work in lawn, minor construction). The Commission agreed that the proposed project was eligible for a fee reduction and unanimously agreed to decrease the bylaw filing fee from \$1000.00 to \$500.00. The Commission reviewed the draft Order of Conditions. **Motion to issue the Order of Conditions for DEP File # 234-559 by Paul Alpert, seconded by Janet Bernardo, approved 4-0-0.**

112 EDGEWATER DRIVE (DEP File # 234-534) – REQUEST FOR AMENDMENT

L. Standley opened the continued public hearing at 7:45 p.m. She stated that the hearing had been continued for a revised plan showing the correct location of the erosion controls and further information about stabilizing the swale. George Collins of Boston Survey was present on behalf of the applicant. He reviewed the changes to the plan, pointing out the additional section of proposed haybales around the new swale and the detail demonstrating the proposed treatment of the swale. **Motion to close the public hearing on the Amendment Request for DEP File # 234-534 by Carl Shapiro, seconded by Paul Alpert, approved 4-0-0.** The Commission reviewed the draft Amended Order of Conditions. **Motion to issue the Order of Conditions (as amended) for DEP File # 234-534 by Janet Bernardo, seconded by Paul Alpert, approved 4-0-0.**

213 WASHINGTON AVENUE (DEP File #234-560) – NOTICE OF INTENT

L. Standley opened the public hearing at 8:00 p.m. Property owners Bruce and Alan Dean were accompanied by Mark Allen of Allen Engineering, Inc. M. Allen explained the proposed project which involves constructing a 2-car garage and an addition to an existing single-family house. He reviewed the resource areas on the site, noting that there is a drain pipe running under Washington Avenue which discharges through the westerly part of the lot and enters a separate pipe to the southerly corner of the lot. M. Allen stated that the proposed addition will be constructed on the side of the house that is farthest from this wetland resource. He added that there will be some clearing (7 trees greater than 6" caliper within the buffer zone) and grading. The existing lawn falls within the 25-foot no disturb area, and while the lawn will not be extended, the applicant would like to install fencing and plantings in this area. L. Standley noted that the plan showed additional work within the 25-foot no-disturb area. M. Allen replied that the changes in grade in this area were proposed in order to accommodate the discharge pipe from the infiltration system. He added that the existing garage (under) was being eliminated and the grade was being brought up around what would be a new basement wall. L. Standley stated that a written request for a waiver is required in order for the Commission to consider the proposed construction within the 25-foot no-disturb area. Paul Alpert asked for clarification about which trees would be removed and whether it was necessary to remove all of them. M. Allen noted the trees to come down and explained that they needed to be removed in order to accomplish the proposed grading. J. Bernardo asked what the groundwater elevation is. M. Allen estimated it as 304 to 305 feet based on the wetland elevations.

Abutter Sam Behar of Bancroft Street expressed concern about the impact of construction on the trees between the proposed work and his property as well as with potential changes in drainage characteristics. M. Allen stated that the proposed work was downgradient of the Behar's property and the proposed grading would not direct water to their lot. Abutter Mark Dawson of Bancroft Street asked whether the project would require the applicant to blast. M. Allen replied that they did not anticipate any need for blasting. The Commission asked whether work in the 25-foot no-disturb zone might be avoided by installing a retaining wall. M. Allen agreed to explore this possibility. **Motion to continue the public hearing for DEP File # 234-560 (for waiver request) to August 13, 2009 at 7:45 p.m. by Carl Shapiro, seconded by Paul Alpert, approved 4-0-0.**

0 SOUTH STREET (DEP File #234-561) - NOTICE OF INTENT

L. Standley opened the public hearing at 7:45 p.m. She asked for clarification on several administrative issues including the correct address and property owner for the proposed project and whether a sewer connection permit should have been obtained prior to submitting the NOI. The applicant's representative, Diane Simonelli of Field Resources, agreed that the project address was incorrectly noted as 0 South Street. The proposed work will occur within the street layout and is owned by the Town of Needham. L. Standley informed the applicant that he would need a definitive letter from the Town granting permission to pursue this permit. Owner and applicant Sean Sweeney stated that he worked with the Water & Sewer Department to design the sewer connection. K. Phelps will check with DPW to determine whether a sewer connection permit would be issued prior to obtaining approval from the Conservation Commission.

D. Simonelli explained the proposed project which involves installing a sewer main within the unpaved portion of the South Street road layout. The pipe would cross the culvert through which the outlet stream from Farley Pond crosses South Street. The proposed trench for the sewer line is 2.5 feet wide and 42 inches deep, and would be installed approximately 6 inches above the existing culvert. L.

Standley asked why erosion controls did not extend for the full length of the buffer zone and where the applicant would stockpile excavated materials. S. Sweeney replied that the trench would be excavated and backfilled in a day and that there would be no need to stockpile. J. Bernardo asked what would prevent effluent from getting into the stream/culvert in the event of a break and asked for a statement from the engineer who designed the connection as to whether there was adequate protection of the pipe given its proximity to the stream and culvert. S. Sweeney explained that the pipe would be encased in a sleeve.

Abutter Roger Hunt of 969 South Street asked why the applicant was not constructing a septic system at this site or whether tying into the sewer line on Marant Drive had been considered. He expressed concerns about what would happen to the resource areas if there were a failure in the sewer pump and/or main. Margaret Pantridge of 945 South Street asked for clarification as to how the sewer pipe was to be installed over the culvert as the top of the culvert is only 36 inches deep. J. Bernardo clarified that the sewer line would be raised to clear the culvert. Janice Hunt, also of 969 South Street reiterated concerns about working in close proximity to Farley Pond. The Commission agreed that they would like to conduct a site visit, and the applicant committed to provide a revised NOI application form and acknowledgement from the Town that they had permission to work in South Street. **Motion to continue the public hearing for DEP File # 234-561 (for revised application and plan and site visit) to August 13, 2009 at 8:00 p.m. by Janet Bernardo, seconded by Carl Shapiro, approved 4-0-0.**

COMMISSION ACTIONS

232 COUNTRY WAY (DEP File # 234-558) – Issue Order of Conditions

The Commission reviewed the draft Order of Conditions. **Motion to issue the Order of Conditions for DEP File # 234-558 by Carl Shapiro, seconded by Janet Bernardo, approved 6-0-0.**

OTHER BUSINESS

1885 CENTRAL AVENUE – Violation

L. Standley stated that she observed a violation along the bank of the Charles River at this address. Unauthorized work includes vegetation removal and constructing stairs to the river. The Commission directed K. Phelps to send a letter to the property owners directing them to cease and desist from unauthorized work in the Riverfront Area, to temporarily stabilize the altered area, and to appear at their next regularly scheduled meeting to discuss further steps to resolve this violation.

0 CHARLES RIVER STREET (NGWP #12) – Order of Conditions

K. Phelps stated that she was unable to complete the draft Order of Conditions for the proposed subdivision roadway project for review at 0 Charles River Street. The hearing was closed on June 25, 2009, and the Applicant consented to an extension of the 21-day time period to issue an Order of Conditions. As the next scheduled meeting is not until August 13th, K. Phelps asked if the Commission would consider holding an interim meeting to discuss and vote on this project. The Commission agreed to schedule a meeting for July 30, 2009 to deliberate on 0 Charles River Street only. K. Phelps will secure a meeting space and post the meeting date.

BOARD OF SELECTMEN GOALS – Discussion

L. Standley stated that the Board of Selectmen scheduled a public meeting for July 28th to discuss their draft goals for the upcoming fiscal year. L. Standley will attend on behalf of the Commission and asked that any comments on the draft be brought to her attention prior to the public meeting.

TOWN POLICY REGARDING DOGS – Discussion

L. Standley stated that during a recent meeting with the Town Manager regarding Ridge Hill, she was asked whether the Commission would permit off-leash dogs at certain times or in certain areas at Ridge Hill. The Commission agreed that as the land under their care and custody was intended to protect and preserve wildlife and wildlife habitat, permitting off-leash dogs would be an incompatible use.

Meeting was adjourned at 8:30 p.m.

Next Meeting: Thursday, July 30, 2009 at the Needham Public Library

Respectfully submitted,

Kristen Phelps