

**TOWN OF NEEDHAM
CONSERVATION COMMISSION
MEETING MINUTES
Thursday, December 8, 2011**

LOCATION: Public Services Administration Building, Charles River Room

ATTENDING: L. Standley (Chair), Janet Bernardo, Marsha Salett, Carl Shapiro, Sharon Soltzberg, Debbie Anderson (Agent), Elisa Litchman (Assistant).

GUESTS: F. Burke, Darren Conboy, Tim Davison, Kevin Doherty, Doug Donaldson, D. Horton, Kerry & Charlie Hurwitch, Helen Kress, Dennis Loury, Robert Lynch, Susan McArthur, Luis F. Oliveira, Ardi Rrapi, Maureen Reilly, Tom Ryder, Adel Shahin, Diane Simonelli, Steven Spitz, Bill Tedoldi, Alderman Brian Yates, Russell Wheatley

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

MINUTES

Motion to approve minutes of November 10, 2011 as amended by J. Bernardo, seconded by M. Salett, approved 5-0-0.

ENFORCEMENTS

328 CEDAR STREET

D. Anderson reported that she had made a site visit to the property and restoration work has been done at 328 Cedar Street. Grass seed is beginning to sprout aiding in stabilization. D. Anderson stated that the Grimaldos had requested a letter of compliance with the enforcement order since they have completed the stabilization work required in the order. D. Anderson stated that at the Commission's request, Town Counsel had drafted a memo to the Commission explaining legal avenues that they may pursue against the contractor and the owner of 350 Cedar Street for non-compliance with the enforcement order. The Commission will review the memo and discuss it at the next meeting 12/22/11.

PENNSYLVANIA AVENUE

D. Anderson reported to the Commission that a letter had been sent to the owner recommending they attend a meeting in December. L. Standley reported that cut trees and vegetation are neatly piled on the property within the wetlands.

HEARINGS

92 WILSHIRE PARK (DEP FILE #234-629) – Continued NOTICE OF INTENT

L. Standley opened the public hearing at 8:04pm. D. Simonelli had submitted the required information regarding the stabilization of the upland slope. Geofabric, a selection of grasses and lowbush blueberry are proposed. The two trees that the Applicant has requested for removal include a 40 inch oak (*Quercus sp.*) tree in the rear and a 30 inch spruce (*Picea sp.*) tree in front. The Commission recommended that a condition be included in the Order of Conditions that a grass seed mix be used, as the grasses proposed by the Applicant are not available commercially. **Motion to close the hearing for 92 Wilshire Park (DEP File # 234-629) by S. Soltzberg, seconded by C. Shapiro, and approved 5-0-0.** The public hearing was closed at 8:10pm. **Motion to issue an Order of Conditions as amended by M. Salett, seconded by C. Shapiro, approved 5-0-0.**

46 EDGEWATER DRIVE – REQUEST FOR DETERMINATION OF APPLICABILITY

L. Standley opened the public hearing at 8:15pm. The owners, Kerry and Charlie Hurwitch, presented the proposed project which includes the removal of the existing greenhouse, re-construction of the dilapidated addition on one side of the house within the same footprint, and construction of a front foyer to the house. All work is within Buffer Zone, BLSF, and Riverfront Area. The proposed foyer will be less square footage than the greenhouse, so no increase in impervious area is proposed. They reported that the house is built on a slab, and all work would be within existing lawn. L. Standley noted that the Commission did not accept the incomplete wetland delineation. **Motion to close the hearing by M. Salett, seconded by J. Bernardo, approved 5-0-0.** The public hearing was closed at 8:26pm. **Motion to issue a negative determination of applicability by S. Soltzberg, seconded by C. Shapiro, approved 5-0-0.**

MASS DOT – ADD-A-LANE PROJECT (DEP FILE #234-632) – NOTICE OF INTENT

L. Standley recused herself from this hearing. J. Bernardo opened the public hearing at 8:30 pm. Larry Cash, Design Project Manager for DOT presented an overview of the project. He explained that the Add-a-Lane project begins in Randolph and continues north to Wellesley for a 13.5 mile span. The specific area that this Notice of Intent filing encompasses runs between Needham and Wellesley for 3.5 miles. Several wetland resource areas exist along this corridor. Several members of the “team” were present to go over portions of the project and answer questions. Dennis Lowry gave the overview, Adel Shahin from Green International discussed the drainage systems, Susan McArthur and Darren Conboy were available to answer wetlands related questions. Mr. Lowry explained that the project will result in the loss of more than 5,000 s.f. of bordering vegetated wetlands and therefore cannot be permitted by the Commission. Mass DOT requests that the Commission deny the project. A variance will be sought from DEP.

The proposed project involves significant changes to the interchanges and additional lanes where the median now exists. A roadway on the outside of the highway or ‘collector distributor road’ will be created and a noise barrier is proposed near Hunting Road between Highland Avenue and Kendrick Street. Improvements to the Kendrick Street Bridge would increase traffic lanes to five. The project involves specific wetland impact on the median south of Highland Avenue. Wetland restoration is proposed as well as mitigation plantings. Maureen Reilly, a resident of Newton expressed concern regarding where snow will be moved to if there is no median, and the peak rate of flow off the highway. Mitigation and infiltration appear to be of concern. J. Bernardo expressed interest in the storm water management report and requested additional information from the applicant. Due to the fact that J. Bernardo will not be present at the 12/22/11 meeting she requested that the hearing be continued to 2012. **Motion to continue the hearing by M. Salett to January 12, 2012 at 7:45pm, seconded by S. Soltzberg, approved 4-0-0.**

84 GLENDALE ROAD (DEP FILE #234-620) – REQUEST TO AMEND ORDER OF CONDITIONS

L. Standley opened the public hearing at 9:18 pm. D. Simonelli presented the proposed changes to the Commission. She explained that the zoning for this property was thought to be single residence B; however, further research indicates it is single residence A. In order to comply with the zoning setbacks for this district, the Applicant is proposing to “flip” the house footprint. In addition, the gas tank was proposed to be installed underground; however, very high groundwater conditions were encountered.

Roof run-off was proposed to be directed to the adjacent catch basin. L. Standley expressed concern and suggested that the roof run-off recharge to the lawn, not to the street. Two trees on the side of the property will need to be removed as they are now situated in the area of the proposed driveway. L. Standley recommended that the applicant suggest replacement trees to the Commission. D. Simonelli also explained that when testing for installation of the gas tank they hit a ‘spring’ and had to pump 13,000 gallons of water to a truck. The Commission recommended that a solution to the “spring” be presented at

the next meeting. Overall, the new proposed plan places the home further from the wetland. In addition, the Commission suggested placing a filter strip along the edge of the proposed driveway if it is pitched towards the wetland. **Motion to continue the hearing to December 22 at 8:00pm by J. Bernardo, seconded by M. Salett, approved 5-0-0.**

1362 GREAT PLAIN AVENUE (DEP FILE #234-6XX) – NOTICE OF INTENT

L. Standley opened the public hearing at 9:35 pm. This project is to remove an abandoned gas station and construct a residential duplex home within the buffer zone and Riverfront Area. The Zoning Board of Appeals has approved the use. The house is proposed to be 36 feet by 56 feet and two and one-half stories tall in a colonial style to be built on a slab with minimal ground disturbance. Two detached garages are proposed. The plans include substantial landscaping. Erosion controls including silt sock placement in the adjacent catch basins is proposed. **Due to the lack of a DEP File Number, motion to continue the hearing to December 22nd at 8:15 pm by J. Bernardo, seconded by C. Shapiro, approved 5-0-0.**

DPW BROOK MAINTENANCE GENERAL PERMIT (DEP FILE #234-631) – NOTICE OF INTENT

L. Standley opened the public hearing at 9:40pm. The DPW is seeking a general permit for maintenance and minor repair work conducted throughout the year, including cleaning and maintenance of storm water culverts, culvert repair, cleaning and maintenance of storm water outfalls, detention basin structures, water conveying channels, tree pruning and removal, maintenance of walkways, picnic areas and skating ponds, as well as, maintenance of fire roads. The Commission requested additional information and specific changes to the submitted Plan, including add maintenance of existing gravel parking lots; clarify whether the permit applies to all culverts and channels or just those that convey stormwater only; clarify whether work was proposed within Estimated Habitat of rare species; clarify work proposed near skating ponds; and add Inland Restricted Wetlands to the map. **Motion to continue the hearing to December 22nd at 8:30pm by J. Bernardo, seconded by S. Soltzberg, approved 5-0-0.**

WALKER GORDON ATHLETIC FIELD IMPROVEMENTS (DEP FILE #234-631)- NOTICE OF INTENT

L. Standley opened the public hearing at 9:54pm. Michael Hornig from Beta Group, Inc. presented the project to the Commission. Mr. Hornig explained that the Town has purchased the lot adjacent to the athletic field and plans to expand the outfield and improve the field conditions. The project includes installing new equipment and fencing as well as resurfacing and regrading the field and parking lot. In addition, a permanent irrigation system is proposed. Portions of the project are within the 100-ft Buffer Zone. As part of the project, they plan to bring in some sand, redo the wash stone chips in the parking lot and wood fiber base at the playground. A stone chip pathway is proposed to lead to the picnic area and a new stone wall and privacy fence will be installed at the north side of the property. L. Standley noted that the plans show river bank flags, but not Riverfront Area, and asked that this be added to the plans. The plans should have more labels identifying miscellaneous lines. The lines indicating the fence on the plans appear to cross over the hay bales. The Commission noted that the Notice of Intent referenced the Town's stormwater O&M Plan, but did not include the plan. The Commission asked that the O&M plan be submitted. **Motion to continue the hearing to December 22nd at 8:45pm by C. Shapiro, seconded by S. Soltzberg, approved 5-0-0.**

OTHER BUSINESS

689 CHARLES RIVER STREET – INFORMAL DISCUSSION

Russell Wheatley, explained that the Archdiocese of Boston owns the property. An abandoned house is located on the lot and was historically accessed via a gravel road adjacent to Sabrina Lake by an easement over 685 Charles River Street. There is no longer any sign of the gravel drive, leaving the lot inaccessible. The Archdiocese plans to sell the property. Mr. Wheatley was retained to come up with a plan to access

the property. He a gravel driveway spur off of the existing drive to 685 Charles River Street for which an easement is already in place. The Archdiocese approached the owners of 685 Charles River Street with their proposal, for which they agreed and the Plan was recorded at the Registry of Deeds. The proposed driveway is located in the 100-foot buffer zone to bordering vegetated. A recent update to the wetland delineation detected a finger of wetland closer to the proposed driveway causing a portion of the Driveway to be within the 25-foot Buffer Zone. D. Anderson noted that she had inspected the new wetland line and that it was accurate. The Commission noted that the owners had been premature in executing a recorded easement before securing the necessary permits under the Wetland Protection Act and Bylaw. They recommended that the Applicant file a Notice of Intent Application, including a request for a waiver from strict accordance with the Town Bylaw for work within the 25-foot buffer area. The Commission also recommended that the applicant suggest a mitigation planting plan.

BORDER ROAD CULVERT CLEANING (DEP FILE #234-356) – DPW GENERAL MAINTENANCE ACTIVITY NOTIFICATION

Tom Ryder from the Town of Needham Engineering Department explained that debris had accumulated in the culvert at Border Road and recently, before the heavy rain event, the DPW had removed it. Photographs were provided to the Commission. **Motion to approve the activity by DPW to clean the Border Road Culvert by M. Salett, seconded by J. Bernardo, approved 5-0-0.**

BORDER ROAD CHANNEL MAINTENANCE/REPAIR (DEP FILE #234-356) – DPW GENERAL MAINTENANCE ACTIVITY NOTIFICATION

T. Ryder explained that sediment has collected where the wall is collapsing. They propose to scoop the sediment into a vactor truck and restack and interlock the stones of the wall. **Motion to approve the activity by DPW to clean the Border Road Culvert by M. Salett, seconded by J. Bernardo, approved 5-0-0.**

MALLARD ROAD/PHEASANT LANE – CULVERT CLEANING AND CHANNEL MAINTENANCE/REPAIR (DEP FILE #234-356) - DPW GENERAL MAINTENANCE ACTIVITY NOTIFICATION

The Town proposes to clean the culvert adjacent to the location of the current wall repair, by removing brush and leaf debris. **Motion to approve the work at Mallard Road by J. Bernardo, seconded by S. Soltzberg, approved 5-0-0.**

1011 SOUTH STREET (DEP FILE #234 -623) – MINOR MODIFICATION REQUEST

The owners have requested removal of three dead ash trees (*Fraxinus sp.*). D. Anderson conducted a site visit and confirmed that the trees are dead. The Commission agreed to the removal of the 3 dead trees but stipulated that tree #2 and tree #3 be cut to leave 6'-10' snags.

20 EDGEWATER DRIVE (DEP FILE #234-447) – CERTIFICATE OF COMPLIANCE REQUEST

A partial Certificate of Compliance was issued in September of 2005. A partial was issued as opposed to a complete Certificate of Compliance as the required 2-year plant monitoring period was not yet completed. The Applicant now seeks a complete Certificate. **Motion to issue the Certificate of Compliance by M. Salett, seconded by S. Soltzberg, approved 5-0-0.**

Motion to adjourn by J. Bernardo, seconded by M Salett, approved 5-0-0. The meeting was adjourned at 10:24 pm.

NEXT PUBLIC HEARING

December 22, 2011 at 7:30 p.m. in the Public Services Administration Building, Charles River Room