

**TOWN OF NEEDHAM
CONSERVATION COMMISSION
MEETING MINUTES
Thursday, September 13, 2012**

LOCATION: Public Services Administration Building, Charles River Room

ATTENDING: Paul Alpert (Acting Chair), Stephen Farr, Marsha Salett, Sharon Soltzberg, Dawn Stolfi Stalenhoef, Debbie Anderson (Acting Agent), Elisa Litchman (Acting Assistant)

GUESTS: Chris Brunelli, Steve Cohen, Stephen Gher, Peter Grabler, John Hollywood, Brad Holmes, Francesco Leone, Lisa London, Greg Petrini, John Rockwood, Andrew Weaver

P. Alpert opened the public meeting at 7:40 PM.

MULLEN RULE CERTIFICATIONS

D. Anderson accepted a written certification from P. Alpert stating that he had missed no more than one single session of the hearings pertaining to 1285 South Street (DEP File #234-499) - Notice of Intent, 81 Charles River Street (DEP File #234-650) - Notice of Intent and 461 Chestnut Street – Request for Determination of Applicability, as well as written certification from M. Salett stating that she had missed no more than one single session of the hearings pertaining to 81 Charles River Street (DEP File #234-650). Both stated that they 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.

MINUTES

In absence of a quorum of Commission members who had been in attendance at the August 9, 2012 Public Meeting, P. Alpert continued the vote to approve the minutes of August 9, 2012, to the September 27, 2012 public meeting.

The approval of the minutes from the August 23, 2012 Public Meeting was continued to the September 27, 2012 public meeting to allow time for additional edits.

ENFORCEMENTS

1516 CENTRAL AVENUE – SUNNYHILL HORSE FARM

Several members of the Commission have observed un-permitted driveway work at the 1516 Central Avenue property. There are some erosion controls visible adjacent to the work area, however, it is unknown if they are installed properly and functioning as intended. M. Salett proposed that a cease and desist order be issued as well as a fine imposed. D. Stolfi Stalenhoef explained that the most pressing matter is to get the work stopped and ensure the resource area is protected. After consulting a recent Site Plan showing three wetland resource areas located on the property, the Commission determined that a fine of \$900 should be levied against the homeowner. The Commission directed D. Anderson to issue an Enforcement Order to the homeowner requiring that the work stop, appropriate erosion controls be installed, and that the homeowner's attend the September 27, 2012 Public Meeting to discuss the Enforcement Order and the project with the Commission.

Motion to issue the Enforcement Order for 1516 Central Avenue, including the \$900 fine, by M. Salett, seconded by D. Stolfi Stalenhoef, approved 5-0-0.

HEARINGS

461 CHESTNUT STREET – REQUEST FOR DETERMINATION OF APPLICABILITY

P. Alpert opened the public hearing at 7:45 p.m. S. Farr recused himself from the hearing. Brad Holmes of Environmental Consulting & Restoration, LLC represented NSTAR and addressed the Commission. The proposed project consists of replacement of electrical components and installation of new electrical components with associated duct work, foundation and drainage system relocation. The location of the proposed project is within the existing substation facility and abutting paved driveway. Mr. Holmes explained that bordering vegetated wetlands (BVW) associated with abutting drainage systems exists to the northeast of the substation facility. A portion of the proposed work will take place within the outer 50 feet of the BVW.

P. Alpert questioned the notation on the Site Plan indicating that widening of the existing driveway was part of the project which conflicts with the narrative describing the project. Mr. Holmes explained that an old Site Plan was edited for this filing and that the notation remained in error and that no driveway widening was proposed. P. Alpert requested that Mr. Holmes cross out the notation and sign off on the Site Plan. As several Plans had been presented to the Commission showing different aspects of the proposed work, M. Salett requested that all of the information be put on one Plan to clarify the work for the Commission and the contractor. The single revised Plan should include the wetland delineation, buffer zones and the proposed work. The Commission is interested in seeing the proximity of the catch basins to the wetland. P. Alpert discussed that prior to moving the existing catch basin, the test pit data will need to be submitted to the Commission, and once installed, the final drainage plan as-built will need to be submitted as well. The Commission instructed Ms. Anderson to hold off issuance of the Negative Determination of Applicability, if voted to approve, until the revised Plan is submitted.

Motion to close the public hearing for 461 Chestnut Street by S. Soltzberg, seconded by M. Salett, approved 4-0.

Motion to issue a Negative Determination of Applicability for 461 Chestnut Street upon receipt of the required revised Plan, by S. Soltzberg, seconded by M. Salett, approved 4-0.

81 CHARLES RIVER STREET (DEP FILE #234-650) – continued NOTICE OF INTENT

P. Alpert opened the public hearing at 8:00 pm. Since the August 23, 2012 public hearing, the Commission conducted a site visit and the Applicant's Representative, John Rockwood, submitted a revised Plan as requested. The Commission discussed the findings of the site visit. The wetland delineation was deemed satisfactory given the site conditions. Mr. Rockwood explained that stone bounds would be installed at the limit of work. He also explained that the Applicant is requesting three waivers from the Commission. The Waiver requests include: work within the 25 foot buffer zone; work within the 50 foot buffer zone and a Waiver request to waive the Waiver fee. P. Alpert noted that the Commission did not agree with the species and location of some of the proposed restoration plantings. Due to the shady site conditions, the proposed sun loving eastern red cedar (*Juniperus virginiana*) trees should be replaced with shade tolerant shrubs. In addition, the 50-100 foot buffer area is considerably shadier than the 25-50 foot buffer area. The Commission discussed conditioning the Order of Conditions to limit the installation of trees to the 25-50 foot buffer area to increase their survival.

Motion to close the public hearing for 81 Charles River Street (DEP File #234-650) by S. Farr, seconded by S. Soltzberg, approved 5-0-0. Motion to issue an Order of Conditions, as amended, for paving of an existing gravel driveway, construction of a deck, expansion of an existing lawn, implementation of an invasive species removal plan and installation of mitigation plantings at 81 Charles River Street (DEP File #234-650) by S. Farr, seconded by S. Soltzberg, approved 5-0-0. Motion to waive strict compliance with the Bylaw Regulations for work in the 25-foot buffer zone by M. Salett, seconded by D. Stolfi Stalenhoef, approved 5-0-0. Motion to waive strict compliance with the Bylaw Regulations for work in the 50-foot buffer zone by S. Farr, seconded by S. Soltzberg,

approved 5-0-0. Motion to waive the filing fee for work in the 25 and 50-foot buffer zones by S. Farr, seconded by S. Soltzberg, approved 5-0-0.

1285 SOUTH STREET (DEP FILE #234-499) – REQUEST TO AMEND ORDER OF CONDITIONS

P. Alpert opened the public hearing at 8:15 p.m. John Hollywood of Concord Land Design and Engineering, LLC represented the Applicant. The Applicant submitted a revised Plan showing resource areas, planting locations and species information as requested by the Commission. Mr. Hollywood explained that J. Grugan had met with the abutting property owner regarding the proposed removal of portions of the pool deck and fencing located on their property. The Commission required that the Applicant submit written approval by the abutter giving permission to the Applicant to remove the deck and fence. As of this date, the Applicant has not received the written approval as required. The Commission reported on their site visit. They have no concerns with the planting plan as proposed and discussed conditioning the Order of Conditions to require the removal of any Tree of Heaven (*Ailanthus*) within the buffer zone.

Motion to continue the public hearing (for written abutter approval for removal of fencing and pool deck located on their property), for 1285 South Street (DEP File #234-499) to September 27, 2012 at 8:15 pm by D. Stoli Stalenhoef, seconded by S. Farr, approved 4-0-0. M. Salett did not vote as she missed more than one hearing for 1285 South Street (DEP File #234-499).

180 STANDISH ROAD (DEP FILE # 234-639) – continued REQUEST TO AMEND NOTICE OF INTENT

P. Alpert opened the public hearing at 8:30 p.m. The Applicant, Peter Grabler, was in attendance. The proposed work includes buttressing the existing retaining wall with fill and grass. A fence is proposed halfway down the slope. P. Grabler stated that the equipment the contractor proposes to use for the work will not drive over the pipe in the easement. D. Anderson explained that a revised Plan had been submitted late that afternoon. The Commission reviewed the Plan and noted that the limit of grading and haybales had been moved outside of the 25 foot buffer and the location of the drainage pipes was added. The Commission explained to the Applicant that the Commission could not vote to issue the Amended Order of Conditions at this meeting because the revised Plan was not submitted by the deadline, one week before the hearing. P. Grabler stated that the only difference between the original Plan and the revised Plan was the location of the drainage pipes and haybale re-location. D. Anderson noted that permanent markers need to be installed demarcating the 25 foot buffer zone.

Motion to continue the public hearing (for review of the revised Plan), for 180 Standish Road (DEP File #234-639) to September 27, 2012 at 8:30 p.m. by S. Farr, seconded by D. Stolfi Stalenhoef, approved 5-0-0.

OTHER BUSINESS

820 SOUTH STREET (DEP FILE #234-642) – MINOR MODIFICATION REQUEST

Chris Brunelli with Tree Corp. explained that the proposed wall will no longer extend across the entire limit of work- there will be a stone bound set at the limit of work to ensure that no work is performed beyond this limit. The Applicant explained that he had discussed this change with the Conservation Director, Patty Barry. D. Anderson noted that the revised Plan was submitted earlier this afternoon. To meet building height requirements, the grading has been modified slightly. The proposed bulkhead has been eliminated from the Plan and replaced with a walk out. The area near the revised walk out basement location has been lowered and the grades directly outside the walk out basement have been raised.

Motion to accept the Request for a Minor Modification for wall and grading changes at 820 South Street (DEP File #234-642) by M. Salett, seconded by S. Farr, approved 5-0-0.

4 WARE ROAD (DEP FILE #234-635) – CERTIFICATE OF COMPLIANCE REQUEST

The contractor, Steve Cohen, represented the Applicant. D. Anderson reported on her site visit. She found no inconsistencies with the approved Plans and noted that the mitigation red maple (*Acer rubrum*) trees were installed and in good health.

Motion to issue the Certificate of Compliance for 4 Ware Road (DEP File #234-635) by S. Soltzberg, seconded by M. Salett, approved 5-0-0.

80 BURR DRIVE (DEP FILE #234-211) – CERTIFICATE OF COMPLIANCE REQUEST

The homeowner, Lisa London, explained to the Commission that seven of the nine parcels in the subdivision had received their Certificates of Compliance. D. Anderson noted that 80 Burr Drive is not located within the buffer zone to any resource areas and was included on the original subdivision Order of Conditions. She also explained that only a partial Certificate of Compliance could be issued as the lot is part of the larger subdivision.

Motion to issue a Partial Certificate of Compliance for 80 Burr Drive (DEP File #234-211) by S. Farr, seconded by M. Salett, approved 5-0-0.

2013 CONSERVATION COMMISSION HEARING SCHEDULE – REVIEW & APPROVAL

Since all members of the Commission did not have their calendars with them, it was decided to email the Conservation Department any definite Public Meeting schedule conflicts so the schedule can be amended, if needed, for a quorum to attend.

Motion to adjourn by M. Salett, seconded by S. Farr, approved 5-0-0. The meeting was adjourned at 9:14 pm.

NEXT PUBLIC HEARING

September 27, 2012, 7:30 pm in the Public Services Administration Building, Charles River Room