

**TOWN OF NEEDHAM
CONSERVATION COMMISSION
MEETING MINUTES
Thursday, September 26, 2013**

LOCATION: Public Services Administration Building, Charles River Room

ATTENDING: Lisa Standley, Paul Alpert, Artie Crocker, Stephen Farr, Peter Oehlkers, Sharon Soltzberg, Patricia Barry (Agent), Debbie Anderson (Assistant)

GUESTS: Joe Centola, Ken Davison, Francis Fung, Jeffrey Hirsch, John Nolan, Robert Ouellet, Douglas Payne, John Rick, John Rockwood, Mark Santora, Diane Simonelli, Kerry Stevens, Rachel Watsky

L. Standley opened the public meeting at 7:38 p.m.

MULLEN RULE CERTIFICATIONS

P. Barry accepted written certification from Stephen Farr that he missed no more than one session of the hearings pertaining to 32 Canterbury Lane (DEP File #234-671) Notice of Intent and 30 Taylor Street (DEP File #234-677) Notice of Intent. He certified that he 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

The Commission tabled the approval of the September 12, 2013 meeting minutes for additional time to review the draft minutes.

ENFORCEMENT & VIOLATION UPDATES:

25 MARR ROAD

P. Barry explained that Mr. Bamel was unable to attend the Conservation Commission meeting. She indicated that both Mr. Bamel and his neighbor Bill Urich (427 South Street) had property line surveys completed with differing results. According to Mr. Bamel's survey performed by Peter Nolan, the majority of the un-permitted work took place on his property. Field Resources completed Mr. Urich's survey which showed the majority of the un-permitted work encroaching onto Mr. Urich's property. P. Barry noted that according to Mr. Bamel's survey, the un-permitted work occurred in the outer 50 feet of the buffer zone. D. Simonelli of Field Resources, Inc., indicated that the survey was completed holding Land Court bounds. P. Barry indicated that she had not communicated with Mr. Bamel regarding the Commission's instruction that she amend the Enforcement Order (to require D. Bamel (25 Marr Road) to remove what was installed on the Urich property, submit a Restoration Plan to the Commission for their approval and restore the area) as she was waiting resolution of the property boundary.

20 CANTERBURY LANE

P. Barry indicated that the homeowner had not yet submitted an after-the-fact Notice of Intent for the un-permitted work. D. Simonelli explained that Field Resources was working with the homeowner and the Notice of Intent should be submitted for the October 10, 2013 hearing.

16 CENTRAL AVENUE

P. Barry indicated that NSTAR had submitted the after-the-fact Notice of Intent.

BIRCH STREET

P. Barry indicated that NSTAR had filed the after-the-fact Notice of Intent for the work as required by the Commission. The Enforcement fine has not been paid. The Commission discussed whether the Enforcement fine should stand. P. Barry explained that erosion was noted at the site during her site inspection and recommended that the fine stand. The Commission agreed.

HEARINGS

LOT 48 WOODWORTH ROAD (DEP FILE #234-679) - ABBREVIATED NOTICE OF RESOURCE AREA DELINEATION

L. Standley opened the public hearing at 7:45 p.m. The Applicant's Representative, Diane Simonelli, explained that the wetland resources had been flagged back in 2002 and were recently re-delineated by Leah Basbanes. The Applicant, Pam Shaw, is requesting the Commission's confirmation of Ms. Basbanes' delineation as shown on the submitted plans. L. Standley asked if P. Barry had visited the site and confirmed the delineation. P. Barry indicated that she had visited the site but that she was not comfortable confirming the delineation. P. Barry requested that the Commission perform a site visit to establish the wetland boundary. D. Simonelli asked that Leah Basbanes be informed of the date and time of the site visit so she could attend. P. Barry added that according to the FEMA Map, the parcel is located outside of Land Subject to Flooding.

Motion to continue the public hearing (for a site visit by the Commission) for Lot 48 Woodworth Road (DEP File #234-679) to October 10, 2013 at 9:00 p.m. by P. Alpert, seconded by A. Crocker, approved 6-0-0.

1065 SOUTH STREET (DEP FILE #234-6XX) - NOTICE OF INTENT

L. Standley opened the public hearing at 8:15 p.m. The Applicant, Ken Davison, and his Representative, Mark Santora were present. M. Santora explained that only minor work including a small portion of the driveway and utility installation was proposed in the buffer zone. The proposed plan has been revised to reflect a shift in the proposed driveway location to the area that had been inadvertently cleared in order to lessen the disturbance. M. Santora noted that South Street separates the property and proposed driveway from the bordering vegetated wetlands.

M. Santora indicated that he had performed the wetland delineation. He explained that the proposed project includes construction of a 12-foot wide driveway with associated grading. Erosion controls are proposed. M. Santora explained that the Applicant also proposes extending the existing sewer line up South Street. All the sewer installation would take place in existing

pavement and would be re-paved immediately. M. Santora noted that a buffer zone restoration plan had been submitted but questioned whether it would enhance the wetland on the opposite side of South Street. He acknowledged that clearing for the driveway had already taken place and as South Street is a designated "Scenic Road", the Applicant will be going before the Planning Board and replanting trees.

L. Standley noted that the Commission had not received any bordering vegetated wetland or isolated vegetated wetland documentation. L. Standley indicated that some Administrative issues were outstanding, and that the list would be provided. L. Standley asked M. Santora to clarify the extent of the proposed sewer line extension. M. Santora replied that they may need to go back one more manhole but the proposed erosion controls would continue. He explained that the sewer trench would be 6 to 7 feet deep. He said that straw wattles were proposed for erosion control. L. Standley indicated that the "restoration plan" that was submitted was not really a "plan" as much as a narrative. The Commission requires the submittal of a restoration plan showing the location where restoration is proposed. L. Standley requested a list of the species and number of trees already removed but agreed that this may be difficult to ascertain.

An abutter at 8 Burr Drive, Francis Fung, expressed his concern about the possibility of a planned "subdivision" on the property. Mr. Davison replied that he was creating a "family compound" of sorts on the 8-acres that he owns. Mr. Fung explained his concern for the expansive wetlands located in the area and recalled the use of heavy machinery in the buffer zone during previous construction. Douglas Payne of 1150 South Street asked where the 100-foot buffer was in relation to the proposed work. L. Standley indicated that the hearing would be continued for the submittal of the required administrative information, a restoration planting plan and wetland delineation documentation.

Motion to continue the public hearing (for the submittal of additional information) for 1065 South Street (DEP File #234-6XX) to October 10, 2013 at 9:15 p.m. by P. Alpert, seconded by A. Crocker, approved 6-0-0.

32 CANTERBURY LANE (DEP FILE #234-671) – continued NOTICE OF INTENT

The Applicant requested a continuance of the hearing to the October 10, 2013 public hearing.

Motion to continue the public hearing (per the Applicant's request) for 32 Canterbury Lane (DEP File #234-671) to October 10, 2013 at 9:30 p.m. by P. Alpert, seconded by A. Crocker, approved 6-0-0.

30 TAYLOR STREET (DEP FILE #234-677) – continued NOTICE OF INTENT

L. Standley opened the public hearing at 8:40 p.m. The Applicant, Joe Centola, was present, as well as his Representative Rachel Watsky (Goddard Consulting). R. Watsky explained that the Plan had been revised so that all the proposed work, including the stone wall and pool, is outside of the 50-foot buffer. R. Watsky noted that infiltration trenches would be installed along three sides of the proposed pool to contain the runoff from a 1-inch storm event. L. Standley indicated that, according to the proposed plan, 15 trees located in the 100-foot buffer were slated for removal. R. Watsky replied that the Applicant proposes the installation of 32 trees as mitigation for the tree removal. L. Standley noted that the plan proposed 3 pine trees in the 50-foot buffer, 16 trees in the 100-foot buffer and the remaining 13 outside the 100-foot buffer. L. Standley pointed out that replacement value in the 100-foot buffer is only 1:1. R. Watsky noted that the

Town's Tree Removal Policy does not specifically state that the tree replacement must take place in the 100-foot buffer. Ms. Watsky indicated that cinnamon fern and other groundcover were proposed for installation along the buffer. S. Soltzberg questioned the location of the grading on the revised plan. R. Watsky explained the proposed fill has been pulled back from the 50-foot buffer behind the retaining wall. A. Crocker asked how high the proposed retaining wall is. R. Watsky replied it is 4 feet high, and that the wall would be reviewed by the Building Department. **Motion to close the public hearing for 30 Taylor Street (DEP File #234-677) by P. Alpert, seconded by A. Crocker, approved 6-0-0.** The hearing was closed at 8:50 p.m.

OTHER BUSINESS

273 NEHOIDEN STREET (DEP FILE #234-661) - MINOR MODIFICATION REQUEST

P. Barry explained that Michael Lenahan was the contractor on the project. She explained that the project consists of a driveway expansion, stair repair and installation of a Cultec unit with adequate groundwater separation. The reason for the minor modification request is to install a French drain near the garage because the driveway pitches in that direction and they do not want the garage to flood during storms. S. Farr indicated that the proposed plan revisions appeared acceptable from an engineering standpoint.

Motion to accept the installation of a French drain at the end of the driveway adjacent to the garage at 273 Nehoiden Street (DEP File #234-661) as a minor modification not requiring an Amendment to the Order of Conditions by P. Alpert, seconded by A. Crocker, approved 6-0-0.

391 DEDHAM AVENUE (DEP FILE #234-674) - MINOR MODIFICATION REQUEST

J. Rockwood represented the Applicant. He explained that the minor modification request was to modify the approved planting plan to include additional plantings. The invasive species control plan was implemented and once the invasive species were removed, there was sparse vegetation remaining. The Applicant proposes to use the same planting schedule as the approved planting plan within the invasive species removal area, and to plant 45 shrubs of 5 species, in addition to some trees. J. Rockwood explained that leaf litter would be scattered to add habitat value and salt marsh hay spread to protect the plantings during the winter. L. Standley indicated that she had no objections with the modification request.

Motion to accept the implementation of the revised planting plan to include additional plantings where invasive species were removed at 391 Dedham Avenue (DEP File #234-674) as a minor modification not requiring an Amendment to the Order of Conditions by P. Alpert, seconded by A. Crocker, approved 6-0-0.

90 GLENDALE ROAD (DEP FILE #234-678) - ISSUE ORDER OF CONDITIONS

Motion to waive strict compliance with the Bylaw Regulations for work within 25 feet of a wetland by P. Alpert, seconded by A. Crocker, approved 6-0-0. Motion to waive the waiver fee for 90 Glendale Road (DEP File #234-678) by P. Alpert, seconded by A. Crocker, approved 6-0-0. The Commission reviewed the draft Order. **Motion to issue an Order of Conditions, as amended, for the installation of a shed and an in-ground pool with associated patio, spa, fencing, utilities, grading and landscaping at 90 Glendale Road (DEP File #234-678) by P. Alpert, seconded by A. Crocker, approved 6-0-0.**

1143 SOUTH STREET (DEP FILE #234-613) - ISSUE AMENDED ORDER OF CONDITIONS

Motion to waive strict compliance with the Bylaw Regulations for tree removal, landscaping and the installation of restoration plantings in the bordering vegetated wetlands and within 25 feet of a wetland by P. Alpert, seconded by A. Crocker, approved 6-0-0. Motion to waive the waiver fee for 1143 South Street (DEP File #234-613) by P. Alpert, seconded by A. Crocker, approved 6-0-0. The Commission reviewed the draft Order. Motion to issue an Amended Order of Conditions for the removal of invasive species and implementation of a planting plan at 1143 South Street (DEP File #234-613) by P. Alpert, seconded by A. Crocker, approved 6-0-0.

Community Preservation Committee – Ridge Hill Trails Construction Funding Request

L. Standley noted that she had met with the CPC and that they had voted to send the funding request to the fall Town Meeting. The CPC will hold a public hearing on October 9th. L. Standley will be presenting.

The Town of Needham, Conservation Agent, Patricia Barry is moving on to a new position and the Commission thanked her for her dedicated service and wished her well.

Motion to adjourn by P. Alpert, seconded by A. Crocker, approved 6-0-0. The meeting adjourned at 9:10 p.m.

NEXT PUBLIC HEARING

October 10, 2013 at 7:30 p.m. in the Public Services Administration Building, Charles River Room