

**TOWN OF NEEDHAM
CONSERVATION COMMISSION
MEETING MINUTES
Thursday, April 24, 2008**

LOCATION: Needham Public Library, Community Room

ATTENDING: Carl Shapiro, Janet Bernardo, Sharon Soltzberg, Dawn Stolfi Stalenhoef, Kristen Phelps (Agent), Amy Holland (Administrator)

GUESTS: Patty Carey, Kathryn Martin, Bradley Riedl, George Giunta, Bob Smart, Joe White, Chris Maxwell

C. Shapiro opened the meeting at 7:30 p.m.

MINUTES

Motion to approve the minutes of March 27, 2008 (as modified) by Janet Bernardo, seconded by Sharon Soltzberg, approved 4-0-0.

PUBLIC HEARINGS

178 ROSEMARY STREET (DEP File #234-484); AMENDMENT – Public Hearing

C. Shapiro opened the public hearing at 7:38 p.m. Patty Carey, Park & Recreation Director was present on behalf of the Town. K. Phelps stated that the Commission issued an emergency certification for work on the circulation pipes surrounding the pool last summer. The amendment currently before the Commission is intended to cover completion of work on these pipes. P. Carey described the location of the circulation pipes, confirming that they run along the side of the pool, are approximately 2 feet below grade and that they extend up to the pump house. With the exception of the area around the pump house, the material that must be excavated to expose the pipes is sand.

Motion to close the public hearing on the amendment to DEP File # 234-484 by Sharon Soltzberg, seconded by Janet Bernardo, approved 4-0-0. The Commission reviewed the draft amendment to the Order of Conditions. **Motion to issue the Amended Order of Conditions for DEP File # 234-484 by Janet Bernardo, seconded by Dawn Stolfi Stalenhoef, approved 4-0-0.**

106 FOREST STREET (DEP File #234-526); Notice of Intent – Continued Public Hearing

C. Shapiro opened the continued public hearing at 7:45 p.m. Kathryn Martin was present on behalf of the applicant. She stated that the concerns raised at the last hearing and at the recent site visit were addressed in the most recent submission. She reviewed the plan revisions which include extending the erosion control barrier, adding a drywell and expanding the proposed mitigation plantings. Notations regarding the removal of the existing compost pile and the proposed herbicidal treatment of bittersweet and other invasive species were also added to the plan. K. Martin added that the rehabilitated tennis court will be shortened such that it terminates farther from the resource area than current conditions. She stated that all work within the 25-foot no-disturb area was to occur within areas that were either previously disturbed or lawn, and asked that the Commission consider issuing a waiver for work within this zone. Janet Bernardo noted that the drywell only needed to infiltrate the runoff from the addition and that soil tests will be required to determine if there is adequate separation to seasonal high groundwater. **Motion to close the public hearing for DEP File # 234-526 by Janet Bernardo, seconded by Sharon Soltzberg, approved 4-0-0.**

FINAL

1265 SOUTH STREET (DEP File #234-474); AMENDMENT – Public Hearing

C. Shapiro opened the public hearing at 8:00 p.m. G. Giunta was present on behalf of the applicant. He explained the proposed modification which involves extending the deck eight feet along the rear of the house. The additional deck area will be constructed on sonar tubes over proposed lawn and will not extend further towards the wetland area than the approved deck. **Motion to close the public hearing on the amendment to DEP File # 234-474 by Janet Bernardo, seconded by Dawn Stolfi Stalenhoef, approved 4-0-0. Motion to issue the Amended Order of Conditions for DEP File # 234-474 by Janet Bernardo, seconded by Dawn Stolfi Stalenhoef, approved 4-0-0.**

COMMISSION ACTIONS

708 SOUTH STREET, LOT 4A (DEP File #234-528) – Issuance of Order of Conditions

The Commission reviewed the draft Order of Conditions. **Motion to issue the Order of Conditions for DEP File # 234-528 by Janet Bernardo, seconded by Sharon Soltzberg, approved 4-0-0.**

708 SOUTH STREET, LOT 4B (DEP File #234-527) – Issuance of Order of Conditions

The Commission reviewed the draft Order of Conditions. **Motion to issue the Order of Conditions for DEP File # 234-527 by Janet Bernardo, seconded by Sharon Soltzberg, approved 4-0-0.**

449 SOUTH STREET – Request to Dissolve Enforcement Order

Property owner, Joseph White and his representative, Attorney Bob Smart, were present to discuss the status of the Enforcement Order issued for unauthorized work in a wetland and buffer zone. B. Smart reviewed the history of the violation and stated that the restoration plan prepared by Rimmer Consulting and approved by the Commission had been completed with the exception of the herbicidal treatment of the Japanese Knotweed which will occur in August of 2008. A letter from Rimmer Consulting confirming compliance with the Order and documenting the post-restoration condition of the site was provided. In light of the near completion of restoration activities, B. Smart requested that the Commission consider discharging the Enforcement Order. He further requested that the Commission consider reducing the amount of the non-criminal penalty imposed under the local bylaw from \$2500 to \$1000, noting the expenses incurred by the property owner in complying with the Enforcement Order. C. Shapiro reviewed the violation history used by the Commission in determining the amount of the fine and noted that he stood behind that number. **The Commission unanimously agreed to discharge the Enforcement Order upon payment, in full, of the \$2500 non-criminal penalty.**

36 ROBINWOOD AVENUE (NGWP #12) – Issuance of Order of Conditions

The Commission reviewed the draft Order of Conditions. **Motion to issue the Order of Conditions for 36 Robinwood Avenue under the Needham Wetlands Protection Bylaw by Janet Bernardo, seconded by Dawn Stolfi Stalenhoef, approved 4-0-0.**

OTHER BUSINESS

127 ARDMORE ROAD – Discussion

Property owner Chris Maxwell was present to discuss his recent Request for Certificate of Compliance. He stated that his surveyor had refused to provide either a foundation certification or a letter stating that the project was constructed in compliance with the Order. He added that the as-built plan showed the location of the house and that the remainder of the site had not changed. He inquired as to whether there was an alternative to hiring a new surveyor to reproduce the as-built and speak to compliance with his permit. The Commission reviewed the as-built plan as compared to the plan of reference as well as recent photos of the site. They agreed that they would consider issuing a

FINAL

Certificate of Compliance in the absence of a statement from a P.E. or P.L.S. following a site visit by K. Phelps and J. Bernardo intended to confirm (in the field) that construction and site work were completed in compliance with the Order of Conditions.

Meeting was adjourned at 8:35 p.m.

Next Meeting: Thursday, May 8, 2008 at the Library Community Room

Respectfully submitted,

Kristen Phelps