

**TOWN OF NEEDHAM
CONSERVATION COMMISSION
MEETING MINUTES
Thursday, April 30, 2009**

LOCATION: Needham Public Library Community Room

ATTENDING: Lisa Standley, Carl Shapiro, Sharon Soltzberg, Paul Alpert, Dawn Stolfi Stalenhoef, Janet Bernardo, Marsha Salett, Kristen Phelps (Agent)

GUESTS: Mark & Monica Anderson, John Rockwood, Milton Schafer, Lance Remsen, Steve Cobb, Diane Simonelli, David Kelly, Steve Rhodes, Alexandra Eschandi

L. Standley opened the meeting at 7:35 p.m.

MINUTES

Motion to approve the minutes of February 26, 2009 by Carl Shapiro, seconded by Sharon Soltzberg, approved 5-0-0.

Motion to approve the minutes of March 26, 2009 by Sharon Soltzberg, seconded by Carl Shapiro, approved 5-0-0.

PUBLIC HEARINGS

449 SOUTH STREET (DEP File # 234-55X) – NOTICE OF INTENT

L. Standley opened the public hearing at 7:45 p.m. Property owners Mark and Monica Anderson were accompanied by their contractor Steve Cobb and Diane Simonelli of Field Resources. S. Cobb explained the proposed project which involves constructing a sunroom over an existing patio, constructing a patio within existing lawn area, changing the configuration of the existing driveway and landscaping. He noted that all work will be done by hand and will occur upgradient of the existing retaining wall in areas that are currently disturbed and/or lawn.

L. Standley informed the Applicant that the filing had not received a DEP File number and that there is an open permit for this property which will need to be closed out prior to the issuance of a new Order of Conditions. She added that the plans do not show the proposed planting and other landscaping. S. Cobb explained that the prior permit was for creation of a lawn area. That project has been completed and grass is growing. The property owners stated that a Request for Certificate of Compliance had been submitted, however they were waiting for the prior owner to finalize the required deed restriction. S. Cobb also agreed to submit revised plans showing the proposed landscaping, including a plant list. C. Shapiro asked how the contractor planned to access the site and whether all proposed work could be completed by hand. S. Cobb stated that removal of the existing driveway and some of the work associated with installation of the new paver drive would require machinery. He agreed to provide a written description explaining how each aspect of the proposed work would be conducted. Sharon Soltzberg requested that Mr. Cobb include a specification for the type of pavers that would be used on the driveway.

L. Standley stated that a letter from the abutter on Marr Road had been submitted, however as the concerns noted therein did not pertain to the protection of wetland resource areas, she did not read it into the record. **Motion to continue the public hearing for the proposed project at 449 South Street (for file number, Certificate of Compliance and revised plans) until May 14, 2009 at 7:50 p.m. by Sharon Soltzberg, seconded by Carl Shapiro, approved 7-0-0.**

28 MARR ROAD (DEP File # 234-554) – NOTICE OF INTENT

L. Standley opened the continued public hearing at 8:06 p.m. Milton Schafer was accompanied by John Rockwood of EcoTec and Arborist Jonah White of Hartney Greymont. J. White submitted and reviewed a report which included a detailed evaluation of each tree proposed for removal and provided alternative treatments that might be considered. L. Standley asked J. White to clarify whether any of the trees were damaged by construction or decay so that they were considered an imminent hazard. J. White noted that tree #6 was decayed and posed a threat, but that none of the other trees appeared diseased or damaged. He stated that, if damaged by construction, they would show signs of injury in three to five years, and could fail over time. There are various tests for decay that could be done to monitor the health of the trees. The Commission agreed that they would like to conduct a second site visit in light of the new information. **Motion to continue the public hearing for DEP File # 234-554 (to review new material and for a site visit) to May 14, 2009 at 8:00 p.m. by Marsha Salett, seconded by Janet Bernardo, approved 7-0-0.**

182 EDGEWATER DRIVE (DEP File # 234-555) – NOTICE OF INTENT

L. Standley opened the public hearing at 8:33 p.m. Property owner Steve Rhodes was accompanied by David Kelly of Kelly Engineering and John Rockwood of EcoTec. D. Kelly reviewed the resource areas on the site which include Riverfront Area, Bordering Land Subject to Flooding and Buffer Zone. He confirmed that the project site fell within estimated habitat and that the NOI had been submitted to Natural Heritage. He then described the proposed project which includes removing the existing shed and constructing a new shed, filling in the existing pool and creating lawn, and constructing a patio surrounded by a sitting wall. He added that the project also includes two additions which are outside of any resource areas. D. Kelly explained that the proposed sitting wall is intended to be both a landscape feature and a preventative measure to keep flood waters from entering the basement of the dwelling. As the wall and patio fall within the 100-year floodplain, the area within the wall is considered fill within BLSF. The Applicant is proposing to create compensatory flood storage towards the front of the house, and D. Kelly noted that several large trees would need to be removed from this non-jurisdictional area to create the required volume of storage at the appropriate elevation. L. Standley asked how the project met the performance standards for Riverfront, noting that redevelopment projects require an improvement over existing conditions. D. Kelly replied that they are removing hardscape elements from the existing landscaping and agreed to look at whether additional native plantings could be added to the rear of the lawn area to enhance the Riverfront Area. **Motion to continue the public hearing for DEP File # 234-555 (for a site visit) to May 14, 2009 at 8:00 p.m. by Janet Bernardo, seconded by Marsha Salett, approved 7-0-0.** The Commission scheduled a site visit for Monday, May 11, 2009 at 6:30 p.m.

0 CENTRAL AVENUE / HEMLOCK GORGE (DEP File # 234-55X) – ABBREVIATED NOTICE OF INTENT;

L. Standley opened the public hearing at 9:00 p.m. She informed the Applicant that the hearing could not be closed as a DEP File # had not been issued. Alexandra Eschandi was present on behalf of the Massachusetts Department of Conservation & Recreation. She described the proposed project which involves closing a portion of one of the trails (adjacent to the Charles River); rerouting and redesigning a trail that suffers from significant erosion; and installing box steps on a steep portion of the new trail. A total of three small birch trees will be removed to accommodate the new section of trail. A. Eschandi noted that she would be overseeing the project and that all work will be done by hand by staff from DCR as well as volunteers from the Student Conservation Association. **Motion to continue the public hearing for 0 Central Avenue (for DEP File number) to May 14, 2009 at 7:45 p.m. by Janet Bernardo, seconded by Marsha Salett, approved 7-0-0.**

COMMISSION ACTIONS

TRAIL MAINTENANCE (Generic RDA) – Hemlock Gorge

Alexandra Eschandi was present on behalf of the Massachusetts Department of Conservation & Recreation. She described the proposed project which involves removing and replacing an existing retaining wall and replacing deteriorated water bars on a segment of trail at Hemlock Gorge. L. Standley stated that the project falls within the scope of work permitted under the Generic Determination. **Motion to approve the proposed trail work under the Generic Trail Maintenance Determination of Applicability by Carl Shapiro, seconded by Marsha Salett, approved 7-0-0.**

500 DEDHAM AVENUE – Proposed change to water quality inlet

J. Bernardo and K. Phelps met with representatives from Hydro International to discuss the potential substitution of the proposed Stormceptor with their water quality device known as First Defense. J. Bernardo stated that the manufacturer committed to monitoring the outflow from this device for a period of one year following the completion of construction, and confirmed that she was comfortable with the substitution. **Motion to approve the proposed water quality device by Carl Shapiro, seconded by Dawn Stolfi Stalenhoeft, approved 7-0-0.**

OTHER BUSINESS

380 DEDHAM AVENUE / DEFAZIO FIELD (DEP FILE # 234-522) – Wetland Violation

Parks & Forestry Superintendent Lance Remsen was present on behalf of the Town. He explained that the Town's contractor had placed several feet of fill on top of the recently replaced pipe running through the wetland at the DeFazio Athletic Complex. According to the contractor, the HDPE pipe had floated during a recent rain event and their action was taken to keep the pipe in place. L. Remsen noted that the contractor acted without informing or getting approval from the Town. Discussion about who was responsible for this aspect of the project followed. L. Remsen stated that the Town and Gale provided oversight during the pipe replacement project, but no inspectors were present at the time of the violation. He added that the contract for this portion of the work was with the Town. The Town is in the process of inspecting the pipe and reviewing inspection reports to verify that it was installed correctly. L. Remsen explained that the Town maintained their contractual relationship with the contractor and that project contingency funds were still held by the Engineering Division. He stated that the Town Engineer had requested that Commission work in concert with the Town with respect to directing the contractor to remediate this violation. L. Standley stated that the Commission expects to see a plan to fix the pipe and restore the wetland at the next meeting. The Commission agreed to refrain from issuing an Enforcement Order at this time and directed K. Phelps to draft a letter to the Applicant and other Town Boards outlining their expectations for repairing the pipe and restoring the wetland.

1968 CENTRAL AVENUE; Walker School (DEP File # 234-380) – Request for Certificate of Compliance

K. Phelps stated that she had reviewed the Request and conducted a site visit. The work has been completed and the site is stabilized; however, it appears that the Applicant has yet to record the as-built plan (showing the location of the permanent no-disturb markers) at the Registry of Deeds as required by the Order of Conditions. The Commission agreed to postpone consideration of this Request until the Applicant has had an opportunity to record the plan.

CHARLES RIVER STREET WATER MAIN REPLACEMENT

The Commission reviewed the letter from the Engineering Division regarding the proposed water main replacement on Charles River Street. They concurred that the project met the exemption criteria noted in the Act and Bylaw regulations, thus no further action was required.

MA HIGHWAY ADD-A-LANE (DEP File # 234-553) – Peer Review Report

K. Phelps stated that the project proponent was seeking feedback from the Commission as to whether any further changes to the wetland delineation would be required as a result of the peer review report submitted by Mr. Steve Ivas. The Commission was satisfied with the changes made by the project proponent as a result of the field review.

Meeting was adjourned at 9:42 p.m.

Next Meeting: Thursday, May 14, 2009 at the Needham Public Library Community Room

Respectfully submitted,

Kristen Phelps