

**TOWN OF NEEDHAM
CONSERVATION COMMISSION
MEETING MINUTES
Thursday, March 25, 2010**

LOCATION: Town of Needham Public Services Administration Building, Charles River Room

ATTENDING: Carl Shapiro (Acting Chair), Paul Alpert, Janet Bernardo, Sharon Soltzberg, Dawn Stolfi Stalenhoef, Patricia Barry (Agent)

GUESTS: Bob Barton, Stephanie Barton, Patricia Carey, Karen Skinner Catrone, Gary Gladstone, Irene Gladstone, Marilyn Lichtman, Rick Lichtman, Kevin Naughton, Lance Remsen, Brian Wall, John Whalen

C. Shapiro opened the meeting at 7:36 p.m.

MINUTES

Motion to approve minutes of March 11, 2010 by C. Shapiro, seconded by S. Soltzberg, approved 5-0-0.

PUBLIC HEARINGS

178 ROSEMARY STREET (DEP FILE #234-577) – NOTICE OF INTENT

C. Shapiro opened the public hearing at 7:45 p.m. C. Shapiro explained that the following documents were submitted as required at the March 11, 2010 public hearing:

- Wildlife Habitat Assessment;
- Statement of Limited Project Status;
- Written Monitoring Plan that includes discharge rates, frequency and where and how turbidity is monitored;
- Certificate of Compliance Request to close out the previous Order of Conditions for DEP File#234-484 including the required summation of annual reports.

He further explained that a Certificate of Compliance issuance was approved for DEP File#234-484. C. Shapiro stated that the Wildlife Habitat Assessment conducted by Aquatic Control Technology indicated that the proposed annual draining of Rosemary Lake to maintain the town pool does not have a long term adverse affect on wildlife.

L. Remsen of the Needham Park and Forestry Department explained that turbidity monitoring was conducted at West Street and water levels were taken at the underpass at Rosemary Brook at the West Street pumping station as required in the previous Order of Conditions.

S. Soltzberg recommended taking additional turbidity readings closer to the Rosemary Lake outlet.

C. Shapiro opened the hearing to public comment at 7:52 p.m.

Attorney Brian Wall of Troy Wall Associates in Sandwich, MA represented the Whalens. He informed the Commission that Robert Gray, a wetland consultant, also provided written comments on behalf of the Whalens, however he could not be in attendance at the public hearing. B. Wall recommended the Commission consider additional resource areas affected by the draining of the lake, additional terms of monitoring for velocity, turbidity, lake oxygen levels and additional wildlife habitat assessments. B. Wall stated that there are other reasonable alternatives to draining the lake and that a more detailed alternatives analysis should be presented to the Commission.

C. Shapiro discussed the alternatives for the proposed maintenance project including the Town's past proposal to construct a cofferdam wall to avoid annual lake draining required for the existing pool maintenance.

P. Alpert asked B. Wall what the noticeable damage on Whalen property had been. B. Wall and John Whalen responded indicating that Rosemary Brook is being impacted by the annual withdrawal of the lake with increased sedimentation, deposition, vegetation dying and breaching.

C. Shapiro asked if there had been a noticeable difference in the last year in velocity during the lake draining time period and if he saw an adverse effect on the property. J. Whalen stated that there was no difference in the last three or four years, however previous draining and sedimentation have impacted the stream breach that occurred in 2006 that is now about 8-feet wide and is still adversely effecting his property.

P. Carey presented the history of Rosemary Lake indicating that the draining of Rosemary Lake to maintain the existing public pool facility has been approved as a limited project under 310 CMR 10.53 for years. She also indicated the 6-week schedule required to drain the lake and maintain the pool to meet the Board of Health standards.

L. Remsen stated that he has been involved in the lake drawdown for years and that nature has a greater impact downstream during a heavy rain storm than the monitored release of water downstream during lake draining. Additionally, the town has been required to conduct turbidity and water level monitoring in the last few years. During lake draining water levels are measured from the top of the stone wall from the pumping station at West Street before reaching the Whalen property. Water levels during draining have been lower than 17.5 inches below the height of the stone wall. Two weeks ago the Brook water levels measured 4-inches below the stone wall showing that the impacts during a storm event are much greater than the slow controlled and monitored release of water during draining.

D. Stolfi Stalenhoef stated for the record that the weir at Rosemary Street is a registered dam by the state.

C. Shapiro asked both the applicant and J. Whalen if they would accept the Commission continuing the hearing to next week to allow for sufficient time to review the additional information submitted. C. Shapiro also stated that the Whalen's could submit conditions for the project for the Commission to review that they would like to see in the Order. Both parties were in agreement with the continuance of the public hearing. **Motion to continue the public hearing for DEP File#234-577 (to review additional information submitted) to Wednesday, March 31, 2010, 7:30p.m. at the Public Services Administration Building by P. Alpert, seconded by D. Stolfi Stalenhoef, approved 5-0-0.**

COMMISSION ACTIONS

178 ROSEMARY STREET (DEP FILE#234-484) – CERTIFICATE OF COMPLIANCE

C. Shapiro explained that the required turbidity data had been submitted. P. Barry stated that the Professional Engineer written narrative and the downstream monitoring reports have all been submitted in accordance with the Order of Conditions. **Motion to issue a Certificate of Compliance for DEP File #234-484 by P. Alpert, seconded by S. Soltzberg, approved 5-0-0.**

ROLAND JOHNSON TRAIL – TRAIL MAINTENANCE NOTIFICATION FORM

Kevin Naughton of the Park and Forestry Department described the proposal to remove sixteen (16) dead trees along the Roland Johnson Trail adjacent to the Town Reservoir property. **Motion to approve the Roland Johnson Trail Maintenance Notification Form under the Generic Trails Determination of Applicability by P. Alpert, seconded by S. Soltzberg, approved 5-0-0.**

OTHER BUSINESS

312 ROSEMARY STREET – RDA or NOI Submittal

Gary and Irene Gladstone informally presented to the Commission their proposed project to remove the existing deck associated with a single family home at 312 Rosemary Street and install a porch within the 100-foot Buffer Zone to Bordering Vegetated Wetland and the 200-foot Riverfront Area. The proposed porch installation would be about 200 square feet in the same location as the deck and would include the installation of hand dug sonatubes. P. Alpert stated that under the Needham Wetlands Protection Bylaw this activity would qualify as a minor activity that could be permitted through a Request for Determination of Applicability.

57 FRANK STREET – Enforcement Order

Karen Skinner Catrone, wetland consultant, represented the owner, Bob Barton of 57 Frank Street, and presented a letter to the Commission dated March 24, 2010 explaining the status of the survey and restoration plans required within the March 19, 2010 issued enforcement order. P. Alpert stated that the Registry of Deeds showed an expired Order of Conditions issued in 2001 with no recorded Certificate of Compliance. C. Shapiro opened the meeting to public comment. Rick and Marylyn Lichtman of 72 William Street presented to the Commission their concerns regarding the impact of the restored grades and drainage onto their property. D. Stolfi Stalenhoef asked B. Barton if there was any ponded water before the last rain event. B. Barton described the sewer easement that was installed and the associated settling that was the start of the water backing up on his property. C. Shapiro required a restoration plan to be submitted one week prior to the April 8, 2010 public hearing.

RIDGE HILL AGREEMENT – Article 97 Transfer of Land Discussion

P. Barry explained the proposal to transfer the Perry Glen land parcel (6.51 acres) from the Park and Recreation Department to the Conservation Commission in accordance with the Ridge Hill Article 97 transfer of land requirements. The Commission agreed that they would accept this land transfer proposal provided the Perry Glen property is not classified as Article 97 land.

VOLANTE PROPERTY LAND USE STUDY COMMITTEE UPDATE – Discussion

P. Alpert is the appointed Conservation Commission member on the Carol Brewster (Volante) property land use study committee. He explained that the next meeting would be held on April 5, 2010 to discuss the potential to use the property for a community farm.

Meeting was adjourned at 9:12 p.m.

Next Meeting: Wednesday, March 31, 2010 at the Town of Needham Public Services Administration Building

Respectfully submitted,

Patricia L. Barry