

**TOWN OF NEEDHAM
CONSERVATION COMMISSION
MEETING MINUTES
Thursday, August 27, 2009**

LOCATION: Needham Public Library

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

GUESTS: Stephen Lake, Dmitry Gorenburg, Sharon Cushing, Jamie Walker, Mark Allen, Jim Duffy

L. Standley opened the meeting at 7:30 p.m.

MINUTES

Motion to approve the minutes of July 2, 2009 (as modified) by Sharon Soltzberg, seconded by Janet Bernardo, approved 4-0-0.

Motion to approve the minutes of July 23, 2009 (as modified) by Janet Bernardo, seconded by Dawn Stolfi Stalenhoef, approved 4-0-0.

Motion to approve the minutes of July 30, 2009 (as modified) by Janet Bernardo, seconded by Dawn Stolfi Stalenhoef, approved 4-0-0.

Motion to approve the minutes of August 13, 2009 (as modified) by Dawn Stolfi Stalenhoef, seconded by Sharon Soltzberg, approved 4-0-0.

PUBLIC HEARINGS / APPOINTMENTS

SOUTH STREET (DEP File #234-561) – NOTICE OF INTENT; Continued Public Hearing

L. Standley opened the continued public hearing at 7:53 p.m. She stated that the Applicant had submitted a letter requesting a continuance until September 10, 2009 while they pursue approval of a septic system design with the Board of Health. **Motion to continue the public hearing for DEP File # 234-561 (at applicant's request) to September 10, 2009 at 7:45 p.m. by Janet Bernardo, seconded by Sharon Soltzberg, approved 4-0-0.**

305 DEDHAM AVENUE (DEP File #234-56X) – NOTICE OF INTENT; Continued Public Hearing

L. Standley opened the continued public hearing at 7:54 p.m. She noted that a DEP File # had not been issued; therefore the Commission could not close the public hearing. Stephen Lake of Bennett Engineering was present on behalf of the Applicant. He explained the proposed project which involves installing a second driveway and constructing an addition to an existing single family house within 100 feet of Alder Brook which runs through armored banks to the rear of the property and within 100 feet of the BVW associated with an unnamed intermittent stream across Dedham Avenue. S. Lake stated that shrubs and brush would be cleared in the area where the new driveway and associated landscaping were proposed, but that no trees would be removed. He noted that a portion of the proposed driveway falls on a narrow piece of Town-owned land which bisects the two parcels owned by his client. The property owner is seeking permission from the Town to undertake the proposed work on Town land; however, the response to their request will not be considered until the Selectmen's next meeting on September 8, 2009. L. Standley asked for a calculation of the increase in impervious surface on the lot and questioned whether any measures to handle the increase in runoff were being proposed. S. Lake estimated that there would be roughly a forty percent increase in impervious area. The Commission agreed that they would like to see infiltration (drywells, filter trench, etc.) for both the addition and the driveway. S. Lake requested that he be allowed to

submit plans after the September 8th Board of Selectmen meeting, as their action would determine whether further changes to the plan would be needed. The Commission agreed to this request. **Motion to continue the public hearing for 305 Dedham Avenue (for DEP File # and revised plans) to September 10, 2009 at 7:45 p.m. by Janet Bernardo, seconded by Dawn Stolfi Stalenhoef, approved 4-0-0.**

21 & 33 HIGHLAND AVENUE (DEP File #234-56X) – NOTICE OF INTENT; Public Hearing
L. Standley opened the public hearing at 8:10 p.m. She noted that a DEP File # had not been issued; therefore the Commission could not close the public hearing. Sharon Cushing of NSTAR was present. She explained the proposed project which involves a temporary disturbance to install 120 feet of two-inch gas main within the 100-foot buffer zone and Riverfront Area associated with the Charles River. She noted that the majority of the work would be occurring within the road layout of Highland Avenue (and not on 33 Highland Avenue as stated in the NOI application). All work will occur within previously paved areas, the trench will be backfilled and covered at the end of each work day (no stockpiling), and the disturbed area will be repaved upon completion of the project. L. Standley noted that the Applicant would need to obtain permission from Mass Highway (letter or street opening permit) to conduct the project. **Motion to continue the public hearing for 21 & 33 Highland Avenue (for DEP File # and permission from Mass Highway) to September 10, 2009 at 8:00 p.m. by Janet Bernardo, seconded by Dawn Stolfi Stalenhoef, approved 4-0-0.**

15 ABBOT STREET (DEP File #234-56X) – NOTICE OF INTENT; Public Hearing
L. Standley opened the public hearing at 8:15 p.m. She noted that a DEP File # had not been issued; therefore the Commission could not close the public hearing. Mark Allen was present on behalf of the Applicant. He explained the proposed project which involves demolishing an existing home and several outbuildings and constructing a new single-family dwelling. The entire parcel is within the Riverfront Area to Rosemary Brook which runs through armored banks along the southerly property boundary. At the closest point, the new house will be 26.5 feet from the top of the masonry bank and no trees will be removed. Erosion controls will be installed on the stream side of the existing fence which will be repaired/replaced as needed such that the limits of the existing yard remain the same. M. Allen reviewed the redevelopment standards for work in Riverfront Area, noting that impervious surface was being reduced by 12% in the post construction condition (by removing one of the two driveways and two sheds) and “degraded area” was being reduced by 18%. He added that roof runoff will be directed to drywells and the area directly adjacent to the stream would be cleared of trash and debris and planted with native shrubs. L. Standley stated that lawn is not considered previously developed or degraded and therefore cannot be considered under redevelopment. Discussion about the definition of previously disturbed and the applicability of the redevelopment standards followed. The Commission agreed that the Applicant needs to demonstrate how the project complies with “new development” standards for work in the Riverfront Area. **Motion to continue the public hearing for 15 Abbott Street (for additional information and DEP File #) to September 10, 2009 at 8:00 p.m. by Sharon Soltzberg, seconded by Dawn Stolfi Stalenhoef, approved 4-0-0.**

465 GROVE STREET (DEP File #234-562) – NOTICE OF INTENT; Public Hearing
L. Standley opened the public hearing at 8:38 p.m. Jamie Walker of Carr Research was present on behalf of the Applicant. He explained the proposed project which involves decommissioning an existing in-ground swimming pool, removing the surrounding concrete patio and converting the area to lawn. Erosion controls will be installed within existing lawn area approximately 27 feet from the BVW associated with Sabrina Lake. Some grading will be required as the downgradient edge of the pool is elevated on landscape timbers. J. Walker confirmed that no trees would be removed. **Motion to close the public hearing for DEP File # 234-562 by Dawn Stolfi Stalenhoef, seconded by Janet Bernardo, approved 4-0-0.** The Commission reviewed the draft Order of Conditions. **Motion to issue the Order of Conditions (as amended) for DEP File # 234-562 by Janet Bernardo, seconded by Dawn Stolfi Stalenhoef, approved 4-0-0.**

0 SUNSET ROAD (DEP File #234-56X) – NOTICE OF INTENT; Public Hearing

L. Standley opened the public hearing at 8:45 p.m. She stated that the Applicant had submitted a letter requesting a continuance until September 10, 2009. **Motion to continue the public hearing for 0 Sunset Road (at applicant’s request) to September 10, 2009 at 8:15 p.m. by Janet Bernardo, seconded by Sharon Soltzberg, approved 4-0-0.**

COMMISSION ACTIONS

449 SOUTH STREET (DEP File # 234-543) – Request for Certificate of Compliance

K. Phelps stated that the landscaping project covered by this Order of Conditions was complete; however, the Applicant’s previous Request for Certificate of Compliance had been denied pending receipt of a deed restriction (and a plan showing restricted areas) on the back portions of the property. The approved restriction and associated plan have filed at the Registry of Deeds, and proof of filing provided to the Commission. **Motion to issue a Certificate of Compliance for DEP File # 234-543 by Janet Bernardo, seconded by Sharon Soltzberg, approved 4-0-0.**

60 SYLVAN ROAD – Request to modify tree removal

K. Phelps stated that the elderly owner of 60 Sylvan Road had called after receiving a letter noting the Commission’s conditional approval of her request to remove an ailing hemlock tree. The owner was opposed to leaving a 10-foot snag as directed by the Commission. At the owner’s request, K. Phelps took photos to demonstrate the wooded nature of the lot. **Motion to allow complete tree removal as an exempt minor activity by Janet Bernardo, seconded by Dawn Stolfi Stalenhoef, approved 4-0-0.**

1155 CENTRAL AVENUE (Newman School) – Request for exemption for soil test pits

The Commission reviewed a letter from Weston & Sampson requesting to conduct soil test pits within the existing playing fields at the Newman Elementary School. No work is proposed within 25 feet of the bordering vegetated wetland and test pits will be excavated and backfilled the same day. A sketch showing proposed test pit locations was provided. **Motion to approve the proposed soil test pits as an exempt minor activity by Dawn Stolfi Stalenhoef, seconded by Sharon Soltzberg, approved 4-0-0.**

DEFAZIO FIELD PIPE REPLACEMENT – Review of substitute inspector

K. Phelps stated that the project inspector previously approved by the Commission had been laid off. Gale Associates requested that the Commission allow Nathan Collins to serve as the engineering inspector on the pipe replacement/wetland restoration project. **Motion to approve the proposed inspector by Dawn Stolfi Stalenhoef, seconded by Sharon Soltzberg, approved 4-0-0.**

OTHER BUSINESS

PRELIMINARY RAIL TRAIL PROPOSAL – Discussion

Tad Staley of the community group Needham Bikes was present to discuss an initial proposal to convert the inactive rail corridor between Needham and Medfield to a bike path. He provided a report showing the proposed route. He noted that the corridor is owned by the MBTA and is under license to Bay Colony. The latter organization is willing to relinquish their lease on the section of line between Needham Junction and Medfield. MBTA has indicated that they would lease the corridor and DCR is interested in being the lessee. T. Staley stated that preliminary estimates for construction of a rail trail are approximately one million dollars per mile. He added that the bridge over the Charles River will likely need to be replaced at additional cost. His group is trying to involve multiple stakeholders and is looking to MAPC to conduct a feasibility study. L. Standley suggested that access points to the rail trail should be identified and noted that legislative support from the state and federal level will be critical in getting the required approvals and funding. T. Staley asked if the Commission would consider providing a letter of support for a feasibility study. The Commission agreed that they could draft a letter that expressed their support for a feasibility study while acknowledging the regulatory role they would play in permitting such a project.

NEHOIDEN STREET COMMUNITY PRESERVATION PROPOSAL – Discussion

L. Standley stated that Sheila Pransky (Executive Director of Needham Opportunities, Inc.) had contacted her to discuss whether the Commission would support the use of open space funds from the Community Preservation Fund to partially pay for the purchase of the property at 198-200 Nehoiden Street. J. Bernardo explained that Needham Opportunities, Inc. (NOI) will likely be seeking \$500,000 from CPA to cover the cost of purchasing this property and constructing six townhouses (rather than the eight permitted units). The “open space” component of the project includes constructing an access drive and two to three parking spaces to service the adjacent McCracken Camp property. The Commission agreed that while the project clearly met the criteria for affordable housing under the CPA guidelines, they could not support the proposal as an open space project.

PUBLIC SERVICE ADMINISTRATION BUILDING – Update

K. Phelps reported that the site contractor encountered petroleum product in the soil while excavating to install the water quality inlet along the westerly edge of the driveway serving the DPW building. Several monitoring wells were installed shortly after the contamination was discovered and a remediation plan including removal of impacted soils and treatment of groundwater is being developed. K. Phelps informed the Applicant that the remediation work was not covered by the existing Notice of Intent and instruct them to file a Notice of Intent for the proposed work.

CAROL ROAD/BREWSTER DRIVE – Discussion of first refusal option under MGL Ch. 61A

Selectman Dan Matthews was present to discuss two parcels off of Brewster Drive and Carol Road which the Town has the right of first refusal to purchase in accordance with MGL Ch. 61A. He stated that the Board of Selectmen has expressed an interest in acquiring the two lots for open space purposes. He explained that there is a potential collaboration with the Community Farm and that the land was reasonably priced at approximately \$100,000 per acre. L. Standley summarized the Commission’s perspective, noting that the land has been partially cleared and is marginal in terms of conservation value. She added that access to the abutting conservation land already exists off Carol Road. D. Matthews replied that the parcels were valuable as open space as there were no roads or structures. He stated that the Volante’s would likely ask the Board of Selectmen to waive the 120 day waiting period and that at a minimum the Board would like to take the full 120 days to consider the Town’s options. The Commission agreed to participate in further discussions and recommended that the Town take the full 120 days to review the potential purchase of the two subject parcels.

Meeting was adjourned at 9:25 p.m.

Next Meeting: Thursday, September 10, 2009 at the Needham Public Library Community Room

Respectfully submitted,

Kristen Phelps