

**TOWN OF NEEDHAM  
CONSERVATION COMMISSION  
MEETING MINUTES  
Thursday, October 8, 2009**

**LOCATION:** Needham Public Library

**ATTENDING:** Lisa Standley, Sharon Soltzberg, Paul Alpert, Carl Shapiro, Janet Bernardo, Dawn Stolfi Stalenhoef, Kristen Phelps (Agent), Amy Holland (Office Administrator)

**GUESTS:** Diane Simonelli, Rob & Monica Markstein, Mary Trudeau, Robert Lynch, Ardi Rrapi, Doug Donaldson, Louise Condon, Jon Cave, Ira Adelman, Jerry Wasserman, Rob Pisano, Jim Susi

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

**MINUTES**

**Motion to approve the CPA related portion of the minutes of September 10, 2009 and September 24, 2009 by Carl Shapiro, seconded by Paul Alpert, approved 6-0-0.**

**PUBLIC HEARINGS**

**305 DEDHAM AVENUE (DEP File #234-563) – NOTICE OF INTENT**

L. Standley opened the continued public hearing at 7:45 p.m. K. Phelps stated that the hearing had been continued for additional information regarding proposed tree removal. The Applicant has not submitted revised plans and has indicated that she intends to limit the proposed lawn area to the limit of clearing shown on the plan. K. Phelps added that the Applicant is now seeking permission to remove a single pine tree with a damaged trunk. The tree is located in the wooded portion of the lot, downgradient of the erosion control line. The Commission reviewed photos of the tree in question and agreed that the tree could be removed as part of the Order of Conditions so long as it was shown on the reference plan.

**Motion to continue the public hearing for DEP File # 234-563 (for revised plan showing pine tree to be removed) to October 22, 2009 at 7:45 p.m. by Janet Bernardo, seconded by Sharon Soltzberg, approved 6-0-0.**

**0 SUNSET ROAD (DEP File #234-567) – NOTICE OF INTENT**

L. Standley opened the continued public hearing at 7:55 p.m. M. Trudeau was present on behalf of the Applicant. She stated that revised plans had been submitted to reflect the findings from the Commission's site visit. She noted that no trees within the 50-foot buffer zone would be removed as part of the project and summarized the changes to the mitigation plan. The proposed mitigation planting area was decreased by 600 square feet and reconfigured so as to not disturb the naturally vegetated portion of the Riverfront Area. M. Trudeau stated that the mitigation area would be planted with a combination of trees and shrubs; the latter being specified on the reference plan. L. Standley stated that the Applicant should specify (1) the type of trees they intend to plant, and (2) the number of each of the proposed shrubs they intend to plant. Discussion about the mitigation planting plan followed. The Applicant agreed to plant a minimum of three (3) white pines and twenty-one (21) of each of the four proposed shrub species (for a total of 84 shrubs). The Commission agreed that these requirements could be included in the Order of Conditions along with a requirement to install a fence along the edge of the mitigation area. **Motion to close the public hearing for DEP File # 234-567 by Sharon Soltzberg, seconded by Paul Alpert, approved 6-0-0.** The Commission reviewed the draft Order of Conditions. **Motion to issue the Order of Conditions (as modified) for DEP File # 234-567 by Carl Shapiro, seconded by Sharon Soltzberg, approved 5-0-1 (Janet Bernardo abstained).**

### **55 CYNTHIA ROAD – REQUEST FOR DETERMINATION OF APLICABILITY**

L. Standley opened the public hearing at 8:05 p.m. Property owner Robert Markstein was present. He explained the proposed project which involves constructing a deck extension over an existing wooden patio within the 100-foot buffer zone. The work area is separated from the wetland by an existing fence. The work will require the excavation of two additional footings, and excess material will be removed from site. **Motion to close the public hearing for 55 Cynthia Road by Janet Bernardo, seconded by Carl Shapiro, approved 6-0-0. Motion to issue a negative Determination of Applicability for the proposed deck extension by Janet Bernardo, seconded by Carl Shapiro, approved 6-0-0.**

### **97 WAYNE ROAD (DEP File #234-568) – NOTICE OF INTENT**

L. Standley opened the public hearing at 8:08 p.m. Ardi Rrapi was present on behalf of the Applicant. He reviewed the existing conditions on the site, noting that there has been disturbance within the first 25 feet of the buffer zone to a bordering vegetated wetland. The Applicant intends to restore this area by removing the fill to original material, loaming and seeding, installing five new trees, installing bounds along the limit of the 25-foot no-disturb area and planting shrubs on 5-8 foot centers throughout the remaining portion of the 25 foot buffer zone. A. Rrapi added that the project would be phased such that the restoration occurs prior to the start of other work. He then reviewed the proposed construction project which involves installing a pool with a porous paver patio. The pool will be installed within existing lawn area and will involve only minimal grading. Access will be from the existing driveway, and excavated materials will be removed from site. L. Standley requested that the Applicant provide more details regarding the restoration including proposed plant species and total numbers of plantings, and she suggested that the Commission conduct a site visit to review the altered area. The Commission agreed that they would like to see the site prior to taking action on this filing. **Motion to continue the public hearing for DEP File # 234-568 (for site visit and revised restoration plan) to October 22, 2009 at 7:45 p.m. by Sharon Soltzberg, seconded by Janet Bernardo, approved 6-0-0.**

### **0 GREAT PLAIN AVENUE (DEP File #234-56X) – NOTICE OF INTENT; Public Hearing**

L. Standley opened the public hearing at 8:20 p.m. She noted that the public hearing could not be closed as a DEP File # has not been issued. M. Trudeau was present on behalf of the Applicant. She noted that she had appeared informally before the Commission a few months ago to request feedback on the scope of the required alternatives analysis as it pertains to the driveway. She explained the proposed project which involves constructing a single-family home with associated driveway and site work within the 100-foot buffer zone and within Riverfront Area associated with Rosemary Brook. She argued that the functions and value of the Riverfront Area were diminished in this location due to the fact that the stream ran within armored banks; that it was culverted as it left Sportsman's Pond and before it went under Great Plain Avenue, and because it was bordered by an existing gravel driveway which provides access to the Needham Sportsman's Club. She added that the Town was granted a 5-foot pedestrian easement over this property which is closer to the stream than the proposed work. M. Trudeau reviewed existing conditions, noting a significant grade change where the subject site abuts the new home at 1336 Great Plain Avenue. She then reviewed the two alternative driveway configurations. The preferred alternative (located closer to Rosemary Brook) would require the removal of 4,200 square feet of vegetation. M. Trudeau stated that much of this vegetation is invasive and reviewed the associated mitigation plan which involves both removal of remaining invasive species and planting the area closest to the brook with a variety of native trees and shrubs. The alternative driveway location is along the property boundary farthest from the stream. M. Trudeau stated that this layout would require less vegetation removal (approximately 400 square feet) but more grading.

L. Standley noted that the plan did not reflect the limit of lawn and stated that the alternatives analysis did not discuss the house location at all. She informed the Applicant that a more complete alternatives

analysis would be required to comply with the performance standards for Riverfront Area. J. Bernardo added that a revised plan should include measures to infiltrate roof runoff. The Commission agreed that they would like to conduct a site visit and asked the Applicant to stake the property line, house corners and the center line of each of the proposed driveways.

Abutter Ira Adelman of 25 Trout Pond Lane expressed concern with the removal of trees from the buffer zone to Sportsman's Pond. Several members of the Needham Sportsman's club (the organization that owns Sportsman's Pond and much of the surrounding land) spoke in opposition to the proposed project. Jon Cave inquired about impacts to the pond as a result of the proposed project, noting potential water temperature changes, the likely introduction of fertilizers from the proposed lawn and other water quality concerns. Bob Lynch asked how the pond would be protected during construction when soils on the site were exposed. Doug Donaldson reiterated earlier concerns about runoff from both the house site and the driveway. The Commission noted that the current plans do not show the proposed limit of lawn or other measures that the Commission will need to see in order to evaluate the project. They suggested that the abutters communicate with the Conservation Office as the project moves through the permitting process. **Motion to continue the public hearing for 0 Great Plain Avenue (for DEP File #, site visit and additional information) until November 12, 2009 at 8:15 p.m. by Paul Alpert, seconded by Janet Bernardo, approved 6-0-0.**

### **COMMISSION ACTIONS**

**397 DEDHAM AVENUE (DEP File #234-479)** – Request for Certificate of Compliance / Review of permanent marker plan

Former property owner and applicant, Rob Pisano, was accompanied by Jim Susi of United Consultants. J. Susi stated that he submitted an as-built plan showing the location of the permanent markers. The markers coincide with the requirements outlined in the Order of Conditions, however the plantings stop short of this line and a small lawn area has been created. R. Pisano stated that he planted more plants than required, but in a smaller area than was specified on the plan. L. Standley suggested that the Commission had two options: (1) require the Applicant to plant the lawn area, or (2) allow the lawn to remain but change the location of the bounds to conform with the edge of the planted area. The Commission unanimously agreed to allow the restoration to remain in its current configuration and directed the Applicant to modify the bounds and submit a revised as-built for review prior to recording.

### **OTHER BUSINESS**

**CAROL ROAD/BREWSTER DRIVE** – Discussion

Selectman Jerry Wasserman was present to discuss the proposed use of CPA funds to purchase the two 61A lots on Carol Road and Brewster Drive. He noted that he was representing both the Board of Selectmen and the Town Manager who unanimously support the acquisition of these parcels. He reviewed the benefits associated with the protection of these two properties, noting that it would add to the Town's open space inventory, that it abuts other open space, and that it will provide an additional buffer between the neighborhood and the landfill. The Commission inquired about which Board would control the land if it were ultimately purchased by the Town. J. Wasserman stated that a final decision regarding care and custody of the property has not been reached; however, he confirmed that the parcels would be protected as Article 97 land. Discussion regarding bonding of the purchase followed. J. Bernardo noted that if the land were purchased for cash it would take at least five years to replenish the CPA open space reserve to its current level and added that it may be difficult to purchase land in that period without CPA funds to draw on. L. Standley stated that the Town had missed opportunities to purchase desirable land in the past due to lack of funds and BOS support. C. Shapiro asked whether the current Board of Selectmen would be supportive of future land acquisitions if any of the properties that the Conservation Commission is interested in were to become available. J. Wasserman replied that he

would support more open space purchases. He added that the Community Preservation Committee is looking for feedback from the Commission prior to rendering their decision on this matter. L. Standley stated that she would support the purchase as presented as did J. Bernardo, S. Soltzberg and P. Alpert. C. Shapiro stated that he would not oppose the proposal to purchase these lots. D. Stolfi Stalenhoeft stated that she would support the purchase with the assurance that the land would be subject to Article 97 and that the BOS would consider placing the land under the Commission's control.

Needham resident Rob Pisano asked to be recognized. He stated that he had signed a purchase and sale agreement on the lot and added that he would donate the 2 + acres to the rear of the lot to the Town if they opted to waive their right of first refusal to purchase this property. Further discussion about Mr. Pisano's proposal and the Town's preference to own the parcel outright followed.

**SPECTRA ENERGY** – Discussion of proposed remote ground bed cathodic protection system

K. Phelps stated that Spectra was seeking feedback from the Commission as to whether they would consider the installation of a remote ground bed cathodic protection system within the limits of Ridge Hill. Spectra representatives are aware that legal action to address Article 97 issues will be required if the Commission is amenable to the proposed work. If the Commission is willing to give this proposal further consideration, Spectra representatives have asked to make a brief presentation to the Commission. L. Standley stated that she would recuse herself from any actions on this matter, however as a point of information she noted that the proposed groundbed and associated transmission line crossed through the most sensitive part of the Ridge Hill bog where the locally endangered sundew plant is known to grow. C. Shapiro suggested that Spectra be asked whether the project layout could be reconfigured so as to avoid this area. The Commission agreed to take this matter up again at a future meeting.

**LEAGUE OF WOMEN VOTERS FALL FORUM** – Discussion

S. Soltzberg informed the Commission that the Needham League of Women Voters is hosting a Sustainability Forum on October 19<sup>th</sup> at the Newman School. She distributed informational flyers and encouraged the Commission to attend.

**PROPOSED REVISIONS TO FILING FEE SCHEDULE** – Discussion

The Commission agreed to postpone discussion of this matter until a future meeting.

**Meeting was adjourned at 9:25 p.m.**

Next Meeting: Thursday, October 22, 2009 at the Needham Public Library Community Room

Respectfully submitted,

**Kristen Phelps**