

**TOWN OF NEEDHAM
CONSERVATION COMMISSION
MEETING MINUTES
Thursday, October 22, 2009**

LOCATION: Needham Public Library

ATTENDING: Lisa Standley, Marsha Salett, Sharon Soltzberg, Janet Bernardo, Kristen Phelps (Agent), Amy Holland (Office Administrator)

GUESTS: Hector Fonseca, Phil Paradis, Susan Anderson, Harvey Winchester

L. Standley opened the meeting at 7:32 p.m.

MINUTES

Motion to approve the minutes of September 10, 2009 (as modified) by Sharon Soltzberg, seconded by Marsha Salett, approved 4-0-0.

Motion to approve the minutes of September 24, 2009 (as modified) by Marsha Salett, seconded by Sharon Soltzberg, approved 4-0-0.

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 Applicant was unable to attend; however, the revised plan showing the pine tree to be removed had been submitted.

Motion to close the public hearing for DEP File # 234-563 by Janet Bernardo, seconded by Sharon Soltzberg, approved 4-0-0. The Commission reviewed the draft Order of Conditions.

Motion to issue the Order of Conditions (as modified) for DEP File # 234-563 by Marsha Salett, seconded by Janet Bernardo, approved 4-0-0.

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

L. Standley opened the continued public hearing at 7:50 p.m. Ardi Rrapi was present on behalf of the Applicant. L. Standley stated that several Commission members had conducted a site visit and observed a fair amount of fill on the slope to the wetland. It was the impression of the members present at the site visit that the least damaging restoration approach would be to remove the slash and concrete from this area but to leave the remainder of the fill in place. A. Rrapi provided a revised plan showing the location of the concrete and the raised bed planting area which will be removed as part of the buffer zone restoration. The plan also details the location of proposed trees and shrubs. A separate plant list with a variety of tree and shrub species that the Applicant would like to work from (depending on plant availability) was also submitted. S. Soltzberg stated that she would like the Applicant to submit a plan to remove invasive shrubs species from the disturbed area as well as a condition requiring invasive species removal in accordance with an approved plan. **Motion to close the public hearing for DEP File # 234-568 by Marsha Salett, seconded by Janet Bernardo, approved 4-0-0.**

11 MOSELEY AVENUE – REQUEST FOR DETERMINATION OF APPLICABILITY

L. Standley opened the public hearing at 8:00 p.m. Property owner Hector Fonseca was present. He explained the proposed project which involves construction a deck within existing lawn area to the rear of his home. The footings for the deck would be installed just upgradient of the 25-foot no-disturb

area and the deck would cantilever into the first 25 feet of the buffer zone. A prior Order of Conditions required permanent bounds along the former limit of disturbance and a picket fence (not shown on plan) now separates the lawn from the bordering vegetated wetland. There is approximately 14 feet of lawn between the proposed deck and the fence. **Motion to close the public hearing for 11 Moseley Avenue by Sharon Soltzberg, seconded by Janet Bernardo, approved 4-0-0. Motion to issue a negative Determination of Applicability for the proposed deck by Sharon Soltzberg, seconded by Janet Bernardo, approved 4-0-0.**

ROSEMARY LAKE PARKING LOT (DEP File #234-569) – NOTICE OF INTENT

L. Standley opened the public hearing at 8:10 p.m. Phil Paradis of BETA Engineering was present. He stated that the Town asked his firm to address drainage and erosion issues at this site. He explained existing conditions, noting that the site receives a fair amount of stormwater runoff from Rosemary Street and that the existing catchbasins are completely filled with debris. P. Paradis explained that the BMPs proposed in this application were based on meetings with the Town Engineer, the Water & Sewer Superintendent, Conservation Commission member Janet Bernardo and the Conservation Agent. He added that the Town Engineer had advised him not to change the parking lot as it would trigger site plan approval under Zoning. He then explained the proposed project which includes several measures to improve water quality. These include: installing water quality units just prior to the existing double catchbasin and at the south end of the parking lot; replacing outlet pipes with riprap splash pads; recreating/improving the existing swale from the detention basin; and adding water quality swales along the edge of the driveway, sidewalk and parking lot. L. Standley asked that a detail of the riprap pads and outlet configuration be provided. She added that restoration would be required if the outlets were being installed in an undisturbed area. P. Paradis replied that all structures and outlets were being sited in areas where erosion was currently occurring and that the work areas associated with the installation of these BMPs would be restored as part of the project. L. Standley noted the steep slopes associated with the water quality swales and indicated that erosion control matting would be needed in order to stabilize the exposed areas.

Abutter Harvey Winchester of Lake Drive asked whether this project would include repairs to the path between the parking lot and Lake Drive. He also observed that the lot does not drain well and that the drainage has been impacted by the use of the lot to store snow and large equipment. P. Paradis stated that restoration of the trail is included as an aspect of this application. **Motion to continue the public hearing for DEP File # 234-569 (for revised plan) to November 12, 2009 at 7:45 p.m. by Marsha Salett, seconded by Janet Bernardo, approved 4-0-0.**

COMMISSION ACTIONS

11 MOSELEY AVENUE (DEP File #234-328) – Request for Certificate of Compliance

K. Phelps stated that the Applicant was informed of this open Order of Conditions when he filed a Request for Determination of Applicability to construct a deck. It appears that all work associated with the Order was completed in accordance with the permit. There is an as-built plan from 2005 in the file and documentation that the Commission accepted the plan with the permanent markers as shown. The file also contained an unsigned Certificate of Compliance form (WPA Form 8B). Based on the information in the file, K. Phelps recommended that the Commission issue a Certificate of Compliance. **Motion to issue a Certificate of Compliance for DEP File # 234-328 by Janet Bernardo, seconded by Marsha Salett, approved 4-0-0.**

1115 SOUTH STREET (NGWP # 10) – Request for Certificate of Compliance

K. Phelps stated that she conducted a site visit and observed the plantings and iron rods required by the Order of Conditions. She noted that the site has been stabilized and recommended that the

Commission issue a Certificate of Compliance. **Motion to issue a Certificate of Compliance for NGWP #10 by Marsha Salett, seconded by Janet Bernardo, approved 4-0-0.**

ROUTE 128 (Remediation) – Request for exemption for soil borings and monitoring wells

K. Phelps stated that she received a request to install monitoring wells and advance additional soil borings from the Licensed Site Professional overseeing the remediation of the 128 median area where the tractor-trailer truck exploded last year. Per the information provided by the LSP, the work will be conducted using a track mounted drill rig and will involve crossing the intermittent stream that runs down the center of the median. K. Phelps stated that she had been out to the site and that there is very little BVW associated with the intermittent stream. L. Standley stated that she was comfortable allowing the work under an exemption so long as the contractor uses swamp mats or equivalent protection when crossing the stream. The Commission agreed with this approach. **Motion to approve the proposed work as an exempt activity under the MA Wetlands Protection Act and the Needham Wetlands Protection Bylaw by Janet Bernardo, seconded by Marsha Salett, approved 4-0-0.**

67 BRIARWOOD CIRCLE (DEP File #234-540) –Review of permanent markers

K. Phelps stated that the Applicant submitted a letter requesting approval of the permanent marker method and plan as required by the Order of Conditions. They are seeking to modify the location of the markers to the front of the lot in order to keep them out of the lawn. The Order required that the markers be installed at the limit of the 50-foot buffer zone. Prior to construction this area was characterized as a “landscaped area”. The Applicant would like to relocate the marker several feet back to coincide with the edge of the erosion control line as the lawn now extends to that line. The Commission was amenable to the proposed change. With respect to the remainder of the proposed markers, L. Standley noted that two of the proposed iron rods would be located well beyond the usable yard area. She suggested – and the Commission agreed – that one of these markers be moved towards the front of the lot, next to the fence shown on the plan. **Motion to approve the proposed permanent marker plan with the modifications as discussed by Marsha Salett, seconded by Janet Bernardo, approved 4-0-0.**

OTHER BUSINESS

RIDGE HILL – Unauthorized construction

K. Phelps distributed a letter that was sent to the Commission by two area residents who have been constructing a stage within Ridge Hill and are now seeking permission to continue this work and to have “concerts” at this location starting in the spring. L. Standley recommended that the Commission send a reply informing the parties involved that the activities described in the letter are not permitted on conservation land and requiring that the stage be removed. The Commission directed K. Phelps to draft a letter reflecting their discussion for L. Standley’s review.

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

L. Standley stated that she recused herself from discussions involving Spectra. Due to a lack of a quorum on this matter, the Commission agreed to revisit this issue at a future meeting.

FY 2011 BUDGET – Discussion

K. Phelps stated that the draft budget for FY 2011 was due on November 6, 2009. The Town is facing a 3.5 million deficit and requests for funding above a level-service budget are not expected to be considered. K. Phelps noted that CPA requests must be included as part of the budget submission and she asked that the Commission send along any potential CPA eligible project ideas.

PROPOSED REVISIONS TO FILING FEE SCHEDULE – Discussion

The Commission agreed to postpone discussion of this matter until a future meeting when the full Commission was present to review.

0 PHEASANT LANDING – Discussion

K. Phelps stated that the owner of a property on Pheasant Landing which abuts Ridge Hill expressed an interest in talking with the Commission about the potential sale of a portion of her land to the Town.

A. Holland researched the status of the lot and noted that the Planning Board, Town Counsel and others had concluded that the lot was unbuildable. The Commission agreed that the lot was attractive due to the access it would provide to Ridge Hill (from Pheasant Landing), and that they would be happy to accept it as a donation. J. Bernardo noted that if the land were purchased for a nominal amount from CPC funds, then those same funds could be used to undertake trail work or other improvements on that parcel.

COMMUNITY PRESERVATION SUMMIT – Discussion

L. Standley stated that the BOS had convened a summit to discuss the use of Community Preservation Funds. She summarized the issues raised at the meeting noting the following:

- Sam Bass Warner had asked the BOS to utilize CPA funds to pursue the creation of a trail along the Charles River.
- The Finance Committee requested that CPA funds be used for capital projects.
- The Finance Committee asked that a plan for the expenditure of CPA funds be developed.
- The Finance Committee expressed their concerns with bonding CPA projects due to the cap on debt service.

Meeting was adjourned at 9:05 p.m.

Next Meeting: Thursday, November 12, 2009 at the Needham Public Library Community Room

Respectfully submitted,

Kristen Phelps