

**TOWN OF NEEDHAM
CONSERVATION COMMISSION
MEETING MINUTES
Thursday, January 10, 2008**

LOCATION: Needham Public Library, Community Room

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

GUESTS: Tim Hood, Jack Rooney, Scott Goddard, Greg Petrini, Kim Freid, Gerald Freid, Dorothy Grove

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

MINUTES

Motion to approve the minutes of November 15, 2007 (Executive Session) by Marsha Salett, seconded by Paul Alpert, approved 6-0-0.

Motion to approve the minutes of November 29, 2007 by Paul Alpert, seconded by Carl Shapiro, approved 6-0-0.

Motion to approve the minutes of December 6, 2007 (special meeting) by Paul Alpert, seconded by Carl Shapiro, approved 6-0-0.

PUBLIC HEARINGS

810 SOUTH STREET – Request for Determination of Applicability

L. Standley opened the public hearing at 7:45 p.m. The current property owners, Kim and Gerald Fried, were accompanied by developer Greg Petrini and David Mackwell of Kelly Engineering. Greg Petrini reviewed the history of this site, noting that an Order of Conditions had been issued for construction of the house and associated site work (DEP File # 234-331). That Order had expired following completion of construction of the house but prior to completion of landscaping. He had spoken with the Commission at a meeting in the summer of 2007 about how to proceed, at which time he was directed to file a Request for Determination of Applicability to complete the project. David Mackwell reviewed the existing site conditions, noting that the house was built in accordance with the amended Order of Conditions. He then reviewed the proposed landscaping and site work which includes the construction of a patio and spa (in an area formerly proposed as lawn) and extensive plantings. The Commission reviewed the proposed work in comparison to the original plan submitted for this property. The majority of the proposed patio falls within the original limits of disturbance (footprint of original house and barn that were demolished). L. Standley noted that the proposed plantings are not native, but none are invasive either. **Motion to close the public hearing by Carl Shapiro, seconded by Janet Bernardo, approved 6-0-0. Motion to issue a negative Determination of Applicability by Janet Bernardo, seconded by Marsha Salett, approved 6-0-0.**

13 & 21 HIGHLAND CIRCLE (DEP File #234-524) – Notice of Intent

L. Standley opened the public hearing at 7:55 p.m. Scott Goddard of Carr Research was present on behalf of the applicant. He noted that the current filing was submitted in response to an Enforcement Order issued by the Commission in November of 2007 and stated that some of the work allowed by that Order had been completed. The current filing covers both 13 and 21 Highland Circle as the site

survey revealed that the backfill along the new retaining wall fell on the abutting property. He described the site conditions, and provided an overview of the work covered in the Notice of Intent including [1] constructing a retaining wall with a maximum height of four feet (completed); [2] mulching the strip of land between the two buildings; [3] paving the front corner of the lot at 13 Highland Circle (approximately 100 square feet); [4] replacing drain line that discharges roof runoff (completed); [5] repaving the existing parking lot (final coat); and [6] installing a water quality swale along the edge of pavement. L. Standley asked for an explanation of how the project meets performance standards for Riverfront and Bordering Land Subject to Flooding (BLSF). S. Goddard replied that there was formerly a berm in the location where the wall was constructed, and the proposed work does not involve any grade changes, thus there will be no net change in BLSF. He added that the whole lot was essentially impervious and existing conditions were more or less being maintained while trying to make some water quality improvements (to comply with redevelopment standards). The proposed swale will not require the removal of any trees.

The Commission expressed concerns with the impact of the swale on the stability of the bank. L. Standley asked whether the swale could be redesigned with a shallower trench depth and pulled away from the bank. In addition she would like to see the proposed pipe removed from the design.

L. Standley noted that a DEP File # had not been issued and asked the applicant to provide a written request for a waiver, and a revised plan showing (a) the 25-foot no-disturb line and (b) a revised swale with less depth and located at least 1 foot away from the haybale line. **Motion to continue the public hearing for 13 & 21 Highland Circle until January 24, 2008 at 8:15 p.m. by Marsha Salett, seconded by Carl Shapiro, approved 6-0-0.**

COMMISSION ACTIONS

810 SOUTH STREET (DEP File #234-331) – Review of permanent marker plan

The Commission reviewed the permanent marker plan. K. Phelps confirmed that monuments had been set in accordance with the plan. Motion to approve the permanent marker plan by Carl Shapiro, seconded by Janet Bernardo, approved 6-0-0.

APPLICATION CHECKLISTS

The Commission reviewed the revised application checklists. A separate checklist has been developed for Requests for Determinations of Applicability, and no changes were made to this draft. The Notice of Intent checklist was revised to incorporate elements that are frequently excluded from plans (resource area and buffer zone limits, existing and proposed limit of lawn, details of erosion controls and subsurface drainage structures, etc.). **Motion to approve the application checklists as edited by Janet Bernardo, seconded by Carl Shapiro, approved 6-0-0.** L. Standley will incorporate edits.

OTHER BUSINESS

NEEDHAM GOLF CLUB – Discussion

Tim Hood (Superintendent) and Jack Rooney (Greens Chair) from the Needham Golf Club were present in response to a letter from the Needham Conservation Commission about alleged dredging of a pond on the golf course property. Mr. Hood acknowledged that Pond #2 (on fourth hole) had been dredged after it dried up this past summer. He stated that the ponds on the Golf Course received runoff from upgradient storm drains and significant amounts of sediment had accumulated in them. It was his understanding that the ponds were on the Town's list of areas to cleaned/maintained under the DPW Generic Order of Conditions, however the Town did not have the time or resources to undertake this work. He reiterated that the removal of sediment was conducted after the pond had dried up, and stated that he had spoken with the Department of Public Works prior to undertaking the work.

L. Standley stated that the work that was undertaken requires a permit under the Massachusetts Wetlands Protection Act and the Needham Wetlands Protection Bylaw. She reminded that Mr. Hood and Mr. Rooney that there are numerous areas on the Golf Course that are subject to the Conservation Commission's jurisdiction, and stated that while basic maintenance activities are exempt from review, most other activities that occur within a wetland resource area and/or the buffer zone require some type of filing with the Commission. She suggested that the Golf Course representatives arrange a meeting with Conservation Staff to review the applicability of the Wetlands Protection Act and the local Wetlands Bylaw. C. Shapiro recommended that correspondence referencing this violation and the need to contact the Commission in the future be sent to the Golf Course to be included in their records.

T. Hood stated that the Golf Club keeps and updates a stewardship manual and offered to include Conservation Commission process in the upcoming revision of this document. He further agreed to provide a copy of the manual to the Commission. P. Alpert suggested that the property manager arrange to walk the course with the Commission or Agent so that resource areas could be pointed out. T. Hood agreed to this request.

SOUTH STREET/DEDHAM AVENUE – Discussion

L. Standley informed the Commission that the Town was considering whether to construct a DPW Administration Building at the corner of Dedham Avenue and South Street (so-called Pine Grove). She stated that this site had been reviewed by the 2003 Open Space Working Group and several members of that Committee had felt that the area was important as a "gateway" to Needham. She added that there are several resource areas on the site, including BVW, Riverfront and buffer zone. The Commission agreed with L. Standley's suggestion to send a memo to the Town Manager and the PPBC documenting the need to conduct a Resource Area Delineation prior to making any decisions about siting a building on this property.

ENFORCEMENT POLICY – Discussion

L. Standley provided two documents pertaining to proposed enforcement guidelines. The first, an enforcement "scorecard", is intended to rate the severity of a wetlands violation in order to determine what action should be taken (i.e. whether to issue an enforcement order, impose a fine, etc.). The second document is more general and provides a framework for handling wetlands violations (i.e. for minor infractions, invite owners to upcoming meeting, for major violations issue cease and desist). The Commission discussed the two approaches and determined that both should be adopted, the latter as formal guidelines and the former as an internal tool to be used to ensure consistency in enforcement approach and fine amounts. D. Stolfi Stalenhoef agreed to review both documents and report back to the Commission.

Next Meeting: Thursday, January 24, 2008 at the Library Community Room

Respectfully submitted,

Kristen Phelps