

FINAL

**TOWN OF NEEDHAM
CONSERVATION COMMISSION
MEETING MINUTES
Thursday, March 27, 2008**

LOCATION: Needham Public Library, Community Room

ATTENDING: Lisa Standley, Paul Alpert, Dawn Stolfi Stalenhoeft, Sharon Soltzberg, Marsha Salett, Carl Shapiro, Kristen Phelps (Agent) Amy Holland (Administrator)

GUESTS: Debbie Schmill, Greg Petrini, Chris Brunelli, Roy Cramer, Brian Butler, David Kelly

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

PUBLIC HEARINGS

708 SOUTH STREET, LOT 4A (DEP File #234-528) & 708 SOUTH STREET, LOT 4B (DEP File #234-527) – Notice of Intent

L. Standley opened the continued public hearings simultaneously at 8:00 p.m. She stated that the Commission had conducted a site visit on March 22, 2007 with the applicant's representatives to review proposed activities within 50 feet of the bordering vegetated wetland. D. Kelly submitted revised plans, noting that the comments and feedback provided at the site visit led them to the conclusion that the original proposals for these lots could not meet the performance standards for the issuance of a waiver. He then reviewed the changes from the original plans. The house envelopes remain speculative, but they now have walk-out basements to limit the amount of grading required. On lot 4A, all grading and site work has been pulled to the limit of the 50-foot buffer zone with the exception of that portion of the lot that is currently lawn (and will remain as such). On lot 4B, the limit of work has been pulled back to the 50-foot buffer. The Commission had no further questions at this time; however, as the plans were just submitted at the meeting, they will need time to review in more detail. **Motion to continue the public hearings for DEP File #'s 234-527 and 234-528 to April 10, 2008, at 8:15 p.m. by Marsha Salett, seconded by Sharon Soltzberg, approved 6-0-0.** R. Cramer asked whether the draft Order of Conditions could be distributed prior to the next meeting for review. L. Standley stated that this was unlikely as the Commission would need to review prior to distribution, and drafts generally are not completed until the day of the meeting.

COMMISSION ACTIONS

1275, 1283 & 1297 CENTRAL AVENUE (DEP File #234-434) – Request for Certificate of Compliance

The applicant submitted a Request for Certificate of Compliance for work on the three lots governed by this Order of Conditions. The request was not accompanied by a stamped As-built plan as required. Houses have been constructed on two of the lots (1275 and 1297 Central Avenue). The request notes several discrepancies from the approved plans including the addition of retaining walls on both sites and the substitution of leaching pits for the proposed drywells (the Commission would like J. Bernardo to review the substitution). Site work started on 1283 Central Avenue; however a house was not constructed on this lot. The applicant was directed to submit an Amendment request to address the plan discrepancies in January of 2007 when the Commission extended the Order for one year. No paperwork was submitted and the Order of Conditions expired. The Commission discussed how to handle, noting a minimum of 7 instances of non-compliance with the Order of Conditions. **Motion to issue an Enforcement Order and non-criminal penalty in the amount of \$1300 for non-compliance with the Order of Conditions by Marsha Salett, seconded by Paul Alpert, approved**

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6-0-0. Motion to deny the request for a Certificate of Compliance until such time as the non-criminal penalty is paid and the applicant complies with the provisions of the permit by Marsha Salett, seconded by Paul Alpert, approved 6-0-0.

OTHER BUSINES

77 SYLVAN ROAD, HIGH ROCK SCHOOL (DEP File #234-518)

The contractor for the High Rock School renovation project submitted the Stormwater Pollution Prevention Plan (SWPPP) for the Commission's review in accordance with the Order. J. Bernardo reviewed the (SWPPP) and indicated that the plan was acceptable.

ALGONQUIN GAS – Discussion

In response to a recent inquiry from Spectra Energy (subsidiary of Algonquin Gas) regarding resolution of the encroachment matter on Mary Chilton Road, it appears that the Town will enter into a friendly taking proceeding with the utility company. Spectra has eminent domain authority (as a federally regulated utility) and D. Tobin has advised that a friendly taking will not require disposition through Article 97. The Board of Selectmen were briefed on this development, and they did not object to the proposal. Spectra has indicated that they would make a donation to the Conservation Fund and/or a Trails gift fund to be spent at the discretion of the Conservation Commission.

PPROPOSED DPW ADMINISTRATION BUILDING (492 Dedham Avenue) – Discussion

L. Standley stated that she attended a meeting with members of the Board of Selectmen, Kate Fitzpatrick and Steve Popper regarding the proposed DPW office building at the corner of South Street and Dedham Avenue. L. Standley described (to those attending) the constraints posed by the Riverfront regulations and the Wetlands Protection Bylaw. The Town has retained Mary Trudeau to delineate resource areas within the next week, and will then ask the Conservation Commission to review informally. The Board of Selectmen submitted a warrant article for May Town Meeting requesting \$6 million for design and construction of the building. In an approach similar to that used in the recent Senior Center design process, the Commission will be asked to designate a liaison to work with the Permanent Public Building Committee as they initiate and move through the hiring and design process.

ORGANIC FARM PROPOSAL - Discussion

L. Standley recognized Debbie Schmill who asked for time on the Commission's agenda in order to get feedback on the sites that the Needham Community Organic Farm group is considering for locating a community organic farm. Two documents outlining the group's vision and action plan were submitted to the Commission. D. Schmill stated that the group is currently considering three sites; the McCracken Farm, the Newman School and Ridge Hill (in the vicinity of the existing buildings). The Commission discussed their concerns with each site, noting that (1) the plans for a Senior Center at Ridge Hill would preclude a farm, and that an alternative use of that site would require an agreement between the Conservation Commission and the Board of Selectmen; (2) the field at the Newman School does not have adequate access and would require the approval of the School Committee; and (3) the Town does not own the McCracken farm property. L. Standley asked whether the Nike site had been considered as a possible location. D. Schmill stated that the Community Farm organization was reluctant to use the Nike Site due to its history and the lack of utilities.

CPC Update – Discussion

L. Standley stated that she attended the most recent Community Preservation Committee meeting to answer further questions regarding the Commission's two requests for funding. The CPC responded

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positively to the two proposals; however, they are seeking further input before they appear in front of the Finance Committee and prior to their public hearing on these requests.

RIDGE HILL – Discussion

C. Shapiro summarized events relating to an oil release in the barn at Ridge Hill. L. Standley stated that while the building is no longer under the Conservation Commission's control, the event has led to questions about the habitability of the structure and the future of on-site Rangers. K. Fitzpatrick has indicated that this matter will need to be discussed in the near future.

McCRACKEN FARM – Discussion

The Community Preservation Committee is considering the joint application for funding to acquire a portion of the property at 220 Nehoiden Street. In conjunction with this process, the Town Engineer was asked to draft a conceptual plan for providing an access drive and parking to serve the adjacent McCracken Camp property. Prior to the public hearing on this application before the CPC, the Town Manager asked that the Commission review the proposed access with respect to the resource areas on the site, and provide feedback as to whether the proposal is something that could be permitted under the Wetlands Protection Act and Needham Wetlands Protection Bylaw. L. Standley stated that several members of the Commission had visited the site on Saturday, March 22nd and concluded that the proposal could be permitted. She added that the Trust for Public Land is still involved in this project and is attempting to broker a sale in which the Town would purchase the portion of the lot without any structures, however, the proposal will not go to May Town Meeting unless a purchase and sale agreement is negotiated prior to that time.

Next Meeting: Thursday, April 10, 2008 at the Library Community Room

Respectfully submitted,

Kristen Phelps