

**TOWN OF NEEDHAM
CONSERVATION COMMISSION
MEETING MINUTES
Thursday, December 18, 2008**

LOCATION: Eliot School Media Center

ATTENDING: Carl Shapiro, Janet Bernardo, Marsha Salett, Paul Alpert, Sharon Soltzberg, Dawn Stolfi Stalenhoef, Lisa Standley (arrived at 8:30 p.m.), Kristen Phelps (Agent)

GUESTS: George Giunta, Jamie Walker, Al Volante, David Volante, Mary Trudeau, Steve Poole

C. Shapiro opened the meeting at 7:30 p.m.

Minutes

Motion to approve the minutes of December 4, 2008 (as amended) by Janet Bernardo, seconded by Paul Alpert, approved 5-0-0.

PUBLIC HEARINGS

LOT 1 OFF CAROL ROAD (DEP File # 234-551) – NOTICE OF INTENT

LOT 2 OFF BREWSTER DRIVE (DEP File # 234-550) – NOTICE OF INTENT

C. Shapiro opened the public hearings on both applications (abutting lots) at 7:47 p.m. Property owner Al Volante was accompanied by George Giunta and Jamie Walker. G. Giunta reviewed the existing conditions on both lots, noting that wetland line had been confirmed through an Order of Resource Area Delineation. He described the proposed projects which involve constructing single-family houses on each of the two lots. Both lots fall within the SRA zoning district and are therefore subject to a 30' front-yard setback requirement. G. Giunta stated that the location of both houses was limited by the setback requirements, and that the footprint of each house was relatively small in comparison to other houses within the same zoning district. He reviewed the proposed work on Lot 1, noting that a portion of the proposed house (298 square feet) and driveway are located within 50 feet of the BVW in an area that is naturally vegetated. On Lot 2, 2,092 square feet of alteration (house and proposed grading) will occur within the 50-foot buffer. G. Giunta added that the house could not be relocated as he needed to maintain a 30-foot setback from the temporary turn-around shown on the subdivision plan. As proposed, roof runoff from both houses will be directed to drywells and erosion controls will be installed along the 25-foot no-disturb line. In response to questions about the proposed driveway on Lot 1, G. Giunta stated that he would explore the possibility of installing a stone-filter trench to treat runoff.

Jamie Walker of Carr Research Labs reviewed the wildlife habitat report prepared for each of the proposed projects. He stated that two site visits were conducted in October of 2008 to review three separate areas of impact including the portion of the proposed driveway on Lot 1 which falls within the 50-foot buffer as well as the areas on both Lot 1 and Lot 2 where house construction would occur within the first 50 feet of the buffer zone. He summarized his findings at each location, noting the presence of non-native, invasive species (primarily buckthorn) and human disturbance (trash/dumping) throughout the site. Some of the wildlife habitat features observed included large, woody debris, clusters of dense herbaceous cover and a patch of fox grape. C. Shapiro asked whether all areas within the limit of work were covered by the Wildlife Habitat Analysis. J. Walker responded that he had not looked at the proposed lawn area as it was not defined as lawn when he conducted the analysis. He stated that the remainder of the 50-foot buffer is predominated by invasive species, but there are several large trees in this area as well. G. Giunta added that most of the trees in this area have a caliper size of less than 6

inches. He noted that the applicant is willing to pursue a combination of lawn and landscaping in this area; and would be agreeable to removing invasives and planting shrubs with higher habitat value. Property owner Al Volante asked for clarification with respect to restrictions within the 50-foot buffer zone, noting that it was his understanding that a 25-foot no-disturb area applied to his lots. The Commission stated that the Bylaw regulations had been adopted in December of 2005 which require that a 50-foot no-disturb area be maintained when that portion of the buffer zone is comprised of undisturbed, natural vegetation.

Discussion about work within the 25- to 50-foot portion of the buffer zone followed. The Commission would like the applicant to (1) evaluate whether the proposed houses could be modified to minimize or eliminate impacts within the first 50 feet of buffer zone and (2) modify the proposed limit of work / yard area. M. Salett noted that the proposed work within 50 feet of the BVW will need to result in a substantial improvement in order for her to approve such a request. The Commission agreed that they would like to schedule a site visit and requested that the house corners, driveway center line and limit of work line be staked in the field for their review and that all trees proposed to be removed within the first 50 feet of the buffer zone be flagged. **Motion to continue the public hearings for DEP File #'s 234-550 and 234-551 to January 8, 2009 at 8:15 p.m. by Janet Bernardo, seconded by Marsha Salett, approved 6-0-0.**

342 CARTWRIGHT ROAD (DEP File # 234-549) – NOTICE OF INTENT

C. Shapiro opened the continued public hearing at 8:30 p.m. Mary Trudeau and Steve Poole were present on behalf of the applicant. M. Trudeau distributed revised plans, noting that she understood that the hearing would not be closed as the plans were not provided one week prior to the hearing. She reviewed the plan changes, pointing out that the proposed house had been moved out of the first 50 feet of the buffer zone. The proposed patio now falls at the 50-foot line and the house is 70+ feet from the wetland line. S. Poole reviewed the revised drainage calculations and soil logs which were also submitted at the meeting. He noted that the infiltration rate was downgraded from 8.35"/hr to 1.02"/hr and that the groundwater elevation was 10-12 feet below grade. J. Bernardo was satisfied with the revised calculations.

C. Shapiro asked what the applicant intended to do to the rear of the house (i.e. maintain as lawn) and how they intended to define the 25-foot no-disturb area. M. Trudeau stated that the applicant would prefer not to have a structural separation such as a fence. L. Standley stated that she would prefer to see the area restored to a shrub meadow. M. Trudeau agreed to provide a revised plan showing the minimum distance between the wetland line and the proposed house as well as a proposed restoration planting area. She asked for some latitude in developing a planting plan as the property owner would like to work with a landscape architect to select plants. The Commission agreed that submission of a detailed planting plan (for their review and approval) could be conditioned in the Order of Conditions. **Motion to continue the public hearings for DEP File #'s 234-549 to January 8, 2009 at 8:30 p.m. by Janet Bernardo, seconded by Marsha Salett, approved 7-0-0.**

COMMISSION ACTIONS

5 WOODS END (DEP File # 234-546) – Issue Order of Conditions

The Commission reviewed the draft Order of Conditions. **Motion to issue the Order of Conditions for DEP File # 234-546 (as amended) by Sharon Soltzberg, seconded by Janet Bernardo, approved 7-0-0.**

WISWALL ACCESS GATE (Cartwright Road) – Discussion

K. Phelps stated that the office has received a number of phone calls over the past year regarding the Cartwright Road access to Ridge Hill. The existing cable barrier has been tampered with on several occasions and it appears that vehicular access to the Wiswall portion of Ridge Hill is occurring. Reports of dumping, fire rings and makeshift “gathering” areas have also been received. L. Standley stated that providing a more secure barrier – such as a heavy-duty swing gate – at this point has been discussed by the Commission in the past. Cost estimates for these types of gates range from \$1,500 to \$2,000. The Commission discussed using proceeds from the Conservation Fund to pay for the purchase of a gate.

Motion to purchase a swing gate for the Cartwright Road access to Ridge Hill using funds from the Conservation Fund by Marsha Salett, seconded by Janet Bernardo, approved 7-0-0.

OTHER BUSINESS

HIGH ROCK HOMES – Update

K. Phelps stated that the General Contractor had received the Enforcement Order and a \$700 non-criminal penalty for the erosion and sedimentation issues that had occurred at this site. The fine has been paid, and the contractor has reinstalled or reinforced their erosion controls. They are currently working with the DPW to schedule a time to clean out the catchbasins and drainage manholes.

FEE WAIVER POLICY – Discussion

In response to recent requests to waive the \$1000.00 bylaw application fee associated with filings that require a waiver from strict compliance with the bylaw performance standards, L. Standley drafted guidelines for the Commission to consider when faced with such requests. She noted that the fee is imposed due to the increased time and expense associated with reviewing many of these applications. The draft guidelines specify circumstances under which a heightened level of review may not be necessary and give the Commission discretion to either waive or reduce the bylaw filing fee. The Commission discussed the proposed guidelines and L. Standley agreed to incorporate comments and distribute prior to the next meeting.

Meeting was adjourned at 9:20 p.m.

Next Meeting: Thursday, January 8, 2009 at the Needham Public Library Community Room

Respectfully submitted,

Kristen Phelps