

**TOWN OF NEEDHAM
CONSERVATION COMMISSION
MEETING MINUTES
Thursday, February 14, 2008**

LOCATION: Needham Public Library, Community Room

ATTENDING: Lisa Standley, Sharon Soltzberg, Janet Bernardo, Marsha Salett, Paul Alpert, Carl Shapiro (arrived at 7:45 p.m.), Kristen Phelps (Agent)

GUESTS: Scott Goddard, Chris MacDonald, Marjorie Golden, Alicia Downey, Judy Miller

L. Standley opened the meeting at 7:35 p.m.

PUBLIC HEARINGS

380 DEDHAM AVENUE; DeFazio Field (DEP File # 234-522) – Notice of Intent

L. Standley opened the continued public hearing at 7:45 p.m. She stated that the revised plans requested at the Commission's last meeting had been submitted and that all requested changes to the plans had been made. **Motion to close the public hearing for DEP File #234-522 by Sharon Soltzberg, seconded by Janet Bernardo, approved 5-0-0.** The Commission reviewed the draft Order of Conditions. **Motion to issue the Order of Conditions (as modified) for DEP File # 234-522 by Marsha Salett, seconded by Janet Bernardo, approved 6-0-0.**

77 BRIDLE TRAIL (DEP File # 234-523) – Notice of Intent

L. Standley opened the public hearing at 8:00 p.m. Scott Goddard of Carr Research was present on behalf of the applicant. He stated that a revised plan showing a smaller pool and the full extent of the wetlands had been submitted at the request of the Commission. He noted that the Commission had conducted a site visit with the property owner and contractor. In addition, a letter from the project engineer addressing the setback requirements had been provided earlier in the day. S. Goddard reviewed the expanded wetland delineation and addressed the question of whether the stream was perennial or intermittent. He stated that the Town of Needham surface water supply map showed this neighborhood at the top of the watershed, thus the contributing watershed size would be close to zero. He added that the stream had water in it when he had been to the site, however, the water was not flowing and that previous filings had not been submitted under the Riverfront regulations. He then addressed the issue of setbacks and explained why they precluded construction of a pool anywhere else on the site.

S. Goddard reviewed the proposed revisions to the pool, stating that it had been pulled as close to the house as possible and reduced in size to 20' x 35'. The project would result in a total of 2,700 square feet of new impervious area within the buffer zone, 1,300 of which in within an area that is not currently lawn. Proposed mitigation for work within 50' of the BVW includes installing a post-and-rail fence to mark the permanent no-disturb area and planting lowbush and highbush blueberry beyond the fence. L. Standley stated that much of the proposed mitigation work would occur within an area that was altered without authorization and added that planting of this area could not be counted as mitigation. She asked how much of the proposed planting would occur outside the 25-foot no-disturb area. S. Goddard estimated that about 750 square feet of the proposed mitigation area fell outside the 25-foot zone. Discussion about how to resolve the unauthorized alteration followed.

Alicia Downey, abutter from 99 Bridle Trail Road, expressed concerns about the impacts of the

proposed construction on the slope. She asked what type of material the patio would be constructed of and whether the changes would lead to drainage problems. Chris McDonald, the pool contractor, stated that they patio would be constructed with brick pavers and noted that the joints between the pavers would allow runoff to infiltrate. He added that the proposed retaining wall was designed by a structural engineer to ensure its integrity. A. Downey asked whether blasting would be required. C. McDonald does not anticipate any need for blasting.

S. Goddard asked whether the Commission could provide his client with an indication of whether the project would be permitted. L. Standley stated that the Commission would need to consider the information submitted and deliberate, and that they were not ready to render a decision prior to having that discussion. She added that it is not clear whether the project complies with the bylaw. **Motion to close the public hearing for DEP File #234-523 by Janet Bernardo, seconded by Sharon Soltzberg, approved 6-0-0.**

The Commission discussed whether the proposed project could be permitted under the Wetlands Protection Act and Bylaw. L. Standley stated that the project did not meet the primary bylaw criteria for granting a waiver in that there is no public benefit or economic hardship. With respect to the secondary test for issuance of a waiver, the project proponent demonstrated that there are no alternative locations on site to construct the pool, however the proposed mitigation planting plan does not meet performance standards as it involves restoring an area within the permanently protected 25-foot no-disturb area that had been altered by previous owners in violation of the wetland statutes and the original Order of Conditions for this lot. The Commission unanimously agreed that the project could not be permitted under the bylaw or the Act. K. Phelps will draft a denial under both statutes for review at the next meeting.

COMMISSION ACTIONS

LOT 50 WOODWORTH ROAD (DEP FILE # 234-461) – Review of Permanent Marker Plan
The Commission reviewed the permanent marker plan required by the Order of Conditions. The accompanying deed restriction limiting work beyond the markers has not been submitted. **Motion to approve the plan by Janet Bernardo, seconded by Marsha Salett, approved 6-0-0.**

1265 SOUTH STREET (DEP FILE # 234-474) – Request for an Amendment
The applicant submitted a request to revise the reference plan to include a retaining wall along the limit of work. The proposed stone wall will be a maximum of two feet in height and will not require significant changes to proposed grading. The Commission unanimously agreed that the proposed change could be handled through an amendment to the existing Order of Conditions.

13 & 21 HIGHLAND CIRCLE (DEP File #234-524) – Issuance of Order of Conditions
The Commission reviewed the draft Order of Conditions. **Motion to issue the Order of Conditions (as modified) for DEP File # 234-524 by Janet Bernardo, seconded by Marsha Salett, approved 6-0-0.**

OTHER BUSINESS

COMMUNITY PRESERVATION COMMITTEE – Discussion

J. Bernardo provided an update on the projects currently being reviewed by the Community Preservation Committee (CPC). She stated that the CPC had voted to include the two projects submitted by the Conservation Commission (signs/kiosks and transfer to Conservation Fund) as well as the Hearthstone Farm acquisition (co-sponsored by BOS, Park & Recreation and Conservation) on the Warrant for Town Meeting. She noted that the purpose of the Hearthstone Farm acquisition is to

provide access to the adjacent McCracken Camp/Rosemary Lake property, and that the Town will be seeking the Commission's input as to whether access (behind the existing barn) is feasible. Public hearings on each project will be held in April.

198 -200 NEHOIDEN STREET (DEP File # 234-472) – Update

L. Standley stated that DEP had denied the request for a superseding Order of Conditions at this site due to insufficient information and inconsistent calculation of Riverfront Area and amount of disturbance. The applicant has requested an adjudicatory hearing and may be submitting a new Notice of Intent for the proposed 40B project at this site.

RIDGE HILL – Discussion

The Commission reviewed the current job description for the Rangers at Ridge Hill as well as job descriptions for Ranger positions at other organizations. K. Phelps will revise the description as discussed and incorporate the elements from other positions as requested. The revised document will be distributed to the Commission for further review.

TRAILS MASTER PLAN – Discussion

L. Standley stated that the draft of the Trails Master Plan was to be submitted by the consultant on February 21, 2008. The Trails Committee had approved a five year implementation plan which – among other action items – calls for the appointment of a Trails Coordinator to oversee the execution of the proposed trail projects.

Meeting adjourned at 9:30 p.m.

Next Meeting: Thursday, February 28, 2008 at the Library Community Room

Respectfully submitted,

Kristen Phelps