

**TOWN OF NEEDHAM
CONSERVATION COMMISSION
MEETING MINUTES
Thursday, July 30, 2009**

LOCATION: Needham Public Library (Young Adult Room)

ATTENDING: Lisa Standley, Carl Shapiro, Janet Bernardo, Paul Alpert, Sharon Soltzberg, Kristen Phelps (Agent)

GUESTS: Jerry Grimm, Paul Aswad

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

COMMISSION ACTIONS

0 CHARLES RIVER STREET (NGWP #12) – Issue Order of Conditions

L. Standley noted that the public hearing on this application under the Needham Wetlands Protection Bylaw had been closed and that no further comments or testimony would be taken. She added that the Commission needed to consider whether the project as presented meets the criteria for a waiver from strict compliance with the bylaw, and if so, what conditions would be necessary to protect the resource area. The Commission reviewed the draft findings. They agreed that the finding of economic hardship needed to be modified to clearly state that strict compliance with the bylaw performance standards would preclude access to the non-jurisdictional portion of the site for residential construction. The Commission noted that the scope of the residential development was not a matter subject to review, and that their jurisdiction applied only to the access. With respect to alternative access off of Whitman Road, P. Alpert stated that it was his understanding of the law that the owner of land abutting a private road was not entitled to extend that road to access another parcel. While not raised during the hearing process, this constraint supplemented the arguments made by the Applicant's representative that access from Whitman Road was not feasible. L. Standley stated that in assessing the public interest to be served, the Commission needed to consider the impacts that the proposed project would have on the hydrology and the microhabitat surrounding the vernal pool. She noted that stormwater runoff was being handled to the satisfaction of the Commission (no runoff from the paved drive would be directed to the vernal pool), and that there would be no changes in shading due to the ongoing maintenance of the easement area which separates the vernal pool from the proposed roadway. The Commission reviewed the draft Conditions, and edited them to clarify certain provisions, add specificity and expand on mitigation requirements. **Motion to issue the Order of Conditions (as modified) for the proposed subdivision roadway at 0 Charles River (NGWP # 12) by Janet Bernardo, seconded by Paul Alpert, approved 5-0-0.**

BOARD OF SELECTMEN GOALS & OBJECTIVES – Discussion

L. Standley stated that she had distributed a memo to the Board of Selectmen regarding their FY2010 – 2011 Goals & Objectives (which were presented at a public meeting on July 28, 2009). She noted that the BOS intended to formally adopt their stated goals at their August 11, 2009 meeting and asked that any comments or edits to the memo be sent prior to August 4th so they could be incorporated into a final document and sent to the Selectmen a week prior to their meeting.

PUBLIC INPUT ON ORDERS OF CONDITIONS – Discussion

The Commission discussed the process of deliberating on Orders of Conditions. Typically, hearings are closed and Orders are discussed either later in the meeting or at a subsequent meeting. The Commission agreed that comments on the wording of special conditions (not on the substance of the project) by both Applicants and abutters were acceptable, noting that the Commission could accept or reject such comments. Discussion about whether this should occur prior to closing a hearing followed. The Commission agreed that so long as comments were confined to the wording of the draft Orders under consideration that discussion of same could occur after a hearing was closed.

Meeting was adjourned at 8:30 p.m.

Next Meeting: Thursday, August 13, 2009 at the Needham Public Library Community Room

Respectfully submitted,

Kristen Phelps