

**TOWN OF NEEDHAM
CONSERVATION COMMISSION
MEETING MINUTES
Thursday, April 12, 2012**

LOCATION: Public Services Administration Building, Charles River Room

ATTENDING: Lisa Standley (Chair), Paul Alpert (Vice Chair), Marsha Salett, Carl Shapiro, Sharon Soltzberg, Patricia Barry (Agent), Debbie Anderson (Assistant)

GUESTS: Mark Bees, Barbara Benfield, Peter Benfield, Timothy Bennett, Donna Briggs, William Day, Robert Rosata, Ardi Rrapi

L. Standley opened the public meeting at 7:35 pm.

MINUTES

Motion to approve the minutes of March 22, 2012, as amended, by M. Salett, seconded by S. Soltzberg, approved 5-0-0.

ENFORCEMENTS

350 CEDAR STREET

P. Barry updated the Commission and informed them that the Richland Towers stabilization project continues to move forward.

220 NEHOIDEN STREET

P. Barry informed the Commission that it appears that garden (farm) plots were recently created without a permit in the 100-foot buffer zone to bordering vegetated wetland and possibly the Riverfront Area at 220 Nehoiden Street. L. Standley explained that the property owners would need to apply for an “after the fact” permit and immediately cease and desist from further work. J. Bernardo questioned whether any trees had been removed. P. Barry noted that a new fence had also been installed. P. Barry will conduct a site visit with the property owner and will provide them with a permit filing deadline by one of the next two scheduled meetings.

170 NEHOIDEN STREET (DEP FILE #234-461)

P. Barry informed the Commission that she had not been contacted by the owner and that the required erosion controls had not been installed. The Commission determined that the issuance of an Enforcement Order would be necessary and if erosion controls were not installed within a week they would begin fining the owner \$100 per day until compliance was achieved. P. Barry will draft the Order and send it to the owner. **Motion to issue the Enforcement Order for 170 Nehoiden Street (DEP File #234-461) by P. Alpert, seconded by S. Soltzberg, approved 6-0-0.**

HEARINGS

180 STANDISH ROAD (DEP FILE #234-639) – *continued* NOTICE OF INTENT

L. Standley opened the public hearing at 7:45 pm. The applicant requested that the hearing be continued to the May 10, 2012 meeting in order to provide the additional information requested by the Commission. **Motion to continue the public hearing (at the Applicant’s request) for 180 Standish Road (DEP File #234-639) to May 10, 2012 at 7:45 p.m. by J. Bernardo, seconded by M. Salett, approved 6-0-0.**

NSTAR NATURAL GAS PIPELINE BROOKLINE STREET (DEP FILE #234-641) – NOTICE OF INTENT

L. Standley recused herself from the hearing due to a conflict of interest. P. Alpert (Acting Chair) opened the public hearing at 8:00 pm. On behalf of NSTAR Gas, Timothy Bennett of Green Seal Environmental presented the proposed project to the Commission. He explained that the project included the installation of a new 8-inch natural gas main pipeline in the street right-of-ways of Washington Avenue, Bancroft Street and Brookline Street within the 100-foot buffer zone to inland bank and bordering vegetated wetlands. The purpose and need for the natural gas pipeline project is for gap closure and to improve reliability. T. Bennett explained that the installation would take place completely in the paved roadways via the “open trench” method and that erosion control measures consisting of straw wattles would be installed to prevent any possible sedimentation into wetland resource areas. Trench backfilling would occur at the end of each work day. The entire project as proposed will take approximately 5 to 10 days to complete.

P. Barry noted that 1-inch lateral plans were not included in the application for 5 and 15 Bancroft Street although a portion of the installation would be located within the 100-foot buffer zone. The Commission agreed that a Condition within the Order requiring the Applicant to provide the revised plans for 5 and 15 Bancroft Street as well as revise the statement on the Notice of Intent to include the Bancroft Street addresses would be sufficient. P. Alpert noted that the Applicant had checked off the incorrect box on the Notice of Intent Application form regarding limited project status. T. Bennett explained that he corrected the error and provided a replacement Page 2 of the WPA form. The Commission discussed the Registry of Deeds recording requirements within the Order of Conditions as the natural gas pipeline project would take place within the road right-of-way without an address to record against. The Commission agreed to waive the requirement to record the Order at the Registry of Deeds. The Commission also discussed the pre-construction requirements of the project, and requested that P. Barry include a condition in the Order requiring that NSTAR notify the Commission and/or its Agent when a particular owner requests a tie-in to the proposed gas main.

P. Alpert opened the hearing to the public. Peter Benfield of 84 Paul Revere Road addressed the Commission. P. Benfield explained that he was opposed to the project. P. Benfield is not an abutter to the proposed project within the 100-foot buffer zone. He stated that he has an issue with NSTAR unrelated to the proposed project that he feels the Commission should be aware of concerning NSTAR Gas. P. Benfield contends that on April 3, 2012 an NSTAR truck trespassed on the private road portion of the street, dug a trench, and placed the pile of dirt in such a way that his wife had to pull into the garage at an odd angle and struck the garage door frame resulting in damage to the door frame and the car. P. Benfield requested that the Commission place a condition within the Order of Conditions for the proposed project requiring NSTAR to pay for his damages. He also questioned T. Bennett as to what research was conducted to ensure that the proposed work is not located on a private way. The Commission ensured him that the proposed work within the 100-foot buffer zone under this project was not located on private ways and explained that they did not have the authority to require NSTAR to repay him for the damage.

Motion to close the public hearing for the NSTAR Natural Gas Pipeline project (DEP File #234-641) on Bancroft Street, Brookline Street and Washington Avenue by J. Bernardo, seconded by M. Salett, approved 5-0-0. The Commission reviewed the draft Order of Conditions. **Motion to issue the Order of Conditions, as amended, for the NSTAR Natural Gas Pipeline project (DEP File #234-641) on Bancroft Street, Brookline Street and Washington Avenue, by J. Bernardo, seconded by C. Shapiro, approved 5-0-0.**

OTHER BUSINESS

1285 SOUTH STREET (DEP FILE #234-499) – EXTENSION PERMIT REQUEST

P. Barry explained that there were new owners of the property and that they are requesting an extension to the active Order of Conditions (DEP File #234-499). She noted that in their request letter they asked for a two year extension but would prefer a three year extension as their plans may change. J. Bernardo explained that the applicants recently submitted a proposal to the Community Preservation Committee to fund an assisted living affordable housing project. The applicants stated that they would submit a request to amend the existing Order of Conditions or submit a new Notice of Intent application if the approved plans changed. **Motion to approve a three (3) year Extension Permit for 1285 South Street (DEP File #234-499) by J. Bernardo, seconded by S. Soltzberg, approved 6-0-0.**

87 RIVERBEND LANE (DEP FILE #234-527) – MINOR MODIFICATION REQUEST

P. Barry explained that the Applicant was not attending the hearing. The proposed minor modification request includes the construction of a significantly larger house, about 2,000 square feet increase in size from the approved plans, and the installation of a new retaining wall at the limit of work. The Commission agreed that the proposed work is too extensive to be approved under a minor modification. The Applicant submitted a Request for an Amendment to the Order of Conditions to be heard at the April 26, 2012 Conservation Commission public hearing. **Motion to deny the request for a Minor Modification to the Order of Conditions for 87 Riverbend Lane (DEP File #234-527) by P. Alpert, seconded by J. Bernardo, approved 6-0-0.**

1011 SOUTH STREET (DEP FILE #234-623) – MINOR MODIFICATION REQUEST

The minor modification request was withdrawn by the Applicant.

80 NORTH HILL AVENUE (NGWP #14) – CERTIFICATE OF COMPLIANCE REQUEST

D. Anderson conducted the site visit to determine the project's compliance with the Order of Conditions. She noted that the site was stabilized, sod had been installed and the four (4) red maple trees (*Acer rubrum*) were planted as required in the Order of Conditions. **Motion to issue the Certificate of Compliance for 80 North Hill Avenue (NGWP #14) by S. Soltzberg, seconded by J. Bernardo, approved 6-0-0.**

PARKS AND FORESTRY DEPARTMENT NEEDHAM RESERVOIR TRAIL – TRAIL MAINTENANCE ACTIVITY NOTIFICATION FORM

L. Standley questioned whether the area proposed for trail maintenance overlaps with the same trail that the trail stewards had cleared during their recent training. P. Barry explained that this particular Trail Maintenance Activity Form is submitted each year to prepare for the Town sponsored fishing derby held annually at the Reservoir. P. Barry had created a GIS Map showing the area coinciding with this request. She noted that the proposed work would consist of trimming the shrubs on top of the berm located along the parking lot side of the Reservoir. The Commission agreed that no trimming of vegetation was allowed along the natural banks of the Reservoir. **Motion to approve the Parks and Forestry Department Needham Reservoir Trail Maintenance under the Generic Trail Maintenance Determination of Applicability by J. Bernardo, seconded by P. Alpert, approved 6-0-0.**

RIDGE HILL RESERVATION ALGONQUIN CATHODIC PROTECTION PROJECT – EASEMENT APPROVAL

P. Alpert explained that the Commission required the submission of an As-Built Plan before the easement would be granted. The As-Built Plan was submitted and the language changes to the document requested by P. Alpert were incorporated into the agreement. **Motion to approve the Easement Agreement for the Ridge Hill Reservation Algonquin Cathodic Protection Project by P. Alpert, seconded by S. Soltzberg, approved 6-0-0.**

RIDGE HILL RESERVATION MANAGEMENT – DISCUSSION

- Fence and/or guardrail installation – L. Standley explained the need for a low fence along the driveway to deter people from driving their cars through the meadow in accordance with the Ridge Hill Ecological Management Plan. P. Barry discussed that she had spoken to a vendor and was quoted approximately \$50,000 to install a heavy duty wooden guard rail on both sides of the access driveway. L. Standley stated that they should go out to bid on the project. The project could be financed with Conservation Trust Fund money. P. Barry will prepare the Request for Proposals and the Commission will need to vote to approve the use of the Conservation Trust Fund.
- Meadow brush fire enclosure – L. Standley explained that she is not concerned ecologically about the effects of the fire, as it is a natural occurrence and the area will grow back. At this time the area is exposed dirt and should be protected from foot traffic to allow it to grow back undisturbed. The Commission instructed P. Barry to use money from the Conservation Trust Fund to purchase and install snow fencing to protect the area.
- Old Ridge Hill Reservation sign – The Commission agreed that the old Ridge Hill Reservation sign needs to be replaced. P. Alpert suggested that they price a sign that they would like to replace it and see if any groups would be willing to donate funding to purchase the sign. L. Standley reminded the Commission that the sign is located on a scenic road and should not be taken down until they have acquired its replacement.
- Access way gates and stone wall repair – L. Standley discussed that plans are proposed to install a gate at the Cartwright Road access way and that the stone wall should be repaired at the Charles River Road entranceway to Ridge Hill Reservation. Conservation Trust Funds could also be used for the gate installation and stone wall repair. P. Barry is coordinating with DPW on both projects.
- Swamp Trail - P. Barry reported that the contract with Beals & Thomas has not been signed, and seems to be held up in the Town's review. Temporary trail closure signs will be posted.

TOWN OF NEEDHAM DRAFT WARRANT ARTICLE 22 (PESTICIDE AND HERBICIDE USE) – DISCUSSION

P. Barry explained that Article 22 calls for the creation of a standing committee and requires a ban on chemical synthetic herbicides and pesticides on Town lands. L. Standley is concerned that such a policy would prohibit the use of herbicides, which are a valuable tool, to control invasive species. The Commission agreed that they are in support of the Town's existing Integrated Pest Management Policy. P. Alpert suggested that as a Town Meeting Member he may be able to speak on behalf of the Conservation Commission's interests at the Town Meeting.

CONSERVATION COMMISSION – GUIDELINES FOR REVIEWING TREE REMOVAL PROJECTS – DISCUSSION

L. Standley drafted Guidelines for Reviewing Tree Removal Projects. The guidelines were developed to provide a consistent approach to tree removal that protects wetland functions and values provided by trees in wetland resource areas and buffer zones. The guidelines require that wherever feasible that when a tree needs to be removed within Conservation Commission jurisdiction that a 6-foot snag is left and two replacement trees to be planted. L. Standley drafted a list of tree species as guidance for acceptable

replacement tree species. S. Soltzberg asked that Eastern red cedar (*Juniperus virginiana*) be added to the list. The Commission clarified further that a tree is defined as having a minimum 6-inch diameter at breast height in order to trigger the guidelines. **Motion to approve the Conservation Commission Guidelines for Reviewing Tree Removal Projects by M. Salett, seconded by J. Bernardo, approved 6-0-0.**

Motion to adjourn by M. Salett, seconded by C. Shapiro, approved 6-0-0. The meeting was adjourned at 9:35 pm.

NEXT PUBLIC HEARING

April 26, 2012 at 7:30 p.m. in the Public Services Administration Building, Charles River Room