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**TOWN OF NEEDHAM  
MASSACHUSETTS  
BOARD OF APPEALS**

***Wellesley Country Club***  
***Record owner: Wellesley Country Club***  
***0 Forest Street, Map 113, Parcel 29***

**February 25, 2016**

Wellesley Country Club, 300 Wellesley Avenue, Wellesley, MA, owner, applied to the Board of Appeals for a Special Permit under Sections 1.4.6, 7.5.2 and any other applicable Sections of the By-Law to alter the pre-existing non-conforming golf course to construct six "short course" holes along the Needham/Wellesley town line off Brookside Road on existing Wellesley Country Club property. The property is located at 0 Forest Street, Needham, MA in the Single Residence A Zoning District. A public hearing was held on September 17, 2015 pursuant to notice thereof, published in a local newspaper and mailed to all parties of interest.

***Documents of Record:***

- Application Packet received August 19, 2015, containing:
  1. Application dated August 19, 2015.
  2. Set of Permit Plans entitled "Cover Sheet" prepared by Allen and Major Associates signed and stamped by Philip L. Cordeiro RPE No. 47083 dated August 19, 2015; "Property Line Plan" prepared by Allen and Major Associates signed and stamped by Philip L. Cordeiro RPE No. 47083 dated August 19, 2015; "Project Plan" prepared by Mungeam Cornish Golf Design dated March, 16, 2015; revised March 18, 2015, July 7, 2015; "Grading and Drainage Plan" prepared by Mungeam Cornish Golf Design dated March 16, 2015, revised March 18, 2015, July 7, 2015; "Proposed Erosion Control Plan" prepared by Allen and Major Associates signed and stamped by Philip L. Cordeiro RPE No. 47083 dated August 19, 2015; and "Details" prepared by Allen and Major Associates signed and stamped by Philip L. Cordeiro RPE No. 47083 dated August 19, 2015.
- Documents received on or before the September 17, 2015 hearing:
  3. Domestic Corporation Record from Secretary of the Commonwealth dated July 22, 2015.
  4. Letter from Needham Planning Board dated September 11, 2015.
  5. Memorandum from Matthew Varrell, Director of Conservation dated September 23, 2015.
  6. E-mails from Tara Gurge, Environmental Health Agent, Needham Department of Health, dated September 15 and 16, 2015.

- Documents received at the October 15, 2015 hearing:
  7. Affidavit of Martin J. Ryan dated October 15, 2015 with exhibits A - Directory of Golf Course Designed by Donald J. Ross revised April 2011; B - Location of proposed first hole, and C - Document Book 1290 and Page 6318.
  8. Letter from Massachusetts Department of Environmental Protection dated May 22, 2012.
  9. Photographs of Brookside.
  10. Wellesley Country Club Short Course Grow-in Proposed Management Plan dated September 12, 2015.
  11. Turfgrass Management Plan for the Wellesley Country Club, Using an Integrated Pest Management Approach prepared by Michael Toohill and Bill Sansone dated May 2007 revised June 2012.
- Documents received before the November 19, 2015 hearing:
  12. E-mail from Anthony DelGaizo, Department of Public Works, dated November 18, 2015 and response e-mail from Phil Cordeiro dated November 18, 2015.
  13. E-mail from Dick Seegal, Wellesley Zoning Board dated November 2, 2015.
  14. E-mail from Laura Fragasso dated October 19, 2015.
  15. Supplemental Information submitted November 11, 2015 containing Letter from Philip Cordeiro, PE, "Turfgrass Management Plan for the Wellesley Country Club, Using an Integrated Pest Management Approach" prepared by Michael Toohill and Bill Sansone dated May 2007, revised June 2012; "Wellesley Country Club Short Course Grow-in Proposed Management Plan" dated September 12, 2015; "Drainage Routing Post-Development Watershed"; and Soil Information, all in bound document.
  16. E-mail from Seth Bauer dated October 21, 2015.
  17. Wellesley Zoning Board of Appeals October 20, 2015 Meeting Minutes.
  18. E-mail from Tara Gurge, Environmental Health Agent, dated October 20, 2015 with attachments: map and key; Groundwater Source Approval Regulations 310 CMR 22.00.
  19. E-mail from Tom Ryder dated October 21, 2015.
  20. "Proposed Grading and Drainage Plan" prepared by Allen and Major Associates, stamped by Philip L. Cordeiro RPE no. 47083 dated November 11, 2015.
  21. "Existing Watershed Plan" prepared by Allen and Major Associates, stamped by Philip L. Cordeiro RPE no. 47083 dated November 11, 2015.
  22. "Proposed Watershed Plan" prepared by Allen and Major Associates, stamped by Philip L. Cordeiro RPE no. 47083 dated November 11, 2015.
  23. Forwarded e-mail from Lenore Mahoney dated November 17, 2015 with attachments Renewal Registration Statement for Verified Water Withdrawal; and Water Usage Proposed 6-hole Facility prepared August 2015.
- Documents received on or before the December 17, 2015 hearing:
  24. E-mail from Laura Fragasso dated December 15, 2015.
  25. E-mail from Laura Fragasso dated December 16, 2015.
  26. E-mail from Ed Olsen, Superintendent of Parks and Forestry dated December 16, 2015.
  27. E-mail from Andrew Fink dated December 15, 2015 with 4 photographs attached.
  28. E-mail from Matt Varrell, Director of Conservation dated December 17, 2015.
  29. E-mail from Andrew Fink dated December 17, 2015.

- 30. E-mail from Jordan Burke dated December 17, 2015.
- Documents received on or before the February 25, 2016 hearing:
  - 28. Memorandum from Wellesley Natural Resources Commission dated January 14, 2016.
  - 29. E-mail from Jordan Burke dated February 24, 2016.
  - 30. Memo from Friends of Brookside.
  - 31. E-mail from Helen Sagan dated February 25, 2016.
  - 32. Memo from Matt Varrell, Director of Conservation, dated February 25, 2016.
  - 33. E-mail from Ed Olson, Superintendent of Parks and Forestry, dated February 25, 2016.
  - 34. E-mail from Anthony DelGaizo, Town Engineer, dated February 25, 2016.
  - 35. Supplemental Information submitted February 12, 2016 containing Letter from Philip Cordeiro, PE; Composite BMP Schedule; Construction Traffic Management Plan; Drainage Routing Revision 1; all in bound document including 4 plans.
  - 36. "Proposed Grading and Drainage and Erosion Control Plan" prepared by Allen and Major Associates, stamped by Philip L. Cordeiro RPE no. 47083 dated November 11, 2015; revised January 6, 2016; February 16, 2016.
  - 37. "Existing Watershed Plan" prepared by Allen and Major Associates, stamped by Philip L. Cordeiro RPE no. 47083 dated November 11, 2015; revised January 6, 2016.
  - 38. "Proposed Watershed Plan" prepared by Allen and Major Associates, stamped by Philip L. Cordeiro RPE no. 47083 dated November 11, 2015; revised January 6, 2016; February 12, 2016.
  - 39. "Details" " prepared by Allen and Major Associates, stamped by Philip L. Cordeiro RPE no. 47083 dated August 19, 2016; issued for permit review January 6, 2016.
  - 40. Water Quality Monitoring Program/Protocol Draft for Review from Michael J. Toohill BSC Group dated February 25, 2016.
  - 41. Construction Management Plan with missing page 2.

### ***September 17, 2015***

The Board included Howard Goldman, Acting Chairman; Peter Friedenberg, Associate Member; and Kathy Lind Berardi, Associate Member. Mr. Goldman opened the hearing at 9:25 p.m. by reading the public notice.

Attorney Les Shea, representing the applicant Wellesley Country Club (the "Club" or the "Applicant"), introduced the committee: Marty Ryan, general manger; Bill Sansone, course superintendent; and Phil Cordeiro, project engineer. The Club has been in existence since 1910. It currently includes an 18-hole golf course, pool, paddleball court and clubhouse. The Applicant is proposing to add a six-hole short course primarily for beginners. Approximately half of the property owned by the Applicant is in Needham and the other half is in Wellesley. The Applicant needs a special permit from the Zoning Board of Appeals in each town. The Applicant believes that this project is not more detrimental than what exists today at the site.

Mr. Goldman said that under Section 1.4.6 the Applicant needs to establish that the non-conforming use is lawful. Mr. Shea presented a certificate showing that the Club was organized as a domestic corporation on July 6, 1910. The Applicant stated that the extra eighteenth hole (or practice hole) was one of the original holes of the nine-hole golf course

and was used until the 1960's. The first five holes were designed in 1912 by Donald Ross and were located on the Wellesley-Needham line. The existing sixth and seventh holes on the Needham side are still in use today. The Applicant agreed to submit documentation supporting the testimony that the use began prior to 1925.

Mr. Cordeiro, the Applicant's project engineer from Allen and Major, explained the proposed project. This proposed six-hole short course project is approximately 10 acres mostly in Needham in an area currently used by course maintenance for materials storage. The first hole of the proposed course exists today as a practice hole. It will be renovated and incorporated into the new short course.

The short course will have tee boxes, fairways, sand traps and greens like a regular course. The design takes advantage of the topography and the course undulates with the land. There will be limited tree clearing. The Applicant will install a drainage system and 15,000 square feet of cart paths extensions. There will be no vehicular traffic, no parking, no site lighting or structures. Temporary construction access will be off of Brookside Road.

There is an isolated wetland in close proximity. The wetland and the 100' buffer line are shown on the plans. The limit of work is outside the Conservation Commission's jurisdiction with the exception of a piece of a tee box. After consulting with the Director of Conservation they decided no permitting or filing was required. Hay bales and silt fencing will be used during construction. Approximately 2 to 2.5 acres of trees will be cleared.

Mr. Goldman asked for public comment.

John Frankenthaler has lived on 33 Brookside Road for 30 years, and directly abuts the Club. The trees and hill of soil provide a buffer from the light and noise of Wellesley Avenue. The re-grading of this area would remove both the trees and the berm; opening a direct line to Wellesley Avenue. He would like some trees to remain along Brookside Road. Mr. Frankenthaler said that it is a mess alongside Brookside Road. He suggested that it would be helpful to see plans for Brookside Road.

Mr. Cordeiro said at the deepest part, 30 feet of trees will be cleared back from the existing tree line. Trees need to be removed because of the proposed grading. The Applicant recognizes that they are taking down some trees but many will remain. The exact trees will be identified in the field as they lay out the project during construction. The tree line on the plan denotes the difference between woods and lawn. In some places the tree cover is thin. The Applicant will keep as many trees as possible to maintain a screen.

Mr. Cordeiro explained that they are matching the natural topography. The undulation will disrupt the horizontal travel of sound. He thinks that the sound will bounce up and over and not be any worse than it is today. Mr. Cordeiro said that they are removing the berm but the tee box will be lower than what exists now.

Mr. Goldman suggested that more trees or a fence be put up at the limit of work.

Mr. Gordon Russell has lived at 62 Brookside Road for 32 years. He said at a high level, he thinks the plans are in concert with the neighborhood. The overall view will be enhanced. He would like the Applicant to address the land near Brookside Road. It has been ignored and is an eyesore. He suggests nice gates or pillars for the Brookside access. He thinks this is a great opportunity to enhance the neighborhood with little effort. It makes sense to include this area in the project. He also suggested that they access the project via Forest Street

instead of Brookside Road.

Mr. Cordeiro said that he would need to check with the groundskeeper. But he thinks the best access is via public roads to get in and out easily rather than cross the course with construction vehicles on roads and pathways that are not designed for construction traffic.

Mr. Cordeiro said equipment such as excavators and bulldozers will initially be brought on site, some loam and other materials will also be brought in. All the maneuvering will happen on site. The Applicant agreed that they will monitor the number of trips. The project will take three to four months to complete.

Mr. Russell said their last project was a lot of trips over a long period of time. This project seems like it will be fewer trips. He thinks the project will be great for the neighborhood particularly if the noise and berm issues are addressed and the curb appeal along Brookside Road is enhanced.

Ed Olson, Needham Tree Warden and Superintendent of Parks and Forestry and a Needham resident, said that he was pleased to hear that the Applicant is mindful of the trees and is willing to work with the residents. This is a good opportunity provide a tree buffer on the Applicant's property and clean up that area. Mr. Olson agrees this area is an eyesore and believes this project will benefit both the neighbors and the Applicant. The Applicant has done beautiful work in the past and he is confident that they will work with the neighbors.

Mr. Goldman said he was reluctant to approve the project without a beautification plan and an understanding of which trees are to remain.

Mr. Frankenthaler said he was concerned about construction noise. He asked that they start later than 7:00 a.m. The Applicant requested hours 7:00 a.m. to 3:00 p.m. with an opportunity to work later.

Mr. Goldman asked if they could start later or limit morning noise. Mr. Cordeiro said that he would need to discuss it with the rest of the Applicant's project team. Mr. Cordeiro stated that he would not agree to later than 7:30 a.m. or 8:00 a.m. Monday through Friday with a Saturday later start time of 9:00 a.m. to 2:00 or 3:00 p.m.

Mr. Goldman suggested Monday through Friday 7:30 a.m. to 3:00 p.m. or 4:00 p.m., and if necessary, on Saturday 9:00 a.m. to 4:00 p.m.

Christine Burns, 28 Clark Road, lives near the six and seventh hole. She asked for confirmation that there will be no additional lighting. She can see the lights from the paddle court and she can also hear Wellesley Avenue traffic. She would like more trees planted to mitigate the sound and she would like more screening. The Applicant agreed there will be no lighting.

The Board discussed whether a decision can be reached on the application. Ms. Berardi said the Board cannot yet write a decision that addresses concerns of neighbors regarding screening, tree removal, etc., without the submittal of a definitive plan by the Applicant. Mr. Friedenberg agreed and stated that there are two other outstanding issues: (1) the Board of Health's comment regarding composting grass clippings and (2) the Town Engineer's requirement of further details regarding the drainage issues.

The Applicant stated that all composting will be off-site.

The Town Engineer requested more information regarding drainage.

Mr. Goldman suggested that the hearing be continued for drainage calculations, tree plans and statement of what the Applicant can offer to clean up Brookside Road.

The Board and Applicant agreed to continue to October 15, 2015 at 8:45 p.m.

The hearing closed at 10:38 p.m.

### ***October 15, 2015***

The Board included Howard S. Goldman, Acting Chairman; Jonathan D. Tamkin, Member; and Peter Friedenberg, Associate Member. Mr. Goldman opened the hearing at 10:43 p.m. by reading the public notice. Mr. Tamkin said he was not at the last hearing but has watched the tape.

Mr. Les Shea representing the Applicant, introduced Phil Cordeiro, the project architect.

The Applicant presented information that two of the greens have been used continuously since 1910. The Affidavit of Martin J. Ryan, General Manager of the Club confirmed that Donald Ross, a famous golf course architect, designed the course in 1910. Two of the original holes were located in Needham. The proposed first green of the short course has been used continuously as a green since the mid 1910's. The Applicant also submitted a deed received from the Assessor's office demonstrating that the Applicant has owned this parcel in Needham in 1914.

The Board agreed that the Applicant has adequately demonstrated its lawful pre-existing non-conforming status as to use.

Mr. Cordeiro explained that since the last meeting, surveyors and course management marked the limits of the tree clearing. The width varies between 20 to 60 feet of remaining proposed tree buffer, which is solely on the Club's property. They have not added trees or fencing because they feel enough buffer remains. The exact line of trees will be adjusted in the field during construction.

The berms mentioned by Mr. Frankenthaler at the last hearing will be removed. The course will sit lower than what exists today. The abutter will look over the course where the golfers will be. The sound attenuation is an added benefit of the grading because the sound will fall into the bowl and then kick up and over the trees. Mr. Cordeiro emphasized the sound will be lessened but it will not be zero.

Mr. Cordeiro said that the Engineering Department had two main concerns: The first concern is that the project be compliant with the Town's National Pollutant Discharge Elimination System (NPDES) permit. This is an EPA standard regarding sediment and pollutants. Due to the concerns about fertilizer and pesticides, the Wellesley Country Club submitted two course management plans. These plans detail what and how the chemicals will be used. The Applicant has agreed to follow these plans. The Applicant will make these plans available to the public.

The second issue is that there is no increase in run-off from the project than what exists today. Because the soils are highly permeable there is a concern regarding wellhead protection. Trees will be removed and replaced with grass which is not as efficient in water absorption as trees so there will be a slight increase in run-off. Storm water will be collected near hole number 5 and through a series of drains routed to a dry detention basin where the water will infiltrate. This will make up the difference between grass and trees in water absorption. The Applicant will finalize these plans with the Town Engineer.

Mr. Goldman asked for public comment.

Laura Fragasso, Wellesley resident, said that the Wellesley Water and Sewer Department had serious concerns. The whole project area is in the Zone II Wellhead Protection boundary serving six of Wellesley's nine wells. Because removing trees, moving earth and applying pesticides could have a lasting effect, she asked the Board to delay any decision until Wellesley has a chance to review the project. The Board agreed that there should be dialogue between the two towns and the Applicant.

Mr. Cordeiro said that the Wellesley DPW identified concerns regarding the application of pesticides and fertilizers, which is why they have submitted the management plan. Since there will be an increase in manicured green space, the Town of Wellesley was concerned about the water needed to support the project. The Applicant's Massachusetts state permit allows a total maximum volume of 25.2 million gallons annually. They propose to draw an additional 1.3 million gallons. Currently they draw approximately 20 millions gallons annually. The new total will be 21.3 million gallons annually; below their permit threshold.

Ms. Fragasso said she understands the Applicant has an integrated pest management plan. Given the importance of this area she wondered if the Applicant can look into how the pests can be managed organically or be Audubon certified.

Gordon Russell, 67 Brookside Road, said the perimeter of Brookside Road is neglected. He would like the club to address the area as he suggested at the previous hearing.

Jordan Burke, 18 Brookside Road, said he is generally happy with the project but the area has deteriorated over the years. He submitted pictures showing three separate fences of different styles and states of disrepair.

Mr. Cordeiro said the area in question along Brookside is in the right-of-way, and so the Club has no control over this area. The fence is on the boundary. The Brookside Road right-of-way is about 33 feet wide. There are flags and stakes marking the property line.

Mr. Russell suggested that the Town, the Club and utility will need to be involved to clean it up because it is not just about the fence.

Mr. Andrew Fink, 30 Brookside Road, hopes the fence pieces that are on the Club's property could be removed.

Ms. Fragasso said that the nearby wetlands are important wildlife habitat. Even if native plantings are planted, the disturbance is not good.

Mr. Cordeiro said that to avoid the wetland there is no work being done in that area. If they were to do any work an application would need to be filed with the Conservation Commission.



Mr. Shea said there is no record that the fence belongs to the Applicant.

The Board asked if the Applicant would be willing to remove the fence if DPW agrees and no filing with the Conservation Commission is required. Mr. Shea said that although it would be beneficial he doesn't think the cleanup should be part of this permit.

Mr. Goldman said the pre-existing use determination has been met. The open issues are drainage, screening and removal of trees.

Mr. Tamkin made a motion to continue the hearing to 7:30 p.m. on November 19, 2016 to allow time for the Town Engineer to comment.

The hearing adjourned at 11:58 p.m.

### ***November 19, 2015***

The Board included Jon D. Schneider, Chairman; Jonathan D. Tamkin, Member; Howard S. Goldman, Member. Also participating was Peter Friedenberg, Associate Member and Kathy Lind Berardi, Associate Member. Mr. Schneider opened the hearing at 7:30 p.m. He said that the Applicant has asked to continue the hearing until December because the Town Engineer did not have time to review the drainage calculations. The Board agreed to continue the hearing until 7:30 p.m. on December 17, 2015.

### ***December 17, 2015***

The Board included Howard S. Goldman, Acting Chairman; Jonathan D. Tamkin, Member; and Peter Friedenberg, Associate Member. Also participating was Kathy Lind Berardi, Associate Member. Mr. Goldman opened the hearing at 7:46 p.m. by reading the public notice.

Les Shea, attorney for the Applicant, and Phil Cordeiro, project engineer appeared before the Board. Mr. Cordeiro said that the Applicant wants to ensure there will be no detriment to the water supply. The pesticide management plan was developed in conjunction with the Wellesley Conservation Commission.

Mr. Cordeiro summarized his discussions with the Town Engineer. They are now in agreement with the drainage plans. The Town Engineer has asked for additional information to show that the isolated wetland does not over flow and flood the road in a storm event. There is a catch basin just outside the wetland, which can only be used in emergency conditions.

Mr. Cordeiro said that the Town Engineer suggested a swale and berm system to ensure no run-off to neighboring properties. Mr. Cordeiro said they would revise the plans. The Applicant asked the Board to grant a permit contingent upon receipt of final plans as they were unable to make the revisions before tonight's meeting.

Mr. Cordeiro said that the Town Engineer explained the terms of the NPDES permit and the Applicant has agreed to abide by them.



Mr. Shea said that there will be no drop-offs of golfers along Brookside Road. The Club staff wants to monitor who is using the course; members are required to sign-in at the pro shop before walking over to the course. Then when they are done they are required to check out at the pro shop.

There also was a concern about the storage of materials on site. Currently, there are grass clippings from the greens only, leaves, minor sod pieces, festive flowers and limbs from tree maintenance. The compost is mixed with lime and dirt. Every two years it is hauled away through the Brookside Road access. This typically is a 10 to 14 day operation. He acknowledged that the composted material does not smell good. Once the new short course is installed, a new machine will be purchased to spread out the grass clipping. Leaves will be removed through Forest Street. Only the limbs from tree pruning will remain in dumpsters. These will be emptied six to seven times a year through the Brookside Road access drive.

The Board and the Applicant discussed the proposed cleanup along Brookside Road. The Applicant said they do not agree to tie any clean-up to this request for a special permit because the Wellesley portion of the road is a designated scenic road. Any work needs to be approved by the Wellesley Planning Board.

Mr. Tamkin said that he was inclined to make cutting down the fence a condition to the extent permitted by the Conservation Commission.

Mr. Shea said any work in the wetland buffer zone would require a filing with the Conservation Commission. Mr. Shea said it was not the Applicant's intention to file; they purposely stayed out of the Conservation Commission's jurisdiction. If the Applicant were to remove invasive species along the border, this would require a filing and then a specialist to monitor the new plantings. The Applicant does not want to disturb any habitat. It is the Applicant's position that they are not going to remove anything. The Conservation Director is concerned that there is a vernal pool and they would not want the habitat disturbed.

The Applicant said they do plan to install a restrictive gate that will be 10 to 12 feet back to keep it out of the scenic road jurisdiction. The gate is outside the Conservation Commission jurisdiction.

The Board wants a plan that can be referenced in the decision.

Mr. Goldman asked for public comment.

Jordan Burke, 18 Brookside Road, spoke on behalf of himself and neighbors Mr. Russell and Mr. Fink. He said that having the dumpster across from the abutters is concerning. He is happy the Club has a plan for members to access the course and that there will be no drop-off and pick-up along Brookside. He said that only the Wellesley end is designated a scenic road. From the curb cut south, overgrowth and invasive species have run amuck. He believes the Conservation Commission has misunderstood what the neighbors want. They just want to clean out the invasive species and leave it natural woodland. They also would like to protect the habitat.

The Board members asked Mr. Burke if it seemed reasonable that the Board require the Applicant to clean up their private property. This will only get half the job done because the rest of the area is on Town-owned land that would require the DPW to take action. This Board cannot require the Town to take action.

Mr. Burke thinks that the Applicant should assume responsibility of caring for this area.

Ms. Berardi said that the review standard for this project is whether it is substantially more detrimental to the property than what currently exists. Leaving the area as-is and not cleaning up the area during the proposed project does not result in a condition that will violate that standard. She does not believe that the Board can condition the special permit on a cleanup of the Brookside Road area because that is what exists today.

Mr. Burke said they may have met the requirements but not the consensus of the neighborhood.

Mr. Tamkin explained that it is a balancing act. The composting is being eliminated which is a benefit. The dumpster removal will be fewer trips and will be less disruptive to the neighborhood.

The Board asked where this dumpster will be and if it can be screened.

Mr. Shea was not sure of the exact location because they need room to maneuver to service the dumpster. They would need to strike a balance between screening the neighbor's view and not being in the way of golfers. The dumpster would be emptied approximately seven times from April through November.

Mr. John Frankenthaler, Brookside Road, is an immediate abutter. He is concerned that the work is on his side of the berm and that this berm will be removed. This existing 12 foot high berm blocks noise and light from Wellesley Avenue. He would like the limit of work line moved north so that the berm is not removed. He thinks the short course is good and he is happy that the compost pile will be removed. He is very concerned that the proposal will take away his protective barrier from sight and noise.

Mr. Cordeiro said that there is an embankment that will be removed and the course will be lower than his property. Mr. Cordeiro thinks this situation will be better because the sound will drop down and bounce off. Wellesley Avenue will still be heard as it is all over the course. A nice healthy stand of trees will remain creating an adequate buffer, which the Town Tree warden likes. Mr. Cordeiro said that the exact location won't be determined until they lay out the project in the field.

Laura Fragasso representing Friends of Brookside said that it seems most Needham abutters think this use is better, while most Wellesley abutters think this use is detrimental because of its proximity to Wellesley's well water. She asks the Needham ZBA to hold off voting until the Wellesley ZBA hears the case because this is important to Wellesley's water supply.

Mr. Goldman said that he is confident that Wellesley ZBA will weigh in to protect Wellesley's interest.

Ms. Fragasso asked if there could still be a course in Needham if Wellesley denies the project. And what would happen if the conditions were inconsistent for both permits.

Mr. Shea said that the Applicant will need approval from both towns to move forward. They could not build the course only in Needham because that is not the project that is being proposed.

Mr. Tamkin said that if there was a conflict with the conditions of the permits issued by the

town the Applicant would have to come back and request a modification to the permit. Mr. Tamkin would like written findings and suggestions from the Town Engineer; specifically if there has been any governmental cooperation.

Mr. Cordeiro said that the two engineering departments have been in communication.

Mr. Tamkin and Mr. Goldman agreed that the fence could be removed to the extent possible allowed by the Conservation Commission without needing a formal filing.

Mr. Tamkin said he was supportive of the installation of a gate and the prohibition of composting. He supports the dumpster alternative provided it is screened. The location and screening needs to be worked out to minimize the view from abutters. Dumpster services limited to six or seven times a year, April through November during normal dumpster servicing hours. There should be a prohibition of drop-off and pick-up along Brookside Avenue and minors will be taken over in a cart. The Applicant agreed that this would not be a problem because the sixth hole is closest to the clubhouse.

Mr. Friedenberberg agreed that the dumpster location should be specified. Plans need to be submitted detailing the gate, dumpster location and dumpster screening. The Applicant needs to show compliance with Needham's NPDES permit. He thinks the integrated pest management plans submitted need to be approved by Needham's Engineering Department.

Mr. Friedenberberg said construction hours were discussed and proposed as Monday through Friday 7:00 a.m. to 3:00 p.m. with the opportunity to work later and Saturday 9:00 a.m. to 3:00 p.m. The abutters requested that the construction start later than 7:00 a.m. He understands that since the project consists of cutting and filling there will not be a lot of truck traffic.

Mr. Cordeiro said that the cut trees will be hauled off site and there will be some material such as topsoil brought on site.

The Applicant and Board discussed construction hours. The Applicant would like to be able to go later until 4:00 p.m. or 5:00 p.m. because a longer day will have shorter construction duration.

Mr. Frankenthaler believes that a 7:00 a.m. start is too early. His bedroom is only 40 to 50 feet away from where they will be moving earth. He also pointed out at an earlier hearing the Applicant did agree to an 8:00 a.m. start.

Mr. Goldman said that this topic might need further discussion. He suggested no trucks standing on Brookside Avenue.

Since the Board did not have formal comments from the Engineering Department and although they generally supported the project, the Board agreed they could not close the hearing tonight.

Mr. Friedenberberg said that the Applicant was supposed to look into whether they could access the project off Forest Street. Mr. Cordeiro said that it was not feasible because the project was not designed that way.

Mr. Randolph Becker, Vice Chair of the Wellesley ZBA, said he was here tonight for three reasons. First, he wanted to see how the Needham ZBA operates compared to Wellesley;

second, he wanted to listen to the project as proposed as they have very little information; and third, to hear Needham's concerns.

Mr. Goldman asked besides the stormwater issues are there other issues that are similar. Mr. Becker said most of what he heard tonight pertains to Needham. The similar issues are about the water supply but it is more of a Wellesley concern because they are downhill.

The Applicant said they have only had one hearing with the Wellesley ZBA and they have another one scheduled for January 21.

Mr. Friedenbergs made a motion to continue the hearing until 7:30 p.m. on February 25, 2016 in Town Hall. Mr. Tamkin seconded. The Board was unanimously in favor.

The hearing adjourned at 9:12 p.m.

### ***February 25, 2016***

The Board included Howard S. Goldman, Acting Chairman; Peter Friedenbergs, Associate Member; and Kathy Lind Berardi, Associate Member. Mr. Goldman opened the hearing at 7:34 p.m. by reading the public notice.

Les Shea, attorney for the Applicant summarized the outstanding issues.

The location of the fence along Brookside Avenue was discussed. Because the fence is on the Brookside Road right-of-way line, ownership is unclear. On the plans, it is difficult to distinguish the fence line from the property line.

The Board reviewed the eight recommendations submitted by Mr. DelGaizo, Town Engineer, as set forth in his email dated February 25, 2016 as follows:

1. The plan shows an existing "Open Storage Area" within the 100 ft buffer zone adjacent to Brookside Road in Needham. The existing open storage area shall be removed and the area restored to a natural state. No work, other than the restoration of the open storage area, shall occur within the 100 ft buffer zone. The buffer zone shall be clearly demarked in the field and no equipment or entrance into the buffer zone shall be allowed. There is also a "Proposed Construction Staging and Stockpile Area" immediately adjacent to the 100 ft buffer zone in Needham. The proposed staging area shall be surrounded by a silt fence and hay bale line sufficient to prevent any disturbance by water or otherwise of the buffer zone area. Access to the staging area shall only be from the up gradient side of the staging area. The applicant will need to file for a Conservation Permit for this project.
2. The Integrated Pest Management (IPM) Plan shall comply at a minimum with the Town of Needham's IPM plan. I recommend that any additional measures beyond that required by the Needham IPM plan be reviewed and, if appropriate, approved by the DPW Park and Forestry Superintendent prior to their implementation. I further recommend that any failure to comply with this requirement be referred to the Board of Appeals for corrective action. Compliance with the Needham IPM plan is sufficient to protect the Zone II surrounding Wellesley's Water Lands.
3. I recommend that the Board of Appeals include a requirement in their Decision that application of fertilizers comply with the fertilizer manufacturer's recommended application directions.
4. I recommend that the Board of Appeals include a requirement in their Decision that no further development of the land within Needham be allowed unless permission from the Board of Appeals is granted. Further development may include disposal areas,

stockpile or staging areas, or other work areas not shown on the current plans accompanying this permit application.

5. I recommend that the Board of Appeals include a requirement in their Decision that the Wellesley Country Club is required to comply with Needham's existing NPDES permit and future NPDES permits issued by the EPA (the new permit is expected this year).

6. The two Control Measures identified in the applicant's supplemental information shall be completed prior to use of the golf course area shown on the plans.

7. An As-Built plan shall be completed and submitted for the property in Needham once construction is completed. The plan shall highlight all differences between the approved plans and the completed construction. The plan should be submitted to the board of Appeals for review and, if appropriate, approval.

8. I recommend that the Wellesley Country Club be required to test the water in the isolated wetland in Needham for phosphorus and dissolved oxygen levels by a certified testing laboratory once per year and to submit the results to the Needham Engineering Division for inclusion in the Needham DPW's annual NPDES report to the EPA by each May 1st. Additional testing requirements may be required in the future if imposed by the EPA.

The Board asked for a response from the Applicant to each of the eight requirements set forth in the Town Engineer's email. During the discussion, the Applicant agreed to comply with all eight requirements.

The Board also received a letter from the Conservation Department stating, in part, as follows:

The Needham Conservation Department recommends that the Applicant be required to demonstrate that there will be no adverse impacts to Isolated Wetland 1 as a result of the proposed project. This may be achieved either through modifying the design to eliminate changes to overland flow conditions, or to demonstrate that the changes (as currently proposed) will not result in adverse impacts and provide long-term monitoring to support such an assertion.

The Applicant agreed that this was an acceptable condition. The Applicant will engage its environmental consultant to present the finding to the Conservation Department.

The Board discussed the possibility of crafting the decision to allow flexibility for further Conservation Commission approvals. The resolution of the detention basin lies with the Conservation Commission. The Conservation Commission will need to file a letter with this Board outlining any changes requested. Depending on the changes, the Applicant may need to come back.

In a letter to the Board from the Wellesley Natural Resource Commission, they requested that the course be Audubon certified. The Applicant stated that they have all the materials and are willing to endeavor to earn certification for the short course. Because they cannot start the process until the course is built, certification is several years away. It is the Applicant's intention to move forward for certification once the course is complete.

The Applicant has decided to locate the dumpster near the turf care facility; it is no longer part of this project.

The Board next discussed the construction management plan included in the packet dated February 12, 2016.

The Applicant requested the construction hours of 7:00 a.m. - 5:00 p.m. Monday through

Friday and 8:00 - 3:00 p.m. on Saturday. A construction tracking pad wash down area is located on the plans. The trucks will be washed down prior to site entry and exit per Wellesley's request. This is common practice at construction sites. The Applicant will be submitting a storm water pollution plan for stabilization and dust control as required under the NPDES permit. They request that this be filed at the time of construction because the responsibility is tied to the construction firm. Traffic will go through the existing curb cut on Brookside Road up to Wellesley Avenue then onto Route 9. Signs will direct the truckers. Parking will be within the project area. The construction is expected to take four months and then 180 days to grow in before the course is operational.

Mr. Goldman asked for public comment and asked the Friends of Brookside to comment.

Gordon Russell, 62 Brookside Avenue, Jordan Burke, 18 Brookside Avenue, and Laura Fragasso, 166 Oakland Street, Wellesley appeared before the Board.

Mr. Gordon said that he is in favor of the project especially now that the dumpster will be moved to the turf care facility. He just wants care taken how the project is executed. He is very concerned about trucks and traffic associated with construction on narrow Brookside Road that is only 16 feet wide. He feels it is dangerous and disruptive as the sightlines are bad. There is a reasonable alternative on Forest Road where there is a wider curb cut on a wider road, room for parking, and no neighbors.

Mr. Cordeiro said that the existing cart paths were not designed for heavy construction traffic. The Brookside access already has an access road and room for mobilization. Accessing the short course site off Forest Street would be very difficult because it would cross the main course, the MWRA aqueduct and the Algonquin gas transmission line. A suitable road/bridge would need to be built to cross the gas line. Because of safety reasons they do not want to deal with it.

Mr. Russell thinks they should build what they need to get over the gas lines as that will eliminate many other issues.

The Board agreed that the trucks and traffic potential pose a dangerous situation. The Board suggested that the truck deliveries be consolidated; material stockpiled; and a police traffic detail used. Another suggestion was that the smaller trucks be used but this has the possibility of lengthening the duration of construction.

The Applicant agreed to use a police detail.

Mr. Russell said that in addition to the trucks he is concerned about the daily activity of workers coming on and off the site. He suggested that the workers park at the Forest Street Facility and walk down to the site. Mr. Burke said he echoes Mr. Russell's sentiment.

Laura Frankenthaler, 33 Brookside Road, said that the Brookside Road bed is terrible. She worried that the road will be further damaged.

John Frankenthaler, 33 Brookside Road, said Brookside Road is heavily travelled in the morning and the hairpin turn on to Wellesley Avenue is particularly difficult and dangerous. The truck traffic will make it even more so. He would like a start time later than 7:00 a.m. as the Applicant agreed to in an earlier hearing.

Mr. Shea agreed that traffic is heavy at times. They intend to take a video of the roadway

documenting its condition prior to the start of construction and will repair any damage.

Ms. Berardi said that the police officer will help particularly if the truck trips were during a shortened period of time. She thinks it is a good idea for the workers to park at the Forest Street facility to alleviate the daily traffic concerns.

Mr. Cordeiro estimated 10 people on site. The supervisor will need to get on and off site several times a day. The Applicant agreed that it was possible to have the laborers park by the turf care facility.

Ms. Fragasso, 166 Oakland Street, read a letter from the Sagan Family, 392 Wellesley Avenue, reiterating the serious concerns with traffic. She said she could not imagine a large truck driving on Brookside and maneuvering the turn on to Wellesley Avenue. She was concerned that the project will be approved in Needham without input from Wellesley. The project is putting great burden on a public water supply, water shed, isolated wetland roads and the neighbors. She thinks Wellesley's operation standards should be applied to the lands in Needham because it is Wellesley's water supply.

The Board discussed that the Applicant will have to comply with both towns' permits.

Mr. Burke requested that the start time be 7:30 a.m. or 8:00 a.m. as discussed in earlier meetings. Past construction has been very loud.

The Applicant said they want all personnel on site by 7:00 a.m., but heavy machinery could start at 7:30 a.m.

The Wellesley Natural Resource Commission suggested that the Integrated Pest Management Plan be updated every three years as opposed to the standard five years. Mr. Cordeiro said that current testing has not found any problems. The Applicant plans to apply the current water testing protocol for the regular course to the new course. Wellesley is requiring two monitoring wells and one piezometer. The results will be submitted to the Wellesley Water Department. In addition, the Needham Department of Public Works has asked for twice yearly testing of the wetland. The Board agreed that the additional testing will be helpful to monitor any adverse effects.

In a memo, the Conservation Director said that because the fence is intertwined with vegetation it could not be removed in isolation. The fence removal would include removing vegetation and would require a filing with the Conservation Commission.

The Board discussed whether imposing a fence removal condition is appropriate even if the Applicant is not doing work in the area.

Mr. Shea said that this project is becoming cost prohibitive because re-vegetation would require monitoring. The Applicant does not think it should be part of this permit.

Ms. Berardi said that she initially thought that since the Club is not changing the area then fence removal should not be required. But the permit needs to strike a balance between the Applicant's requests and the neighbor's concerns. The Board, however, cannot require the Applicant to do something that is not on their land. In addition, this decision is still subject to Wellesley process.

Mr. Friedenbergr agreed and said this project is stacking up against the neighbors. He thinks



the Applicant should take care of the fence.

The Board discussed whether it has authority to require a certain access point for the project because both roads are located in Wellesley. The Board cannot require something of another town. The Applicant will be presenting the challenges of the Forest Street access at the next Wellesley hearing.

Mr. Goldman suggested that if the access remains at Brookside Road then the Applicant should remove the fence.

Mr. Friedenbergsaid that at the end of the day this will be a nice project but getting to that point will be difficult. Information was slow but as the hearing went on the Board received increasingly improved information. He thinks there are real traffic concerns about the Wellesley Avenue and Brookside Road intersection. Initially, he thought the police detail should be at the access point on Brookside Avenue, but now he thinks the detail should be at Wellesley Avenue. The water quality issues have been covered as they accommodated the Needham Conservation Commission's and Department of Public Works, and the Wellesley Natural Resource Commission requests. The fence removal would be a nice tangible benefit for the neighbors. He understands it is an expense but does not think it is an unfair burden. He asks that the Conservation Commission send this Board confirmation regarding actions needed, if any, regarding the run-off into the wetland. He said that he is willing to support this project with several conditions.

Ms. Berardi said she feels similarly to Mr. Friedenbergsaid. The Board needs to decide whether this proposal is more detrimental than what is there now and are the neighbors better off when this project is done. She is hearing from the neighbors that it will be more detrimental during the construction process, but will be a better result after construction. She thinks that the decision can be drafted to lessen the impact of the process on the neighbors. The Applicant has given a number of concessions. She thinks that employees can arrive on site at 7:00 a.m. but no heavy machinery should be allowed until 7:30 a.m. The Town of Wellesley will need to deal with the access issue. If Brookside Road is used, then it is fair to balance that use with the fence removal. If Forest Street is used then the Board should not require the fence to be removed because changing the access is a large concession. She thinks that the water quality issues have been addressed and the required monitoring will alert the Town to any adverse conditions. Wellesley will implement what they need to protect the water supply. She is in favor of the project on balance; she acknowledged that it was still not everything the neighbors wanted.

Mr. Goldman said that this project is a good idea but also acknowledges that the implementation will be difficult. To balance the heavy use of Brookside Road, the fence should be taken down and the area be re-vegetated. The Applicant should bear this burden.

Mr. Friedenbergsaid made a motion to issue Special Permit to the Wellesley Country Club under Sections 1.4.6, 7.5.2 and any other applicable Sections of the By-Law to alter the pre-existing non-conforming golf course to construct six "short course" holes along the Needham/Wellesley town line off Brookside Road on existing Wellesley Country Club property, subject to the following conditions:

1. Construction hours for the Project shall be from 7:00 a.m. - 5:00 p.m. Monday through Friday with the condition that heavy and/or noisy equipment starts after 7:30 a.m., and on Saturday 8:00 a.m. - 3:00 p.m.;
2. Truck traffic for construction will enter the project site through the existing

- curb cut on Brookside Road unless the Town of Wellesley decides otherwise;
3. The truck route will be from the curb cut out to Wellesley Avenue then to Route 9;
  4. If the Applicant uses Brookside Road for truck traffic for the project, then the Applicant will pay for and provide a police detail at the intersection of Wellesley Avenue and Brookside Road when 18-wheelers or other large trucks are using that intersection or where or when police deem appropriate;
  5. To the extent possible the Applicant will consolidate the delivery of loam and other materials to this site so that deliveries are made over the shortest feasible period of time;
  6. The Applicant is responsible for repairing damage done to Brookside Road resulting from construction vehicles;
  7. The Applicant shall do a pre-construction video inspection of Brookside Road;
  8. Passenger cars and construction worker vehicles are required to park at the turf management facility, except for supervisory personnel who will be permitted to park through the Brookside Road access;
  9. If the Brookside Road access is used for truck traffic then the Applicant will obtain the necessary permits required from the Conservation Commission to remove the existing wire fence along Brookside Road and the attached invasive vegetation and to revegetate the affected areas with native plant species as the Conservation Commission shall require;
  10. No trucks will idle on Brookside Road;
  11. The Applicant shall comply with the provisions of the Construction Traffic Management Plan dated February 12, 2016 packet except as otherwise modified by this decision;
  12. The Applicant shall comply with the Town Engineer's comments enumerated in the e-mail dated February 25, 2016, which are incorporated into these conditions;
  13. This decision is limited to this Project and work shown on the submitted plans. Any changes outside the limits of work would require approval from the Board;
  14. The Board requires receipt from the Conservation Commission of either written confirmation that no further modification of the project design is required in order to address the hydrological issues raised in the Conservation memo dated February 25, 2016, or an Order of Conditions authorizing changes required to address those issues;
  15. The Applicant will consider adopting the Audubon International Environmental Management Practices for Golf Courses and will endeavor to earn the Audubon Cooperative Sanctuary Program Certification;
  16. Water will be sampled two times a year from the existing wetland area and from each of the two new monitoring wells to be installed by the Applicant, and reports will be submitted to the Needham Department of Public Works and the Wellesley Water Department;
  17. No permanent operational dumpster will be located in the area off of Brookside Road;
  18. The Applicant will provide the Wellesley Natural Resource Commission and Needham Conservation Commission with a copy of an updated Integrated Pest Management Plan every five years;
  19. The Applicant will provide the Wellesley Natural Resource Commission and Needham Conservation Commission with a copy of the pesticide use report that is submitted to the Department of Agriculture;

20. The Applicant shall provide contact names and phone numbers to handle complaints and questions during construction to the Board and the abutters;
21. No grass clippings will be stored on the Project site;
22. The Applicant will make field modifications where possible to save as many trees as possible;
23. Golfers will not access the course from Brookside Road;
24. Access to the short course at Brookside Road shall be gated;
25. The Course shall be built in accordance with the various plans presented over the last several hearings.

Ms. Berardi seconded the motion. The Board voted unanimously in favor. The hearing closed at 9:58 p.m.

### *Findings:*

1. The Applicant, Wellesley Country Club, owns and operates a private membership based golf course on the property located at 0 Forest Street in Needham, which is located in the Single Residence A Zoning District. Approximately half of the Applicant's property is located in Needham and the other half is located in Wellesley.
2. The Applicant proposes to construct six "short-course" holes along the Wellesley/Needham Town line located off of Brookside Road ("the Project"). Construction of the short course will occur on both the Needham side and the Wellesley side of the Applicant's property, over an area of approximately ten acres. The Project area is currently used by course maintenance for storage of materials.
3. The first hole of the proposed short course exists today as a practice hole. It will be renovated and incorporated into the new short course. The short course is intended to be used by children and adult beginner golfers.
4. The golf course use is not allowed in the Single Residence A Zoning District and therefore the Applicant seeks a Special Permit pursuant to Sections 1.4.6 and 7.5.2 of the Zoning By-Law to allow the Project.
5. Section 1.4.6 of the By-Law provides that a lawful, pre-existing non-conforming use may be changed or extended and a non-conforming building may be structurally altered, enlarged or reconstructed only by a special permit issued by the Board provided that the requirements of Section 7.5.2 are met, and further provided that the change, extension, alteration, enlargement or reconstruction would not be substantially more detrimental to the neighborhood than using the existing non-conforming use or structure.
6. The Applicant submitted the Affidavit of Martin J. Ryan, General Manager of the Club confirming that Donald Ross, a famous golf course architect, designed the Applicant's golf course in 1910. Two of the original holes of that nine hole golf course were located in Needham. The Affidavit further confirms that the proposed first green of the Project located in Needham has been used continuously as a green since the mid 1910's. The Applicant submitted a deed received from the Assessor's Office demonstrating that the Applicant has owned this parcel in Needham since 1914. The Applicant also provided a certification from the Secretary of the Commonwealth confirming that the Applicant is a domestic corporation organized on

July 6, 1910. Zoning regulations were not in effect until 1925.

7. Due to the evidence submitted by the Applicant, the Board finds that the use of the Applicant's property as a golf course predated the Single Residence A Zoning under the By-Law and is therefore a lawful pre-existing non-conforming use.
8. During the hearing, several neighbors stated their general support for the Project as they believe it will be an improvement over the current conditions of the Project area. These same neighbors and others, however, expressed several concerns about the construction phase of the Project. Such concerns included: (1) removal of trees, (2) construction hours; (3) removal of the fence on Brookside Road and cleanup of that area, (4) removal of the currently existing berm and resulting noise issues, (5) additional lighting, (6) odor of composting material; (7) location of the new dumpster, (8) traffic on Brookside Road and safety issues resulting from construction vehicles at that access point, and (9) effect of the Project on Wellesley water wells.
9. During multiple hearings, the Applicant addressed several of the neighbors' concerns. The Applicant agreed to keep as many trees as possible to maintain screening. The Applicant explained that although the berm will be removed, the new course will be lower than the neighboring property at that area and therefore the sound will drop down into the bowl creating less noise for abutters than exists today. The Applicant agreed not to use heavy equipment until 7:30 a.m. during Monday-Friday and until 8:00 a.m. on Saturday during construction. The Applicant also confirmed that the Project will not add any additional lighting to the property, no composting or grass clippings will be stored in the Project area after completion, and that the dumpster will not be located in the Project area.
10. To alleviate some concerns over traffic and safety issues on Brookside Road, the Applicant agreed to consolidate the number of truck deliveries to the Project area during construction, use a police detail when large trucks will be entering and leaving the construction site, and to have the construction laborers park by the turf care facility instead of at the Brookside Road entrance. The Applicant agreed that trucks and construction vehicles will not be allowed to stop or idle on Brookside Road. After completion of the Project, the Applicant agreed that the Brookside Road access point will be gated and no drop-off of golfers will be allowed at that gate. The Applicant will require golfers to sign in at the pro shop before using the proposed short course. The Applicant also agreed to take a pre-construction video of the relevant portion of Brookside Road documenting its condition and then promptly and professionally repair any damage resulting from construction.
11. The Applicant submitted its Construction Traffic Management Plan ("CTMP"). The CTMP states that the purpose of the Plan is to identify, resolve and mitigate impact to local traffic resulting from the proposed executive short course construction. The Applicant agreed to comply with the CTMP, except as modified by the conditions of this Decision.
12. During the hearings, some neighbors testified that the Brookside Road portion of the property near the proposed Project access point is currently overgrown with vegetation and has a dilapidated wire fence. The neighbors requested that the Applicant improve this portion of their property at the time the Project is under construction. The Board determined that this is a reasonable request. If the Brookside Road access is used for truck traffic then the Applicant shall obtain the

necessary permits required from the Conservation Commission to remove the existing wire fence along Brookside Road and the invasive vegetation connected thereto and then to revegetate the area with native plant species as the Conservation Commission shall require.

13. On February 25, 2016, Anthony Del Gaizo, Town Engineer, wrote an email to the Board requesting eight conditions to any special permit the Board may issue, in order to require the Applicant to comply with Needham's NPDES permit and Memorandum of Understanding with the EPA. Mr. Del Gaizo commented that compliance with the eight conditions will ensure that the storm water discharging from the property in Needham will meet the minimum requirements imposed by the EPA and will result in the protection of Needham's environmental resources (and therefore Wellesley's resources downstream of Needham).
14. The Applicant agreed to comply with the Town Engineer's eight requested conditions set forth in his email dated February 25, 2016 that is a part of the record in this hearing.
15. On February 25, 2016, Matt Varrell, Director of Conservation, sent a memo to the Board regarding the concern that the Project may significantly alter the hydrology to Isolated Wetland 1 due to the likely presence of vernal pool habitat within the resource area. The Conservation Department requested that the Applicant be required to demonstrate that there will be no adverse impacts to Isolated Wetland 1 resulting from the Project. The Conservation Department suggested that this may be achieved either through modifying the design to eliminate changes to overland flow conditions, or to demonstrate that the changes (as currently proposed) will not result in adverse impacts and provide long-term monitoring to support such an assertion.
16. The Applicant accepted this condition requested by the Conservation Department.
17. The Conservation Director further requested that the Applicant comply with the Wellesley Natural Resources Commission memo dated January 14, 2016, which requests that the Board require the Applicant to consider adopting the Audubon International Environmental Management Practices for Golf Courses, and work towards earning the Audubon Cooperative Sanctuary Program Certification. This program encourages standard environmental management practices, such as identifying "no spray zones" and buffer areas (particularly around water and environmentally sensitive areas); highlighting wildlife habitat; and adhering to best management practices for chemical use.
18. The Applicant stated that it has all of the materials necessary for the Audubon application and is willing to endeavor to earn certification from the Audubon as requested. The Applicant explained that it cannot start the process, however, until the Project is completed. The Applicant agreed that it will move forward with the certification process with the Audubon once the Project is complete.
19. The Applicant submitted its Turf Management Plan and Integrated Pest Management Plan ("IPM"). On February 25, 2016, Edward Olson, Superintendent of Parks & Forestry Division of the Needham Department of Public Works, sent an email to the Board stating that the Applicant's Turf Management Plan using an IPM approach is complete and thorough and that if the Applicant complies with its plan, there should be no detrimental affects from storm water events on the public drinking water supply

for the Town of Wellesley.

20. The Applicant plans to apply the current water testing protocol for the regular course to the new short course. The Applicant confirmed that the Town of Wellesley will require two monitoring wells and one piezometer. The Applicant will submit the results to the Wellesley Water Department. In addition, the Applicant will twice yearly test the wetland as requested by the Needham Department of Public Works.
21. Due to the Applicant's multiple concessions to the concerns of neighbors and its agreement to comply with the conditions requested by the Town Engineer, the Conservation Department, the Superintendent of Parks & Forestry and others, the Board finds that the Project will not be substantially more detrimental to the neighborhood than using the existing non-conforming use. The Board further finds that the Project is consistent with the general purposes of the By-Law and is designed in a manner that is compatible with the existing natural features of the site and is compatible with the characteristics of the surrounding area.

***Decision:***

On the basis of the foregoing findings, following motion duly made and recorded, after due and open deliberation, the Board by unanimous vote grants the Applicant a Special Permit under Sections 1.4.6, 7.5.2 and any other applicable Sections of the By-Law to alter the pre-existing non-conforming golf course to construct six "short course" holes along the Needham/Wellesley town line off Brookside Road on existing Wellesley Country Club property on the property located at 0 Forest Street, Needham, MA, subject to the following conditions:

- 1) The existing "Open storage area" shown on the plans is within the 100 foot buffer zone adjacent to Brookside Road and shall be removed and the area restored to a natural state. No work, other than the restoration of the open storage area (and, if applicable as provided below, the removal of the fence and associated invasive vegetation), shall occur within the 100 ft buffer zone. The buffer zone shall be clearly demarked in the field and no equipment or entrance into the buffer zone shall be allowed. There is also a "Proposed Construction Staging and Stockpile Area" immediately adjacent to the 100 ft buffer zone in Needham. The proposed staging area shall be surrounded by a silt fence and hay bale line (or other material as required by the Conservation Department) sufficient to prevent any disturbance by water or otherwise of the buffer zone area. Access to the staging area shall only be from the up gradient side of the staging area. The Applicant shall file for a Conservation Permit for this project;
- 2) The Integrated Pest Management (IPM) Plan shall comply at a minimum with the Town of Needham's IPM plan. Any additional measures beyond that required by the Needham IPM plan shall be reviewed and, if appropriate, approved by the DPW Park and Forestry Superintendent prior to their implementation. Any failure to comply with this requirement shall be referred to this Board for corrective action. Compliance with the Needham IPM plan is sufficient to protect the Zone II surrounding Wellesley's Water Lands;
- 3) Application of fertilizers shall comply with the fertilizer manufacturer's recommended application directions;

- 4) No further development of the land within Needham shall be allowed unless permission from this Board is granted. Further development would include disposal areas, stockpile or staging areas, or other work areas not shown on the current plans accompanying this permit application;
- 5) The Applicant shall comply with Needham's NPDES permit;
- 6) The two Control Measures identified in the Applicant's supplemental information shall be completed prior to use of the golf course area shown on the plans;
- 7) An As-Built plan shall be completed and submitted for the Project in Needham once construction is completed. The plan shall highlight all differences between the approved plans and the completed construction. The plan should be submitted to this Board for review and, if appropriate, approval;
- 8) The Applicant shall test the water in the isolated wetland in Needham for phosphorus and dissolved oxygen levels by a certified testing laboratory once per year and submit the results to the Needham Engineering Division for inclusion in the Needham DPW's annual NPDES report to the EPA by each May 1st. Additional testing requirements may be required in the future if imposed by the EPA;
- 9) Construction hours for the Project shall be from 7:00 a.m. - 5:00 p.m. Monday through Friday with the condition that heavy and /or noisy equipment starts after 7:30 a.m., and on Saturday 8:00 a.m. - 3:00 p.m.;
- 10) Truck traffic for construction shall enter the project site through the existing curb cut on Brookside Road unless the Town of Wellesley decides otherwise;
- 11) The truck route shall be from the curb cut out to Wellesley Avenue then to Route 9;
- 12) The Applicant shall pay for and provide a police detail at the intersection of Wellesley Avenue and Brookside Road when 18-wheelers or other large trucks are using that intersection, or where or when police deem appropriate;
- 13) To the extent possible the Applicant shall consolidate the delivery of loam and other materials to this site so that deliveries are made over the shortest feasible period of time;
- 14) The Applicant shall do a pre-construction video inspection of Brookside Road to ascertain its condition;
- 15) The Applicant is responsible for promptly repairing damage done to Brookside Road resulting from construction vehicles or from other damage caused from the work on the Project in a professional and workmanlike manner;
- 16) Passenger cars and construction worker vehicles are required to park at the turf management facility, except for supervisory personnel who will be permitted to park through the Brookside Road access;
- 17) If the Brookside Road access is used for truck traffic then the Applicant shall obtain the necessary permits required from the Conservation Commission to remove the existing wire fence along Brookside Road including invasive vegetation;
- 18) No trucks will idle on Brookside Road;
- 19) The Applicant shall comply with the provisions of the Construction Traffic Management Plan dated February 12, 2016 packet except as otherwise modified by this decision;
- 20) The Applicant shall comply with the Town Engineer's comments enumerated in the e-mail dated February 25, 2016, which are included in these conditions;
- 21) This decision is limited to this Project and work shown on the submitted

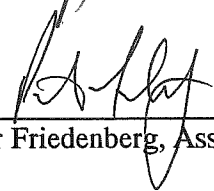


- plans. Any changes outside the limits of work would require approval from the Board;
- 22) The Board requires receipt from the Conservation Commission of either written confirmation that no further modification of the project design is required in order to address the hydrological issues raised in the Conservation memo dated February 25, 2016, or an Order of Conditions authorizing changes required to address those issues;
  - 23) The Applicant will consider adopting the Audubon International Environmental Management Practices for Golf Courses and will endeavor to earn the Audubon Cooperative Sanctuary Program Certification;
  - 24) The Applicant shall sample the water from the wetland area and from each of the two new monitoring wells to be installed by the Applicant two times a year and reports will be submitted to the Needham Department of Public Works and the Wellesley Water Department;
  - 25) No permanent operational dumpster will be located in the area off of Brookside Road;
  - 26) The Applicant will provide the Wellesley Natural Resource Commission and Needham Conservation Commission with a copy of an updated Integrated Pest Management Plan every five years;
  - 27) The Applicant will provide the Wellesley Natural Resource Commission and Needham Conservation Commission with a copy of the pesticide use report that is submitted to the Department of Agriculture;
  - 28) The Applicant shall provide contact names and phone numbers to handle complaints and questions during construction to both the Board and to the abutters and shall post this information at the Project work site;
  - 29) No grass clippings will be stored on the Project site;
  - 30) The Applicant will make field modifications where possible to save as many trees as possible;
  - 31) The Applicant shall not allow golfers to access the course from Brookside Road;
  - 32) The Applicant shall install a gate to the property at the Brookside Road access; and
  - 33) The Applicant shall build the short course in accordance with the various plans presented over the last several hearings.




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Howard S. Goldman, Acting Chairman



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Peter Friedenber, Associate Member



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Kathy Lind Berardi, Associate Member