

TOWN OF NEEDHAM CONSERVATION COMMISSION MEETING MINUTES

Thursday, June 22, 2023

Under Governor Baker's Act "Extending Certain COVID-10 Measures Adopted During the State of Emergency", extending the "Executive Order Suspending Certain Provisions of the Open Meeting Law G.L. c. 30A, S20," issued June 16, 2021, and in effect until April 1, 2022, meeting of public bodies may be conducted virtually provided that adequate access is provided to the public.

LOCATION: Zoom Virtual Platform – the meeting was held virtually per Governor Baker's Emergency Order.

ATTENDING: J. Carter Bernardo (entered at 8:35pm), Sue Barber, Dave Herer, Peter Oehlkers, Alison Richardson, Deb Anderson (Director of Conservation), Elisa Litchman (Administrative Assistant).

P. Oehlkers opened the public meeting at 7:00 p.m.

MISCELLANEOUS BUSINESS – *The Commission tabled these items to later in the meeting.*

1. Minutes

2. Enforcement & Violation Updates

HEARINGS/APPOINTMENTS

46, 50, 62, 94 HEATHER LANE. MWRA SIPHON STRUCTURE PROJECT (DEP FILE #234-903) – *continued* NOTICE OF INTENT

Milan Horbaczewski, PE, Program Manager, MWRA, reviewed the proposed special conditions to be placed in the order. This includes replacement of a dozen trees proposed to be removed and to determine during the construction contract an area the Tree Warden would like to see those planted. The planting schedule will be included in the construction documents. These replacement trees will not be placed onto the existing easement but will be placed in other locations that the Tree Warden sees fit.

D. Anderson stated that the Town would likely prefer a larger caliper than proposed. D. Herer stated that the standard is 2.5”.

D. Anderson noted that there is work proposed in the 25’ buffer, which the Commission will need to consider waiving.

Motion to close the hearing for 46, 50, 62, 94 HEATHER LANE. MWRA SIPHON STRUCTURE PROJECT (DEP FILE #234-903) by D. Herer, seconded by S. Barber, approved 4-0-0.

920 SOUTH STREET LOT 1 (DEP FILE #234-905) – *continued* NOTICE OF INTENT

The Commission discussed this item and the following item simultaneously.

920 SOUTH STREET LOT 2 (DEP FILE #234-904) – *continued* NOTICE OF INTENT

Arthur Allen, EcoTec, Inc., explained that the applicant revisited the plans and the site as part of the discussion during the last meeting. The wetland associated with Lot 1 has been staked out for viewing by the Commission. The driveway to Lot 2 is outside of the buffer but has been added to the plans. The number of trees proposed to be removed has been reduced to nine. These are only on Lot 2, in the area of the proposed stormwater system. 18 replacement trees are shown on the plans within the buffers on both lots. There is no work proposed within 50' of the buffer on either lot. The wildlife habitat assessment was revised to include local policy requirements. The entire understory on Lot 2 in the buffer is non-native and invasive, with minimum habitat value.

P. Oehlkers asked the status of the 25'-50' buffer area in which the applicant is proposing to plant trees. A. Allen explained that this is a wooded buffer with a fairly sparse understory. The area with invasives will be cleared as part of the project and will become part of the stormwater system.

Verne Porter, land surveyor for the project, explained that there is a large area along the property lines that will not be impacted. These have been staked in the field.

P. Oehlkers read a letter from an abutter, 31 Merritt Drive, into the record.

The Commission discussed continuing these items until the next meeting, with the intention of closing them at that time.

Motion to continue the hearing for 920 South Street Lot 1 (DEP FILE #234-905) and 920 South Street Lot 2 (DEP FILE #234-904) to July 13, 2023, by S. Barber, seconded by A. Richardson, approved 4-0-0.

199 MAPLE STREET (DEP FILE #234-907) – *continued* NOTICE OF INTENT

Motion to continue the hearing for 199 MAPLE STREET (DEP FILE #234-907) to July 13, 2023, by S. Barber, seconded by D. Herer, approved 4-0-0.

320 GROVE STREET (DEP FILE #234-908) – *continued* NOTICE OF INTENT

Brian Nelson, MetroWest Engineering, explained that the existing house has been dealing with a chronic flooding issue. The initial proposed plan placed a portion of the new structure within the 25' buffer zone. The revised plan slides the structure west and south, to remove it from the buffer and away from the streambank/wetland area. The driveway location is still in the same area as originally proposed. A restoration area is still proposed along the north and east sides, along with a permeable patio area. In the 25' no disturbance zone, there is a proposed reduction of impervious surface of approximately 1,500 s.f., in comparison to the existing conditions. There is also a reduction of approximately 512 s.f. in the 50' no-build zone. There is an increase between

the 50' and the 100' wetland buffer area, but this is believed to be an acceptable offset for the improvements provided through the project.

It was noted that these plans will need to be formally submitted, prior to final review by the Commission.

S. Barber asked about the proposed deck, of which a corner is still located in the buffer. B. Nelson stated that the elevated deck will sit on four sonotubes and posts. S. Barber stated that she believes the Commission should be consistent with its rulings in the 25' buffer zone. D. Anderson explained that the bylaw allows decks within the 25' buffer zone, but not actual structures.

P. Oehlkers stated that the project includes a significant amount of work within the 25' buffer, though most in the spirit of restoration. There will be a waiver requested by the applicant.

Motion to continue the hearing for 320 GROVE STREET (DEP FILE #234-908) to July 13, 2023, by D. Herer, seconded by S. Barber, approved 4-0-0.

25 MALLARD ROAD (DEP FILE #234-909) – NOTICE OF INTENT

Motion to continue the hearing for 25 MALLARD ROAD (DEP FILE #234-909) to July 13, 2023, by D. Herer, seconded by S. Barber, approved 4-0-0.

1659 GREAT PLAIN AVENUE – REQUEST FOR DETERMINATION OF APPLICABILITY

Diane Simonelli, Field Resources, explained that this property has an existing single-family home with a screened in porch. There is also a shed which is fenced in, within a bordering vegetated wetland on an adjacent property. The proposal is to remove the shed, preserve the fencing, and add a new single-family home, further from the resource area. The lot is currently all lawn area with a few minor shrubs. The project includes infiltration, and erosion control. No trees are proposed to be removed. Currently, there is 661 s.f. of existing structure within the resource area, but the project will add back only 34 s.f. of the house within the resource area. This will be an improvement to the resource area due to reduction in impervious surfaces, and the existing fencing creates a limit of work. The proposed foundation will be set based on results from the test pit. A proposed patio will be permeable.

Motion to close the hearing for 1659 GREAT PLAIN AVENUE by D. Herer, seconded by S. Barber, approved 4-0-0.

Motion to find a negative Determination of Applicability for 1659 GREAT PLAIN AVENUE by D. Herer, seconded by S. Barber, approved 4-0-0.

OTHER BUSINESS

37 MOSELEY AVENUE (DEP FILE #234-896) – ISSUE ORDER OF CONDITIONS

The Commission discussed a potential issue with a quorum for this item. D. Anderson stated that she would work through the process and discuss it with Town Counsel, if needed.

50 WILDWOOD DRIVE (DEP FILE #234-821) – REQUEST FOR CERTIFICATE OF COMPLIANCE

D. Anderson explained that this project is to add a dock and permeable pavers near the pool to the property. The applicant removed three trees and replanted six trees in their place.

Motion to issue a Certificate of Compliance for 50 WILDWOOD DRIVE (DEP FILE #234-821) by D. Herer, seconded by S. Barber, approved 4-0-0.

142 FISHER STREET (DEP FILE #234-882) – REQUEST FOR CERTIFICATE OF COMPLIANCE

This item was continued to July 13, 2023.

768 CHESTNUT STREET (116 HEATHER LANE EXT.) (DEP FILE #234-863) – REQUEST FOR CERTIFICATE OF COMPLIANCE

D. Anderson stated that she received a report from the arborist for the proposed plantings. The site looks good, and she would recommend a complete Certificate of Compliance at this time.

Motion to issue a Certificate of Compliance for 768 CHESTNUT STREET (116 HEATHER LANE EXT.) (DEP FILE #234-863) by D. Herer, seconded by S. Barber, approved 4-0-0.

6 SUNSET ROAD (DEP FILE #234-567) – RATIFY ENFORCEMENT ORDER

D. Anderson explained that there is some disagreement with the applicant regarding the 84 shrubs and six trees proposed for the site. As this order is long expired, the proposal is to ratify the enforcement order to allow the applicant to consider drafting a revised planting plan.

Motion to ratify the enforcement order for 6 SUNSET ROAD (DEP FILE #234-567) by S. Barber, seconded by D. Herer, approved 4-0-0.

112 EDGEWATER DRIVE (DEP FILE #234-534) – RATIFY ENFORCEMENT ORDER

D. Anderson explained that the new owners of this property contacted her for a new project, and she explained that there is an existing order. The previous plantings from this order were placed in an area that was not survivable. A new planting plan will be proposed by the applicants for this work.

Motion to ratify the enforcement order for 112 EDGEWATER DRIVE (DEP FILE #234-534) by S. Barber, seconded by D. Herer, approved 4-0-0.

MISCELLANEOUS BUSINESS

1. Minutes

The Commission tabled review of the minutes at this time.

2. Enforcement & Violation Updates

D. Anderson stated that she heard from a neighbor of 40 Lake Drive stating that the Building Department halted work on the site. The house was previously demolished. Work on the site will occur within the Commission's jurisdiction. She reached out to the new owner and the realtor and invited them to this meeting but did not hear back. The foundation is still in place but there are no erosion controls installed.

46, 50, 62, 94 HEATHER LANE. MWRA SIPHON STRUCTURE PROJECT (DEP FILE #234-903)

J. Carter Bernardo entered the meeting 8:35pm.

The Commission reviewed an order of conditions for this item.

Motion to waive the requirement for work within the 25' buffer for 46, 50, 62, 94 HEATHER LANE. MWRA SIPHON STRUCTURE PROJECT (DEP FILE #234-903) by J. Carter Bernardo, seconded by D. Herer, approved 5-0-0.

Motion to issue an Order of Conditions as discussed for 46, 50, 62, 94 HEATHER LANE. MWRA SIPHON STRUCTURE PROJECT (DEP FILE #234-903) by D. Herer, seconded by J. Carter Bernardo, approved 5-0-0.

J. Carter Bernardo explained that the Select Board interviewed two applicants for positions on the Commission. Both applicants are likely to be seated. She recommended appointing a new Chair at the July meeting. The Commission expressed its gratitude for J. Carter Bernardo's years of service.

ADJOURN:

Motion to adjourn the meeting, by J. Carter Bernardo, seconded by D. Herer, approved 5-0-0.

The meeting was adjourned at 8:50 p.m.

NEXT PUBLIC MEETING:

July 13, 2023, at 7:00 p.m. location to be determined.

*Respectfully Submitted,
Kristan Patenaude*