

TOWN OF NEEDHAM CONSERVATION COMMISSION MEETING MINUTES

Thursday, February 8, 2024

Under Governor Baker's Act "Extending Certain COVID-19 Measures Adopted During the State of Emergency", extending the "Executive Order Suspending Certain Provisions of the Open Meeting Law G.L. c. 30A, §20," issued June 16, 2021, and in effect until April 1, 2025, 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: Dave Herer (Chair), Reade Everett, Fred Moder, Sue Barber, Alison Richardson, Polina Safran, Deb Anderson (Director of Conservation), Clay Hutchinson (Conservation Specialist)

D. Herer opened the public meeting at 7:00 p.m.

MISCELLANEOUS BUSINESS –

1. Minutes

None at this time.

2. Enforcement & Violation Updates

None at this time.

HEARINGS/APPOINTMENT

80 GARY ROAD (DEP FILE #234-922) – *continued* NOTICE OF INTENT

D. Herer noted that, as application materials for this item were received late, the Commission would not be taking action on this item this evening.

Ryan Roseen, Goddard Consulting LLC, explained that the revised plan contains a regulatory compliance narrative and revised numbers for the riverfront area. A wildlife habitat evaluation was also conducted and submitted. A tree inventory was completed on the site and a report was submitted for all trees on the site. The site plans were also revised and submitted. The stormwater management calculations were shown on the plan. The applicant would like to remove all of the Norway maples from the site, along with any other trees in poor health, but is willing to discuss this during the Commission's site visit. Additional trees are proposed to be added at approximately a 1:1 ratio, with additional species to diversify the area. D. Herer noted that the Commission's guidelines are 2:1.

Motion to continue the hearing for 80 Gary Road (DEP File #234-922) to February 22, 2024, at request of the applicant, by S. Barber, seconded by P. Safran, approved 6-0-0.

0 & 731 SOUTH STREET (DEP FILE #234-920) – *continued* NOTICE OF INTENT

David Mackwell, Kelly Engineering Group, Inc., explained that the request is to construct a single-family house and a driveway, part of which is proposed within the buffer zone.

D. Anderson explained that this project was originally filed for in 2013 but not constructed. An order of conditions was issued and closed out in 2018. A similar project was filed for in 2019 but not constructed. The proposal is to close out that expired permit this evening and submit a new notice of intent, which is identical to the filing from 2019.

D. Mackwell explained that the property is 3.5-acres consisting of two parcels. Wetlands were identified on site and recently resurveyed. The proposal is to use part of an existing driveway and then construct a new 12' driveway to maneuver into a new home to the rear of the property. The stormwater calculations show that the plan is in excess of the requirements of the bylaw. The plan shows 9-10 trees to be removed and the applicant will comply with the 2:1 ratio for replacement. The Commission has approved a similar project for this parcel in the past.

S. Barber asked about the caliper of trees to be removed. D. Mackwell stated that the caliper of the trees proposed to be removed does not meet the 3:1 ratio per the bylaw. With the exception of two, the rest of the trees are outside of the 50' buffer.

R. Everett asked about the length of the proposed driveway. This seems to extend unnecessarily into the buffer zone. D. Mackwell stated that this is how the landowner would like to separate the property. This deals with site lines, buffers, and privacy.

F. Moder asked about the grade steepness. D. Mackwell stated that the driveway follows the existing grades as much as possible. D. Herer expressed concern that the plan does not seem to capture any of the runoff from the driveway, as is required.

A. Richardson stated that the Commission would usually like to see a planting plan.

Attorney John Zajac, on behalf of Pamela Shaw who is an abutter to the north, raised concerns regarding the length of the driveway and how it would impact the wetlands. There seems to be a 10' change in elevation from the top of the driveway to the lowest point, pitching it toward the wetlands. He asked about something along the driveway to capture the runoff and infiltrate it.

S. Barber agreed that she liked the suggestion of a stone trench along the driveway. The planting plan could also be a means of mitigating runoff.

Motion to continue the hearing for 0 & 731 South Street (DEP File #234-920) to February 22, 2024, at request of the applicant, by S. Barber, seconded by P. Safran, approved 6-0-0.

Motion to close the existing Certificate of Compliance for 0 & 731 South Street (DEP File #234-824), by P. Safran, seconded by R. Everett, approved 6-0-0

33 BORDER ROAD (DEP FILE #234-921) – *continued* NOTICE OF INTENT

R. Roseen explained that Rosemary Brook runs to the north of this site. The property contains an existing single-family house. The proposal is to add two additions, one a second story addition over the existing footprint of the house and the other a one-story addition (140 s.f.) off the back of the house over existing lawn area. A 2:1 mitigation ratio is proposed for the 140 s.f. addition. A planting plan was submitted showing 280 s.f. to the right side of the house. There are some existing non-native shrubs in that area that are proposed to be removed. The increase in footprint is 8.3%, below the maximum allowed in the bylaws, and no trees are proposed to be removed.

D. Anderson stated that Rosemary Brook was not delineated on the plan. The permit will not include an approval of this delineation. DEP stated that it would like all resource areas to be noted on the plan and that the applicant try to locate the mitigation within the 100' riverfront area. There are only six shrubs proposed within the mitigation area.

There was no public comment at this time.

Motion to close the hearing for 33 Border Road (DEP File #234-921) by P. Safran, seconded by R. Everett, approved 6-0-0.

OTHER BUSINESS:

SOUTH STREET WATERLINE REPLACEMENT – DISCUSSION

Ardi Rrapi, DPW Engineering Department, explained that the proposal from the Town is to replace a 16" water main on South Street. This project will likely be covered under the Town's existing permit. As some of this work is within 100' of the buffer, erosion control barriers are proposed. A trench will be dug in order to replace the water line with a new one. The Town intends to implement BMPs for this project, with runoff to be treated in chambers. He asked if the Commission would agree to allow future projects to move forward with similar BMPs through administrative approval.

D. Anderson stated that she is comfortable with the administrative approval for items within the Commission's jurisdiction. The Board agreed with this process.

731 SOUTH STREET (DEP FILE #234-824) – CERTIFICATE OF COMPLIANCE REQUEST

This item was previously addressed.

53 HEATHER LANE (DEP FILE #234-9XX) – ORDER OF CONDITIONS DISCUSSION

This item was tabled to a future meeting.

MACC ANNUAL ENVIRONMENTAL CONFERENCE – DISCUSSION

C. Hutchinson stated that the MACC Annual Environmental Conference will be held in-person in Worcester on March 2nd. The Town covers the fees for the educational programming.

D. Herer noted that the Stormwater Bylaw Working Group has decided to meet in a hybrid fashion. The Commission nominated F. Moder to sit on this Committee, but S. Barber previously expressed interest if the meetings were held in-person. F. Moder agreed to step down in order for S. Barber to now sit on the Group.

Motion to appoint S. Barber, in lieu of F. Moder, to sit on the Stormwater Bylaw Working Group by F. Moder, seconded by P. Safran, approved 6-0-0.

ADJOURN:

Motion to adjourn the meeting, by P. Safran, seconded by F. Moder, approved 6-0-0.

The meeting was adjourned at 8:32 p.m.

NEXT PUBLIC MEETING:

February 22, 2024, at 7:00 p.m. location to be determined.

*Respectfully Submitted,
Kristan Patenaude*