

TOWN OF NEEDHAM CONSERVATION COMMISSION MEETING MINUTES

Thursday, July 25, 2024

Under Governor Healey'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, §20," issued March 2023, 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), Sue Barber, Reade Everett, Bill Hebard, Fred Moder, 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 Orders

None at this time.

HEARINGS/APPOINTMENT

49 GREEN STREET (DEP FILE #234-911) – *continued* NOTICE OF INTENT

Motion to continue the hearing for 49 Green Street (DEP File #234-911), to August 8, 2024, by S. Barber, seconded by P. Safran, approved 6-0-0.

443 CENTRAL AVENUE (DEP FILE #234-929) – *continued* NOTICE OF INTENT

Mary Trudeau, wetland consultant, stated that the project proposal is for a raze and reconstruction on this property. At the first meeting with the Commission, a fair amount of work within the 0'-50' buffer zone was proposed on the plan. After receiving comments from the Commission and Staff, there will be no work at all within the 0'-50' buffer zone. This will be left as a protective buffer for the downgradient wetlands. Some portion of the 50'-75' buffer zone will also be left intact to preserve a portion of the existing tree stand. The plan now shows the removal of only three trees. As mitigation, six white pines are proposed to be replanted.

Giovanni Fodera, Fodera Engineering, explained that the revised plan shows all disturbance outside the 50' buffer zone. The retaining walls that were encroaching the 50' buffer have been

redesigned. The proposed lawn area has been reduced. The house needs to be located as proposed on the plan.

R. Everett suggested a placard marking the No Disturbance area of the site. D. Anderson stated that this is included in the conditions.

B. Hebard asked if trees #5 and 6 are still being removed due to the amount of fill proposed. M. Trudeau stated that this is current. To retain these trees, the tree well would have to be approximately 4' deep, as that is the depth of the retaining wall proposed in that area. The client has requested that the two trees be removed.

There was no public comment at this time.

Motion to close the hearing for 443 Central Avenue (DEP File #234-929), by P. Safran, seconded by R. Everett, approved 6-0-0.

17 GEORGE AGGOTT ROAD (DEP FILE #234-930) – NOTICE OF INTENT

Susan McArthur, McArthur Environmental Consulting, stated that the revised plan shows the tank slightly within the 25' buffer, after a professional survey of the site. The Commission previously asked about the drywells and treating all of the rooftop runoff. The engineer completed revised drainage calculations for the drywell showing 1,876 s.f. of roof runoff treated for a 1" storm event. The Commission also asked about mitigating for work within the 200' riverfront area. The applicant is proposing a naturalized area with placards around it. Four trees are proposed for mitigation. Regarding the tank being within the 25' buffer, propane tanks are fairly durable and typically covered with an anti-corrosion coating. These can last an average of 28-30 years.

D. Herer stated that the Commission was concerned with the tank being in the 25' zone and whether this would require mitigation or for it to be moved out of the zone.

C. Hutchinson stated that the revised plan shows a mitigation area that appears to comply with the 2:1 requirement for the riverfront standards. He recommended spreading the placards a bit.

S. Barber stated that she still has an issue with the propane tank being located within the 25' zone. This is a large impermeable block underground and could impact drainage. These are issues that the Commission has not dealt with before and she asked if DEP should be consulted regarding how far the tank should be from the wetlands. D. Herer stated that items like this are regulated by the Fire Department and State/local codes.

B. Hebard stated that the location of the propane tank seems contrary to the performance standards within the Wetland Protection regulations. He stated that he believes it would be possible to dig a hole 50' away from the buffer and replace the tank.

D. Herer stated that he would like to see the model and manufacturer of the infiltration chambers listed on the plan. Regarding the propane tank, the location seems to be a mistake and not done

purposefully. If the contractor had come to the Commission, the propane tank would have been moved outside of the 25' zone, but he does not believe there is a need to move the tank at this time. The applicant should make a concession for this violation of the regulations, either to move the tank, pay a fine, or provide additional mitigation. He would like to give the contractor a sense as to how the Commission will vote on this item.

P. Safran asked Staff to follow up on DEP's take on the tank's location prior to the next hearing.

Motion to continue the hearing for 17 George Aggott Road (DEP File #234-930), to August 8, 2024, by F. Moder, seconded by P. Safran, approved 6-0-0.

OTHER BUSINESS

131 OXBOW ROAD (DEP FILE #234-917) – REQUEST FOR PARTIAL CERTIFICATE OF COMPLIANCE

D. Anderson explained that this is a request for a minor modification, but this was not reflected on the agenda.

Ben Chirco, contractor, explained that there is an existing Order of Conditions for this project. The footing was poured yesterday, and the pool layout is being worked through. The layout which works best for the site is different than the original layout proposed. The pool deck was not previously within the 100' buffer zone. The fire pit on the site has been moved to the location of a hot tub. The net result of these changes is an additional 47 s.f. of impervious area into the buffer zone.

D. Anderson stated that the proposed work is outside of the 200' riverfront area. The impervious area is within the 100' buffer zone. No trees are proposed to be removed. Staff does not see any issues with this proposal.

Motion to approve a minor modification for the Order of Conditions for 131 Oxbow Road (DEP File #234-917), by S. Barber, seconded by P. Safran, approved 6-0-0.

The Commission discussed the Wetland regulations document.

The Commission discussed the draft decision for 443 Central Avenue (DEP File #234-929).

Motion to issue an Order of Conditions for 443 Central Avenue (DEP File #234-929), by P. Safran, seconded by R. Everett, approved 6-0-0.

ADJOURN:

Motion to adjourn the meeting, by D. Herer, seconded by P. Safran, approved 6-0-0.

The meeting was adjourned at 8:20 p.m.

NEXT PUBLIC MEETING:

August 8, 2024, at 7:00 p.m. location to be determined.

*Respectfully Submitted,
Kristan Patenaude*