TOWN OF NEEDHAM CONSERVATION COMMISSION MEETING MINUTES
Thursday, October 14, 2021

Under Governor Baker's emergency "Order Suspending Certain Provisions of the Open Meeting Law G.L. c. 30A, S20,", issued March 12, 2020 and in effect until termination of the emergency, 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: Janet Carter Bernardo (Chair), Peter Oehlkers (Vice Chair), Sue Barber, Artie Crocker, Stephen Farr, William Murphy, Deb Anderson (Director of Conservation), Clay Hutchinson (Conservation Specialist).

J. Carter Bernardo 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/APPOINTMENTS

631 SOUTH STREET (DEP FILE #234-872) – *continued* NOTICE OF INTENT

Motion to continue the hearing for 631 South Street (DEP File #234-872) to October 28, 2021, at request of the applicant, by S. Farr, seconded by S. Barber, approved 6-0-0.

649 SOUTH STREET (DEP FILE #234-874) – *continued* NOTICE OF INTENT

Motion to continue the hearing for 649 South Street (DEP File #234-874) to October 28, 2021, at request of the applicant, by S. Farr, seconded by S. Barber, approved 6-0-0.

SOUTH STREET AND DEDHAM AVE BOAT ACCESS (DEP FILE #234-8XX) – NOTICE OF INTENT

J. Carter Bernardo stated that a letter was received from a resident, and she read it into the record.

Dennis Moran, PE, Tighe & Bond, stated that a majority of the property is forested. As much as possible, the existing disturbed area will be used, as this is located within riverfront area, land

bordering land subject to flooding, and the 25’ and 100’ No Disturb buffers. The existing parking lot will be used and not expanded upon. The intent of the design is to allow vehicle mounted boats/canoes/etc. access to the water. There will be no removal of large caliper trees within the gravel path access way. The proposed concrete pad at the end of the access way is beneficial to the project in order to reduce erosion in the area. This will also improve the stormwater quality and create fewer maintenance projects. The edge of the proposed ramp is outside of the limits of the mean high-water mark. Regarding the concerns over the proposed trash receptacles, this was a request from the Town to include.

There is a waiver request for work within the 25’ No Disturb Zone. The project is proposed for consideration as a limited project for a water dependent project for recreation access. The BLSF and riverfront area standards are mostly met. The project is under the threshold for the State standards for the 10-year floodplain. The project proposes over 5,000 s.f. of impacts in riverfront area, but most of the area was previously disrobed. It is believed that the project serves the public interest. Other design options were considered and determined not to be practical or more impactful to resource areas. There is limited vegetation removal proposed within the resource areas and some plantings are proposed in the area of the gravel parking area.

A. Crocker stated that he is concerned regarding the proposed trash receptacle. He believes people should be taught to carry out their trash. While easier access to the water is needed, this proposal includes an area that could be parked in, and it is unclear if all of the manmade items are needed.

S. Farr stated that it is unclear why the path needs to be widened to 12’. There does not seem to be a need for emergency access, as this was not heard from the Town’s emergency departments. A 6’-8’ wide path would be plenty to carry a canoe down. It is unclear if backing a trailer down is necessary in this area. D. Moran stated that the Engineering Department’s goal to allow vehicles to access the area, to allow for more people to use the area. S. Farr expressed concern regarding dripping oil and gas from vehicles into the water. People should be able to carry their water vessels to the water’s edge. He asked why a trash receptable, and picnic areas are proposed, if this area is only for access to the water.

J. Carter Bernardo asked about the length of the gravel access path. D. Moran stated that it is approximately 130’.

B. Murphy asked if this project was reviewed in terms of access for those with disabilities. D. Moran stated that this project would not meet an ADA access point standard. The parking area and turnaround are graded at a 2% cross slope. The goal of this project was not to meet an ADA requirement. B. Murphy asked if this would lead to additional applications to modify the area to allow for this. The natural habitats should be accessible, if possible, to those with disabilities. He agreed with the concern about the trash receptacle.

S. Barber asked how badly this project is needed. She noted that this could attract many different kinds of activity than what is wanted, such as young crowds.

P. Oehlkers stated that he has used this area as a picnic spot. There has been a tradition to use this spot as an access point and parkland/general recreation. He agreed that there is a lot of erosion in this area, and it seems to continue to increase. He is dubious regarding the need for a turnaround, as it seems to complicate things.

D. Anderson expressed concern regarding high water washing the gravel down into the stream. D. Moran stated that three geotextile fabrics are included in the cross-section of the access road to reduce this possibility. The area of the concrete pad would likely see higher velocities, which is why the pad is proposed. D. Anderson stated that the mean high-water line is at the river.

C. Hutchinson stated that there is a severe amount of bittersweet vines in some of this area.

J. Carter Bernardo stated she would need additional justifications as to why the path needs to be widened to 12'. There seem to be many concerns regarding the trash receptacle.

P. Oehlkers stated that this project originally came from CPA funds.

The Commission stated that it would like to hear from Engineering, Fire/Police, and Parks & Rec on this item.

Linda Asher asked if the concrete pad will be an eyesore to the area during low tide. A path is nice, but this widening could lead to additional types of traffic. There is not much parking in the area. J. Carter Bernardo stated that the pad is proposed at the top of the mean high-water line, so it will not often be in the water. She asked if the project would make it easier for people to drive in/out of the area faster.

D. Moran stated that the intention was not to increase parking at this area. There are five stalls for parking proposed, in order to strategically reduce the number of vehicles. The existing curb cuts are proposed to be used for this project.

Motion to continue the hearing for the South Street and Dedham Ave Boat Access (DEP File #234-8XX) to October 28, 2021, at request of the applicant, by B. Murphy, seconded by S. Barber, approved 6-0-0.

130 CLARKE ROAD (DEP FILE #234-877) – NOTICE OF INTENT

Dr. John Rockwood, EcoTec, Inc., explained that some woody vegetation was previously removed from the property without approval. This area has an almost entirely invasive understory. Some of the saplings previously planted on the site are in good shape. A restoration plan is proposed, along with some amenities for the existing house, including a new shed on blocks, a fence to demarcate the natural portion of the site, a perennial border, and a patio expansion and fire pit. Erosion control barriers will be installed. The proposal is to remove 4"-6" of the soil from the site within the restoration areas in order to remove the invasives. New high-quality soil will be replaced with the plant clusters. Some of the lawn area within the 25' buffer is proposed to be expanded into the disturbed 50' zone. Six trees are proposed to be removed, four of which are Norway maples, one is a black cherry, and the other is a red maple. Two year

monitoring is proposed for the plantings and the invasive work. The end result of the project is an improved 25' buffer zone compared to the existing.

Eric Konrad, owner, apologized for any unpermitted work done on the property.

In response to a question from A. Crocker, J. Rockwood explained that the 50' buffer is considered a naturally vegetated area. The entire 25' buffer area that was disturbed will be restored. D. Anderson explained that lawn in the 25' zone was allowed as part of the last order of conditions from 2010. J. Rockwood stated that the lawn within the 25' zone will be re-naturalized, and the lawn will then be expanded into the 50' zone, to make the area more usable for the family.

P. Oehlkers stated that the area being turned into lawn is within the 50' zone but was previously naturally vegetated, although mostly with invasives. The proposed swap of land seems okay.

J. Carter Bernardo asked if the fence could be placed on the house side of the mitigation area in order to keep people out of the 25' zone. J. Rockwood stated that this would lead to less fencing overall and will keep the landscapers from the area. The owners agreed to this suggestion.

J. Carter Bernardo stated that the regulation that states that the 50' should be maintained when wooded. The Commission would like to hold the 25' zone as much as possible. J. Rockwood stated that the natural habitat was a few native saplings and invasive shrubs underneath.

There was no public comment at this time.

J. Rockwood explained that the proposed patio is the same material as the existing patio. There is approximately 183 s.f. of additional hard surface proposed. There is a comprehensive existing stormwater system on the property. He noted that a revised plan will be submitted to the Commission following the comments heard this evening.

Motion to close the hearing for 130 Clarke Road (DEP File #234-877), by S. Farr, seconded by S. Barber, approved 6-0-0.

OTHER BUSINESS:

10 WINFIELD STREET (DEP FILE #234-852) – REQUEST FOR CERTIFICATE OF COMPLIANCE

D. Anderson stated that this was a raze and rebuild project. There was no tree removal as part of the project. Plantings were installed, as proposed. The only deviations noted were that the planting area was larger than proposed and a minor modification to remove some trees and invasives from the property. Three trees and additional shrubs were installed on the site. Overall, the site looks good, and a complete Certificate of Compliance is recommended. There is no monitoring requirement for the plantings.

Motion to issue a Certificate of Compliance for 10 Winfield Street (DEP File #234-852), by S. Farr, seconded by S. Barber, approved 6-0-0.

26 GEORGE AGGOTT ROAD (DEP FILE #234-820) – REQUEST FOR CERTIFICATE OF COMPLIANCE

C. Hutchinson stated that information has been compiled, along with a statement from the engineer. This project was a small addition to the existing garage. There was not a reasonable place for the proposed stormwater system on the site and a permit was given to tie into the Town system. The as-built plan was provided. The construction has been completed as depicted on the plan and the deviation regarding the stormwater system was noted on the plan. No vegetation was removed from the site for the project. Staff recommends issuance of a complete Certificate of Compliance, pending receipt of the final as-built plan.

Motion to issue a Certificate of Compliance for 26 George Aggott Road (DEP File #234-820), by S. Farr, seconded by S. Barber, approved 6-0-0.

The Commission discussed a draft Order of Conditions for 130 Clarke Road.

Motion to issue a waiver for work within the 25' buffer zone for 130 Clarke Road (DEP File #234-877), by S. Farr, seconded by B. Murphy, approved 6-0-0.

Motion to issue an Order of Conditions for 130 Clarke Road (DEP File #234-877), by S. Farr, seconded by B. Murphy, approved 6-0-0.

ADJOURN:
Motion to adjourn the meeting, by B. Murphy, seconded by A. Crocker, approved 6-0-0.

The meeting was adjourned at 8:58 p.m.

NEXT PUBLIC MEETING:
October 28, 2021, at 7:00 p.m. location to be determined.

Respectfully Submitted,
Kristan Patenaude