

## **TOWN OF NEEDHAM CONSERVATION COMMISSION MEETING MINUTES**

### **Thursday, October 24, 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), Reade Everett, Bill Hebard, Fred Moder, Polina Safran, Clary Coutu, 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**

#### **898 SOUTH STREET (DEP FILE #234-934) – *continued* NOTICE OF INTENT**

***Motion to continue the hearing for 898 South Street (DEP File #234-934), to November 14, 2024, by B. Hebard, seconded by R. Everett, approved 6-0-0.***

#### **148 EDGEWATER DRIVE – REQUEST FOR DETERMINATION OF APPLICABILITY**

Karen Skinner Catrone, wetland consultant for the project, stated that she flagged the site on September 13<sup>th</sup> and only riverfront areas in the rear of the yard were flagged. The proposal is to construct a 45'x16' deck attached to the rear of the house, a portion of which will cover existing patio. The deck will have 6-7 footings which will be dug by hand and material will be removed offsite. The deck will be located 110.2' from the riverfront line and no trees have to be removed. Erosion controls are not shown on the plan, due to distance from the riverfront. Any materials for construction will be placed on the side of the house, not in the rear of the yard.

D. Anderson asked if there will be gravel under the new deck. K. Skinner Catrone stated that a portion of the deck will be over an existing patio, and the rest will be over lawn area.

D. Herer asked if the pavers of the existing patio are pervious. K. Skinner Catrone stated that the pavers are impervious, and the deck will be slatted.

There was no public comment at this time.

***Motion to close the hearing for 148 Edgewater Drive, by P. Safran, seconded by R. Everett, approved 6-0-0.***

***Motion to issue a negative Determination of Applicability for 148 Edgewater Drive, by C. Coutu, seconded by F. Moder, approved 6-0-0.***

## **0 OLIN WAY – REQUEST FOR DETERMINATION OF APPLICABILITY**

Denny Nackoney explained that the Sudbury Trail is a 4.6 mile trail in Wellesley that follows the aqueduct. A piece of it runs through Needham in a wetland area. A boardwalk was previously placed in that area ten years ago. Rick Mongeau stated that the purpose of this project is an extension of the existing bog bridge. This is to have a surplus of projects for the Boy Scouts to work on when there are requests. The 8' extension will be 3' wide and lead to the existing bridge. As this is a heavily used area, by both pedestrians and bicyclists, it becomes very bogged down in the spring. This extension should help to get past the muddy area.

C. Coutu asked what will be done with the project in order to make the area more sustainable and resilient. R. Mongeau stated that the original project was not built long enough in the first place. The existing bridge is okay, just not long enough.

There was no public comment at this time.

***Motion to close the hearing for 0 Olin Way, by B. Hebard, seconded by F. Moder, approved 6-0-0.***

***Motion to issue a negative Determination of Applicability for 0 Olin Way, by B. Hebard, seconded by C. Coutu, approved 6-0-0.***

## **138-188 LINDEN STREET (DEP FILE #234-936) – continued NOTICE OF INTENT**

Greg Hochmuth, Epsilon, explained that comments received from Town Departments have had a positive impact on the proposed design. During the site plan view process, the Town Engineer and DPW asked if the capacity of the stormwater infiltration system under the northern parking lot in front of the building could be increased in size. This area tends to flood often and there has been a history of drainage issues. The applicant team was able to double the capacity of the system, by increasing the capacity of the infiltration chambers. The prior design showed a 54% decrease from the current conditions and the revised design has a 78% decrease from the current conditions. The infiltration chambers are outside the buffer zone but, as the stormwater management design is part of the Notice of Intent, the entire stormwater management design is in the Commission's jurisdiction. As a result, revised plans and revised calculations were submitted

to the Commission. The applicant team also added a rain garden in the landscaped area between the southern half of the building and the southern parking lot. This is also outside the buffer zone. The Fire Department made a request to extend the two fire lanes on both sides of the building further around the back as much as possible, while still staying outside of the Commission's 25' buffer. This resulted in an increase to the fire lanes so that the Town's new tower ladder truck can access the area a little easier. There will be no difference in tree removal, but there is a reduction in new plantings within the 100' buffer due to the extension of the fire lanes.

Ross Donald expressed concerns about the project, including that the project will negatively impact wildlife habitat, groundwater, and the water supply. D. Herer explained that the Commission has reviewed this item a number of times and believes the proposal is an improvement to the existing conditions and is compliant with the local and State Wetlands Protection Act. R. Donald stated that his interpretation is that there will be no improvements over the next two years or during the construction period. The Commission has only heard from consultants with stake in the game and not from members of the public. D. Herer explained that the Commission has had many public hearings on this item and has heard from numerous people on the project. The Commission has considered the potential impact on wildlife habitat from this project and has already had discussion on this topic. R. Donald stated that he has not heard previous discussion on this topic, and he is presenting new information to the Commission at this time.

G. Hochmuth stated that the project itself is not mapped with any priority or estimated habitat of rare species, as designated by the Division of Fisheries, Wildlife Natural Heritage, and Endangered Species Program. The project does not trip any of the thresholds in the Wetlands Protection Act regulations that would trigger any type of wildlife habitat valuation. The applicant team did not observe any unique wildlife habitat components during the wetland delineation on site. More importantly, the project itself does not extend any further into the wooded buffer zone that separates the project from the jurisdictional wetland resource areas. In fact, the project will increase the vegetated buffer between the project and the wetland resource areas in many locations. Many berry producing shrubs and other wildlife habitat features are proposed in the planting areas on the site which is predominantly pavement and buildings currently. The applicant is bound by the regulations and the project is not in a designated habitat area and does not tripping any thresholds that would require additional analyses.

C. Coutu noted that this will have a positive impact on the community by providing opportunities for affordable housing. She asked what goes into the preparation of an NOI for this project. G. Hochmuth explained that, due to the proposed disturbance of a certain amount of the site at one time, the project is subject to the EPA NPDES permit process. The applicant will require a stormwater pollution prevention plan and many general housekeeping measures that have to be kept up during construction of the site. The intent is to keep areas around the active construction site free of sediments from stormwater, dust, etc. This will be filed for very soon. If the project was within mapped rare species habitat, estimated habitat, or an area of critical environmental concern, there may be other features that would have to be included, but the applicant team will make sure the filing complies with everything that the EPA requires.

P. Safran suggested that Mr. Donald and the other interested parties submit written concerns and comments to the Commission.

Jim Burke, 188C Linden Street, stated that he would like a full and fair hearing on this item. Members of the public with concerns have not been able to speak about this in person. There are deep concerns about the high water table and containment.

D. Herer stated that the comments being made by the members of the public this evening are fairly general and difficult for the Commission to opine on.

Reg Foster, Needham Housing Authority, explained that Mr. Donald has repeated a number of the same concerns at a recent Planning Board meeting. R. Foster stated that he does not believe these concerns are within the jurisdiction of the Conservation Commission. The Planning Board public hearing is still open on this item and will be continued to next Tuesday. That meeting is in-person and there is ample opportunity to continue to bring up these concerns at that time. These comments have been voiced at great length previously.

R. Donald stated that there has been a round robin approach to getting the application approved. There is not access to the meetings and there needs to be reasonable access to consultants.

C. Coutu stated that she has not heard anything during this application process that is counter to the bylaws and the Commission's jurisdictional part in this process. She believes the Commission should move forward with its jurisdictional process at this time. However, she would like to allow the written comments and concerns to be provided from the public. The Commission can then review these and send along any comments to the Planning Board.

G. Hochmuth stated that this is the project's fourth public hearing and the first time hearing these comments from Mr. Donald. He would like the process to move forward at this time. R. Donald stated that the tenant's association was reformed based on concerns regarding the public process in this application. The group feels it is being excluded.

***Motion to close the hearing for 138-188 Linden Street (DEP File #234-936), by F. Moder, seconded by C. Coutu, approved 6-0-0.***

## **56 CANAVAN CIRCLE (DEP FILE #234-937) – NOTICE OF INTENT**

Russ Waldron explained that the proposal is for an enclosed 960 s.f. addition to the existing home, and an 820 s.f. permeable patio. The closest portion of the project to the nearby BVW is 74'. There is no portion of the project within the 25' No Disturb Zone. The stormwater from both the addition and patio will be routed to a subsurface infiltration system. Erosion controls are shown on the plan.

D. Anderson asked about the stockpile area shown on the plan. It was noted that the intention will be to stockpile in that area and then export it. There will be a net export of material from the site as part of this project. The material will not be stockpiled near the buffer zone. 20-30 yards

of material will likely be stored at a time. The area will be surrounded by temporary erosion controls and covered with a plastic tarp.

There was no public comment at this time.

***Motion to close the hearing for 56 Canavan Circle (DEP File #234-937), by P. Safran, seconded by F. Moder, approved 6-0-0.***

### **OTHER BUSINESS**

#### **37 MOSELEY AVENUE (DEP FILE #234-896) – REQUEST FOR MINOR MODIFICATION**

Daniel Deychman explained that the request is for a minor modification from the originally approved plan of July 2023. The request is to move the structure of the garage 3' further from one of the largest trees on the property than originally approved.

D. Herer stated that there were originally a number of issues with this application, including some sizable trees. The tree in question is located to the left of the garage. This proposal seems to be a benefit to the site.

There was no public comment at this time.

***Motion to approve the Minor Modification for 37 Moseley Avenue (DEP File #234-896), by B. Hebard, seconded by R. Everett, approved 6-0-0.***

#### **NEEDHAM TRAIL SIGNAGE – UPDATE**

D. Herer explained that he and D. Anderson have been working to get funding for a project to update and install trail signage at 11 locations around Town. The current sign wayfinding has deteriorated over the years. The decision on this funding will likely occur after the start of the new year. If received, this will need to go before Town Meeting for acceptance. Volunteers are needed to determine where signage is most appropriate.

#### **NEEDHAM WETLANDS PROTECTION ACT REGULATIONS – DISCUSSION**

D. Herer asked the Commissioners to review the proposed regulations. The next step will be to send a clean draft to Town Counsel for review. There will then be a public hearing. The bylaw authorizes the Commission to draft the regulations.

There was discussion regarding potential regulations for nighttime lighting.

The Commission agreed to review the draft, make any changes, and send the draft along to Town Counsel.

The Commission discussed how to deal with accommodations for the public during meetings. D. Herer stated that the State has an Open Meeting Law, and those rules were suspended during COVID, allowing for online meetings. The provisions were recently extended. The Town allows for a fully online meeting, or a hybrid meeting. The Commission has taken several votes over the years and determined to continue with online meetings for as long as the State regulations allow it.

D. Herer noted that the Town has formed a new Tree Bylaw Committee. C. Coutu agreed to sit on the Committee as a representative of the Commission.

***Motion to appoint Clary Coutu to be the Commission's representative to the Trees Committee, by D. Herer, seconded by F. Moder, approved 6-0-0.***

The Commission reviewed the draft Order of Conditions for 138-188 Linden Street (DEP File #234-936).

***Motion to issue an Order of Conditions for 138-188 Linden Street (DEP File #234-936), by C. Coutu, seconded by R. Everett, approved 6-0-0.***

The Commission reviewed the draft Order of Conditions for 56 Canavan Circle (DEP File #234-937).

***Motion to issue an Order of Conditions for 56 Canavan Circle (DEP File #234-937), by R. Everett, seconded by P. Safran, approved 6-0-0.***

**ADJOURN:**

***Motion to adjourn the meeting, by R. Everett, seconded by F. Moder, approved 6-0-0.***

The meeting was adjourned at 9:28 p.m.

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**NEXT PUBLIC MEETING:**

***November 14, 2024, at 7:00 p.m. location to be determined.***

*Respectfully Submitted,  
Kristan Patenaude*