

TOWN OF NEEDHAM CONSERVATION COMMISSION MEETING MINUTES

Thursday, March 13, 2025

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, Sue Barber, Clary Coutu, Bill Hebard, Fred Moder, Polina Safran, Deb Anderson (Director of Conservation)

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

HEARINGS/APPOINTMENTS:

KEOLIS COMMUTER SERVICES (RIGHT-OF-WAY MAINTENANCE) – REQUEST FOR DETERMINATION OF APPLICABILITY

Matt Donovan, representing Keolis, explained that an RDA is required to be submitted every five years per CMR 11, prior to submitting a Vegetation Management Plan to MA Dept of Agricultural Resources. The maintenance is necessary to keep the railroad operations safe. There are regulations in place to keep the sensitive areas protected throughout the duration of the plan, as listed and described in CMR 11.04. There are two main chemical applications each year; one in the May-June time frame which targets the roadbed, and one in the August-September timeframe which targets brush in areas adjacent to the roadbed. Some sensitive areas are restricted from the brush program and only receive the roadbed application. Only the chemical program takes place in the sensitive areas of the Commission's jurisdiction. The roadbed program is performed by a spray truck equipped with nozzles located approximately 18" above the ground. These spray the solution directly down onto the track, up to 12' from the center line of the track. The certified applicator is always accompanied by an environmental monitor familiar with the site conditions. The applicator has the ability to turn off the nozzles at any time and selectively spray the solution. The zones within 100' of the wetlands typically receive the full roadbed treatment but the environmental monitor and applicator are on alert in these areas to shut the booms off in any areas where the shoulder may be wet. Due to the restriction of chemicals in some areas, additional effort is made with physical and mechanical measures. The applicant is seeking positive 2A determination to confirm the maps and a negative determination for the work included in the vegetation management plan.

C. Coutu recused herself from this item.

Motion to close the Request for Determination of Applicability for Keolis Commuter Services (Right-Of-Way Maintenance), by F. Moder, seconded by P. Safran, approved 6-0-0.

Motion to issue a negative Determination of Applicability for Keolis Commuter Services (Right-Of-Way Maintenance), by F. Moder, seconded by P. Safran, approved 6-0-0.

28 ROBINWOOD AVENUE (DEP FILE #234-947) – NOTICE OF INTENT

John Rockwood, EcoTec, explained that the existing house was constructed in 2014, and a standard paver patio was constructed behind the house, with a stormwater infiltration system to address roof runoff located to the rear of the house. There is an area of bordering vegetated wetlands on the property which was enhanced as part of that filing. This area has become well vegetated and is very natural looking. In 2015, the applicant requested to install a landscape play area, along with some safety stairs down a grass slope. At that time, several stones were placed within the lawn area. The current filing is to remove the existing paver patio at the rear of the house and replace it with a bluestone patio with gaps between the stones to allow water to flow between them. The patio will also be extended down the stairs and into a lawn and landscape area. All new patio areas are outside of the 25' buffer, but a small portion of the existing patio is located within it. The existing stairs are also partially in the 25' buffer and those are not proposed to be changed. Also, within the 25' buffer is a portion of landscaped area, which will be removed and returned to grass. Erosion controls are shown on the plan. A waiver has been requested for the erosion control located in the 25' buffer and converting a landscaped area to grass. A waiver from the waiver fee is also requested.

F. Moder expressed concern with fertilized lawn being located right up to the wetlands. Ms. Anderson stated that a special condition regarding lawn care products can be included.

C. Coutu asked about the slope in the yard and if the wetland has expanded over the years. J. Rockwood explained that most of the lawn is gradually sloped to the wetlands. The wetland has not grown much over the years.

S. Barber noted that the Commission has previously allowed a bit of pervious patio into the 25'. She asked the square footage of landscaping to be converted to lawn in the 25' buffer. She expressed concern with some lawn within the 25' zone. J. Rockwood stated that 266 s.f. is proposed between the erosion control barrier and the 25' zone. He noted that there is quite a bit of existing lawn already within the 25' zone.

D. Herer stated that the proposed pervious patio is a standard design approach for that system. He believes it will be an improvement over the existing patio.

There was no public comment at this time.

Motion to continue the hearing for 28 Robinwood Avenue (DEP File #234-947), to March 27, 2025, by C. Coutu, seconded by P. Safran, approved 7-0-0.

11 GLOVER ROAD (DEP FILE #234-946) – NOTICE OF INTENT

Nicole Ferrara, LEC Environmental, explained that the proposal is for a single family house addition and deck. Rosemary Brook runs to the south of the property. The property currently

contains an existing house, a driveway that extends to a one car garage, an existing enclosed deck, and a concrete patio off the rear of the house. There is also an existing shed in the backyard. The wetland boundary on the site was delineated, along with the 25', 50', and 100' buffer zones. There is also 100' and 200' riverfront areas, which encompass a large majority of the site. There is a bordering land subject to flooding boundary also shown on the plan. All existing structures and proposed work are outside the floodplain. The proposal is for a two story garage addition, approximately 770 s.f., off the side of the house with living space above it. A deck bump out of 160 s.f. is also proposed within the footprint of the existing lawn and patio area. The existing concrete patio goes underneath the deck. This is proposed to be removed and replaced with crushed stone underneath the deck to inhibit weed growth. Also, the proposal includes redoing the driveway by removing the existing paved driveway and replacing it with a porous pavement driveway which will be slightly larger to accommodate the new two car garage. There is an existing Norway Maple tree which will need to be removed as part of the project and replacement vegetation is shown on the plan. An erosion control line will wrap around the limit of work. This will be a 12" compost filter tube to protect the resource areas. The plan also shows inlet protection along any downgradient catch basins. The proposal results in approximately a 560 s.f. increase in impervious area. In lieu of a traditional infiltration system, the proposal is for a porous pavement driveway to offset the increase. The driveway will either reduce or maintain the runoff rates. Regarding the restoration plan, a portion of the wetland extends into the lawn and the intent is to restore that portion of the wetland and the entire 25' buffer zone which is currently lawn. The plan shows approximately 4,200 s.f. of restoration, along with planting two native sapling trees and 30 native shrubs. Birdhouse markers will be used to demarcate the edge of the restoration area and Needham conservation placards will be added onto these. The applicant is committed to monitoring this area for two years and providing the Commission with yearly reports. The proposed work is slightly closer to the wetland than the existing conditions, by approximately 1.5', but no work is closer to the brook than the existing.

D. Anderson stated that a waiver request is needed for work within the wetland and 25' buffer zone, even though it is restoration work. She noted that the number of plantings seems a bit sparse.

C. Coutu asked about the foundation for the deck. N. Ferrara stated that this will be a second story deck with wooden posts and crushed stone underneath.

C. Coutu asked about the material for the pervious driveway. N. Ferrara stated that this will not be pavers but will be a material that can infiltrate. C. Coutu requested that a spec be added to the application.

S. Barber noted that, if the pervious driveway is not maintained over time, it will no longer be pervious.

R. Everett asked if the deck will be within the 50' zone. N. Ferrara stated that half of it will be within that zone. R. Everett stated that the Commission should consider if this should be permitted. A waiver may be needed for this work. N. Ferrara stated that this area is existing lawn. D. Anderson stated that this would likely not be considered wildlife habitat.

D. Herer asked what the proposed addition will slope towards. N. Ferrara stated that it seems to gradually slope toward the wetlands. D. Herer stated that he does not believe the proposal meets the Town's stormwater bylaw requirements.

There was no public comment at this time.

Motion to continue the hearing for 11 Glover Road (DEP File #234-946), to March 27, 2025, by S. Barber, seconded by P. Safran, approved 7-0-0.

46 WILDWOOD AVENUE – REQUEST FOR DETERMINATION OF APPLICABILITY

D. Anderson noted that this item would be presented at the next meeting.

Motion to continue the Request for Determination of Applicability for 46 Wildwood Avenue, to March 27, 2025, by C. Coutu, seconded by R. Everett, approved 7-0-0.

TOWN OF NEEDHAM WETLANDS PROTECTION REGULATIONS – REVISED REGULATIONS APPROVAL

F. Moder asked about the item regarding proposed work within previously degraded areas and if that exempts petitioners from the existing restrictions. The Commission agreed to discuss this at a later time.

There was no public comment at this time.

Motion to approve the revised Needham Wetlands Protection Regulations, dated February 11, 2025, by R. Everett, seconded by F. Moder, approved 7-0-0.

OTHER BUSINESS:

STUDENT CAPSTONE PROJECT – RAIN GARDEN

Eddie Olsen, DPW Parks & Forestry, explained that this is a Greater Boston project working with students toward a rain garden. The proposal is for a rain garden/pollinator garden at the Public Services Administrator Building (PSAB). Three of the students involved presented the proposed project. It includes the design and implementation of a rain garden which will be located in the middle of two natural grades in the ground at the PSAB. This will collect rainwater from the roof and surrounding yard and is proposed to be between 150'-200'. The project will also include some trail work and upgrades, including updating trail markers, removal of clutter and debris, and narrow planks in swampy areas.

The Commission reviewed and discussed the proposal. The Commission thanked the team for their proposed project.

MISCELLANEOUS BUSINESS:

1. Minutes

Motion to approve the meeting minutes of February 27, 2025, as amended, by C. Coutu, seconded by F. Moder, approved 7-0-0.

2. Enforcement Orders

None at this time.

R. Everett stated that there is a citizen's petition for a seasonal ban on gas-powered leaf blowers. He asked if the Commission was interested in voicing an opinion on the petition. The Commission agreed to consider and discuss this further at a future meeting.

C. Coutu requested that the Commission review how it plans to enforce the updated regulations.

ADJOURN:

Motion to adjourn the meeting, by B. Hebard, seconded by P. Safran, approved 7-0-0.

The meeting was adjourned at 8:42 p.m.

NEXT PUBLIC MEETING:

March 27, 2025, at 7:00 p.m. location to be determined.

*Respectfully Submitted,
Kristan Patenaude*