

**TOWN OF NEEDHAM
CONSERVATION COMMISSION
MEETING MINUTES
Thursday, February 8, 2018**

LOCATION: Public Services Administration Building (PSAB), Charles River Room

ATTENDING: Janet Carter Bernardo (Chairperson), Sue Barber, Artie Crocker, Bill Murphy, Peter Oehlkers, Alison Richardson, Chris Hayward (Director of Conservation), Debbie Anderson (Conservation Specialist)

GUESTS: John Rockwood

Janet Carter Bernardo (chair) opened the public meeting at 7:30 p.m.

ENFORCEMENT AND VIOLATION UPDATES:

250 STRATFORD ROAD

D. Anderson updated the Commission on this enforcement. The owners have not communicated to our office. The Enforcement Order was returned to our office unopened but the green card was signed by the owners and sent back to the Conservation office. The Town of Needham Building Inspector, D. Roche, was able to find the contractor online and communicated through the contractor that the owners need to be in touch with Conservation. There was no deadline given to the owners in the Enforcement Order due to the fact that at the time it was difficult to get surveyors to come out and survey the property. We are currently waiting to hear from the owners. We need them to have the property and wetlands delineated, submit a restoration plan, and then come before the Commission before any other action is taken. J. Bernardo suggested that the Commission check-in regarding this Enforcement at the March 8, 2018 meeting.

HEARINGS:

55 BRIARWOOD CIRCLE - NOTICE OF INTENT (DEP FILE #234-801)

Janet Carter Bernardo opened the public hearing at 7:45 p.m.

J. Rockwood from EcoTec presented. The applicant had come before the Commission last fall due to work conducted without a Permit for the installation of stone walls, crushed stone paths and two wooden retaining walls. Material had eroded down the steep slope into the buffer zone. The owner, Andrea Talis, reached out to M. Varrell self-reporting the issue she was having stabilizing the walls. M. Varrell went out to the property and suggested how she could stabilize the slope with a compost sock, and mulch with shredded stump grindings. Last fall, John Rockwood of Ecotec, presented a restoration plan to the Commission for approval. The Commission approved the proposed plan which included installation of 60 shrubs. All the plantings need stabilization for 2 growing seasons. All of this work is done under restoration plan.

The Commission required that the applicant file an after-the-fact NOI was for the walls, crushed stone pathway and two wooden retaining walls. The work is completed and the area restored. The Commission noted that infiltration takes place within the crushed stone walkways. Invasive species removal work had

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been done, as well as, debris removed from the property. J. Bernardo mentioned that there had been some work done due to runoff near the house and possibly outside of the 100' buffer zone which initiated the concerns. All of which have been addressed. A waiver request for work done within 50' of the wetlands has been submitted. No work was done within the 25' no disturb zone.

Motion to close the public hearing for 55 Briarwood Circle (DEP FILE #234-801) by W. Murphy, seconded by S. Barber, approved 6-0-0.

Motion to approve work within the 50-foot Buffer Zone at 55 Briarwood Circle (DEP FILE #234-801) by S. Barber, seconded by W. Murphy, approved 6-0-0.

Motion to approve a reduced waiver fee to \$1,250 from \$2000 by A. Crocker, seconded by W. Murphy, approved 6-0-0.

Motion to issue the after-the-fact Order of Conditions for 55 Briarwood Circle (DEP FILE #234-801) by W. Murphy, seconded by S. Barber, approved 6-0-0.

EVERSOURCE EASEMENT, R-O-W #3 – *Continued* NOTICE OF INTENT (DEP FILE #234-799)

J. Carter Bernardo opened the discussion and review of the draft Order of Conditions.

C. Hayward mentioned that the Draft Order of Conditions should include boilerplate information that he was unaware of. The waiver fee will be required by the Town and not returned to Eversource as it will be used for mitigation. Questions were raised about whether the statement regarding the Commission's decision not to return the Waiver Fee would be included in the Order. D. Anderson stated that this will be included in the minutes but is not included in the text of the Order of Conditions. Significant work and additional oversight requires the waiver fee be applied; this is the nature of this project.

C. Hayward stated that Eversource suggested the plantings be installed in close proximity to the project. J. Bernardo suggested that the Commission have some suggestions for the mitigation plan. Most of the trees selected by Eversource to remove are 6" caliper or greater. They are proposing to remove 168 trees, which A. Richardson stated consequently removes much of the canopy. The Commission discussed how many trees they should require Eversource to install. Perhaps a 1:1 tree replacement, or a combination of trees with shrubs and how many, within buffer zone. Discussion ensued regarding Eversource's reluctance to re-plant trees. A. Richardson said that some tall shrubs or small trees could be recommended, like crabapple but there are so many to be removed that perhaps the tree warden would recommend other locations in town to plant trees otherwise replanting in the same location is not in line with the project. Invasive species removal is already part of the proposed work. C. Hayward suggested that the Commission preselect trees that should be left as snags. A. Crocker asked what other mitigation the Commission can require Eversource to do. P. Oehlkers suggested removing trash on site. The Order should state that the removal of trees and shrubs will be done manually.

D. Anderson suggested they leave some of the cut trees in place for habitat features. A. Crocker reminded the Commission how Eversource had stated that if they cut down trees and left them to regrow that might be enough for mitigation. All agreed that is not a mitigation plan. J. Bernardo suggested that the Town tree warden could recommend where trees could be planted in town, in town parks, but in the Town

nursery is not specific enough. The Commission needs to give clear direction about what is required or recommended. If the Warden cannot state exactly the number of trees required and the specific location (other than the nursery) then the Commission needs to state in the Order of Conditions the type, number and exact location of the trees to be planted in the buffer zone. A. Richardson stated that planting trees in the nursery and then replanting elsewhere isn't good for the tree. The town would be better just purchasing trees and planting them in their final location.

C. Hayward stated that members of the Charles River Watershed Association came to prior meetings with an attorney and the group has strong opinions about the tree removal and getting a quality mitigation plan. C. Hayward reminded the Commission that the Town Tree Warden, Ed Olsen had suggested the nursery as a back-up since he doesn't have specific location ideas for them at present. P. Oehlkers suggested perhaps creating a planting plan after the trees are removed, the invasive species removed and seeing the property and available space for planting.

The Commission's Tree Removal Policy calls for a 2:1 tree replacement. D. Anderson stated that in the past the Commission has approved a 4-shrub to 1-tree replacement on sites that were constrained. A. Richardson wants shrubs planted to fill out and large size shrubs. J. Bernardo said the goal is to have wildlife habitat. The mitigation plan could state the gallon size of the shrubs required. The Commission concluded that the mitigation for tree removal planting plan must be approved by the Commission. The tree removal should be 2 to 1 but if that is difficult to implement, 4 shrubs to 1 tree will be the other option. DCR will also have special conditions to for Eversource to fulfill which might overlap with the Needham Conservation Commission's. As long as there's some form of mitigation that's the priority for the Commission. A. Richardson stated that the minimum size of the shrub to be planted should be a 2-foot (24") tall, 2 gallon container minimum, deciduous native shrubs, with variety, in the buffer zone. The landscape architect should know what they should use from our list of native plants. Any suggestion from Eversource that they cannot plant the shrubs that are required in the buffer zone, they will need to explain why and submit another suggestion. The Commission decided to include specific dates in the special conditions when Eversource may not install plantings.

Compensatory Flood Storage was discussed as well as including a condition that preselected trees would be left as 6' snags. A. Crocker suggested that the 2 to 1 tree replacement should remain.

Motion to issue the Order of Conditions with tree removal mitigation plan specifics for Eversource Easement, R-O-W #3(DEP FILE #234-799) by W. Murphy, seconded by S. Barber, approved 6-0-0.

Motion to approve the request to waive strict compliance with the Bylaw Regulations and allow work within the 25-foot and 50-foot Buffer Zones by W. Murphy, seconded by S. Barber, approved 6-0-0.

Motion to deny the waiver of the waiver fee of \$1,000 by A. Crocker, seconded by S. Barber approved 6-0-0.

OTHER BUSINESS:

1600 CENTRAL AVENUE (DEP FILE #234-800)

The Commission had inadvertently not motioned to issue the Order of Conditions at the previous meeting and therefore, took care of this business at this meeting.

Motion to issue the Order of Conditions for 1600 Central Avenue (DEP FILE #234-800) by A. Crocker, seconded by A. Richardson, approved 5-0-1 (J. Carter Bernardo abstained).

DISCUSSION ON OPEN SPACE DRAFT GOVERNING PRINCIPLES

C. Hayward reviewed the 5-year action plan. He stated that the Town Manager, K. Fitzpatrick would like approximately ten (10) actions. The Conservation Commission needs to prioritize the items. Many of the items are trail based. C. Hayward suggested that the Commission look at those that won't be accomplished in 5 years and hold them over. C. Hayward stated that the Board of Selectmen has indicated that some of the items are not a goal right now. The Conservation Commission may have different priorities. C. Hayward stated the Commission should accept the governing principles but needs to go through the action items and rate them 3, 2, or 1 (3 is highest priority). C. Hayward will then compile the results. He encouraged the Commission to have more of a relationship with DCR and Trustees of Reservation. C. Hayward would like public outreach and community education to be part of this plan. The prospect of a Tick Presentation could be co-sponsored by the Health Department perhaps to cover the cost of the speaker and would bring other constituents to such a presentation. J. Bernardo suggested that Commissioners make edits to the Governing Principles and the Action Plan and relay to C. Hayward. J. Bernardo stated that they will need to vote on these at the next meeting.

ADJOURN:

Motion to adjourn by W. Murphy, seconded by S. Barber.

The meeting was adjourned at 9:30 p.m.

NEXT PUBLIC MEETING:

February 22, 2018 at 7:30 p.m. in the Public Services Administration Building, Charles River Room.