

TOWN OF NEEDHAM CONSERVATION COMMISSION MEETING MINUTES

Thursday, July 13, 2023

Under Governor Baker'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, S20," issued June 16, 2021, and in effect until April 1, 2022, 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: Peter Oehlkers (Vice Chair), Dave Herer, Sue Barber, Alison Richardson, Fred Moder, Polina Safran, Reade Everett, Deb Anderson (Director of Conservation), Clay Hutchinson (Conservation Specialist)

P. Oehlkers opened the public meeting at 7:00 p.m.

The Commission discussed the Chair position.

Motion to nominate Dave Herer as Chair by S. Barber, seconded by A. Richardson, approved 7-0-0.

MISCELLANEOUS BUSINESS – These items were tabled to a future meeting.

1. Minutes
2. Enforcement & Violation Updates

HEARINGS/APPOINTMENTS

320 GROVE STREET (DEP FILE #234-908) – continued NOTICE OF INTENT – The Commission addressed this item at this time.

Brian Nelson, MetroWest Engineering, explained that the existing house has frontage off Grove Street in Wellesley. This crosses the Needham town line, where the house is located. There are some zoning setbacks on the north and south sides, an intermittent channel which flows in a northwesterly direction, and some bordering vegetated wetlands associated with the channel. At the first hearing, a portion of the proposed house was located within the 25' No Disturbance Zone. At the second hearing, a revised plan showed removal of the new house entirely from the 25' No Disturbance Zone. A portion of the deck line was still shown within that 25' zone, but the deck and a portion of the patio are proposed to be porous. The deck will be set on sonotubes and 2-3 of these are proposed within the 25' zone. The deck is approximately 12' deep and 25' long. The revised set of plans shows these details and requests a waiver of the waiver fee since, as the applicant feels that an improvement is being offered.

Motion to close the hearing for 320 Grove Street (DEP FILE #234-908) by P. Oehlkers, seconded by S. Barber, approved 7-0-0.

920 SOUTH STREET LOT 1 (DEP FILE #234-905) – *continued* NOTICE OF INTENT

The Commission addressed this and the following item concurrently.

920 SOUTH STREET LOT 2 (DEP FILE #234-904) – *continued* NOTICE OF INTENT

D. Herer stated that the final drawings have been submitted. A comment letter was read into the record.

There were no Commissioner comments at this time. There was no public comment at this time.

Motion to close the hearing for 920 South Street Lot 1 (DEP FILE #234-905) and 920 South Street Lot 2 (DEP FILE #234-904) by P. Oehlkers, seconded by P. Safran, approved 7-0-0.

199 MAPLE STREET (DEP FILE #234-907) – *continued* NOTICE OF INTENT

Diane Simonelli, Field Resources, Inc., stated that the applicant has proposed a slightly smaller screened porch, 7.8'x16' with an overhang just slightly into the 25' No Disturbance Zone. The plan also was amended to include a dry well that will overflow into an open drainage ditch on the site. The current sump pump flows into the backyard, as the drainage ditch is sealed. The homeowner will mitigate for some invasives with some plantings and create a small rain garden on the back of the lot near an existing fence. Finally, there are waivers requested for working in the 25' No Disturbance Zone and from the waiver fee.

There were no Commissioner comments at this time. There was no public comment at this time.

Motion to close the hearing for 199 Maple Street (DEP FILE #234-907) by P. Oehlkers, seconded by S. Barber, approved 7-0-0.

25 MALLARD ROAD (DEP FILE #234-909) – *continued* NOTICE OF INTENT

Karon Skinner Catrone, consultant, explained that the plans have been revised to pull the house back and include three native planting beds on the site, at 1,136 s.f. to mitigate for disturbances, per DEP's recommendations. Two infiltration systems and erosion control around the entire site are proposed. The existing driveway will be used as the construction access.

C. Hutchinson stated that DEP issued comments last week. Staff believes that the proposed 2:1 mitigation calculations meet the requirements for redevelopment in the riverfront. Those vegetated strips will need to be maintained naturally in perpetuity.

The Commission requested that the applicant include a monument noting that the vegetated strips are to be maintained in perpetuity.

Verne Porter, consultant and surveyor, stated that he believes the Commission should require more monuments for these strips, in order to make sure the entire areas are maintained. S. Barber stated that she would like to consider three monuments on each side of these areas.

D. Simonelli stated that conservation monuments can be confusing to surveyors in calculating the area. She asked that the Commission consider a monument outside of those that could be survey markers.

Motion to close the hearing for 25 Mallard Road (DEP FILE #234-909) by P. Oehlkers, seconded by S. Barber, approved 7-0-0.

OTHER BUSINESS

34 BORDER ROAD (DEP FILE #234-808) – REQUEST FOR CERTIFICATE OF COMPLIANCE – *The Commission took up this item at this time.*

K. Skinner Catrone stated that the order of conditions required a replication area on the side of the lot, next to a stream. The applicant filed for a certificate of compliance and has waited for two years for monitoring of the site. Most of the plantings have been installed, including a buffer to the stream.

D. Anderson stated that rabbit damage has occurred to much of the vegetation planted in 2021. This may not reach the 75% survival rate. However, the invasive removal efforts should be considered. Additional plantings are likely not advisable at this time. The existing native plants create a buffer between the house and the stream. She recommended a complete Certificate of Compliance at this time.

Motion to issue a complete Certificate of Compliance for 34 Border Road (DEP FILE #234-808) by S. Barber, seconded by P. Safran, approved 7-0-0.

100 EDGEWATER DRIVE (DEP FILE #234-855) – REQUEST FOR CERTIFICATE OF COMPLIANCE – *The Commission took up this item at this time.*

Brandon Li, Kelly Engineering, stated that the addition to the south was completed and the addition to the north was not constructed. The dry wells were completed.

C. Hutchinson stated that the original proposal was for an addition that was located outside of the 100' buffer zone. The only work proposed in jurisdiction was an expansion of the driveway area, which was not completed. Staff recommends a complete Certificate of Compliance at this time.

Motion to issue a complete Certificate of Compliance for 100 Edgewater Drive (DEP FILE #234-855) by F. Moder, seconded by P. Safran, approved 7-0-0.

170 WHITMAN ROAD (DEP FILE #234-871) – REQUEST FOR CERTIFICATE OF COMPLIANCE – *The Commission took up this item at this time.*

D. Anderson stated that this was a pool project, including a retaining wall and plantings. She recommended a complete Certificate of Compliance at this time.

Motion to issue a complete Certificate of Compliance for 170 Whitman Road (DEP FILE #234-871) by P. Safran, seconded by F. Moder, approved 7-0-0.

142 FISHER STREET (DEP FILE #234-882) – REQUEST FOR CERTIFICATE OF COMPLIANCE – *The Commission took up this item at this time.*

C. Hutchinson stated that the property has a substantial divide from the resource area and the proposed work was within the outer riverfront area. The project was completed in the same footprint and no deviations were noted. Staff recommends a complete Certificate of Compliance at this time.

Motion to issue a complete Certificate of Compliance for 142 Fisher Street (DEP FILE #234-882) by P. Safran, seconded by S. Barber, approved 7-0-0.

40 HIGHLAND AVENUE (DEP FILE #234-848) – REQUEST FOR ORDER OF RESOURCE AREA DELINEATION EXTENSION – *The Commission took up this item at this time.*

Steven Wolberg, applicant, explained that the Commission previously granted an Order of Resource Area Delineation in September 2020. Since that time, it has been difficult to engage contractors to do the work. It has been difficult for the surveyors to find the bounds of the lot. The request is for a two-year extension.

Motion to issue an Order of Resource Area Delineation Extension as discussed for 40 Highland Avenue (DEP FILE #234-848 by S. Barber, seconded by R. Everett, approved 7-0-0.

311 DEDHAM AVENUE (DEP FILE #234-892) – RATIFY ENFORCMENT ORDER – *The Commission took up this item at this time.*

D. Anderson stated that she spoke with the Building Department about this item and has visited the site. There are site issues including stockpiling of dirt, burying of trees, and erosion control issues. The owner has worked with DEP and a consultant to create a plan with 2:1 mitigation. The current site has some failure of the erosion controls. Excavators recently entered the site to remove the stockpiles but were too small and fell over into the mud. A contractor is supposed to enter the site tomorrow with larger equipment, but the Building Department is requiring that the contractor meet with the Department first and also assure this work is okay with the Conservation Commission.

D. Herer stated that he is concerned with long term damage to the trees that were supposed to be preserved on the site. D. Anderson stated that proper erosion controls also need to be installed before more dirt can be moved on the site.

The Commission discussed that the erosion controls need to be improved and should be reviewed by someone approved by the Commission. A dewatering plan is needed and any trees that cannot be saved should be replaced at a 2:1 ratio. D. Anderson stated that she would draft an enforcement order for the Commission's review at its next meeting.

380 DEDHAM AVE (DEP FILE #234-897) – DEWATERING PLAN DISCUSSION – *The Commission took up this item at this time.*

The Commission agreed to table this item to the next meeting.

37 MOSELEY AVENUE (DEP FILE #234-896) – ISSUE ORDER OF CONDITIONS

The Commission reviewed the proposed Order of Conditions and discussed the proposed waivers. D. Anderson stated that she does not believe the waiver fee should be waived, due to Staff's time consumed for this item.

It was noted that new Commissioners cannot vote on this item.

Motion to waive the requirements for work within the 25' No Disturbance Zone for 37 Moseley Avenue (DEP FILE #234-896) by S. Barber, seconded by P. Safran, approved 5-0-2.

There was discussion regarding the waiver fee.

Motion not to return the \$1,000 waiver fee for work within the 25' No Disturbance Zone for 37 Moseley Avenue (DEP FILE #234-896) by S. Barber, seconded by P. Oehlkers, approved 5-0-2.

Motion to issue an Order of Conditions as discussed for 37 Moseley Avenue (DEP FILE #234-896) by S. Barber, seconded by P. Oehlkers, approved 5-0-2.

920 SOUTH STREET LOT 1 (DEP FILE #234-905) & 920 SOUTH STREET LOT 2 (DEP FILE #234-904) - ISSUE ORDERS OF CONDITIONS

Motion to issue an Order of Conditions as discussed for 920 South Street Lot 1 (DEP FILE #234-905) by S. Barber, seconded by F. Moder, approved 5-0-2.

Motion to issue an Order of Conditions as discussed for 920 South Street Lot 2 (DEP FILE #234-904) by S. Barber, seconded by P. Safran, approved 5-0-2.

199 MAPLE STREET (DEP FILE #234-907) - ISSUE ORDER OF CONDITIONS

Motion to waive the requirements for work within the 25' No Disturbance Zone for 199 Maple Street (DEP FILE #234-907) by S. Barber, seconded by P. Oehlkers, approved 5-0-2.

Motion to waive the waiver fee for work within the 25' No Disturbance Zone for 199 Maple Street (DEP FILE #234-907) by S. Barber, seconded by A. Richardson, approved 5-0-2.

Motion to issue an Order of Conditions as discussed for 199 Maple Street (DEP FILE #234-907) by S. Barber, seconded by A. Richardson, approved 5-0-2.

320 GROVE STREET (DEP FILE #234-908) - ISSUE ORDER OF CONDITIONS

Motion to waive the requirements for work within the 25' No Disturbance Zone for 320 Grove Street (DEP FILE #234-908) by S. Barber, seconded by P. Safran, approved 5-0-2.

Motion to waive the waiver fee for work within the 25' No Disturbance Zone for 320 Grove Street (DEP FILE #234-908) by S. Barber, seconded by A. Richardson, approved 5-0-2.

Motion to issue an Order of Conditions as discussed for 320 Grove Street (DEP FILE #234-908) by P. Safran, seconded by S. Barber, approved 5-0-2.

25 MALLARD ROAD (DEP FILE #234-909) - ISSUE ORDER OF CONDITIONS

Motion to issue an Order of Conditions as discussed for 25 Mallard Road (DEP FILE #234-909) by S. Barber, seconded by P. Safran, approved 5-0-2.

SOUTHFIELD COURT POND (DEP FILE #234-887) – DISCUSSION

The Commission tabled discussion of this item to a future meeting.

MISCELLANEOUS BUSINESS

ADJOURN:

Motion to adjourn the meeting, by P. Safran, seconded by S. Barber, approved 7-0-0.

The meeting was adjourned at 10:02 p.m.

NEXT PUBLIC MEETING:

July 27, 2023, at 7:00 p.m. location to be determined.

*Respectfully Submitted,
Kristan Patenaude*