

TOWN OF NEEDHAM CONSERVATION COMMISSION MEETING MINUTES

Thursday, December 21, 2023

Under Governor Baker's Act "Extending Certain COVID-19 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 June 16, 2021, and in effect until April 1, 2025, 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), Peter Oehlkers (Vice Chair), Reade Everett, Polina Safran, Alison Richardson, Sue Barber, Deb Anderson (Director of Conservation), Clay Hutchinson (Conservation Specialist)

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

MISCELLANEOUS BUSINESS –

1. Minutes

Motion to approve the minutes of December 7, 2023, as amended, by P. Safran, seconded by R. Everett, approved 5-0-0.

2. Enforcement & Violation Updates

None at this time.

HEARINGS/APPOINTMENT

131 OXBOW ROAD – REQUEST FOR DETERMINATION OF APPLICABILITY

Dave Marquedant, consultant, explained that this is a four-acre parcel of land, bordered on one side by the Charles River. On the south side of the lot there is a BVW which has been flagged. The property includes a wetland series, bank, perennial stream, and two flood zones. The proposal is to remove the existing home, currently 83' off the wetland. Most of the area south of the existing pool is lawn up to the wetland edge. The proposal is to move the new home 93' and 98' off the wetland. The southern end of the house will sit just slightly within the buffer zone. The outer limit of work will be outside the 50' buffer. Three trees are proposed to be removed from the site and replaced with trees closer to the limit of work. A drainage design proposing two drain units is being reviewed by engineering.

S. Barber joined the meeting.

R. Everett asked why this is not subject to the Commission's jurisdiction. D. Herer explained that the question is if the small amount of the project within the 100' buffer zone will have an impact.

The Commission can decide if a Notice of Intent is needed instead. C. Hutchinson explained that this proposal could be seen as a net improvement, as the new house will be pushed back from the buffer, with that area being restored.

P. Oehlkers agreed that this proposal seems to include a good amount of disruption and could be better filed under a Notice of Intent. D. Marquedant explained that there will be some grading within the 100' buffer area but no issues are expected.

A. Richardson agreed that this should have a Notice of Intent. She noted that, if this is approved under an RDA there will not necessarily be any monitoring or conditions. C. Hutchinson stated that a contingency of the RDA can be that erosion controls can be monitored on the site.

P. Safran stated that she believes this could be approved under an RDA as long as Staff can inspect the erosion controls prior to the start of work.

D. Herer stated that the drawings do not easily indicate the amount of grading proposed. He stated that there could be some oversight on this as an RDA.

S. Barber agreed that she believes this should be filed as a Notice of Intent.

C. Hutchinson stated that Staff's recommendation to file the RDA was based on the fact that all work being done is within landscaped lawn area and the proposed reduction of footprint of impervious surfaces.

There were no public comments at this time.

Motion to issue a negative determination for 131 Oxbow Road, by P. Safran, seconded by D. Herer, failed 2-4-0.

Motion to issue a positive determination for 131 Oxbow Road, by S. Barber, seconded by R. Everett, approved 5-1-0.

124 EDGEWATER DRIVE (DEP FILE #234-901) – REQUEST FOR AMENDED ORDER OF CONDITIONS

John Rockwood, EcoTec, Inc., explained that the original project, approved in June, proposed preserving part of the foundation, and expanding it. Since then, the applicant has decided to abandon the foundation, allowing them to move the new house further from the river and the wetlands. It also allows the grading to be adjusted so that no grading is now needed within bordering land subject to flooding, and the amount of grading within riverfront area has been reduced. A more robust stormwater system will address the driveway, roof, and patio. Two additional trees within the buffer zone are proposed to be removed for the driveway construction. Four additional saplings are proposed on the plan. One lawn area of the site, delineated as wetlands, is proposed for a once annual mowing to keep out invasives.

R. Everett asked why so many trees are being removed from the property, especially with the amended plan. J. Rockwood explained that many of the trees are large pines with defects and being removed for safety reasons. An arborist report was submitted with the original filing which indicated that these should be removed.

Motion to issue an amended Order of Conditions for 124 Edgewater Drive (DEP File #234-901), by S. Barber, seconded by R. Everett, approved 6-0-0.

OTHER BUSINESS:

WALKER POND – INFORMAL DISCUSSION ON UPCOMING PROJECTS

Melissa Recos, BETA Group, Inc., reviewed a number of upcoming projects proposed at Walker Pond. The Pond has two basins and an outlet control structure. Stormwater coming off Walker Lane is now being treated before being discharged into the Pond. A section of the pipe has structural issues, and one project is to construct a headwall to secure the pipe. The outlet control structure has been failing for some time and another project includes constructing a second chamber for manhole access for DPW. The outlet pipe from the structure is also proposed to be enlarged to a 48” pipe, with a new structure within the street to allow for maintenance. The recommendation is for sheeting to be placed around the existing structure which can be used as a water control device.

M. Recos reviewed the survey and data collection findings. The recommended annual management items include, in year one, weed control using Sonar, EutraSORB filters for phosphorus management, and replacing the outlet control structure; for year two, spot treatment with herbicides as needed and design aeration; year three evaluating weed control from years 1 and 2 results, installing aeration, and evaluating sediment management needs; year four, evaluating year 1-3 results, and sediment management as needed; and evaluating years 1-4 results and next steps in year five. Monitoring and invasive species management will continue for the duration of the plan. Invasive species management will include monitoring and hand pulling unless more extensive removal methods are deemed necessary. Spot treatment with herbicides and aeration will continue on as needed basis after initial implementation. The request from the Commission is for approval for the items recommended for years 1, 2, and 3.

In response to a question from A. Richardson, M. Recos explained that the average depth of the pond is 4’. A. Richardson explained due to the depth, this will never be a clean pond without constant work. D. Herer agreed.

M. Recos explained that the intention is to submit a Notice of Intent for the work for the February 22, 2024, meeting.

DPW PROJECT UPDATES – DISCUSSION

None at this time.

**671 CHARLES RIVER STREET (DEP FILE #234-483) – REQUEST FOR
CERTIFICATE OF COMPLIANCE**

Jeffrey Lerner, former resident of 671 Charles River Street, stated that a hot tub and patio were installed approximately 17 years ago. The appropriate paperwork for this was never filed.

C. Hutchinson stated that an addition and deck were originally filed for by this applicant in the early 2000s. This was closed out in 2005. In 2006, the applicant proposed a new patio and hot tub on the property, outside of the 25' buffer zone. Staff recommends issuance of a full Certificate of Compliance for the hot tub and patio areas.

Motion to issue a Certificate of Compliance for 671 Charles River Street (DEP File #234-483), by S. Barber, seconded by R. Everett, approved 6-0-0.

**SABRINA LAKE NUISANCE AQUATIC VEGETATION MANAGEMENT (DEP FILE
#234-912) – ISSUE ORDER OF CONDITIONS**

This item was tabled to the next meeting.

Motion to close the hearing 124 Edgewater Drive (DEP File #234-901), by S. Barber, seconded by P. Safran, approved 6-0-0.

The Commission thanked Peter Oehlkers for his years of service to the Commission, as this was his last meeting.

ADJOURN:

Motion to adjourn the meeting, by Peter Oehlkers, seconded by P. Safran, approved 6-0-0.

The meeting was adjourned at 8:30 p.m.

NEXT PUBLIC MEETING:

January 11, 2024, at 7:00 p.m. location to be determined.

*Respectfully Submitted,
Kristan Patenaude*