

TOWN OF NEEDHAM CONSERVATION COMMISSION MEETING MINUTES

Thursday, January 11, 2024

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), Reade Everett, Fred Moder, Sue Barber, Clay Hutchinson (Conservation Specialist)

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

MISCELLANEOUS BUSINESS –

1. Minutes

The Commission agreed to table discussion of the minutes to the next meeting.

2. Enforcement & Violation Updates

None at this time.

HEARINGS/APPOINTMENT

131 OXBOW ROAD (DEP FILE #2349XX) – NOTICE OF INTENT

D. Herer explained that the applicant previously requested an RDA, but the Commission requested a Notice of Intent instead. There are no significant changes in the materials submitted.

Dave Marquedant, consultant, explained that the plan was amended to include red maples and river birch. The proposal is to raze the existing dwelling, shed, and pool. The existing shed is 63' off the wetland and the existing house is 83'. The house will be moved back almost entirely outside of the wetland buffer, and the pool will be removed entirely from the buffer. A small amount of fire pit and patio are proposed to remain within the 100' buffer. Erosion control methods are proposed. A proposed stockpile, if needed, would also be located outside of the buffer. Three trees are proposed to be removed from the site and replaced along the limit of work. Drain units are proposed to capture the roof runoff. The driveway is proposed to be enlarged slightly, but this is outside of the buffer zone.

C. Hutchinson stated that there are some special conditions proposed to make sure that construction phasing and post-construction items will be in compliance on the site. Staff feels the proposal has a net benefit to the buffer in this area.

There was no public comment at this time.

Motion to close the hearing for 131 Oxbow Road (DEP File #234-917), by S. Barber, seconded by F. Moder, approved 4-0-0.

80 GARY ROAD (DEP FILE #234-9XX) – NOTICE OF INTENT

Chris Frattaroli, Goddard Consulting LLC, explained that the riverfront area case by Hurd Brook is of concern for this project. The entire property is within the 200' riverfront area. There are existing impervious and lawn areas on the site, along with a large dominant amount of invasive species. The project proposes to raze and rebuild the structure in a similar footprint. The invasives species management area of the site is proposed to be turned into a meadow area. A mowed path for access to the river is proposed. In total, there is a proposed net increase of 4,500 s.f. of degraded riverfront area, leading to approximately 14,000 s.f. of native species plantings.

D. Herer noted that a tree inventory of the site is needed, along with stormwater calculations.

In response to a question from S. Barber, C. Frattaroli stated that the proposed house will be located almost entirely within existing lawn and no trees will likely need to be removed for this construction.

R. Everett asked for markers indicating that the native area should remain as such as not be mowed.

F. Moder suggested that the applicant consider maintaining some of the existing tree canopy. D. Herer agreed that Commissioners may want to visit the site to see the existing conditions.

C. Hutchinson explained that the riverfront calculations provided may be a bit off. There may be additional comments from DEP regarding how to apply redevelopment standards and associated mitigation amounts. The regulations do provide some leeway for Commissioners to determine mitigation that may count that is not quantifiable through square footage. The Commission could consider how much the unquantifiable benefit and restoration of a native habitat around a riverfront weighs against the square footage of new degraded area proposed within the riverfront.

Yash Gupta, 86 Gary Road, asked what he should be watching for, as an abutter to this project, such as removal of trees that are between the two properties. D. Herer stated that the Commission's mission is to enforce the Wetlands Protection Act and related bylaws. In general, there could be concerns regarding stormwater runoff to neighboring properties. This applicant seems to be proposing adequate control for this project. Other issues related to construction are generally dealt with by the Building Department.

Michelle H., representing her mother as a resident of 74 Gary Road, stated that there is wildlife in this area that should be considered. She asked for a timeline of the schedule for this project and recommended that Commissioners consider the boundaries and access points for this site. C. Frattaroli stated that timing for the project will largely be determined by the permitting process.

There is no start date yet proposed for construction. Property lines will be staked, and erosion controls will be installed.

Motion to continue the hearing for 80 Gary Road to January 25, 2024, at request of the applicant, by F. Moder, seconded by S. Barber, approved 4-0-0.

49 GREEN STREET (DEP FILE #234-911) – continued NOTICE OF INTENT

C. Hutchinson explained that there were revisions made to the plans based on previous Commission comments. The issue is that proposed tree removals and landscaping for the site need to be run through the golf course's greens committee, which only meets quarterly. D. Herer requested that updated material be submitted prior to the meeting this is continued to.

Motion to continue the hearing for 49 Green Street (DEP File #234-911) to March 14, 2024, at request of the applicant, by S. Barber, seconded by F. Moder, approved 4-0-0.

OTHER BUSINESS:

1297 CENTRAL AVENUE – REQUEST TO RESCIND ENFORCEMENT ORDER

C. Hutchinson explained that the Commission previously heard this enforcement item, as an area previously protected in perpetuity on the site was mowed into. The applicant proposed to replant and reestablish the mitigation area. The only outstanding item was that permanent markers were no longer in place. Since then, the applicant has used bird boxes as recommended to mark these areas. Staff feels that this item has been brought back into compliance and the owner is aware that this area should continue to be protected.

Motion to lift the enforcement order for 1297 Central Avenue, by S. Barber, seconded by F. Moder, approved 4-0-0.

17 CURVE STREET – TREE REMOVAL DISCUSSION

C. Hutchinson explained that the tree in question is a maple, and the homeowner has concerns about the health of the tree and that it may fall toward the property. The Parks & Forestry Department sent an arborist to inspect the tree who noted that the tree is alive and does not have structural problems. The recommendation to the owner was to have a third-party arborist make an assessment.

F. Moder noted that removal of the tree may expose the rest of the nearby trees to more wind force and may impact the root system. This could lead to additional concerns for the homeowner.

Boris Gdalevich, owner, explained that this tree has bothered them for a number of years. He and his wife hired an arborist who stated that it should be cut, but this is not on his property. D. Herer asked that the arborist's opinion be provided to Staff. Work on the tree will not likely be approved without an assessment of the tree that indicates it should be done.

FARLEY POND TREE REMOVAL DISCUSSION

C. Hutchinson explained that Staff received administrative approval for some trees that are considered to be hazards in this area. He considered this item with an arborist hired by a homeowner in this area. Two ash trees appear to be dead but are not within striking distance of the house and are leaning toward Farley Pond. There was concern that these could fall upon ice-skaters. Staff's recommendation is not to remove these trees but potentially top one to match the other.

R. Everett stated that he does not believe anything should be done to these trees, as they are important for wildlife in the area.

S. Barber recommended snagging both trees.

EVERSOURCE CHESTNUT STREET LINE – DISCUSSION

C. Hutchinson explained that there was a leak in one of the lines across Chestnut Street. All impacts are at the bridge or on the Dover side. No issues have been found on the Needham side by Mass DEP. The leak is contained, and Clean Harbors is capturing anything found in the river.

STORMWATER BYLAW WORKING GROUP APPOINTMENT – DISCUSSION

There was discussion regarding a Commissioner to possibly sit on this working group.

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

The Commission agreed to address this item at a future meeting.

The Commission reviewed the proposed Order of Conditions for 131 Oxbow Road.

Motion to issue an Order of Conditions for 131 Oxbow Road (DEP File #234-917), by F. Moder, seconded by R. Everett, approved 4-0-0.

ADJOURN:

Motion to adjourn the meeting, by S. Barber, seconded by F. Moder, approved 4-0-0.

The meeting was adjourned at 8:41 p.m.

NEXT PUBLIC MEETING:

January 25, 2024, at 7:00 p.m. location to be determined.

*Respectfully Submitted,
Kristan Patenaude*