

**TOWN OF NEEDHAM
CONSERVATION COMMISSION
MEETING MINUTES
Thursday, January 28, 2021**

Under Governor Baker's emergency "Order Suspending Certain Provisions of the Open Meeting Law G.L. c. 30A, S20," issued March 12, 2020 and in effect until termination of the emergency, 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: Janet Carter Bernardo (Chair), Sue Barber, Artie Crocker, Stephen Farr, William Murphy, Peter Oehlkers, Alison Richardson, Deb Anderson (Director of Conservation), Clay Hutchinson (Conservation Specialist).

GUESTS: Mike Catalano, Jess Delaney, Michael Haynes, Alan Rubin.

J. Carter Bernardo opened the public meeting at 7:30 p.m.

MINUTES:

Minutes from the July 23, 2020 meeting were reviewed.

Motion to approve the minutes of July 23, 2020 by S. Barber, seconded by W. Murphy, approved 7-0-0.

Minutes from the August 11, 2020 meeting were reviewed.

Motion to approve the minutes of August 11, 2020 by S. Barber, seconded by W. Murphy, approved 7-0-0.

Minutes from the August 24, 2020 meeting were reviewed.

Motion to approve the minutes of August 24, 2020 by S. Barber, seconded by W. Murphy, approved 7-0-0.

ENFORCEMENTS AND VIOLATIONS

None.

HEARINGS:

27 CYNTHIA ROAD – REQUEST FOR DETERMINATION OF APPLICABILITY

Alan Rubin, the Applicant, and Mike Catalano, the contractor, were present for the hearing. Prior to submitting the application, A. Rubin met with Conservation Staff to determine if the works would require the Request for Determination of Applicability application or if it met the exemptions covered under the Administrative Approval process. The proposed work consisted of the construction of a pervious patio and associated retaining wall within existing lawn in Buffer Zone. M. Catalano described the pervious materials to be used and stated that any excavated soils would be moved off-site. A. Rubin asked C. Hutchinson to display the photos and aerial imagery of the site and explained that the footprint of the work was approximately 65-70 feet from the edge of the wetland, within an existing, gently sloping lawn area. The Commission inquired about the previously decommissioned septic and requested that erosion controls be installed around the limit of work, to be inspected by Staff.

Motion to close the hearing for 27 Cynthia Road by S. Farr, seconded by A. Crocker, approved 7-0-0.

Motion to issue a Negative Determination of Applicability 27 Cynthia Road by S. Farr, seconded by A. Crocker, approved 7-0-0.

OTHER BUSINESS:

54 PHEASANT LANDING ROAD (DEP FILE #324-856) – continued APPROVAL OF ORDER OF CONDITIONS

The Commission reviewed the draft Order of Conditions provided by Staff. Commission Members discussed Special Conditions related to prohibiting heavy equipment within the wetland area, installation of permanent bounds on both sides of the wetland along the 25-foot Buffer Zones, and a mitigation plant monitoring requirement to be conducted by a qualified professional, and that the qualifications must be provided to Staff with the monitoring reports. The Applicant also requested waiver for work within the 25-foot Buffer Zone and a waiver of the waiver fee.

Motion to issue a waiver for work within the 25-foot Buffer Zone and wetland area for 54 Pheasant Landing Road (DEP File #234-856) by S. Farr, seconded by A. Crocker, approved 6-0-1 (P. Oehlkers abstained).

Motion to waive the waiver fee for work within the 25-foot Buffer Zone for 54 Pheasant Landing Road (DEP File #234-856) by S. Farr, seconded by A. Crocker, approved 6-0-1 (P. Oehlkers abstained).

Motion to issue the Order of Conditions as amended for 54 Pheasant Landing Road (DEP File #234-856) by S. Farr, seconded by S. Barber, approved 6-0-1 (P. Oehlkers abstained).

766 CHESTNUT STREET (DEP FILE #234-858) – continued APPROVAL OF ORDER OF CONDITIONS

The Commission reviewed the draft Order of Conditions provided by Staff and discussed the site history and Special Conditions. The Commission Members discussed requiring permanent bounds, an as-built plan with mitigation planting locations, monitoring reports, and erosion controls. The Applicant also requested waiver for work within the 25-foot Buffer Zone and waiver of the waiver fee. Due to the site history the Commission did not vote to issue a waiver of the waiver fee.

Motion to issue a waiver for work within the 25-foot Buffer Zone for 766 Chestnut Street (DEP File #234-858) by W. Murphy, seconded by S. Farr, approved 7-0-0.

Motion to issue the Order of Conditions as amended for 766 Chestnut Street (DEP File #234-858) by A. Crocker, seconded by S. Farr, approved 7-0-0.

24 LAKE DRIVE (DEP FILE #234-842) – REQUEST FOR CERTIFICATE OF COMPLIANCE

Jess Delaney, the contractor, was present for the discussion. J. Delaney gave an overview of the work completed and stated that the project was completed without deviation. C. Hutchinson noted that the work was limited to the outer Buffer Zone and that no mitigation plantings were required so there was no monitoring period. D. Anderson requested that the erosion controls remain in place until the grass was fully established in the Spring, pending an inspection by Conservation Staff.

Motion to issue a Certificate of Compliance for 24 Lake Drive (DEP File #234-842) by A. Crocker, seconded by S. Barber, approved 7-0-0.

25 MARR ROAD (DEP FILE #234-769) – REQUEST FOR CERTIFICATE OF COMPLIANCE

D. Anderson updated the Commission on the status of 25 Marr Road (DEP File #234-769) and stated that she had forwarded the draft Conservation Restriction to Town Counsel for review. Town Counsel's comments explained that the Applicant should either use the State Conservation Restriction Form for approval by the State, or that the Commission could have Town Counsel work with the Applicant to use a separate Covenant format that does not require State approval. The Commission requested that Staff relay to the Applicant that the Conservation Restriction document should match the State Conservation Restriction Form.

456 CHESTNUT STREET (DEP FILE #234-792) – REQUEST FOR CERTIFICATE OF COMPLIANCE

Michael Haynes, the Applicant, was present for the discussion. M. Haynes gave an overview explaining that the property was purchased by them while still encumbered with the Order of Conditions, and with the plantings already installed. C. Hutchinson stated that a partial Certificate of Compliance was issued in 2019 for work completed, and that the plantings and restoration area was adequately marked and had not been mowed or altered, except for a small encroachment for the HVAC system. A final monitoring report and a plan showing the location and species of the plantings were provided with the request. Staff recommended the issuance of a full Certificate of Compliance.

Motion to issue a Certificate of Compliance for 456 Chestnut Street (DEP File #234-792) by S. Farr, seconded by S. Barber, approved 7-0-0.

ADJOURN:

Motion to adjourn by S. Farr, seconded by A. Crocker, approved 7-0-0. The meeting was adjourned at 8:38p.m.

NEXT PUBLIC MEETING:

February 11, 2021 at 7:00 p.m. virtually broadcast through the Zoom Virtual Platform.