

**TOWN OF NEEDHAM
CONSERVATION COMMISSION
MEETING MINUTES
Thursday, August 12, 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 (left at 7:06pm, returned at 7:25pm), Stephen Farr, William Murphy, Peter Oehlkers, Deb Anderson (Director of Conservation), Clay Hutchinson (Conservation Specialist).

GUESTS: Connor Bresnehan, Joyce Hastings, Scott Henderson, Julia Hoozeboom, Rich Kirby, Susan McArthur, Jaryd McGonagle, Flavia Montanari, Brian Nelson, Adam Pase, Emily Petro, Judy Shapiro, Diane Simonelli, Joe Slyman, Matthew Stutz, Brian Timm, Kimberly Wolf, Walter Wolf.

J. Carter Bernardo opened the public meeting at 7:00 p.m.

MINUTES:

None.

ENFORCEMENTS AND VIOLATIONS:

None.

HEARINGS:

83 ROLLING LANE (DEP FILE #234-870) – *continued* NOTICE OF INTENT

Scott Henderson of Henderson Consulting was present for the hearing. The hearing had been continued to allow the project to obtain approval from the Zoning Board of Appeals and the Natural Heritage and Endangered Species Program. S. Henderson noted that the project received permission from the Design Review Board. The outstanding request for the Conservation Commission application requested that the Commission waive the requirement for soil test pit data prior to issuing the Order of Conditions due to the extensive site work that will be required to access the test pit location. The Commission agreed that a Special Condition requiring test pit data be provided prior to the installation of the pool and retaining walls.

S. Henderson noted that the final hearing with the Zoning Board of Appeals is scheduled between this meeting and the next Commission meeting on August 26. The Applicant requests a continuation to August 26, 2022, to finalize the Zoning Board of Appeals approval prior to closing on the Order of Conditions.

Motion to continue the hearing for 83 Rolling Lane (DEP File #234-870) to August 26, 2021, by W. Murphy, seconded by S. Farr, approved 5-0-0 (A. Crocker was absent from the vote).

631 SOUTH STREET (DEP FILE #234-872) – NOTICE OF INTENT

649 SOUTH STREET (DEP FILE #234-874) – NOTICE OF INTENT

The hearings for 631 South Street (DEP File #234-872) and 649 South Street (DEP File #234-874) were heard simultaneously due to project overlap between the two properties by the same Applicant. Brian Nelson and Emily Petro, both from Metrowest Engineering, Inc., were present for the hearing. B. Nelson presented the proposed work which consisted of the removal of seven trees within the 50-foot and 25-foot Buffer Zones and within the Bordering Vegetated Wetland (BVW). B. Nelson reviewed the existing sites at 631 and 649 South Street, stating that the wetland area primarily exists at 649 South Street. A small footpath through the BVW connects the two properties and a Town sewer and drain easement extends into the wetland from South Street.

B. Nelson reviewed each of the trees beginning with two trees at 631 South St, consisting of a dead elm tree within the wetland and a dead ash tree at the boundary of the wetland. The trees on the property of 649 South St consisted of a dead white ash in the 25-foot Buffer Zone, a cracked red maple located in the wetland, a red maple with severe decay located within the wetland, a dead snag of red maple encumbered by bittersweet vine at the 25-foot Buffer Zone boundary, and a rotted red oak within the 50-foot Buffer Zone. The Commission asked about which trees could be left as wildlife snags. B. Nelson suggested they could have the arborist review these trees for which could be left as snags.

C. Hutchinson displayed photos from the Staff site visit and reviewed the locations and trees as observed. The areas reviewed included the tree locations, the sewer easement and wetland area, and overall context of the site in relation to existing extent of lawn. The Commission expressed concern over the removal of trees within the BVW as alterations to the wetland area and requested which trees could be safely left as wildlife snags. B. Nelson noted that the arborist would be consulted for snag feasibility. The Commission also requested that the invasive species be addressed as part of the project to prevent further loss of trees. Due to the strong concerns from the Commission Members of tree removals within the wetland area outside of striking distance to the houses, and the continual mowing of the easement within the wetland area, the Commission requested a Commission Member site visit to review the trees. Additionally, the Department of Environmental Protection (DEP) had not yet issued the file numbers for either application so the hearing would need to be continued for DEP review.

Motion to continue the hearing for 631 South Street (DEP File #234-872) to August 26, 2021, by S. Barber, seconded by W. Murphy, approved 6-0-0.

Motion to continue the hearing for 649 South Street (DEP File #234-874) to August 26, 2021, by W. Murphy, seconded by A. Crocker, approved 6-0-0.

68 WILSHIRE PARK (DEP FILE #234-873) – NOTICE OF INTENT

Susan McArthur, of McArthur Environmental Consulting, and Adam Pase, the Applicant, were present for the hearing. S. McArthur presented the proposed work, which consisted of a proposed addition, deck, and patio, with cascading stone walls with planting areas. The stone walls are existing and are proposed to be reconstructed. Proposed work was within the 100-foot, 50-foot, and 25-foot Buffer Zones to BVW. A drywell was proposed under the footprint of the patio to capture runoff from the addition and patio. Four trees were proposed at the back of the property as mitigation.

D. Anderson reviewed photos of the site and reviewed the existing site conditions. The Commission requested that the patio be redesigned to pull the corner of the patio out of the 25-foot Buffer Zone, and to construct the patio with a pervious design. The stormwater treatment will also be reviewed to confirm it meets the Needham Stormwater Bylaw standards. A DEP File Number had not been issued by the time of this meeting.

Motion to continue the hearing for 68 Wilshire Park (DEP File #234-873) to August 26, 2021, by A. Crocker, seconded by S. Barber, approved 6-0-0.

170 WHITMAN STREET (DEP FILE #234-871) – NOTICE OF INTENT

Julia Hoogetboom of LEC Environmental, Brian Timm of RJ O'Connell Associates, and Joe Slyman, the Applicant, were present for the hearing. J. Hoogetboom presented the existing conditions and proposed work. The proposed work consisted of the construction of a pool, patio, and wooden deck, along with a landscaped planting area. The proposed work is partially within the 200-foot Riverfront Area to the Charles River, within existing lawn area. J. Hoogetboom noted that the conversion of lawn to the pool and patio is exempt from the MA Wetlands Protection Act and Needham Wetlands Protection Bylaw as minor activities, however, the associated grading is not. The planting area will be planted exclusively with native species and will stabilize the graded areas.

B. Timm reviewed the grading around the pool and the stormwater treatment. The grading is necessary to raise the pool above the existing grade and associated groundwater table. A 4-foot-high retaining wall will support the new grades and pool structure. Perforated piping within bedded crushed stone will capture runoff from the patio and pool area to infiltrate stormwater runoff.

Motion to close the hearing for 170 Whitman Street (DEP File #234-871) by A. Crocker, seconded by S. Farr, approved 6-0-0.

Motion to issue the Order of Conditions for 170 Whitman Street (DEP File #234-871) as amended by S. Barber, seconded by A. Crocker, approved 6-0-0.

98 GROSVENOR ROAD (DEP FILE #234-875) – NOTICE OF INTENT

Diane Simonelli of Field Resources Inc and Jaryd McGonagle, the Applicant, were present for the hearing. D. Simonelli presented the existing conditions and proposed work. The property abuts the MBTA train line partially within the 100-foot Buffer Zone to a finger wetland along the tracks. The proposed work consisted of the construction of a pool, retaining wall, and removal of two trees. Four new trees were proposed as mitigation. The tree removals were proposed due to the proximity of the retaining wall. An associated patio was proposed around the pool, partially within the Buffer Zone.

J. McGonagle stated that a crushed bed of stone chamber system will be included as a backwash location for the pool water. The existing stormwater system will be relocated laterally across the yard outside the footprint of the pool. The Commission requested a detail of the retaining wall for the next meeting. DEP had not issued a File Number by the time of this meeting.

Motion to continue the hearing for 98 Grosvenor Road (DEP File #234-875) to August 26, 2021, by A. Crocker, seconded by S. Barber, approved 6-0-0.

15 HEATHER LANE LOT 1 (NGWP #19) – NOTICE OF INTENT

Joyce Hastings of GLM Engineering was present for the hearing. J. Hastings presented the proposed work which consisted of the construction of a single-family house within the 100-foot Buffer Zone to an Isolated Vegetated Wetland (IVW). The Application was submitted only under the Needham Wetlands Protection Bylaw as the IVW was non-jurisdictional under the MA Wetlands Protection Act. Lot 1 Heather Lane is a new parcel along the new Heather Lane subdivision, as created from a portion of the parcel at 766 Chestnut Street. Twenty-two trees were proposed to be removed within the 100-foot Buffer Zone to accommodate the house location and sewer line connection in relation to the zoning setbacks of the parcel. Mitigation plantings were proposed at the boundaries of the proposed lawn areas to the side and back of the house.

An arborist report was submitted for the trees proposed to be removed. J. Hastings explained that it was necessary to connect the sewer line through the Buffer Zone to the house due to the existing manhole location within Heather Lane and the minimal change in grade to allow the gravity feed. The Commission expressed concern over the number of trees proposed for removal and the location within the existing established canopy for the replacement trees. The Commission requested that the Application be revised to limit the tree removal and extent of lawn within the Buffer Zone as feasible.

Motion to continue the hearing for 15 Heather Lane Lot 1 (NGWP #19) to August 26, 2021, by A. Crocker, seconded by S. Barber, approved 6-0-0.

OTHER BUSINESS:

766 CHESTNUT STREET (DEP FILE #234-858) – REQUEST FOR PARTIAL CERTIFICATE OF COMPLIANCE

Joyce Hastings of GLM Engineering was present for the discussion. The discussion had been continued from the July 22, 2021, public meeting to obtain recommendation from Town Counsel on how this request impacts the restoration and compliance with a previously issued Enforcement Order. The Partial Certificate of Compliance was requested to release a newly formed parcel subdivided from the original property. D. Anderson stated that Town Counsel's recommendation was to have the Applicant request an Amended Order of Conditions for the purpose of clarity of recording at the Registry of Deeds, to preserve the Enforcement Order actions. No Motion by the Commission was made on this request.

9 GREEN STREET (DEP FILE #234-826) – REQUEST FOR CERTIFICATE OF COMPLIANCE

Diane Simonelli from Field Resources Inc was present for the discussion. D. Simonelli reviewed the completed work stating that the site had been stabilized and the bridge work had been completed. The only deviation was a slight increase to the overhang of the bridge. Staff recommended the issuance of a complete Certificate of Compliance.

Motion to issue the Certificate of Compliance for 9 Green Street (DEP File #234-826) by W. Murphy, seconded by S. Farr, approved 5-0-0 (A. Crocker was absent from the vote).

45 MEADOWBROOK ROAD (DEP FILE #234-329) – REQUEST FOR CERTIFICATE OF COMPLIANCE

Judy Shapiro, the Applicant, was present for the discussion. D. Anderson noted that an existing AC unit and flagstone walkway were present prior to the project and were reflected in the final as-built plan. The original Order was from the 90's and all work had been completed and the site fully stabilized. Staff recommended issuance of a complete Certificate of Compliance.

Motion to issue the Certificate of Compliance for 45 Meadowbrook Road (DEP File #234-329) by W. Murphy, seconded by S. Barber, approved 5-0-0 (A. Crocker was absent from the vote).

EMERGENCY CERTIFICATION – ROSEMARY BROOK (WEST STREET PUMP STATION) – BEAVER DAM BREACHING

D. Anderson was contacted by the Health Department that there was a beaver dam on Rosemary Brook that is likely to cause damage to the pump station on West Street. The Department of Public Works requested an

Emergency Certification for breaching of the dam, which was issued by Staff following a field observation. Staff requested that the Commission ratify the Emergency Certification.

Motion to ratify the Emergency Certification for Beaver Dam Breaching at Rosemary Brook (West Street Pump Station) by W. Murphy, seconded by S. Farr, approved 5-0-0 (A. Crocker was absent from the vote).

ADJOURN:

Motion to adjourn by A. Crocker, seconded by W. Murphy, approved 6-0-0. The meeting was adjourned at 10:00p.m.

NEXT PUBLIC MEETING:

August 26, 2021, at 7:00 p.m. virtually broadcast through the Zoom Virtual Platform.