

**TOWN OF NEEDHAM
CONSERVATION COMMISSION
MEETING MINUTES
Thursday, August 26, 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: Connor Bresnehan, Joyce Hastings, Scott Henderson, Bruce Johnstone, Holly Johnstone, Susan McArthur, Jaryd McGonagle, Flavia Montanari, Brian Nelson, Adam Pase, Jason Patry, Emily Petro, A. Saleemuddin, Diane Simonelli, Matthew Stutz, Kimberly Wolf, Walter Wolf.

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

MINUTES:

Minutes from the December 3, 2020, meeting were reviewed and amended.

Motion to approve the minutes of December 3, 2020, by W. Murphy, seconded by A. Richardson, approved 6-0-1 (SF abstained).

ENFORCEMENTS AND VIOLATIONS:

None.

HEARINGS:

75 WILSON LANE – REQUEST FOR DETERMINATION OF APPLICABILITY

A. Richardson recused themselves from the hearing. Jason Patry of Trinity Solar Inc. was present for the hearing. J. Patry reviewed the proposed plans for the placement of solar arrays and associated infrastructure within an existing mowed field. C. Hutchinson noted that there was an unmapped stream not shown on the plan that brought the work within the 100-foot Buffer Zone. Placement of the arrays was proposed more than 75 feet from the stream, and the trenching for the infrastructure would be closed same-day as the work.

Motion to close the hearing for 75 Wilson Lane by A. Crocker, seconded by S. Farr, approved 6-0-0 (A. Richardson recused from hearing).

Motion to issue a negative Determination of Applicability by A. Crocker, seconded by S. Farr, approved 6-0-0 (A. Richardson recused from hearing).

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 stated that the project received approval from the Zoning Board of Appeals and the Design Review Board with no revisions to the plan. As the approval by the other Boards did not require any changes to the plan, the Commission was ready to close the hearing.

Motion to close the hearing for 83 Rolling Lane (DEP File #234-870) by S. Farr, seconded by A. Crocker, approved 7-0-0.

Motion to issue a waiver for work within the 25-Foot Buffer Zone for 83 Rolling Lane (DEP File #234-870) by S. Farr, seconded by S. Barber, approved 7-0-0.

Motion to waive the waiver fee for work within the 25-Foot Buffer Zone for 83 Rolling Lane (DEP File #234-870) by S. Farr, seconded by S. Barber, approved 7-0-0.

Motion to issue the Order of Conditions for 83 Rolling Lane (DEP File #234-870) by S. Farr, seconded by S. Barber, approved 7-0-0.

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

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

Brian Nelson of MetroWest Engineering was present for the hearings. B. Nelson reviewed the comment letter issued by the MA Department of Environmental Protection regarding the performance standards for tree removals within the wetland area. B. Nelson explained that they did not provide revised plans yet until after getting recommendations from the Commission for what scope of work may be considered for approval.

Prior to the hearing, Commission members conducted a site visit for on-site observations of the trees in relation to the comment letter and previous Commission concerns. The Commission reviewed each tree on the plan proposed for removal and discussed the merits of each tree location. A. Crocker requested that the Applicant provide greater detail on the strike hazards and health of the trees from a qualified arborist. B. Nelson offered to meet with any of the Commissioners on-site, as well as the DEP Circuit Rider if they are available. The Commission also requested the arborist information include the feasibility of which trees could be cut and left as wildlife snags.

Motion to continue the hearing for 631 South Street (DEP File #234-872) to September 9, 2021, at 7pm, by S. Farr, seconded by A. Crocker, approved 7-0-0.

Motion to continue the hearing for 649 South Street (DEP File #234-874) to September 9, 2021, at 7pm, by S. Farr, seconded by A. Crocker, approved 7-0-0.

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. As requested by the Commission at the last hearing, the Application was updated to replace the proposed drywell unit with a rain garden. Additional changes to the plan included pervious pavers for the patio and changes to the footprint of the patio to remain outside of the 25-foot Buffer Zone. S. McArthur reviewed the rain garden planting schedule. A request for waiver for work within the 25-foot Buffer Zone and waiver of the associated fee was requested to allow for the rain garden improvements to be approved.

Motion to close the hearing for 68 Wilshire Park (DEP File #234-873) by S. Farr, seconded by S. Barber, approved 7-0-0.

Motion to issue a waiver for work within the 25-Foot Buffer Zone for 68 Wilshire Park (DEP File #234-873) by S. Barber, seconded by A. Crocker, approved 7-0-0.

Motion to waive the waiver fee for work within the 25-Foot Buffer Zone for 68 Wilshire Park (DEP File #234-873) by S. Farr, seconded by W. Murphy, approved 7-0-0.

Motion to issue the Order of Conditions for 68 Wilshire Park (DEP File #234-873) by S. Barber, seconded by S. Farr, approved 7-0-0.

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

Diane Simonelli of Field Resources Inc and Jaryd McGonagle, the Applicant, were present for the hearing. The hearing had been continued to allow time for DEP to issue the DEP File Number for the project. Per comments from the Commission at the last hearing, the plans had been revised to include an updated planting schedule, including greater mitigation plantings, as well as greater detail on the retaining wall and associated weep holes. The Commission reviewed the planting plan and noted that DEP had issued a File Number ahead of the hearing.

Motion to close the hearing for 98 Grosvenor Road (DEP File #234-875) by S. Farr, seconded by A. Crocker, approved 7-0-0.

Motion to issue the Order of Conditions for 98 Grosvenor Road (DEP File #234-875) by S. Farr, seconded by S. Barber, approved 7-0-0.

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

Joyce Hastings of GLM Engineering was present for the hearing. That plan had been revised to include a new location for the proposed sewer connection, limiting the number of trees required to be removed. A. Crocker expressed concern over the remaining number of trees proposed for removal. A. Richardson stated that the proposed grading must be adhered to as grading closer to the trees is likely to impact the roots or outright kill the existing trees at the edge of the proposed lawn. The Commission requested a condition to include the wetland marker along the 50-foot Buffer Zone boundary.

Motion to close the hearing for 15 Heather Lane Lot 1 (NGWP #19) by S. Farr, seconded by A. Crocker, approved 7-0-0.

Motion to issue the Order of Conditions for 15 Heather Lane Lot 1 (NGWP #19) by S. Farr, seconded by W. Murphy, approved 7-0-0.

53 HEATHER LANE (FORMERLY 766 CHESTNUT STREET) (DEP FILE #234-858) = REQUEST FOR AMENDED ORDER OF CONDITIONS

Joyce Hastings of GLM Engineering was present for the hearing. As requested by the Commission, under the advisement of Town Counsel, the Applicant submitted a request for Amended Order of Conditions to incorporate a revised plan showing the new lot layouts and change of street address. The lot formerly listed as 766 Chestnut Street was subdivided into two lots, consisting of 53 Heather Lane and 15 Heather Lane. All the work under the original Order of Conditions is limited to within the new lot now identified as 53 Heather Lane. The Amended Order of Conditions will integrate the revisions on a clean plan of record.

Motion to issue the Amended Order of Conditions to reflect the revised plan with new lot lines and street address for 53 Heather Lane (Formerly 766 Chestnut Street) (DEP File #234-858) by S. Farr, seconded by A. Crocker, approved 7-0-0.

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 August 12, 2021, public meeting to obtain the Request for Amended Order of Conditions to document the updated lot lines and addresses following the subdivision of 766 Chestnut Street. Per Town Counsel's guidance, an Amended Order of Conditions was issued for 53 Heather Lane (formerly 766 Chestnut Street). The Commission issued the Partial Certificate of Compliance to release the newly created lot at 15 Heather Lane, as all work was limited to the newly created lot at 53 Heather Lane.

Motion to issue a Partial Certificate of Compliance for 766 Chestnut Street (DEP File #234-858) for the release of 15 Heather Lane (Lot 1) by S. Farr, seconded by A. Crocker, approved 7-0-0.

823 CHARLES RIVER STREET (DEP FILE #234-858) – REQUEST FOR PARTIAL CERTIFICATE OF COMPLIANCE

Bruce and Holly Johnstone were present for the discussion. D. Anderson summarized the project history and explained that there was some loss of the mitigation plantings as they were approved and planted in locations with less-than-ideal growing conditions. However, as D. Anderson stated, the meadow had been created and was in excellent health, and that Staff recommended issuance of a full Certificate of Compliance.

Motion to issue the Certificate of Compliance for 823 Charles River Street (DEP File #234-858) by A. Crocker, seconded by S. Barber, approved 7-0-0.

122 RICHARDSON DRIVE (DEP FILE #234-784) – DISCUSSION ON RESTORATION PLANTINGS

A. Saleemuddin was present for the discussion. Staff was contacted about revisions to the mitigation plan and monitoring based on on-site conditions. The layout of the limit of lawn was not adhered to by the original builder, however, renaturalization of the mitigation area had been successful. Additionally, within the renaturalized area, the mitigation plantings were planted in locations from an outdated plan, different than on the final approved plan. The Applicant was requesting to leave the mitigation plantings as they were installed, allow the lawn to remain as it exists, but have the Applicant submit an invasive species monitoring plan for long-term management along with their request for Certificate of Compliance. The Commission was amenable to the proposed changes and suggested they would entertain a request for Certificate of Compliance with the proposed invasive species management plan and baseline report included in the mitigation reports. Staff will issue a memo with the discussion points provided by the Commission.

ADJOURN:

Motion to adjourn by W. Murphy, seconded by S. Farr, approved 7-0-0. The meeting was adjourned at 9:48p.m.

NEXT PUBLIC MEETING:

September 9, 2021, at 7:00 p.m. virtually broadcast through the Zoom Virtual Platform.