

TOWN OF NEEDHAM CONSERVATION COMMISSION MEETING MINUTES

Thursday, May 11, 2023

Under Governor Baker's Act "Extending Certain COVID-10 Measures Adopted During the State of Emergency", extending the "Executive Order Suspending Certain Provisions of the Open Meeting Law G.L. c. 30A, S20," issued June 16, 2021, and in effect until April 1, 2022, 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), Stephen Farr, Sue Barber, Peter Oehlkers, Alison Richardson, Polina Safran, Deb Anderson (Director of Conservation), Clay Hutchinson (Conservation Specialist).

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

MISCELLANEOUS BUSINESS

1. Minutes

None at this time.

2. Enforcement & Violation Updates

None at this time.

HEARINGS/APPOINTMENTS

1000 OLIN WAY – REQUEST FOR DETERMINATION OF APPLICABILITY – *The Commission took up this item at this time.*

Kristen Tarr, Engie, explained that this is a solar carport project for Olin College. Approval has previously been received through the Zoning Board of Appeals. The proposal is for a 480 kWac solar carport located at the main parking lot A at Olin College. This project is part of a 25-year power purchase agreement, which will tie into a transformer located on the property. The target for this operation is the end of this year. This will be a pillar of sustainability for the campus and will include hands-on portions for the students to use.

Phil London, SWCA, stated that a wetland scientist delineated this site in January 2023. There are two BVW wetland areas and a nearby isolated wetland located within the town of Wellesley, but within 100' of this project site. A stormwater detention pond was also delineated. The project includes five solar carports in the parking lot. There will be some trenching for the conduit, with approximately a 35' corridor. The only item of the project not located within the parking lot is the conduit. This area is adjacent to a walkway with landscaping. Small areas of the project will be located in the 100' buffer zone. The 35' corridor is located up against the 50' buffer. The project is approximately 50' away from a jurisdictional wetland. The corridor area is located

within a landscaped area which will be restored to existing conditions. S. Farr stated that the trench will be located far from the 50' buffer area.

P. London stated that there are catch basins in the parking lot. Erosion controls will be installed, as needed, based on the disturbance. There may be a proposal to horizontal drill the trenched area, depending on the contractor. This would minimize disturbance of the area. S. Farr explained that it may be less expensive to horizontal drill for the contractor.

D. Anderson suggested that Wellesley be contacted regarding the isolated wetland. P. London agreed.

P. London explained that there is a gutter system proposed on the solar carports to bring stormwater into an existing system before it hits the pavement. The project will not alter the resource area, no trees will be cut in the wetlands or the buffer zone, all temporary areas will be stabilized and restored to their pre-existing conditions, and there will be no new point source discharges.

C. Hutchinson stated that he believes as RDA is appropriate. It should be clear that any increased stormwater from the ports should not cause scouring at the discharge points. P. London agreed.

William Maidment, Engie, stated that the erosion controls will be around the inlet catch basins and at the edge of the trenches.

P. Safran recused herself from this item. It was noted that A. Richardson was having trouble with the meeting audio, and she exited the meeting.

There was no public comment at this time.

J. Carter Bernardo stated that she would like to make sure, if needed, erosion control is within the easement line. The applicant will need to go through a similar process to this with Wellesley. P. London stated that he would follow up with Wellesley on this item.

Motion to close the hearing for 1000 Olin Way by S. Barber, seconded by S. Farr, approved 4-0-0.

37 MOSELEY AVENUE (DEP FILE #234-896) – *continued* NOTICE OF INTENT

Karon Skinner Catrone, consultant, explained that a revised arborist report was submitted. Changes to the plan include that the rain garden is proposed 17.5' from the neighbor's lot line. Letters were left in abutter's mailboxes with the developer's contact information. The silt sock will be 12", as requested by the Commission. Trees 8, 9, and 10 will be removed, if the neighbors want them removed. Trees 2, 3, and 4 will be snagged. Trees 1, 6, 7, 12, and 13 will be removed. Regarding the proposed construction, 115' of impervious is proposed. The deck construction proposes three helical piles within the 25' No Disturbance Zone. The area will be inspected by the helical pile company to determine what kind of machinery is needed. If this is

determined to be too impactful to the wetlands, the applicant will come back before the Commission.

The Commission discussed the fact that the deck is still proposed within the 25' No Disturbance Zone. K. Skinner Catrone stated that shade tolerant plants are proposed under the deck. The deck is proposed 8'-10' high off the ground. P. Oehlkers noted that this is an already disturbed area and water will flow through the proposed deck.

It was noted that the planting plan needs to be updated. It was noted that the garage will be higher than the existing grade. There will be sonotubes placed around the back to protect the roots under the garage.

J. Carter Bernardo suggested six placard areas for signs regarding the No Disturbance Zone on the property. A revised plan needs to show these areas and the trees to be replaced.

Nancy Smith, 29 Moseley Avenue, explained that the Wetlands Protection regulations, 2.06 Section 3 paragraph C, states that no alteration of vegetation or construction within 50' of the limit of vegetated wetlands is permitted. She asked how much of this proposed addition is within the 50' No Disturbance Zone. J. Carter Bernardo explained that the regulations say this is not allowed without a permit, which is what is currently being proposed by the applicant. This applicant is being held to a 25' No Disturbance Zone. N. Smith stated that three helical piles remain in the 25' zone, which is 12' away from the wetlands. The proposed deck covers where wildlife is currently able to access sun and soil. She is concerned about the proposed plantings are piles. Regarding the rain garden, N. Smith stated that she does not believe this will accommodate the extra runoff and not push water into her yard. J. Carter Bernardo stated that this is not required to infiltrate all rainwater but manage some of it while putting the rest into the wetlands through a cleaner process. This will contain some of the water but put the rest in to the wetlands system. N. Smith stated that this is different from rainfall, as some of this will be shedding from the new construction. P. Safran stated that the rain garden will also filter sediment from the roof. S. Barber suggested a berm near N. Smith's property to protect it.

N. Smith asked about the elevation of the new basement. Daniel Deychman stated that this will remain at existing or lower a minute amount. N. Smith stated that her concern is that the groundwater elevation is 93.3 and a basement is being built. J. Carter Bernardo stated that this will likely be built below the groundwater table, but there could be sump pumps or other mitigation techniques included.

N. Smith stated that she wanted to add an addition to her house years ago but was told it would be difficult due to the high groundwater in this area. She respected the regulations and asked that the applicant be held to the same.

Susan Fonseca, 11 Moseley Avenue, asked about tree 7. This is a healthy tree, per the arborist report and is within the 25' No Disturbance Zone. It is proposed to be removed, as it interferes with the proposed deck. As it is one of the larger trees on the property, she requested that the Commission consider the impact of removing it. She stated that she opposes any building within the 25' No Disturbance Zone and removing healthy trees from that area adds insult to injury.

Barbara Cataldo, abutter, asked when the house is proposed to be finished and placed on the market for sale. D. Deychman stated that he plans this to be complete as soon as possible, likely approximately one year. B. Cataldo asked what will happen for erosion and sediment controls in digging the basement. J. Carter Bernardo stated that the applicant has not changed the contours or the grading of the site. The applicant will excavate for the basement and remove the material from the site. Material cannot be stockpiled on the site, as it is not shown on the plan.

J. Carter Bernardo explained that the garden system should mitigate the extra impervious area constructed on site. It will direct the runoff to the garden system, which will overflow to the wetland, in a comparable way to existing conditions.

B. Cataldo expressed concern over what will happen to the environment of the area with the construction of a proposed larger footprint into the ground.

J. Carter Bernardo stated that it is unusual for the Commission to allow something this close to the wetlands. P. Safran asked if the pilings will be inside the 25' zone, as this will be a disturbance. J. Carter Bernardo stated that there are three helical piles proposed inside this zone. D. Deychman stated that the helical piles are approximately 3"-4" creating a minimum disturbance. These types of pilings are typically used in wet areas. J. Carter Bernardo noted that the applicant will need to redo the stormwater calculations, per the discussion this evening.

P. Oehlkers stated that, as it is currently nesting season, he would like to make sure no trees are removed until at least July.

J. Carter Bernardo stated that she would like to see the deck not extend past the edge of the house.

Motion to continue the hearing for 37 Moseley Avenue to May 25, 2023 by S. Farr, seconded by P. Oehlkers, approved 5-0-0.

36 ELDER ROAD (DEP FILE #234-899) – *continued* NOTICE OF INTENT

Diane Simonelli, Field Resources Inc., explained that she ran additional calculations for the impervious items on the plan. The difference between the existing and proposed impervious areas is approximately 500 s.f. C. Hutchinson stated that the existing impervious is more than 10% over the total lot size. For net increases to impervious surfaces, these will need to be mitigated 2:1. This could be done through denaturalization of the riverfront area.

D. Anderson explained that DEP is offering additional sessions on the riverfront regulations for Commissioners to attend.

D. Simonelli suggested bringing the proposed fence forward and restoring the area behind it. S. Farr asked what would stop a future owner from removing those plantings and making this area lawn again. D. Simonelli suggested that there could be markers placed along the fence.

P. Oehlkers stated that he would like to see the restoration kept to 2:1.

There was no public comment at this time.

Motion to continue the hearing for 36 Elder Road to May 25, 2023 by S. Farr, seconded by S. Barber, approved 5-0-0.

1000 OLIN WAY – REQUEST FOR DETERMINATION OF APPLICABILITY – This item was already addressed.

34 MEADOWBROOK ROAD (DEP FILE #234-9XX) – NOTICE OF INTENT

Susan McArthur, wetland consultant, explained that the proposal is for work within the 200' riverfront area to Rosemary Brook. The parcel is 0.73 acres and contains a single-family home with an attached two car garage, back deck, driveway, brick paver front walkway, planting beds and a maintained lawn. A portion of the backyard is fenced in. The property gradually slopes down to the river. The house is located around elevation 100 and the bank of Rosemary Brook is at 92 feet. Rosemary Brook is a perennial stream that flows through the back and side of the property and is confined to a 10' wide concrete-lined channel. There are no bordering vegetated wetlands associated with this property. The proposed project consists of constructing a new addition and a deck off the back of the house. The existing back deck will be demolished. A new 325 s.f. addition is proposed off the back of the house and a new 500 s.f. deck is proposed within the same footprint of the existing deck. The addition will be two stories and will have a full foundation. No trees are proposed to be removed as a result of this project. There is a bit of work proposed within the 50' buffer. A new drywell is proposed to capture any rooftop runoff from the new addition and gutters will direct the rooftop runoff to the drywell to provide recharge into the ground. An erosion control barrier will be installed.

J. Carter Bernardo suggested that the applicant check the Needham stormwater regulations regarding the amount of recharge needed for this project. The erosion controls and access need to be outside of the 25' No Disturbance Zone. S. McArthur agreed.

There was discussion regarding the calculations for the riverfront area of the lot. S. McArthur stated that she will check these calculations. C. Hutchinson stated that, if it exceeds 10%, the plan will require that mitigation is 2:1.

Motion to continue the hearing for 34 Meadowbrook Road to May 25, 2023 by S. Farr, seconded by S. Barber, approved 5-0-0.

46, 50, 62, 94 HEATHER LANE. MWRA SIPHON STRUCTURE PROJECT (DEP FILE #234-9XX) – NOTICE OF INTENT

J. Carter Bernardo noted that the DEP file # is 234-903.

Milan Horbaczewski, PE, Program Manager, MWRA, explained that the applicant received an exemption in February for the five structures within the Town of Needham. This is a

rehabilitation contract to rehab 40 structures at 30 locations in 17 different communities; five of those structures are in Needham. This Notice of Intent is to utilize an existing easement to access two of the structures. A site walk was previously conducted with some Commissioners and staff members along the easement. Options to obtain private easements through private properties nearby have been exhausted. The proposal is to clear a 10' portion of the 40' wide easement that has existed since the sewers were put in place. This would require clearing, tree removal, grading, and subgrade improvements for the access road. The access road will be gravel and located within the 200' riverfront protection area. The easement was not maintained properly over time and vegetation has grown in. The proposal includes removal of a dozen trees, 6" and larger, with two of them being of greater than 14". The best course of action is to use the existing easement to access the area for construction and professional maintenance.

Mike Cunningham explained that there is an existing chain-link fence that would have an opening installed as a lockable gate. This will lead to a 10' wide gravel access road within the easement, offset from the wetlands and avoiding trees. This is within the floodplain, but the grading enables a net increase in flood storage.

J. Carter Bernardo asked what can be done to mitigate for the trees proposed to be removed. M. Horbaczewski stated that the applicant would like to work on this item, as long as the trees are not planted within the easement itself. J. Carter Bernardo suggested planting trees along an edge, or within some of the abutting properties nearby, as long as they are within jurisdiction. She noted that she would also like to make sure that all abutters have the chance to comment.

There was no public comment at this time.

Motion to continue the hearing for 46, 50, 62, 94 Heather Lane until May 25, 2023 by S. Farr, seconded by S. Barber, approved 5-0-0.

OTHER BUSINESS

470 DEDHAM AVENUE (DEP FILE #234-902) – ISSUE ORDER OF CONDITIONS

This item was tabled to a future meeting.

124 EDGEWATER ROAD (DEP FILE #234-901) – ISSUE ORDER OF CONDITIONS

The Commission reviewed the proposed order of conditions.

Motion to approve a waiver for work proposed within the 25' No Disturbance Zone by P. Oehlkers, seconded by S. Barber, approved 5-0-0.

Motion to approve the fee for planting within the 25' No Disturbance Zone by P. Oehlkers, seconded by P. Safran, approved 5-0-0.

Motion to issue an order of conditions as discussed by P. Oehlkers, seconded by S. Barber, approved 5-0-0.

PARK & RECREATION – DISCUSSION REGARDING CONSTRUCTION OF A SHED TO HOUSE CANOES AND KAYAKS ADJACENT TO ROSEMARY LAKE

D. Anderson explained that there is a senior high school group that would like to construct a shed to house canoes and kayaks. The shed will be on blocks. It will be within the 25' Zone, but only a temporary structure. The project must be completed before the students graduate.

The Commission agreed that this item could be approved administratively.

DISCUSSION AND VOTE ON RETURN TO IN-PERSON MEETINGS OR STAYING REMOTE

The Commission agreed to vote via email as to their preference on this item. J. Carter Bernardo explained that, if the Commission agrees to move back to in-person meeting, the meetings will start at 7:30pm.

DISCUSS HOW THE COMMISSION WANTS TO DEAL WITH CHAIRING GOING FORWARD

The Commission discussed this topic. P. Oehlkers suggested that someone take on the Vice Chair position in order to learn more about the role. He explained that he would be comfortable taking the Chair position for a short amount of time only.

ADJOURN:

Motion to adjourn the meeting, by S. Farr, seconded by P. Safran, approved 5-0-0.

The meeting was adjourned at 10:24 p.m.

NEXT PUBLIC MEETING:

May 25, 2023, at 7:00 p.m. location to be determined.

*Respectfully Submitted,
Kristan Patenaude*