

TOWN OF NEEDHAM CONSERVATION COMMISSION MEETING MINUTES

Thursday, May 25, 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), Sue Barber, Dave Herer, 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.

It was noted that a majority of the Commission voted to continue meeting remotely at this time.

MISCELLANEOUS BUSINESS

1. Minutes

None at this time.

2. Enforcement & Violation Updates

None at this time.

HEARINGS/APPOINTMENTS

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

Motion to continue the hearing for 37 Moseley Avenue until June 8, 2023 by P. Safran, seconded by S. Barber, approved 5-0-0.

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

The Commission reviewed the revised plans for this project. The mitigation has been pulled forward by approximately 3.5'.

There were no Commissioners comments at this time. There was no public comment at this time.

Motion to close the hearing for 36 Elder Road by P. Safran, seconded by D. Herer, approved 5-0-0.

34 MEADOWBROOK ROAD (DEP FILE #234-906) – *continued* NOTICE OF INTENT

Susan McArthur, McArthur Environmental Consulting, stated that the project now has a DEP file number. The Commission previously asked about complying with the stormwater bylaw. The proposed addition, not including the deck, is approximately 325 s.f. and is less than 25% of the existing building footprint, so the project is not subject to the stormwater bylaw. A drywell is being proposed on the plan. The Commission also asked if the project needs to comply with the riverfront regulations, specifically with Section 5C. The lot size is approximately 31,000 s.f. Of that, 3,005 s.f. is degraded, which is less than 10% of the entire site. The proposed project will lie in previously developed areas of the site and add 325 s.f. of impervious surface. The lot within the riverfront area is 29,897 s.f. This calculates to 1.1% of new degraded area within the riverfront, which is less than the 10% maximum in the regulations.

J. Carter Bernardo stated that the existing property seems to already be over the 10% maximum. Thus, the additional surface added should be mitigated for. A project is only allowed to go up to the maximum of 10%.

C. Hutchinson stated that the project appears to be approximately 136 s.f. over the 10%. Thus, approximately 272 s.f. of restoration is needed for the site.

J. Carter Bernardo asked if there is an opportunity to allow vegetation to grow back between the fence and the river. Brett Rees, owner, noted that this area is not currently being maintained as lawn and is vegetated naturally. C. Hutchinson stated that there is a small area on the other side of the river that could be planted in. J. Carter Bernardo stated that the Commission would like the applicant to come up with a plan for this mitigation.

D. Herer stated that he would like to see soils data for the drywell area. It was noted that this can be conditioned.

There was no public comment at this time.

Motion to continue the hearing for 34 Meadowbrook Road until June 8, 2023 by S. Barber, seconded by P. Safran, approved 5-0-0.

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

Motion to continue the hearing for 46, 50, 62, 94 Heather Lane for MWRA Siphon until June 8, 2023 by P. Safran, seconded by D. Herer, approved 5-0-0.

920 SOUTH STREET LOT 1 (DEP FILE #234-905) – NOTICE OF INTENT

920 SOUTH STREET LOT 2 (DEP FILE #234-904) – NOTICE OF INTENT

The Commission agreed to discuss these items simultaneously. A number of letters submitted to the Commission were read into the record.

Arthur Allen, EcoTec Inc., stated that he did the wetland delineation on this site for the proposed subdivision. There was an existing house on the north central portion of the site that has been

removed. This is outside of the buffer zone. There is now only an existing cellar hole, along with some retaining wall areas. There is a wetland located across the driveway, leading to 914 South Street. This is associated with a perennial stream. D. Anderson noted that, if approved, this would be for wetland resources on an abutting property. J. Carter Bernardo stated that she would like to hear from the abutting owner on this item.

A. Allen explained that wetland B associated with the site is on the south end of the property. This is a bordering vegetated wetland between the property and the Charles River watershed. This projects a wetland buffer into Lot 2.

A. Allen stated that the plan depicts the portions of the buffer zones proposed to be cleared for development. There are approximately 11,000 s.f. of total buffer zone alterations proposed. The plan shows a proposed sewer and drainage easement. A habitat analysis was provided to the Commission showing that the understory areas within the buffers to be disturbed are dominated by invasive non-native species. The only valuable habitat species on the lots are the overstory trees.

A. Richardson suggested that the applicant may be able to save some trees using retaining walls near the proposed house on Lot 1.

Reg Foster, 898 South Street, explained that the marsh to the east being discussed is on his property, not on the property of 914 South Street. This wetland was already delineated a number of years ago. He would like to see the properties developed in a way that is consistent with the natural topography and vegetation of the area.

D. Anderson noted that, per an abutter's concerns, a more substantial wildlife analysis will likely be needed for these sites.

Verne Porter stated that the drainage calculations and plan for the site are compliant and have been approved by the Planning Board. The drainage is planned to be underground in order to best utilize the land. A sewer easement is proposed along the east side, 15' from the property line. There could be an opportunity to create a swale on the other side of the property without removing much existing vegetation.

The Commission agreed to table this hearing to allow for further discussion on the topics addressed this evening.

Motion to continue the hearing for 920 South Street Lot 1 (DEP File #234-905) and 920 South Street Lot 2 (DEP File #234-904) until June 8, 2023 by S. Barber, seconded by P. Safran, approved 5-0-0.

OTHER BUSINESS

LINDEN CHAMBERS REDEVELOPMENT PROJECT CONCEPTUAL DESIGN - DISCUSSION

Reg Foster, Chair of the Needham Housing Authority, explained that by the end of this month the conceptual design for this project will be complete. The next step in the process is a set of listening sessions. The conceptual design looks to preserve as many trees as possible and replace those that need to be removed. He noted that he would come back before the Commission at a later date to further detail the project.

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

The Commission reviewed the proposed order of conditions. D. Anderson noted that the applicant requested a waiver for work within resource areas and within the 25' buffer.

Motion to grant waivers for work within the resource areas and work within the 25' buffer zone by D. Herer, seconded by S. Barber, approved 5-0-0.

Motion to issue an order of conditions, as amended by D. Herer, seconded by P. Safran, approved 5-0-0.

36 ELDER ROAD (DEP FILE #234-899) – ISSUE ORDER OF CONDITIONS

The Commission reviewed the proposed order of conditions.

Motion to issue an order of conditions for DEP File #234-899, as amended by S. Barber, seconded by D. Herer, approved 5-0-0.

ADJOURN:

Motion to adjourn the meeting, by D. Herer, seconded by P. Safran, approved 5-0-0.

The meeting was adjourned at 8:50 p.m.

NEXT PUBLIC MEETING:

June 8, 2023, at 7:00 p.m. location to be determined.

*Respectfully Submitted,
Kristan Patenaude*