

TOWN OF NEEDHAM CONSERVATION COMMISSION MEETING MINUTES

Thursday, June 8, 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, Peter Oehlkers, Alison Richardson, 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

These were tabled to the next meeting.

2. Enforcement & Violation Updates

None at this time.

HEARINGS/APPOINTMENTS

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

Motion to continue the hearing for 920 South Street Lot 1 (DEP File #234-905) until June 22, 2023 by S. Barber, seconded by D. Herer, approved 5-0-0.

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

Motion to continue the hearing for 920 South Street Lot 2 (DEP File #234-904) until June 22, 2023 by D. Herer, seconded by S. Barber, approved 5-0-0.

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

Susan McArthur, McArthur Environmental Consulting, explained that the Commission previously asked the applicant to provide riverfront area mitigation for proposed impacts to the riverfront. A mitigation area is now shown on the plan, on the opposite side of the brook. This is a 273 s.f. grassy area with some fringe shrubs. An erosion control barrier is also proposed. She noted that there is only an additional 35 s.f. proposed in the riverfront area. She highlighted a

section from the Massachusetts Rivers Protection Act. J. Carter Bernardo stated that the Commission would keep this in mind but has had continued conversation with DEP on this topic.

There were no questions or comments from Commission members at this time.

Motion to close this hearing by D. Herer, seconded by S. Barber, approved 5-0-0.

46, 50, 62, 94 HEATHER LANE. MWRA SIPHON STRUCTURE PROJECT (DEP FILE #234-903) – continued NOTICE OF INTENT

Milan Horbaczewski, PE, Program Manager, MWRA, explained that this is a continued discussion regarding an easement that runs through the back of these properties. He has since discussed the project with the owner of 46 Heather Lane. That owner is not interested in trees being planted on his property at this time. There does not seem to be a place to plant additional trees in this area on private property. The applicant can consider a 1:1 planting plan and schedule with the consultant's construction contract that would be worked out with staff, or there can be a payment in lieu considered.

D. Anderson stated that she spoke with the Tree Warden and that a donation would be acceptable. The Commission usually requires a 2:1 for trees. The Commission discussed the proposed ratio. The Commission agreed to discuss this with the Tree Warden and discuss this item as a condition of approval.

Motion to continue the hearing for DEP FILE #234-903 until June 22, 2023 by S. Barber, seconded by D. Herer, approved 5-0-0.

199 MAPLE STREET (DEP FILE #234-907) – NOTICE OF INTENT

Diane Simonelli, Field Resources, Inc., explained that the owner is proposing a sunroom in the back of the property that will sit on sonotubes. The wetlands were previously delineated. There is an armored drainage ditch on the site, along with an existing fence that has some vegetation between it and the armored bank. There is an existing shed within the 25' no disturbance area. The lot is unique, in that it is a two-family unit. The lot for this particular homeowner is only 5,140 s.f. The only portion of the proposed work within the 25' no disturbance zone is one sonotube. The plan includes removal and replacement of the shed outside of the 25' no disturbance zone. The proposal includes a reduction of approximately 60 s.f. within the zone. Due to the topography, the area drains down into this site. A sump pump emitter is proposed as part of this plan, near the drainage ditch, to improve the drainage situation. Erosion control is proposed as part of the project. No trees are proposed to be removed.

J. Carter Bernardo asked about the delineation between the two units. D. Simonelli stated that the front and rear exclusive use lines are marked on the plan.

P. Oehlkers asked if there was a way to keep the sonotube out of the 25' zone. D. Herer agreed. He noted that the drainage proposed is also in the 25' zone, which is not generally allowed.

A. Richardson suggested placing drains around the foundation at the front of the property in order to improve the drainage around the entire property. There are likely multiple ways to address this issue, instead of only installing a sump pump.

S. Barber stated that it appears the proposed sunroom could be pulled back outside of the 25' zone. She is also interested in an infiltration system near the house for the additional runoff. She asked about the water level to the neighbor's unit with this proposal. D. Simonelli stated that the runoff runs to a nearby culvert.

J. Carter Bernardo suggested that the applicant have a conversation with the Engineering Department to discuss the drainage issues. She also suggested a rain garden for the site as a way to mitigate from the increased roof runoff. The Commission would also like to see no building within the 25' zone.

There was no public comment at this time.

Motion to continue the hearing for DEP FILE #234-907 until June 22, 2023 by D. Herer, seconded by S. Barber, approved 5-0-0.

320 GROVE STREET (DEP FILE #234-9XX) – NOTICE OF INTENT

Brian Nelson, MetroWest Engineering, explained that the rear part of this property is mostly wet, with an intermittent stream channel running across it to a headwall in Wellesley. The lot has a unique shape, with the rear being mostly undevelopable. The site contains approximately 4.7 acres, with 2/10 of that located in Wellesley. The construction of a new house is proposed to alleviate chronic flooding issues on the site. There is insufficient pipe capacity and an increased amount of runoff leading to these issues. There are wetland areas located northwest and southeast of the house. There is approximately 10,000 s.f. of existing impervious surface area on the site. The existing house has been subject to this chronic flooding and has sustained some heavy damage. The proposal is to remove the existing house and construct a new house, which has been slid as far west and rotated clockwise to gain separation from the channel. The footprint will be a bit larger than the existing house. A proposed driveway will be significantly smaller. A restoration area is proposed along the streambank and the wetlands to the abutting property. A small portion of the house and deck are still located in the 25' no disturbance zone. Within the 25' disturbance zone, there is a 1,900 s.f. reduction proposed in impervious surfaces. There is a 1,719 s.f. reduction in impervious surfaces proposed within the 50' zone. There is a slight increase within the 100' buffer zone. The site is constrained by setbacks. The floor elevation and foundation will be raised approximately 3' from the existing. There is a proposed infiltration system to capture roof runoff that will cross town lines. This house will allow the applicants to be higher in elevation and away from the chronic flooding.

Corbin Petro, 320 Grove Street, stated that the conditions with wetlands have gotten progressively worse. The intention is to stay in the home and thrive. As the basement has continued to flood with each rainstorm, there is a bit of panic.

J. Carter Bernardo asked if this needs to also go before Wellesley. B. Nelson stated that this is likely under the requirement to file but if a filing is needed, it will likely be an RDA.

J. Carter Bernardo asked if the applicant would consider making the patio pavers permeable. B. Nelson agreed to consider this.

P. Oehlkers noted that he would prefer not to see any building within the 25' zone.

B. Nelson noted that one tree is proposed to be removed from the site. J. Carter Bernardo explained that the Commission has a requirement of a 2:1 replacement ratio. B. Nelson noted that two trees and approximately 75 shrubs are proposed within the restoration area.

J. Carter Bernardo noted that the Commission does not want to see building within the 25' zone but has allowed patios if made of permeable pavers. B. Nelson explained that this is a first-floor deck around elevation 175 or slightly lower. This could have a stable base to allow for infiltration. D. Herer stated that he would be okay with granting an exception as long as the support structure under the deck is minimal. P. Oehlkers agreed that this could be an exception, as long as the water runs through the deck. He noted that the patio area within the 25' zone should include permeable pavers.

Clinton Harris, 316 Grove Street, stated that he is supportive of the plans.

Motion to continue the hearing 320 Grove Street until June 22, 2023 by D. Herer, seconded by S. Barber, approved 5-0-0.

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

Karon Skinner Catrone, consultant, explained that this is a continued hearing regarding a raze and rebuild of a house. The revised plan, including a tree package, was submitted to the Board. The proposal is to construct a 15'x18' deck, of which two helical piles will be within the 25' zone. Shade tolerant plantings are proposed under the deck. The existing house is within the 25' no disturbance zone, which will be removed and rebuilt outside of the 25' zone. A detail of the proposed rain garden was included in the Board's packet.

J. Carter Bernardo noted that the existing foundation cannot be removed.

S. Barber stated that she still feels the deck should be pulled back a bit but will go along with the consensus.

D. Herer stated that he would like to see an inspection report for the rain garden. K. Skinner Catrone noted that this can be added to the plan. D. Herer noted that the plantings seem to be bunched near the road. He asked if these could be spread out a bit.

Susan Fonseca, 11 Moseley Avenue, asked about the size of the proposed deck. The 15'x18' deck is almost entirely within the 25' zone and is much larger than other projects discussed by the Commission, with a greater impact into the zone. Allowing any structure within the 25' zone

is a slippery slope. She suggested a cantilevered deck without pilings to allow the natural ground cover and one large tree to remain. J. Carter Bernardo explained that the deck, as shown on pages 7 and 9 of the plan, is 15'x18' but other pages do seem to show other sizes.

Anna Kerr, Moseley Avenue, stated that she previously mentioned trees #8 and #9 on the plan, regarding there being a potential safety hazard with powerlines that are interfering with the branches. These trees do not need to be removed, but simply trimmed. She did not request these trees to be removed. Daniel Deychman stated that tree #9 needs to be removed per the arborist, but tree #8 will be trimmed.

Nancy Smith, 29 Moseley Avenue, noted that the revised plans show a porch parallel to Moseley Avenue. She asked how this is different than the other two proposed additions. D. Deychman stated that it is not different and will look like the rest of the house, with as much of a full basement as the water table will allow. N. Smith asked how many cubic yards of wetland buffer area will be removed. It appears that more than 232 cubic yards of earth will be removed from the site to build the home. She noted that she finds this shocking and would like to see tree #7 saved, if possible.

J. Carter Bernardo agreed with containing the proposed deck to the edge of the existing house but will also go along with the consensus of the group. An order of conditions should include preservation of tree #8, with pruning if desired. Tree #9 is still proposed to be removed, per the applicant's arborist. Depending on the decision on the deck, there can be conversation regarding tree #7.

A. Richardson agreed that it would be nice for the deck to be smaller and for tree #7 to be retained, if possible.

P. Oehlkers noted that it would be appropriate for the deck to be pulled back a bit, if possible.

D. Herer noted that the dimensions for the deck should be shown on the plan drawings. He is okay with the deck as proposed.

S. Barber asked about adding an extra berm along N. Smith's property line. J. Carter Bernardo stated that there could be a small berm between the proposed driveway and the property line.

K. Skinner Catrone suggested angling the proposed deck, in order to preserve tree #7.

Motion to close the hearing for 37 MOSELEY AVENUE (DEP FILE #234-896) by D. Herer, seconded by P. Oehlkers, approved 5-0-0.

OTHER BUSINESS

6 SUNSET ROAD (DEP FILE #234-567) – CERTIFICATE OF COMPLIANCE DISCUSSION

Mary Trudeau, wetland consultant, explained that this project began approximately 13 years ago. At that time, the proposal was to separate a lot (#6) from an existing house lot. A notice of intent was filed at that time. The upper lot was wooded, and trees were taken down to make way for the home. The lower part of the site, which is within the buffer, looked like a water park or mini golf course, with features built into the wetland area by the previous owner. As part of the order of conditions, the applicant agreed to plant 84 shrubs within the wetland area, for a 3,000 s.f. restoration area. Since that time, there has been no activity within the restoration area, and it has grown up naturally. There may have been some wetland vegetation plantings completed in that area, but most is stump growth. The new owners have this outstanding order of conditions on the property. The current canopy and growth in the wetland area is thicker and it would not be possible to plant the 84 shrubs at this time. The proposal is to plant a reasonable number of shrubs to increase the diversity of plant matter in this area. Another option would be to rid the area of the existing buckthorn, in order to create openings for the native plants that are beginning to grow back. She suggested an enforcement order.

The Commission agreed with an enforcement order for this item. M. Trudeau noted that she would draft a plan that includes removal of buckthorn, some reasonable amount of plantings to restore the riverfront area, and consideration of conservation restrictions for the land with staff. The Commission agreed and noted that the area would be monitored for two years.

112 EDGEWATER DRIVE

John Rockwood, EcoTec Inc., explained that there was an order of conditions issued in 2008, with an amended order issued in 2009. Both orders required mitigation plantings on the property. These were conducted and are shown on a plan. Certain plantings still exist, but not many of the required amount. The proposal is to provide the missing plants in a different area on the property, to provide a vegetated buffer to a nearby vernal pool. A two-year monitoring program is also proposed.

The Commission agreed to an enforcement order that will replace the order of conditions, allowing for this work to be completed, along with a two-year monitoring program.

1191 GREENDALE AVENUE (DEP FILE #234-749) – REQUEST FOR CERTIFICATE OF COMPLIANCE

Motion to issue a certificate of compliance for DEP FILE #234-749, by S. Barber, seconded by D. Herer, approved 5-0-0.

34 MEADOWBROOK ROAD (DEP FILE #234-906)

Motion to waive the work within the 25' disturbance zone for plantings within the restoration area, by S. Barber, seconded by D. Herer, approved 4-0-1 (P. Oehlkers abstained).

Motion to waive the waiver fee, by S. Barber, seconded by D. Herer, approved 4-0-1 (P. Oehlkers abstained).

Motion to issue an order of conditions as discussed for 34 Meadowbrook Road DEP FILE #234-906, by S. Barber, seconded by D. Herer, approved 4-0-1 (P. Oehlkers abstained).

ADJOURN:

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

The meeting was adjourned at 9:52 p.m.

NEXT PUBLIC MEETING:

June 22, 2023, at 7:00 p.m. location to be determined.

*Respectfully Submitted,
Kristan Patenaude*