

## **TOWN OF NEEDHAM CONSERVATION COMMISSION MEETING MINUTES**

### **Thursday, September 28, 2023**

*Under Governor Baker's Act "Extending Certain COVID-19 Measures Adopted During the State of Emergency", extending the "Executive Order Suspending Certain Provisions of the Open Meeting Law G.L. c. 30A, §20," issued June 16, 2021, and in effect until April 1, 2025, 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: Dave Herer (Chair), Peter Oehlkers (Vice Chair), Sue Barber, Fred Moder, Reade Everett, Polina Safran, Alison Richardson, Deb Anderson (Director of Conservation), Clay Hutchinson (Conservation Specialist)

D. Herer opened the public meeting at 7:00 p.m.

#### **MISCELLANEOUS BUSINESS –**

##### **1. Minutes**

None at this time.

##### **2. Enforcement & Violation Updates**

C. Hutchinson stated that one enforcement item, 1297 Central Avenue, will be coming before the Commission at a future meeting.

#### **HEARINGS/APPOINTMENT**

**SABRINA LAKE NUISANCE AQUATIC VEGETATION MANAGEMENT (DEP FILE #234-912) – *continued* NOTICE OF INTENT**

*Motion to continue the hearing for Sabrina Lake Nuisance Aquatic Vegetation Management (DEP File #234-912) to October 12, 2023, by F. Moder, seconded by P. Oehlkers, approved 6-0-0.*

**49 GREEN STREET (DEP FILE #234-911) – *continued* NOTICE OF INTENT**

*Motion to continue the hearing for 49 Green Street (DEP File #234-911) to October 26, 2023, by P. Safran, seconded by R. Everett, approved 6-0-0.*

**1380 CENTRAL AVENUE, CLAXTON FIELD (DEP FILE 234-9XX) – NOTICE OF INTENT**

*A. Richardson entered the meeting.*

Brandon Kunkel, Weston & Sampson, explained that this field improvements project started in 2021. All improvements are proposed within the original footprint. During the process, some materials indicative of contamination were found. The fields will remain in their original location, a perimeter walking path will be added, and field improvements will be completed. The existing light poles will remain, but the light fixtures will be updated. Grading revisions to the fields will be completed, to improve drainage and safety of the playing surfaces.

Lee Koska, Weston & Sampson, explained that there are two types of barriers proposed to cap the existing burn dump on this site to prevent park users from disturbing the contamination/fill. The intention is to get to a determination of No Significant Risk under the Massachusetts Contingency Plan. The plan will replace the natural turf surface of the field with natural grass. The plan proposes approximately 93,000 s.f. of impacts to the riverfront area. This is a redevelopment project of the site and will comply with MA Stormwater Regulations to the greatest extent possible. The proposed project is requesting waivers of the regulations, specifically regulations 2.06 (3)(a) and (c), under Section 1.11 of the Needham Wetlands Protection bylaw. The contamination identified within Claxton Field extends within the 25' buffer zone. The existing buffer zone is forested but has been previously disturbed due to the contamination. In order to perform the required remediation some alteration of vegetation will be needed within the 50' buffer zone.

B. Kunkel explained that a significant number of trees (43) and invasives will need to be removed from the site. The applicant team is aware that there is a 2:1 tree replacement requirement. The project proposes to plant 74 trees in the park. A pollinator garden is proposed in lieu of natural grass. DEP has requested an additional 6" of cover within the baseball field itself to ensure the safety of users of the field. This will be complied with and will adjust the grading of the field, leading to revised plans to be submitted for a future meeting.

In response to a question from D. Anderson regarding how the limits of the fill area were determined, L. Koska explained that this was determined using shallow test pits, borings, and a visual examination of the topography.

B. Kunkel explained that the parking lot will be resurfaced and accessible pathways to the field will be installed. Approximately 10" of topsoil is not contaminated and was used as a cap for the landfill. This will be stripped and stockpiled for reuse. An additional 14" of material will also be placed on the field. The outside field limits will have 18" of clean material installed.

In response to a question from S. Barber, B. Kunkel explained that approximately two acres of the buffer zone has contaminated soil and will be impacted. The cap material is similar to a landscape non-mesh fabric, but tougher, and will be covered by loam.

P. Oehlkers noted that the species and size of trees should be noted on the plan. Trees can have value, even if they are in declining health. The applicant team noted that many of these trees are Tree of Heaven, which are highly invasive species.

C. Hutchinson explained that staff spoke with the applicant regarding habitat restoration as part of the reclaiming process.

A. Richardson asked why the 2:1 tree replacement requirement is not part of this plan. She stated that she would like to see additional species variety in the replacements.

D. Herer asked if the walkway to be installed could be made of permeable material. B. Kunkel explained that the proposal was a product of maintenance and longevity, but the applicant team could review this further.

D. Herer asked if water on site has been sampled. L. Koska stated that four monitoring wells within the limits of waste have been installed. Elevated zinc is the only item seen so far on the reports, but additional sampling will be completed.

C. Hutchinson explained that he spoke with the applicant regarding tree preservation. Replanting measurements should include a time of invasive species monitoring. Regarding preservation of some trees on the east portion of the site, a certain amount of tree canopy should be able to be preserved. There is room for establishing an understory on the site, along with pollinator habitat.

F. Moder suggested surrounding the walkway with wildflowers on one side and native shrubs on the other.

B. Kunkel noted that DEP is very sensitive regarding plant species and interacting with the barrier.

There was no public comment at this time.

***Motion to continue the hearing for 1380 Central Avenue Claxton Field (DEP File #234-XXX) to October 12, 2023, by F. Moder, seconded by P. Safran, approved 7-0-0.***

## **80 ROBINWOOD AVENUE (NGWP #20) – NOTICE OF INTENT**

Richard Kirby, LEC Environmental, explained that the proposal is to add dwelling space to the existing home. In the back of the lot there is an isolated vegetated wetland. The applicant is proposing to demolish an existing garage and reconstruct it with living space above. An AC and generator pad is proposed in the backyard. The closest point from the garage to the wetland will be 46.5', and the closest point from the pad to the wetland will be 47.5'. No site grading is proposed. There are two trees likely to be removed as part of the plan. The increase in impervious area is approximately 300 s.f., well under the allowable maximum, and erosion controls are proposed.

In response to a question from R. Everett, R. Kirby explained that replacement trees can be planted right in the wetland area.

D. Anderson noted that the previous order of conditions for this site is still open. It may be possible for the Commission to close the existing permit and grant a new one at the same meeting.

There was no public comment at this time.

***Motion to continue the hearing for 80 Robinwood Avenue (NGWP #20) to October 12, 2023, by S. Barber, seconded by P. Safran, approved 7-0-0.***

#### **94 ELDER ROAD (DEP FILE #234-913) – NOTICE OF INTENT**

Diane Simonelli, Field Resources Inc., explained that the proposal is for reconstruction of a single-family home within riverfront area. There is an existing shed, patio, and fence on the property. The riverfront is downgradient of the property. There is a steady grade down to the wetlands on the property. An existing fence will be replaced in the same location and the proximity from the closest existing structure to the riverfront will be improved by 12' with removal of an existing shed. Two patio areas next to the shed will be included on the plan as degraded area. There will be 205 s.f. of increased degraded area within the riverfront area through this proposal. An infiltration system will be added to the site, and mitigation plantings are proposed. Two trees are proposed to be removed and replaced with four trees, including one dogwood tree which may be able to be saved and moved elsewhere on site.

A. Richardson noted that the movement of a proposed dogwood tree on the site should be carried out in the spring.

In response to a question from S. Barber, D. Anderson stated that this plan does not need DEP's riverfront requirements yet. The existing structure and impervious is over the 10% of riverfront area allowed so any additional impervious area as proposed should have 2:1 mitigation. A mitigation planting area will likely be proposed. The applicant may be seeking credit for adding infiltration.

There was no public comment at this time.

***Motion to continue the hearing for 94 Elder Road (DEP File #234-913) to October 12, 2023, by P. Safran, seconded by S. Barber, approved 7-0-0.***

#### **12 GLOVER ROAD (DEP FILE #234-9XX) – NOTICE OF INTENT**

Susan McArthur, McArthur Environmental Consulting, noted that the address is actually 17 Glover Road. The proposal is for construction of a deck and an addition to the structure which lies within the 200' riverfront area and the 100' buffer zone. The lot is approximately 12,800 s.f. with an existing single-family home, raised back deck, paved driveway, garage, impervious front walkway, and landscaped lawn. The existing deck is proposed to be removed and a new 210 s.f. addition is proposed, along with a 240 s.f. deck. The addition will sit on piers and the deck will be raised. No trees are proposed to be removed. Rooftop runoff will be through gutters and piped to a rain barrel which will be used to water plants on the property. This is considered a

redevelopment project. 19.3% of the lot is already considered degraded. The proposal adds 1.79% to the degraded area, for a total of 11.9% over the performance standard of 10%. The applicant is thus proposing two naturalized areas, one 500 s.f. and the other 945 s.f. These are existing lawn areas that will be removed, and a wildflower seed mixture will be planted. This will not be mowed except for once a year in the fall. The applicant is also proposing four arborvitae along the property.

F. Moder noted that an overflow system will be needed for the rain barrel system.

C. Hutchinson stated that he believes the mitigation area provided on the plan is in excess of what is required. The 945 s.f. alone should suffice for the riverfront calculation. Some permanent signage should be installed on site to prevent long-term mowing of the restoration area.

D. Anderson noted that DEP would like a permanent condition that prohibits further alteration within the restoration or mitigation area, except as may be required to maintain the area in its restored or mitigated condition. This will be an ongoing condition for all applications within the riverfront area.

***Motion to continue the hearing for 17 Glover Road (DEP File #234-XXX) to October 12, 2023, by F. Moder, seconded by S. Barber, approved 7-0-0.***

**ADJOURN:**

***Motion to adjourn the meeting, by P. Safran, seconded by S. Barber, approved 7-0-0.***

The meeting was adjourned at 9:04 p.m.

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**NEXT PUBLIC MEETING:**

***October 12, 2023, at 7:00 p.m. location to be determined.***

*Respectfully Submitted,  
Kristan Patenaude*