

TOWN OF NEEDHAM CONSERVATION COMMISSION MEETING MINUTES

Thursday, October 12, 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), 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

Motion to approve the minutes of September 14, 2023, and September 28, 2023, as amended, by P. Safran, seconded by R. Everett, approved 4-0-0.

2. Enforcement & Violation Updates

The item was tabled to later in the meeting.

HEARINGS/APPOINTMENT

GREENDALE AVENUE AT INTERSTATE 95 RAMP MANHOLE REPLACEMENT – REQUEST FOR DETERMINATION OF APPLICABILITY

Ryan Allgrove, Environmental Partners, explained that a sewer interceptor runs parallel to Route 95 and collects some of the Town's sewage before connecting with the MWRA system. This sewer has been inspected for the last couple of years and Phase I of a rehabilitation project is currently underway. The project will allow for a trenchless wiring of the system. This will structurally reinforce the sewer without digging it up. The flow will need to be bypassed during this work. A complication of this bypass leads to a truck pumping some of the flow to the next manhole entrance. There is no way to pump around some of this work area, and so a new manhole will need to be installed simply to pump around the area of work. This is proposed within a wetland buffer zone. A negative RDA is being requested based on this being utility maintenance work within an existing sewer easement. Sedimentation controls and best management practices will be used. There is an existing driveway area to access the site.

There was no public comment at this time.

Motion to issue a negative Determination of Applicability to the Greendale Avenue at Interstate 95 ramp manhole replacement project, by R. Everett, seconded by P. Safran, approved 4-0-0.

59 PERSHING ROAD – REQUEST FOR DETERMINATION OF APPLICABILITY

Karen Skinner Catrone explained that the proposal is for a 1,674 s.f. patio and small storage area. All of the work is proposed outside of the 25' buffer on existing lawn. There is no riverfront nor endangered species associated with the project. No trees are proposed to be removed. Erosion controls are proposed as part of the landscape plan. 27 shrubs and 28 perennials are also proposed to be installed. The plan shows 698 s.f. within the 25'-50' and 976 s.f. within the 50'-100' buffer.

D. Herer asked about the material of the patio. K. Skinner Catrone stated that this is to be impervious paver. Runoff is proposed onto the yard area. Infiltration was previously installed for the house. The wetland delineation was redone recently and can be submitted.

C. Hutchinson stated that the applicant is also submitting a request for a Certificate of Compliance for an earlier project for construction of the house that was not previously closed out. This is listed on the agenda under Other Business. A pool was removed as part of the construction of the exiting house. Staff recommends closing the Certificate of Compliance out at this time.

There was no public comment at this time.

Motion to issue a full Certificate of Compliance for 59 Pershing Road, by P. Safran, seconded by R. Everett, approved 4-0-0.

Motion to issue a negative Determination of Applicability for 59 Pershing Road, by P. Safran, seconded by R. Everett, approved 4-0-0.

SABRINA LAKE NUISANCE AQUATIC VEGETATION MANAGEMENT (DEP FILE #234-912) – continued NOTICE OF INTENT *(will be continued to October 26, 2023)*

Motion to continue the hearing for Sabrina Lake Nuisance Aquatic Vegetation Management (DEP File #234-912) project to October 26, 2023, by P. Safran, seconded by R. Everett, approved 4-0-0.

49 GREEN STREET (DEP FILE #234-911) – continued NOTICE OF INTENT *(previously continued to October 26, 2023)*

This item was previously continued to October 26, 2023.

1380 CENTRAL AVENUE, CLAXTON FIELD (DEP FILE #234-914) – continued NOTICE OF INTENT

Cassie Bethoney, Weston & Sampson, explained that the site was historically used as a burn dump, prior to development of the Transfer Station across the street. Analytical testing of the soils found contamination due to previous waste materials. Improvements were previously proposed for human health, safety, and the environment. Two barrier systems are proposed within the park to prevent users from disturbing the contamination and fill. The natural turf fields will be replaced, and appurtenances will be installed for the ball fields. Due to the capping system, certain trees will need to be removed. 39 trees are proposed to be removed within jurisdiction and 28 trees are proposed. This does not meet the 1:1 ratio, but additional understory plantings are proposed. Several plantings are also proposed outside of jurisdiction. A detailed tree inventory was provided. The edge of the site on the western and southern sides are quite forested and much of this is proposed to be retained. The planting plan has been expanded to include eight different types of trees and various shrub plantings. Educational signage can be incorporated, where appropriate.

Regarding invasive species within the soil itself, Lee Koska, Weston & Sampson, stated that this does exist in certain areas. The plan will be to relocate these materials beneath areas of geogrid on the property. This will be placed at depth as much as possible. DEP had no objections with this proposal. Per MassDEP, geotextile be installed under the new root balls for extra measure. Additional fill will also be placed in these areas.

C. Bethoney stated that invasives species management has been included on the plan.

C. Hutchinson stated that he has not yet completed the planting plan calculations yet. There does not seem to be enough space on site to allow for a 2:1 or 4:1 mitigation calculation. The Commission previously discussed having the applicant create a habitat that provides value outside of the calculation alone. This updated plan does seem to do this. The plantings are also more diverse.

A. Richardson noted that black locust and American elm trees on site should not be chipped.

There was no public comment at this time.

Motion to close the hearing for 1380 Central Avenue, Claxton Field (DEP FILE #234-914), by R. Everett, seconded by P. Safran, approved 4-0-0.

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

Motion to continue the hearing for 80 Robinwood Avenue (NGWP #20) to October 26, 2023, by P. Safran, seconded by R. Everett, approved 4-0-0.

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

Diane Simonelli, Field Resources, Inc., explained that some revisions to calculations on the site have been made. The building within the 100' riparian zone is proposed to stay the same. There is an improvement to the degradation within the area, of -245 s.f. Two trees were previously

proposed to be removed, but it has since been determined that these will be replanted on the site. The plan proposes to recharge for the impervious on the site.

D. Anderson stated that this plan seems to meet the regulations for the riverfront area. The Commission could close the hearing this evening.

There was no public comment at this time.

Motion to close the hearing for 94 Elder Road (DEP FILE #234-913), by R. Everett, seconded by P. Safran, approved 4-0-0.

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

Motion to continue the hearing for 17 Glover Road (DEP File #234-XXX) to October 26, 2023, by R. Everett, seconded by P. Safran, approved 4-0-0.

190 EDGEWATER DRIVE (DEP FILE #234-9XX) – NOTICE OF INTENT

Motion to continue the hearing for 190 Edgewater Drive (DEP File #234-XXX) to October 26, 2023, by R. Everett, seconded by P. Safran, approved 4-0-0.

OTHER BUSINESS:

59 PERSHING ROAD (DEP FILE #234-666) – REQUEST FOR CERTIFICATE OF COMPLIANCE

This item was previously addressed.

10 WINFIELD ROAD YARD IMPROVEMENTS - DISCUSSION

C. Hutchinson stated that the applicant came before the Commission for a new house on the site approximately 2-3 years ago. The homeowner is now requesting to level out the back of the yard for safe recreation for children. Originally this proposal included a retaining wall, but the wall would enter the 25' buffer.

Eric Schneider, owner, explained that he has two young children and would like to have a flat backyard for them. Currently, there is a steep drop down to a fence line. He has considered a 4' retaining wall but would like to discuss this further with the Commission.

A. Richardson stated that the 25' No Disturbance line is not usually allowed to be built within. The Commission is tasked to protect the buffer zone.

P. Safran stated that she understands the need for this, but the 25' No Disturbance Zone is important, and this would still require an adjustment within that area.

E. Schneider stated that this leads to a lack of a useable backyard, unfortunately. There are other nearby homes that seem to have structures within this Zone.

D. Herer explained that this condition was present when the owner built the house.

E. Schneider stated that there is a corner in the backyard that is slightly flatter and asked if a patio could be placed in that spot. D. Herer noted that a patio would still be considered a structure and cannot be built within the buffer.

C. Hutchinson stated that one option considered could be to level out and lower the rest of the yard outside of the buffer. This is not a flood zone but may be a top over zone for the brook.

The Commission explained that this would still require an application but may be more possible for consideration. The owner stated that he would consider it further.

The Commission reviewed the draft exhibit for 94 Elder Road.

Motion to issue an Order of Conditions for 94 Elder Road (DEP File #234-913), by R. Everett, seconded by P. Safran, approved 4-0-0.

C. Hutchinson addressed an enforcement update for 1297 Central Avenue. The Commission previously approved a restoration plan for the site. No monitoring reports have been submitted. The four bounds required should also be installed. There was discussion regarding proof of seeding as well.

ADJOURN:

Motion to adjourn the meeting, by R. Everett, seconded by P. Safran, approved 4-0-0.

The meeting was adjourned at 8:41 p.m.

NEXT PUBLIC MEETING:

October 26, 2023, at 7:00 p.m. location to be determined.

*Respectfully Submitted,
Kristan Patenaude*