

TOWN OF NEEDHAM CONSERVATION COMMISSION MEETING MINUTES

Thursday, December 7, 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), Reade Everett, Polina Safran, Fred Moder, Sue Barber, 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 November 16, 2023, as presented, by R. Everett, seconded by P. Safran, approved 5-0-0.

2. Enforcement & Violation Updates

None at this time.

HEARINGS/APPOINTMENT

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

Paul McManus, EcoTec, Inc., explained that since the last Commission meeting there have been several meetings in Wellesley, leading to amendments in the plan. The plan included a provision to establish a naturalized buffer along the lake shore where it does not currently exist. The amendment proposes for each property owner to determine a 25' wide strip along the Lake. If those areas are lawn, the proposal is for at least 90% of the 25' wide strip to be maintained in a naturalized condition. Some area will be allowed for homeowners to have a path to the shore. This proposed management will not impact the trail that runs along the lake.

Sue Barber entered the meeting.

In response to a question from D. Herer, P. McManus stated that the 25' strip will be included in the order of conditions and the periodic reports submitted.

There was no public comment at this time.

Motion to close the hearing for Sabrina Lake Nuisance Aquatic Vegetation Management (DEP File #234-912), by F. Moder, seconded by P. Safran, approved 6-0-0.

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

D. Anderson explained that the applicant plans to renotify abutters and request a continuance to the first meeting in January. The tree removal portion of the filing will be postponed.

Motion to continue the hearing for 49 Green Street (DEP File #234-911) to January 11, 2024, by P. Safran, seconded by S. Barber, approved 6-0-0.

OTHER BUSINESS:

190 EDGEWATER DRIVE (DEP FILE #234-916) – ISSUE ORDER OF CONDITIONS

D. Anderson explained that this item deals with two additions, one a second-floor addition that only counts toward the stormwater. The applicant proposes to remove the existing porch and part of the addition will go over this area and the nearby lawn. This is considered redevelopment and will be under the 10% required for restoration. However, a planting area adjacent to the river area is proposed for an improvement on the site. The conditions for this item are mostly standard. The Commission could require three permanent markers to define the planting area. A waiver was requested from the waiver fee.

The Commission agreed that the markers should be included.

Motion to waive the prohibition for work in the 25' buffer zone for 190 Edgewater Drive (DEP File #234-916), by S. Barber, seconded by R. Everett, approved 6-0-0.

Motion to waive the fee for work in the 25' buffer zone for 190 Edgewater Drive (DEP File #234-916), by F. Moder, seconded by R. Everett, approved 6-0-0.

Motion to issue an Order of Conditions for 190 Edgewater Drive (DEP File #234-916), by R. Everett, seconded by S. Barber, approved 6-0-0.

EVERSOURCE RELIABILITY PROJECT (DEP FILE #234-799) – REQUEST FOR EXTENSION OF ORDER OF CONDITIONS

Mike Howard, Epsilon Associates, explained that the proposal is for a second extension to an Order of Conditions issued in 2018. The existing Order of Conditions expires in February. Once the project has been completed, the applicant will come back before the Commission for a Certificate of Compliance.

Motion to extend the Order of Conditions to February 13, 2025, for Eversource Reliability Project (DEP File #234-799), by S. Barber, seconded by R. Everett, approved 6-0-0.

320 GROVE STREET (DEP FILE #234-908) – REQUEST FOR MINOR MODIFICATION

Diane Simonelli, Field Resources, Inc., explained that this request is due to a change in interpretation of the Zoning Bylaw. This was originally approved by the Commission in July. The Building Inspector's interpretation of the sideline setback is slightly different than the prior Building Inspector. The applicant is currently seeking relief from the ZBA in hopes of moving forward with the existing proposed footprint. In case this is not approved, the applicant is seeking this minor modification from the Commission to pull the house farther from the wetland and reduce the footprint size. The existing approval is for a 3,686 s.f. footprint. The proposal is for 3,210 s.f. in order to allow for a reduction in impervious surfaces. The proposed recharge on the site will remain the same.

D. Simonelli asked if the applicant would be able to renege on this request, if the ZBA application is approved. D. Anderson stated that she believes this would not be an issue. D. Herer stated that this could be approved conditional upon the decision of the ZBA.

There was no public comment at this time.

Motion to grant the request for a minor modification for 320 Grove Street (DEP File #234-908), by S. Barber, seconded by P. Safran, approved 6-0-0.

1297 CENTRAL AVENUE ENFORCEMENT ORDER – DISCUSSION

C. Hutchinson stated that the applicant had cleared a meadow area that was previously protected by an Order of Conditions in perpetuity. Last year the homeowner completed the plantings as required. A report was submitted stating that the seeding used was dispersed. Many of the seeding require a period of cold dormancy. The only outstanding item from the original Order is that permanent markers in perpetuity were required. This area has been staked out on the site, but the markers have not been erected.

The Commission agreed that the markers need to be installed before final approval would be given.

TREE REMOVAL GUIDELINE UPDATES – DISCUSSION

Motion to adopt the Tree Removal Guidelines final version 12-5-23, by S. Barber, seconded by F. Moder, approved 6-0-0.

C. Hutchinson stated that the Town's Tree Warden approached Staff regarding a tree associated with the parcel behind Trout Pond that is on conservation land. Abutters have concern regarding the tree. The arborist inspected the tree and there may be a decision to top it. There is no intention to replace the tree, as the area is heavily vegetated and there is no room to do so. The height of the proposed snag from this tree will no longer pose a concern to abutting houses.

P. Oehlkers expressed concern regarding setting a precedent by giving into concerns from neighbors without a report that this is a hazardous tree.

The Commission agreed that some members would like to visit the site and others would like to see pictures of the tree in question.

ADJOURN:

Motion to adjourn the meeting, by R. Everett, seconded by P. Safran, approved 6-0-0.

The meeting was adjourned at 8:12 p.m.

NEXT PUBLIC MEETING:

December 21, 2023, at 7:00 p.m. location to be determined.

*Respectfully Submitted,
Kristan Patenaude*