

TOWN OF NEEDHAM CONSERVATION COMMISSION MEETING MINUTES

Thursday, March 11, 2021

Under Governor Baker's emergency "Order Suspending Certain Provisions of the Open Meeting Law G.L. c. 30A, S20," issued March 12, 2020 and in effect until termination of the emergency, 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, Artie Crocker, Stephen Farr, Peter Oehlkers, William Murphy, Deb Anderson (Director of Conservation), Clay Hutchinson (Conservation Specialist).

J. Carter Bernardo opened the public meeting at 7:00 p.m.

HEARINGS/APPOINTMENTS

94 BROOKSIDE ROAD (DEP FILE #234-861) – *continued* NOTICE OF INTENT

Susan McArthur, McArthur Environmental Consulting, LLC, submitted a waiver and the associated fee for work within the 25' buffer zone. A site walk was held on Monday. Work proposed in the 25' buffer includes installation of an erosion control barrier. Many of the trees on the site are scorched to the point they have died. Nine trees are proposed to be removed, and three trees are proposed to be pruned. An arborist has not reviewed the site. Nine, 2" caliper trees are proposed to be planted on the site. There is a car and debris that needs to be removed from the wetlands side of an existing chain-link fence.

P. Oehlkers stated that three of the trees on site are clearly dead, but others are unclear. He is concerned regarding removing all of the vegetation in the backyard and replacing it with lawn. He would like for there to be a separation between the lawn area and the wetland. It appears that there was a history of supporting the 25' buffer on this site.

S. Barber asked if the amount of trees and shrubs planned for mitigation is enough.

There was discussion regarding leaving snags for the trees in the buffer zone. It was also noted that the policy is a 2:1 replacement tree ratio. There could be exceptions made for any trees determined to be a hazard.

S. Farr stated that many of the trees are burnt and some are too close to the house.

A. Crocker stated that he has no desire to see lawn encroaching into the 25' buffer zone, as this was not the condition on the site previously.

There was discussion regarding reestablishing the 25' buffer and then reinstalling a fence in the area.

Bill Paulson, real estate agent for the property, noted that there was a car and debris on the driveway side of the property. The current fence goes up to the wetland. He believes the homeowner would like a lawn area in the backyard.

Tim Paris, environmental consultant for the project, explained that a trench drain has been added to the plan to collect runoff from the driveway.

There was discussion regarding the Board of Health review of the plan.

D. Anderson noted that the Commission will need to vote regarding a waiver for the leaching field to be proposed within 100' of the BVW.

The Commission requested an updated plan to address the concerns raised this evening.

Motion to continue the hearing for 94 Brookside Road (DEP File #234-861) to March 25, 2021, by S. Farr, seconded by A. Crocker, approved 6-0-0.

OTHER BUSINESS:

185 BROOKSIDE ROAD (DEP FILE #234-815) LANDSCAPING PLAN – DISCUSSION

Gabriela Steier, 185 Brookside Road, reviewed the costs for the backyard landscape restoration plan. She explained that clearing was originally done in the backyard of her home without permission by a contractor. Repairs are needed, requiring large costs. Erosion controls are in place and holding up well. She requested a delay in the planned restorations at this time due to cost.

J. Carter Bernardo stated that some of these costs do not deal with the mitigation required by the Commission. A planting plan was created which should contain native plants that do not require irrigation. A landscaper should also be able to monitor the plants for a year. A walking path is also not part of the requirements of the Commission. Ms. Steier stated that the path is needed to access the area to work in, maintain the plantings, and for safety for her family.

P. Oehlkers agreed that not all of the arguments from the homeowner make sense. It is unclear why machinery would be brought into an area that the Commission stated should be handplanted. Safety of the family is also not part of the requirements of the Commission. Some of the pictures seem to show a naturally restored area since the damage occurred. D. Anderson agreed that some of the area has been restored naturally and is stabilized with native plants.

S. Farr asked if there is a compelling reason to do most of the proposed work if the area has restored itself naturally.

B. Murphy asked how to prioritize the restoration of this site. D. Anderson explained that some of the species chosen may be more expensive and difficult to find. The proposed plan is a nice

one, but maybe more expensive than needed. The plan could be revised and then phased. B. Murphy asked that the homeowner address the most important restoration items first.

A. Crocker explained that the Commission required certain items for restoration, but the plan shows work for the entire backyard, above and beyond the mitigation. Ms. Steier stated that there is no landscaping or lawn proposed in the plan. The plan is only to comply with the rogue work done by the contractor. A. Crocker explained that, while safety is a concern, it does not have anything to do with the mitigation required for the work done on this site.

J. Carter Bernardo stated that there needs to be a plan in place. Ms. Steier stated that she does not feel heard by the Commission. She does not appreciate that her words are being twisted. She is working to comply with the MA Wetlands Protection Act. She requested a stay from the requirements of the Commission until the lawsuit against the contractor can be completed and the funds are then available.

J. Carter Bernardo expressed concern with invasives taking over the area. The stay being requested could carry on for any number of years. She stated that she does not believe a well or walking path are needed as part of the mitigation plan. Ms. Steier stated that she has spoken to six landscapers, and none will go in without a path. No one has agreed to do the work without irrigation for the plantings.

J. Carter Bernardo stated that, if the Commission is willing to put a stay on this, she would like the homeowner to continue to come back regularly to discuss the matter. Also, if the area originally disturbed on the site has stabilized with native plantings, it may not need to be touched again. D. Anderson suggested that she visit the site and report back with a status. The Board agreed to have D. Anderson visit the site by the end of April and then discuss further.

Ms. Steier stated that she would like a level of fairness for herself during this matter. J. Carter Bernardo stated that each Commissioner expressed confusion regarding the information presented. She apologized if the homeowner felt she was not being listened to, but that was not the intent of the Commission.

Ms. Steier asked if she could clear rocks and level the ground within the 200' riverfront area due to safety concerns. D. Anderson stated that she does not have an issue with removal of rocks in this area but would like to know more about what was originally proposed in this area. She would like to revisit to determine if lawn can be installed. Ms. Steier agreed to take a picture of this area and send it to Staff.

There was no public comment at this time. The Board tabled discussion of this topic until after Ms. Anderson visits the site.

34, 41 STRATFORD AVE, MOSELEY AVE SEWER CONNECTION (DEP FILE #234-500) – REQUEST FOR CERTIFICATE OF COMPLIANCE

D. Anderson stated that this project is from 2007. The owner of 41 Stratford Ave. is selling the property, and the project was never closed out. The Commission can issue a complete certificate of compliance for this project.

Motion to issue a Certificate of Compliance for 34, 41 Stratford Ave, Moseley Ave Sewer Connection (DEP File #234-500), by S. Farr, seconded by S. Barber, approved 6-0-0.

130 SOUTH STREET ENFORCEMENT ORDER – REQUEST TO RESCIND

D. Anderson explained that the Certificate of Compliance has been issued, and the lawyer requested the enforcement order be rescinded.

Motion to issue a dissolution of the enforcement order for 130 South Street, by S. Farr, seconded by A. Crocker, approved 6-0-0.

CPC FUNDS & OPEN SPACE - DISCUSSION

A. Crocker explained that the CPC would like to know approximately how much money will be used toward land acquisitions. The Commission discussed potentially upping the requested amount to \$2M.

MISCELLANEOUS BUSINESS –

1. Minutes

Motion to approve the meeting minutes of September 10, 2020, by S. Farr, seconded by A. Crocker, approved 6-0-0.

2. Enforcement & Violation Updates

None at this time.

ADJOURN:

Motion to adjourn the meeting, by S. Farr, seconded by A. Crocker, approved 6-0-0.

The meeting was adjourned at 9:33 p.m.

NEXT PUBLIC MEETING:

March 25, 2021, at 7:00 p.m. location to be determined.

*Respectfully Submitted,
Kristan Patenaude*