

TOWN OF NEEDHAM CONSERVATION COMMISSION MEETING MINUTES

Thursday, May 27, 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: Peter Oehlkers (Vice Chair), Sue Barber, William Murphy, Allison Richardson, Deb Anderson (Director of Conservation), Clay Hutchinson (Conservation Specialist).

P. Oehlkers opened the public meeting at 7:00 p.m.

MISCELLANEOUS BUSINESS –

1. Minutes

None at this time.

2. Enforcement & Violation Updates

None at this time.

HEARINGS/APPOINTMENTS

80 COUNTRY WAY (DEP FILE #234-865) – *continued* NOTICE OF INTENT

Ardi Rrapi stated that this hearing was previously continued due to lack of a DEP file number, but that has since been received. The proposal is to place a swimming pool in the backyard of this property. A 34" oak and a 30" white pine tree were previously be removed from the site. These are proposed to be replaced with six trees. One concern with putting pervious pavers around the pool deals with winterizing the pool. A small backwash pit is thus proposed.

There was no public comment at this time.

Motion to close the hearing for 80 Country Way (DEP File #234-865), by B. Murphy, seconded by S. Barber, approved 4-0-0.

43 CORNELL ROAD (DEP FILE #234-867) – *continued* NOTICE OF INTENT

C. Hutchinson explained that this project was continued due to lack of a DEP file number, but this was recently released.

There was no public comment at this time.

Motion to close the hearing for 43 Cornell Road (DEP File #234-867), by B. Murphy, seconded by A. Richardson, approved 4-0-0.

50 LEHIGH ROAD (DEP FILE #234-864) – *continued* NOTICE OF INTENT

Diane Simonelli, Field Resources, Inc., explained that this property contains a single-family home. The owner would like to extend the yard approximately 65 s.f. into the back, including removal of four trees and snagging of four trees. The revised plans show that the proposed fence has been removed from the 25' buffer zone. The fence will be kept 25' from the wetlands in the back of the site.

P. Oehlkers asked if there has been an examination as to how much impact the fence will have on the site itself. D. Simonelli stated that this has not yet been examined but construction will try to lessen impact on trees and vegetation in the area. D. Anderson suggested that the area for the fence be marked, and that staff will then work with the applicant in the field.

D. Simonelli presented a revised planting plan. The intention is to install plantings to not allow for creeping of the lawn toward the wetland. A number of invasives between the 25'-50' buffer have been identified and these areas will be restored.

There was no public comment at this time.

Motion to close the hearing for 50 Lehigh Road (DEP File #234-864), by B. Murphy, seconded by S. Barber, approved 4-0-0.

OTHER BUSINESS:

78 BROOKSIDE ROAD (DEP FILE #234-841) – REQUEST FOR MINOR MODIFICATION

C. Hutchinson stated that the applicant has to meet a setback to the road and is thus proposing to move the house slightly closer to the wetlands. The proposed house was originally 77.3' to the wetlands and is now 72.3'. The footprint will be changed to reduce the square footage and there will be no additional vegetation removal. The proposed deck has also been relocated from one side of the house to the other.

B. Murphy asked if the septic system was field verified in order to determine these setbacks and the applicant stated that it was.

Motion to issue the minor modification for 78 Brookside Road (DEP File #234-841), by B. Murphy, seconded by S. Barber, approved 4-0-0.

Janet Carter Bernardo joined the meeting.

HEARINGS/APPOINTMENTS

381 SOUTH STREET (DEP FILE #234-866) – NOTICE OF INTENT

Federico Grossi, applicant, explained that any construction on the site is currently located 150' from the brook. Ten trees are proposed to be removed and will be replanted with some trees within the wetland. Proposed work includes installation of a pool in the lawn, patio, and pavilion. This leads to approximately 1,300 s.f. increase in impervious surface. A trench drain is proposed along the patio and directed to a drainage field on the site. An existing retaining wall is proposed to be removed. No water will be discharged onto the land for winterizing of the pool.

J. Carter Bernardo asked about the proposed retaining wall and fence changes. F. Grossi reviewed the proposal.

In response to a question from B. Murphy, F. Grossi stated that there will be electricity run to the pavilion and a sink for the outdoor kitchen, but no bathrooms. B. Murphy stated that he would like to see the utilities listed on the plan, including the water line. J. Carter Bernardo stated that the applicant should complete a soil test pit within the footprint of the system.

J. Carter Bernardo stated that trees will likely not be able to be planted in the drainage easement on the site. A. Richardson stated that she would like to see six plantings at specific places in the wetland, with fencing to protect it. The other six trees could be planted slightly outside of the wetland.

There was discussion regarding the proposed tree species and pervious pavers.

D. Anderson stated that this project is within the riverfront area and an alternatives analysis was not submitted. Plantings within the wetlands or 25' buffer will require a waiver request.

Motion to continue the hearing for 381 South Street (DEP File #234-866) to June 10, 2021, by B. Murphy, seconded by A. Richardson, approved 5-0-0.

OTHER BUSINESS:

391 DEDHAM AVENUE (DEP FILE #234-674) – *continued* REQUEST FOR CERTIFICATE OF COMPLIANCE

C. Hutchinson stated that Town Counsel reviewed the proposed conservation restriction proposed. This was sent back and edited by the applicant's counsel. This was provided to the Commission. Town Counsel did note that MA statutes limit the time limit allowed for conservation restrictions to be in "perpetuity," noting that they need to be renewed on a 25-year basis. Town Counsel also suggested that the Commission wait for proof of recording at the Land Court of the conservation restriction before issuing a Certificate of Compliance.

Motion to approve the conservation restriction covenant for 391 Dedham Avenue (DEP File #234-674), by B. Murphy, seconded by S. Barber, approved 5-0-0.

The Commission discussed an enforcement matter on 185 Brookside Road. D. Anderson explained that a loose retaining wall has been installed on the site using existing rocks, even though the owner was asked not to do so. Vegetation was removed from the site, and it was explained that restoration plantings were being required by the Commission. The owner indicated that she has no intention of planting these in the near future. The site is mostly stable in terms of the wetlands. The site is mostly filled with invasives. The owner is no longer willing to communicate with staff and has asked that all communication be run through her lawyer.

C. Hutchinson stated that the owner's financial hardship should likely be taken up with the past contractor. D. Anderson explained that different species of plantings could be chosen to lessen the financial impact.

The Commission agreed that staff should draft a letter to be reviewed by Town Counsel regarding what is needed on the site and a timeline for the process.

The Commission reviewed the Order of Conditions for 43 Cornell Road.

Motion to issue the Order of Conditions for 43 Cornell Road as discussed (DEP File #234-867), by B. Murphy, seconded by S. Barber, approved 4-0-1, with J. Carter Bernardo abstaining.

The Commission reviewed the Order of Conditions for 50 Lehigh Road.

Motion to waive the fee for 50 Lehigh Road (DEP File #234-864), by B. Murphy, seconded by S. Barber, approved 4-0-1, with J. Carter Bernardo abstaining.

Motion to issue the Order of Conditions for 50 Lehigh Road, (DEP File #234-864) as discussed, by B. Murphy, seconded by S. Barber, approved 4-0-1, with J. Carter Bernardo abstaining.

The Commission reviewed the Order of Conditions for 80 Country Way.

Motion to issue the Order of Conditions for 80 Country Way (DEP File #234-865), as discussed, by B. Murphy, seconded by S. Barber, approved 4-0-1, with J. Carter Bernardo abstaining.

ADJOURN:

Motion to adjourn the meeting, by A. Crocker, seconded by B. Murphy, approved 5-0-0.

The meeting was adjourned at 9:46 p.m.

NEXT PUBLIC MEETING:

June 10, 2021, at 7:00 p.m. location to be determined.

*Respectfully Submitted,
Kristan Patenaude*