

TOWN OF NEEDHAM CONSERVATION COMMISSION MEETING MINUTES

Thursday, December 2, 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, Peter Oehlkers (Vice Chair), Artie Crocker, Stephen Farr, William Murphy, Allison Richardson, Deb Anderson (Director of Conservation), Clay Hutchinson (Conservation Specialist).

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

OTHER BUSINESS:

138 COUNTRY WAY (DEP FILE #234-780) – REQUEST FOR CERTIFICATE OF COMPLIANCE

Diane Simonelli, Field Resources, Inc., explained that the original Order of Conditions was issued in 2018. A partial Certificate of Compliance was issued, with some planting items remaining open. Some plantings were slightly different than originally proposed. The survival rate was found to be at 90%, but the contractor did not supply the Commission with monitoring reports. The current owner is looking to close out this item at this time.

C. Hutchinson stated that Staff is in agreement with the plans. Staff noted that there have not been any monitoring reports submitted.

Motion to issue a Certificate of Compliance for 138 Country Way (DEP File #234-780), by S. Farr, seconded by A. Crocker, approved 7-0-0.

HEARINGS/APPOINTMENTS

631 SOUTH STREET (DEP FILE #234-872) – *continued* NOTICE OF INTENT

S. Farr stated that he would like to find a compromise with the homeowner for this project. He suggested that the applicant could cut down the trees in the wetland, if there were mitigation methods included such as addressing invasive species and a robust planting plan in other areas of the wetland. This could eliminate the need for mowing in this area and revitalize its natural state. It would be better to have the trees removed under the guidance of Staff, than secretively at a later date.

B. Murphy asked the Commission to discuss the “quantifiable impact” of this proposal. He stated that he agrees with S. Farr’s proposal. J. Carter Bernardo stated that, according to DEP this needs to be quantified.

A. Richardson stated that the dead trees are habitat for birds. If they were to fall, they will be used by wildlife. These are less habitat in some ways than live trees. She also supported S. Farr’s proposal. She is inclined to approve at least three of the trees to be removed, if not all six.

P. Oehlkers agreed that he would like a combination of snags on the site. He asked about a history of the mowed lawn area on the site. J Carter Bernardo stated that the owner previously stated that they believed the easement needed to be maintained and so they continued to mow the area. She would like to request that the applicant leave this area to renaturalize.

Brian Nelson, MetroWest Engineering, stated that a robust planting plan is amenable to the applicant. Allowing the lawn area to naturalize within the easement is also acceptable. However, he asked that the DPW put a marker near the manhole in this area so it can be found quickly if needed. Much of the area within and south of the easement was riddled with invasive species and the applicants have removed much of it. This area could be further enhanced.

The Commission quantified each tree proposed to be removed on the plan. Tree #1 is dead could have a snag left on it into the wetland. Tree #2 is dead and leaning and should be cut at the base. Tree #3 has already fallen. Tree #4 has rot at its base and could be laid parallel to the property line, so it does not obstruct the easement. Tree #5 is on the easement path and requested to be removed. A snag would be appropriate for this tree. Tree #6 is dead and leaning. This could be laid down in a pile. Tree #7 which is alive but failing at the base and leaning toward the neighbor’s property. The arborist could determine if this is reasonable for a snag.

The Commission discussed planting shrubbery within the easement area to help it naturalize further and keep it from being mowed. B. Nelson suggested that the applicant come back with a revised landscape plan that would detail the plan for each individual tree along with other comments from the Commission.

Motion to continue the hearing for 631 South Street (DEP File #234-872), and 649 South Street (DEP File #234-874) to December 16, 2021, by S. Farr, seconded by A. Crocker, approved 7-0-0.

649 SOUTH STREET (DEP FILE #234-874) – *continued* NOTICE OF INTENT

This item was continued as part of the previous agenda item.

463 SOUTH STREET – *continued* REQUEST FOR DETERMINATION OF APPLICABILITY

J. Carter Bernardo stated that she visited the site and believes the ditch can act as an intermittent stream. This should be classified as a wetland. The request is to determine if this is a stream. The

proposed work appears to be far enough outside of the buffer that this could be filed under an RDA.

D. Anderson stated that DEP explained that a BVW does not need to connect to another wetland. As long as there is a wetland on the ditch, this becomes a bordering wetland.

Tom Schutz, Goddard Consulting, stated that the ditch does not connect to any other wetlands. D. Anderson explained that it does not need to, in order to be jurisdictional. The area in the center has wetland vegetation. T. Schutz asked if the entire Commission could visit the site. D. Anderson stated that the decision has been made and is supported by DEP.

T. Schutz asked about withdrawing this request and submitting it under an RDA instead. J. Carter Bernardo stated that she believes this could lead to a negative determination for the work on the property within the buffer zone of this intermittent stream. D. Anderson stated that the tree removal within the 100' buffer could be an issue, though the applicant proposes additional tree plantings.

T. Schutz stated that he would withdraw this application and file an RDA for the next meeting for work within the buffer zone to the intermittent stream. J. Carter Bernardo stated that the intermittent stream needs to be shown on the plan.

142 FISHER STREET (DEP FILE #234-8XX) – NOTICE OF INTENT

Paul McManus, EcoTec, Inc., explained that the associated resource areas include the Charles River to the southeast, BVWs and associated buffer zones which do not project onto the site, and riverfront area. There is an existing house, driveway, stone patio, deck, and walkways on this site. A two-story addition with a full foundation is proposed to the right side of the house. Adjacent to the existing patio, an elevated deck on piers is proposed. Erosion controls are proposed around the perimeter on the existing lawn. There is 393 s.f. of proposed addition within the riverfront area and 125 s.f. of proposed deck areas. There is nowhere else on the site that would be appropriate for this work.

J. Carter Bernardo asked for details on the erosion control line. P. McManus stated that this is a realistic line for the site and to allow for a stockpile area. No infiltration is required for this project. Water will become integrated into the lawn from the new addition. J. Carter Bernardo explained that the Commission typically likes to see some amount of subsurface infiltration or a rain garden proposed. The applicant could submit a revised plan showing this.

There was no public comment at this time.

Motion to continue the hearing for 142 Fisher Street (DEP File #234-8XX), to December 16, 2021, by B. Murphy, seconded by A. Crocker, approved 7-0-0.

MISCELLANEOUS BUSINESS –

1. Minutes

None at this time.

2. Enforcement & Violation Updates

None at this time.

ADJOURN:

Motion to adjourn, by S. Farr, seconded by A. Crocker, approved 7-0-0.

The meeting was adjourned at 8:34 p.m.

NEXT PUBLIC MEETING:

December 16, 2021, at 7:00 p.m. location to be determined.

*Respectfully Submitted,
Kristan Patenaude*