

TOWN OF NEEDHAM CONSERVATION COMMISSION MEETING MINUTES

Thursday, May 23, 2024

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, Fred Moder, Alison Richardson, Polina Safran, 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 meeting minutes of May 9, 2024, as presented, by R. Everett, seconded by F. Moder, approved 5-0-0.

2. Enforcement Orders

The Commission agreed to address this item later in the meeting.

HEARINGS/APPOINTMENT

40 LAKE DRIVE (DEP FILE #234-927) – *continued* NOTICE OF INTENT

Rich Kirby, LEC, explained that the proposal is to rebuild a single-family house on the same footprint. Work is proposed in the outer portion of the buffer zone. An infiltration system for the 1" rain event was shown on the revised plan, as requested by the Commission. The proposed 2.5" caliper trees within the buffer zone are shown on the plan. Additional small alternations were requested to the plan by Staff and a revised plan will be submitted.

Diane Simonelli, Field Resources, asked why notes need to be removed from the plan. She noted that the note could be changed as need be but should not necessarily be removed. The plan meets the bylaw, and the regulations should be followed. There needs to be consistency for all parties.

Motion to close the hearing for 40 Lake Drive (DEP File #234-927), by F. Moder, seconded by R. Everett, approved 4-0-0. [P. Safran did not vote due to technical difficulties.]

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

Sarah Steans, Beals and Thomas, explained that the property is divided by the MBTA tracks. There are two golf holes on the north side and the remainder on the south side of the tracks. The proposed project has three components and there have been several iterations of the plan. The south side of an intermittent stream on the property has banks that are severely undercut and eroded. The Club came to the Commission asking for permission to stabilize the banks along both segments. A recent changes was made to the plan to not seed the edge of the bank, but instead add sod as an immediate stabilization measure. Otherwise, the proposal is to stabilize the banks along the two segments of the stream and provide sod. The second component of the project deals with a waterbody on the south side of the tracks. The proposal is to replace the flashboards and to potentially go into the pond to remove accumulated sediment in the future as part of a maintenance plan. The third component is tree removal, some of which is in the buffer zone. The primary goal is to undertake an invasive species management plan. Tree mitigation efforts are also proposed. All of the trees proposed to be removed have been GIS located and listed.

There was discussion regarding the proposed tree removal and mitigation on the site.

There was a question regarding removal of the existing asphalt at the end of the stream. It was noted that there is not a proposal to remove this. The work is only proposed to the edge.

There were no public comments at this time.

The Commission noted that it would like to see a tree inventory and proposed species for replacement.

Motion to continue the hearing for 49 Green Street (DEP File #234-911) to June 13, 2024, at request of the applicant, by F. Moder, seconded by R. Everett, approved 5-0-0.

OTHER BUSINESS

VALLEY ROAD – DPW SEWER MAIN BYPASS DISCUSSION

Justin Savignano, Assistant Town Engineer, explained that the Town is currently in the process of lining the I-95 sewer interceptor through this area. The proposal is for a 12” fully welded sanitary bypass line along the back of the properties of Valley Road. Work is proposed outside of the resource area and this area contains a fairly steep slope. Work will most likely be done for about a month. No heavy machinery will be brought in, and it does not appear that any trees will be affected. The only other alternative to this proposal would be to run the bypass along Valley Road, which would be very disruptive to the residents. The proposal is the least invasive way to accomplish this. There is very little shrub area that will be disturbed as part of the project.

94 ELDER ROAD (DEP FILE #234-913) – REQUEST FOR PARTIAL CERTIFICATE OF COMPLIANCE

D. Simonelli explained that the request is for a partial certificate of compliance at this time.

C. Hutchinson stated that he reviewed the as built plan and current site conditions. He confirmed a deviation regarding the walkways being included in the calculations. The site is stabilized, and the lawn is in. The plantings are pending, and two years of monitoring are required. Placards are required along the fence line for the riverfront mitigation area. The mitigation area does include any deviations in the calculations. Staff recommends issuance of a partial certificate of compliance at this time.

Motion to issue a partial Certificate of Compliance for 94 Elder Road (DEP File #234-913), by R. Everett, seconded by P. Safran, approved 5-0-0.

190 EDGEWATER DRIVE (DEP FILE #234-916) – REQUEST FOR MINOR MODIFICATION

Doug Sherman, carpenter, explained that, since the start of the project, the homeowners have decided to include a deck off the back of the living area. The request is to include four posts, 7' off the back foundation for the deck.

Motion to issue a minor modification for 190 Edgewater Drive (DEP File #234-916), by F. Moder, seconded by P. Safran, approved 5-0-0.

53 HEATHER LANE (DEP FILE #234-919) – ORDER OF CONDITIONS DISCUSSION

It was noted that this item was not yet ready for discussion.

The Board discussed an enforcement issue at 17 George Aggott Road.

D. Anderson explained that Staff was notified of work occurring at 17 George Aggott Road. Staff visited the site and noted obvious work being done outside of what was originally proposed. It appears that the propane tank is in the process of being installed underground and connected to the house. A pile of dirt close to the bank of the stream was noticed. Staff stated that erosion controls should be installed, work should be stopped, and the owner should come speak to the Commission. The gas company was not alerted, and more work was completed. The builder stopped the work at that time.

C. Hutchinson stated that there originally was not supposed to be any ground disturbance on the site. The existing foundation was built on but work on the back corner for installation of the propane tank occurred. The tank has now been installed underground. The stream runs close to this area. It is difficult to say if trees were removed.

D. Herer stated that the owner needs to submit an after-the-fact Notice of Intent application.

The team for 17 George Aggott Road stated that an erosion control has been placed along the entire property and work has been halted. He asked if work could continue to close the actual building, while continuing the process for an application for the groundwork of the propane tank. The Commission agreed that the building could be closed up and that an enforcement order should be issued regarding filing of the Notice of Intent.

Motion to issue an enforcement order for 17 George Aggott Road, by F. Moder, seconded by P. Safran, approved 5-0-0.

The Board reviewed a proposed order of conditions for 40 Lake Drive.

D. Anderson reviewed the items proposed to be removed from the plan. The first is a note from the original plan regarding the footings inside of the foundation. The footings were done from the outside, which was an issue with the Building Department, and so that note needed to be revised. The second note deals with the rear yard setback being 20' if new construction is triggered. The stormwater bylaw and the Zoning are completely separate entities. Even if the Commission states that they consider this new construction under the stormwater bylaw, this has nothing to do with Zoning setbacks. She suggested this note be removed. Regarding the statement about the Zoning Enforcement Officer, the Zoning Officer made it clear that the stormwater bylaw and Zoning are not connected at all. The note regarding the Chief Zoning Enforcement Officer does not have any bearing on this, as he is not acting in that capacity as far as this permit.

D. Herer stated that the bylaw refers to new construction and states that any new construction that requires a building permit is subject to the stormwater bylaw. This project is clearly new construction, by the definition in the bylaw and by the definition in the zoning bylaw. The bylaw states that the Conservation Commission has issuing authority with regard to the bylaw. Also, the stormwater regulations require infiltration. These are reasons it is believes this project requires infiltration. He stated that he also reviewed the building permit, and it states that infiltration is needed.

Motion to issue the Order of Conditions for 40 Lake Drive (DEP File #234-927), contingent upon receipt of a revised plan, by D. Herer, seconded by R. Everett, approved 5-0-0.

ADJOURN:

Motion to adjourn the meeting, by F. Moder, seconded by R. Everett, approved 5-0-0.

The meeting was adjourned at 8:44 p.m.

NEXT PUBLIC MEETING:

June 13, 2024, at 7:00 p.m. location to be determined.

*Respectfully Submitted,
Kristan Patenaude*