

TOWN OF NEEDHAM CONSERVATION COMMISSION MEETING MINUTES

Thursday, June 13, 2024

Under Governor Healey's Act "Extending Certain COVID-10 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 March 2023, 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), Sue Barber, Reade Everett, Bill Hebard, Fred Moder [7:20pm], Alison Richardson, 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 23, 2024, as presented, by D. Herer, seconded by A. Richardson, approved 5-0-0.

2. Enforcement Orders

D. Anderson stated that 17 George Aggott Road has been permitted to fill in the hole where the propane tank was installed. The soil was stockpiled close to the stream leading to concerns, though there are erosion controls in place.

Staff has not received revised plans yet for 40 Lake Drive. A meeting has been set up with DEP regarding Gary Road.

HEARINGS/APPOINTMENT

SOUTH STREET INFILTRATION PROJECT – REQUEST FOR DETERMINATION OF APPLICABILITY

Justin Savignano, Assistant Town Engineer, explained that the proposal includes infiltration units at a few locations along South Street.

D. Anderson explained that most of the project was exempt as a utility within the roadway, but some drainage improvements were proposed that were suggested to be part of an RDA.

Motion to close the hearing for the South Street Infiltration Project, by D. Herer, seconded by S. Barber, approved 5-0-0.

Motion to issue a negative Determination of Applicability for the South Street Infiltration Project, by D. Herer, seconded by B. Hebard, approved 5-0-0.

11 MARY CHILTON ROAD (DEP FILE #234-928) – NOTICE OF INTENT

F. Moder entered the meeting.

Susan McArthur, McArthur Environmental Consulting, explained that the lot is 10,000 s.f. and contains a two-story single-family home with an attached garage, raised back deck, bituminous driveway, front walkway, and back garden. There is a utility line along the back, past the property line, and an intermittent stream in the same area. A BVW, associated with the stream, runs into the property. The proposal is for a 14'x14' sunroom located on a slab. Prior to any ground disturbance, an erosion control barrier will be installed. No heavy equipment will need to access the site. The slab will be located on existing lawn area. Additionally, the applicant is looking to create a naturalized area in the back of the yard, and to remove invasives. A rain garden to manage water flow on the site is also proposed.

C. Hutchinson stated that the 50' buffer zone applies to this project. The invasive species work would occur in the 25' buffer zone, so a waiver would be needed from the requirements for that work. He suggested that the Staff review the herbicidal applicator's credentials and a waiver from work the 25' buffer needs to be considered. There does appear to be a net benefit associated. An issuance from the waiver fee could also be considered.

B. Hebard suggested that medallions marking the 25' No Disturb area be installed on the site.

There was no public comment at this time.

Motion to close the hearing for 11 Mary Chilton Road (DEP File #234-928), by D. Herer, seconded by S. Barber, approved 6-0-0.

Motion to issue a waiver for work within the 25' Zone for 11 Mary Chilton Road (DEP File #234-928), by D. Herer, seconded by S. Barber, approved 6-0-0.

Motion to waive the fee for work within the 25' Zone for 11 Mary Chilton Road (DEP File #234-928), by D. Herer, seconded by S. Barber, approved 6-0-0.

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

Andrew Gorman, Beals and Thomas, explained that the subject of the waiver request is to clean up and grade out the stream banks and resod their edges. This is proposed within the 25' buffer to the stream. Existing flashboards in a detention feature are proposed to be replaced in kind, allowing for sediment removal within a pond. There are tree removal areas proposed on the site as well. Most of the tree species on the northern portion of the property are invasive. Two tree species are proposed. A note has been added to the plan requesting approval to swap tree species during the work, as appropriate.

A. Richardson asked why tree #42 is proposed to be removed. This tree likely has a lot of value. A. Gorman stated that this is part of the area to be replanted. This tree can be reviewed.

S. Barber asked the total number of trees to be removed. A. Gorman stated that 47 trees are proposed to be removed and 94 are proposed to be replanted.

R. Everett asked if eastern red cedars are planned along the reservoir path. A. Gorman stated that this is still planned. R. Everett suggested adding shrubs in this area for wildlife habitat instead. It was noted that lower growing shrubs may impact play in this area, but shrubs could be considered on the other side of the green.

There was discussion regarding additional plant diversity on the site.

In response to a question from D. Anderson regarding if there are additional areas outside of jurisdiction that will have trees removed, it was noted that there may be a few more areas around the first hole green.

D. Herer suggested a mechanism for further review of a revised plan as part of a conditional approval. C. Hutchinson stated that there will likely be a more comprehensive replacement plan once removals are complete. The applicant should be willing to comply with plantings within the buffer zone. Removals could be allowed contingent on a set number of replantings.

There was agreement that the Commission would like to see a two-year monitoring requirement for this project.

In response to a question from D. Anderson, A. Gorman stated that the stumps in the southern area will remain, but they will be removed from the northern area. D. Anderson noted that this will lead to a lot of disturbance in this area.

B. Hebard stated that there are guidelines that new trees should be planted as closely as possible to those to be removed.

D. Anderson stated that more thought could go into additional habitat value that could be added to the channel.

S. Barber stated that a replanting plan should be submitted, and approval should be contingent to any changes to the plan being reviewed with Staff.

There was discussion regarding allowing some of the mitigation to be planted elsewhere on the site, if it creates greater habitat value.

F. Moder stated that removal of the stumps on the north side of the site could lead to additional runoff.

Motion to continue the hearing for 49 Green Street (DEP File #234-911) to June 27, 2024, at request of the applicant, by D. Herer, seconded by R. Everett, approved 6-0-0.

OTHER BUSINESS

It was noted that this was A. Richardson's last meeting with the Commission. The Commission thanked A. Richardson for her years of service.

The Board reviewed the draft order of conditions for 11 Mary Chilton Road (DEP File #234-928).

Motion to issue an Order of Conditions for 11 Mary Chilton Road (DEP File #234-928), by D. Herer, seconded by R. Everett, approved 6-0-0.

ADJOURN:

Motion to adjourn the meeting, by A. Richardson, seconded by D. Herer, approved 6-0-0.

The meeting was adjourned at 8:30 p.m.

NEXT PUBLIC MEETING:

June 27, 2024, at 7:00 p.m. location to be determined.

*Respectfully Submitted,
Kristan Patenaude*