

TOWN OF NEEDHAM CONSERVATION COMMISSION MEETING MINUTES

Thursday, April 28, 2022

Under Governor Baker'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 June 16, 2021, and in effect until April 1, 2022, 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), Stephen Farr, Artie Crocker, Peter Oehlkers, Alison Richardson, Deb Anderson (Director of Conservation), Clay Hutchinson (Conservation Specialist).

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

HEARINGS/APPOINTMENTS

1191 GREENDALE AVENUE (DEP FILE #234-8XX) – NOTICE OF INTENT

Raif Boit, representing the applicant, explained that this is a proposed two part project. The first step is the installation of a canoe rack. This will not be dug into the ground but will simply lay on the grass. The rack is proposed to be 10' long, 8' tall, and 8' wide and made of wood. There are no posts being dug for this canoe rack. Instead, an extremely minimal amount of levelling will be completed, displacing less than half a cubic foot of dirt, in order to lay paving stones to keep the wood out of direct contact with the ground. The second part of the project includes clearing of invasive species and debris to provide access to the river. Two paving stones will be laid in an area that is currently a tripping hazard which will make an existing path easier to traverse as well as prevent further erosion. There will also be some minor trimming of existing plant life to keep it out of the path and make the area more easily accessible. There will be approximately eight people working on the project each day. This project will hopefully begin in the June timeframe.

J. Carter Bernardo asked about the process for removing the bittersweet and Japanese knotweed. R. Boit stated that these areas will be cut back using clippers or a bow saw. The bittersweet will be removed from the site, but the knotweed will be cut back from the path only.

C. Hutchinson stated that he is comfortable with the wetland delineation of the site as shown. He stated that this project is generally a minor one, except that some of the work is proposed within the riverfront area. The proposed locations for the pavers will be important to mitigate a tripping hazard and erosion.

Ken Goldberg, 11 South Court, asked the Commission to consider a condition to allow for citizens to use this access on a limited basis. R. Boit stated that he would discuss this with the headmaster of St. Sebastian's.

Motion to continue the hearing for 1191 Greendale Avenue (DEP File #234-8XX), to May 12, 2025, by A. Crocker, seconded by S. Farr, approved 5-0-0.

94 HEATHER LANE EXT (DEP FILE #234-886) – NOTICE OF INTENT

Robert Truax, GLM Engineering Consultants, explained that this property contains a house which is currently under construction. There is an old existing swimming pool at the back left hand corner of the site. It includes a surrounding post and rail fence with wire fencing attached. The applicant is proposing to remove the pool, remove the fencing, grade the area and flatten it out a bit, as it currently slopes towards the wetland area. An erosion barrier will be installed around the outside of the fence. The existing earth material after the pool is removed will be used to fill in the hole and the area will be planted with a wetland seed mix. The pool is primarily empty at this time and so no dewatering will be needed. The concrete material and fencing will be removed from the site.

D. Anderson asked if the Commission would like to consider this one activity, for removal of a pool, or multiple activities, also including removal of a fence and shed. The Commission agreed that the fee for a single activity would be appropriate in this case.

J. Carter Bernardo stated that she walked the site, and the silt sock is mostly around the line of work, but did not bend around an area. An area of the 200' riverfront area will have silt sock around it, seeded, and will not otherwise be touched. There were no tree stumps or pruning done within the 200' area, but there was an area of a stump dump and truck tracks. This could be handled through this Order, instead of issuing a separate Enforcement Order.

There was no public comment at this time.

Motion to close the hearing for 94 Heather Lane Ext (DEP File #234-886), by A. Richardson, seconded by A. Crocker, approved 5-0-0.

OTHER BUSINESS:

160 COUNTRY WAY (DEP FILE #234-394) – REQUEST FOR CERTIFICATE OF COMPLIANCE

Diane Simonelli, Field Resources, Inc., explained that a Notice of Intent was filed years ago for this property in order to complete a garage and patio project. The only additional work that was completed was an additional brick walkway in the back. Infiltration was added to the site. The Order of Conditions expired in 2001.

D. Anderson stated that there are no issues with this request.

Motion to issue a Certificate of Compliance for 160 Country Way (DEP File #234-394), by S. Farr, seconded by A. Crocker, approved 5-0-0.

124 ELDER ROAD (DEP FILE #234-757) – REQUEST FOR CERTIFICATE OF COMPLIANCE

D. Simonelli explained that this was a single-family home which received an Order of Conditions. There are a few differences from the approved plan, including a patio smaller than proposed, a house further from the wetlands, plantings that are closer to the brook, and an infiltration system split into two systems. A small walkway was added which led to a small increase in impervious surface and a shed was installed 6” closer to an easement than approved.

D. Anderson stated that most of the changes were minor and in the Commission’s favor.

Motion to issue a Certificate of Compliance for 124 Elder Road (DEP File #234-757), by S. Farr, seconded by A. Crocker, approved 5-0-0.

NEEDHAM GOLF CLUB – STREAM EROSION DISCUSSION

Tim Hood, Needham Golf Club, stated that there is an asphalt-lined brook which runs through the golf course. There are two sections along the perimeter which are having erosion issues. This is becoming a hazard. The proposal is to complete some temporary repairs in these areas. The bank is made of dirt. A. Richardson suggested coir rolls that can be planted in.

D. Anderson suggested a temporary solution as an emergency action. As the applicant continues to work with a consultant, a more permanent solution can be decided upon.

The Commission agreed that this would be considered an emergency repair under administrative review.

Motion to approve the emergency repairs for the Needham Golf Club as discussed, by S. Farr, seconded by A. Crocker, approved 5-0-0.

MISCELLANEOUS BUSINESS

1. Minutes

None at this time.

2. Enforcement & Violation Updates

Tom Schutz, Goddard Consulting, explained that he is representing the owner at 1297 Central Ave regarding a cease and desist order received from staff. This was due to the homeowner repairing a retaining wall in the back of the property.

C. Hutchinson explained that staff received a call regarding work being done at this property. Staff met with an abutter and observed the property from the neighboring parcel. It appeared that the property owner was doing work on a retaining wall which had blown out. The extent of the disturbance continued down into the back of the yard, within the 100’, 50’, and 25’ buffer zones and possibly into the wetland itself. An original application and delineation for a previous Order

of Conditions allowed an area of the site to be maintained as a meadow no more than twice a year. There was a limitation on the times of year that it could be mowed to protect birding habitat. An area of lawn was approved in perpetuity. There were also four bounds placed as part of this No Disturb area. As part of the recent cease and desist, the owner was asked to install erosion controls around the areas of disturbance while continuing to fix the retaining wall.

J. Carter Bernardo asked if the owners have been told that there is value to the resource areas of the site. T. Schutz stated that the owners have been made aware of the resource areas and all associated regulations and laws. He noted that the work on the retaining wall is complete at this point. No trees were removed from the property. There is a straw waddle installed along the limit of disturbance on the property. The proposal is to allow the meadow to revegetate with native plantings and a conservation seed mix. Plantings along the streambed are also proposed.

P. Oehlkers stated that it is disappointing to see that the meadow on this site was decimated and cleared. This is similar to a clear cutting situation. It is possible that invasives may take over the area before it can be restored. This is a case where fines are called for.

There was concern expressed by Commissioners that the previous meadow area appears to be being prepped to become a lawn and not a meadow. If this is a wet meadow, it may have been compacted when soil was removed. A. Richardson suggested that a hay blanket with cotton netting be installed to make sure the area holds moisture. A lot of seed mixture should be laid once the soil is loosened up. This should be done as soon as possible.

T. Schutz asked for leniency as to when restoration should begin, as the owners are currently in Singapore. He stated that he would submit a planting plan by Wednesday for the Commission to review.

Gideon Senderov, abutter, stated that there are two items of concern: the disturbance of the wetland and its impact on his property. An area in which water is collecting is on his property. There have been some slope changes made on the property in question, as the backhoe packed dirt down on the site. Water has thus shifted toward his property. He was not notified of any work being done on this property. There was no survey done of the site and so some of the work may have occurred on his property. It appears the intention was to change the slope of the site, including gravel being added to the wetland area.

A. Crocker asked how much dirt was removed from the site. G. Senderov stated that he does not have this information. T. Schutz stated that it seems the grade has not changed much, maybe a ½' at most. A. Richardson stated that there should not have been any gravel fill brought into the wetlands. Any gravel in that area must be removed. J. Carter Bernardo stated that any material brought in as fill needs to be removed as part of the enforcement order.

C. Hutchinson stated that special conditions of the Enforcement order include for the property owners and consultants to work with staff to review and approve seeding (permanent or temporary), monitoring, replacement of the markers at the top of the retaining wall, review of the extent of fill and debris in the wetland and buffer, and to consult with the abutter for any work on

the abutting property. Information will be brought back to the Commission for its May 26th meeting.

Motion to ratify the Enforcement Order with the specified conditions for 1297 Central Ave, by S. Farr, seconded by A. Crocker, approved 5-0-0.

The Commission reviewed a draft Order of Conditions for 94 Heather Lane Ext (DEP File #234-886).

Motion to issue an Order of Conditions as discussed for 94 Heather Lane Ext (DEP File #234-886), by A. Crocker, seconded by S. Farr, approved 5-0-0.

ADJOURN:

Motion to adjourn the meeting, by A. Crocker, seconded by S. Farr, approved 5-0-0.

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

NEXT PUBLIC MEETING:

May 12, 2022, at 7:00 p.m. location to be determined.

*Respectfully Submitted,
Kristan Patenaude*