

TOWN OF NEEDHAM CONSERVATION COMMISSION MEETING MINUTES

Thursday, May 12, 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: Stephen Farr, Sue Barber, Artie Crocker, Peter Oehlkers, Alison Richardson, Deb Anderson (Director of Conservation), Clay Hutchinson (Conservation Specialist).

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

OTHER BUSINESS:

122 RICHARDSON DRIVE (DEP FILE #234-784) – REQUEST FOR CERTIFICATE OF COMPLIANCE

A. Saleemuddin, owner/applicant, explained that there were some deviations from the plan including reclamation of lawn and plantings in the wrong areas. Staff noted that Asiatic bittersweet was rampant in some area of the property and allowed for treatment of it. The consultant for the project noted that approximately 80% of the plantings have survived and the treatment of the bittersweet was going well. Reevaluations of the treatment are proposed every two years for the next four years. A final as-built plan has been submitted.

D. Anderson stated that the site looks good. She noted that there were five deviations from the plan. One of these was expansion of the lawn. In lieu of reclaiming the lawn, the proposal is for the bittersweet treatment. The pervious patio shape was changed slightly but is not any closer to the wetlands than proposed. The drain outlet pipes connect to the foundation drain outlet pipe and it is unclear if this is a deviation. She recommended issuing a full Certificate of Compliance.

There were no Commissioner questions or comments at this time.

Motion to issue a Certificate of Compliance for 122 Richardson Drive (DEP File #234-784), by S. Farr, seconded by A. Crocker, approved 5-0-0.

HEARINGS/APPOINTMENTS

1191 GREENDALE AVENUE (DEP FILE #234-888) – *continued* NOTICE OF INTENT

C. Hutchinson stated that the applicant spoke with St. Sebastian's School regarding public access across the area. It is not in the School's interest to allow for access, partly due to liability and

partly because the walkway was not intended for heavy use. Staff is satisfied with the information provided.

There were no Commissioner questions or comments at this time.

Motion to close the hearing for 1191 Greendale Avenue (DEP File #234-888), by S. Farr, seconded by S. Barber, approved 5-0-0.

OTHER BUSINESS:

0 & 11 SOUTHFIELD COURT AND 9 SOUTHWOOD LANE, SOUTHFIELD COURT POND TREATMENTS (DEP FILE #234-795) – REQUEST FOR CERTIFICATE OF COMPLIANCE

Shawn McCarthy, Solitude Lake Management, explained that this pond has been treated a few times since 2017. Period treatments of herbicides and algicides have been the standard treatment for this pond since 2017.

A. Crocker noted that the aeration system for this pond has not worked for a while, which may be leading to some of these issues in terms of the water health. D. Anderson stated that a report from Solitude regarding management activities from 2017 mentions that a fountain was removed from the pond for winter storage. It appears until 2020, the fountain was being maintained. S. McCarthy stated that an aerator and a fountain are different things but perform similar functions. He stated that he will try to find more information on this.

Motion to issue a Certificate of Compliance for 0 & 11 Southfield Court and 9 Southwood Lane, Southfield Court Pond Treatments (DEP File #234-887), by S. Farr, seconded by A. Crocker, approved 5-0-0.

HEARINGS/APPOINTMENTS

0 & 11 SOUTHFIELD COURT AND 9 SOUTHWOOD LANE, SOUTHFIELD COURT POND TREATMENTS (DEP FILE #234-887) – NOTICE OF INTENT

S. McCarthy stated that the proposal is to use a variety of chemicals that are registered with the State and allowed by the State and the EPA to treat this pond. The chemical used to treat the duckweed is diluted, as recommended on the label, and distributed on the subsurface. People are then suggested to stay out of the water for one day. The algicide products which are used are copper based treatments. Another treatment is peroxide which is not dangerous to humans. The final chemical is for water lilies.

P. Oehlkers asked what types of wildlife are living in the pond. S. McCarthy stated that there were fish and frogs. P. Oehlkers stated that the proposed chemicals are technically poisonous to fish and frogs. S. McCarthy stated that they can be poisonous at full strength, but these are diluted and tend to breakdown pretty well.

P. Oehlkers stated that a letter to the abutters mentioned hydro raking. S. McCarthy stated that this may have been mentioned in error.

A. Richardson stated that the pond should not continuously be poisoned each year. She would like to see a larger, long-term vision for the pond that is sustainable. There is a modest amount of poison that could be reasonable, but this is not a sustainable solution.

S. Barber noted that cattails are an important part of pond ecosystems, and she would not like to see them all removed.

P. Oehlkers stated that it would be nice to have a survey explaining what flora and fauna exist in the pond prior to treatment.

D. Anderson stated that the last monitoring report was received in 2018. P. Oehlkers stated that the Department needs to regularly receive these reports, per the Order. He suggested that the consultant ask the applicant to consider alternate treatment methods or processes.

Motion to continue the hearing for 0 & 11 Southfield Court and 9 Southwood Lane, Southfield Court Pond Treatments (DEP File #234-887), to May 26, 2022, by S. Farr, seconded by A. Crocker, approved 5-0-0.

OTHER BUSINESS:

1357 GREAT PLAIN AVE (DEP FILE #234-819) – REQUEST FOR CERTIFICATE OF COMPLIANCE

Motion to issue a Certificate of Compliance for 1357 Great Plain Ave (DEP File #234-819), by S. Farr, seconded by A. Crocker, approved 5-0-0.

140 KENDRICK STREET (DEP FILE #234-851) – REQUEST FOR CERTIFICATE OF COMPLIANCE

Motion to issue a Certificate of Compliance for 140 Kendrick Street (DEP File #234-851), by S. Farr, seconded by A. Crocker, approved 5-0-0.

182 & 190 EDGEWATER DRIVE (DEP FILE #234-853) – REQUEST FOR MINOR MODIFICATION

Ardi Rrapi, representing the applicant, explained that the original request was to build a tennis court and swimming pool on this property. The work was completed but there were two deviations including a fence being installed around the swimming pool per the Building Department, and a 10'x12' shed installed on the side of the tennis court. The shed is located within the floodplain.

There was discussion regarding room under the fence for wildlife to pass. A. Rapi stated that there is space, but the fence was built to code. D. Anderson stated that there are spaces between the rails.

Motion to issue a Minor Modification for 182 & 190 Edgewater Drive (DEP File #234-853), by S. Farr, seconded by A. Crocker, approved 5-0-0.

MISCELLANEOUS BUSINESS

1. Minutes

None at this time.

2. Enforcement & Violation Updates

Gordon Russell, Brookside Road, explained that an abutting neighbor at 44 Brookside Road trespassed onto his property and created a patio, walkways, and some planting areas. That neighbor recently sold their house and has offered to remediate the area. In checking with staff, the area is within the 100' buffer zone and he was told an enforcement order would need to be issued in order to provide guidelines for remediation.

D. Anderson explained that the patio has been removed, but gravel under it remains along with a raised planting bed and steppingstones. There are also some piles of woodchips and leaves, along with some other debris. A list of items to be removed were provided by EcoTech. An enforcement order with these items can be sent to the owners.

G. Russell asked that the Commission include language that his neighbors be charged with this remediation and any costs associated. He has a contractor in mind and would like to be able to select who does the work. D. Anderson stated that she does not believe this can be put in an Order. The Commission is only looking to protect the resource area. S. Farr expressed concern regarding any new property owners being stuck with an enforcement order if the current neighbors sell the home. D. Anderson stated that she would reach out to DEP and Town Counsel on this matter. The Commission agreed to continue discussion on this item at a future meeting.

The Commission discussed a proposed restoration plan for 1297 Central Avenue. C. Hutchinson stated that the areas of disturbance have been identified, with plantings proposed in segments. There is a request to check samples of the soils on the property in order to determine the best location for the seeding areas. The bounds for the property also need to be reset across the lower tier of the retaining wall. There was a small amount of encroachment, but nothing has been issued to the neighboring property at this time. The plan will be revised as discussed.

D. Anderson noted that A. Crocker and B. Murphy will both be stepping down from the Commission.

The Commission reviewed a draft Order of Conditions for 1191 Greendale Avenue (DEP File #234-888).

Motion to issue an Order of Conditions as discussed for 1191 Greendale Avenue (DEP File #234-888), by S. Farr, seconded by A. Crocker, 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 8:57 p.m.

NEXT PUBLIC MEETING:

May 26, 2022, at 7:00 p.m. location to be determined.

*Respectfully Submitted,
Kristan Patenaude*