

**TOWN OF NEEDHAM  
CONSERVATION COMMISSION  
MEETING MINUTES  
Thursday, October 10, 2019**

LOCATION: Public Services Administration Building (PSAB), Charles River Room

ATTENDING: Janet Carter Bernardo (Chair), Sue Barber, William Murphy (arrived at 7:39pm), Peter Oehlkers, Alison Richardson, Deb Anderson (Director of Conservation), Clay Hutchinson (Conservation Specialist).

GUESTS: Craig Ellis, John Fiore, Bruce Johnstone, Holly Johnstone, Jonathan Trahan.

J. Carter Bernardo opened the public meeting at 7:36 p.m.

**MINUTES:** Minutes from the September 12, 2019 meeting and the September 26, 2019 meeting were reviewed.

***Motion to approve the minutes of September 12, 2019 by A. Richardson, seconded by S. Barber, approved 4-0-0.***

***Motion to approve the minutes of September 26, 2019 by S. Barber, seconded by A. Richardson, approved 4-0-0.***

**ENFORCEMENTS AND VIOLATIONS**

**54 PHEASANT LANDING ROAD – TREE REMOVAL VIOLATION**

Jonathan Trahan, the homeowner, was present for the discussion. Staff had received a phone call from a member of the public about trees and vegetation that were removed at 54 Pheasant Landing Road. Staff had conducted a site visit and met with the homeowner to confirm the scope of vegetation removal that had occurred in and around the wetland resource area. Staff had observed that most of the understory had been cleared and there were several remaining tree stumps. Staff had issued a verbal cease and desist at the site visit.

At the Conservation Commission meeting, J. Trahan noted that the property was purchased in May 2019, and they had not fully moved-in yet. He stated the initial site work that was conducted consisted of the removal of some hazard trees and removal of invasive buckthorn and bittersweet plants. J. Trahan also noted that several refuse piles consisting of grass clippings and yard waste, as well as trash, was removed. The Commission reviewed photos taken at the site visit and discussed the abundance of ferns and other low vegetation on the neighboring sites, and the absence of such plants on this property. J. Carter Bernardo briefly summarized the Wetland Protection Act and Bylaw regulations and jurisdictions to J. Trahan. The Commission discussed issuance of an Enforcement Order requiring a wetland delineation, after-the-fact Notice of Intent, and restoration planting plan to be filed by the Commission no later than March 1, 2020.

***Motion to issue an Enforcement Order for 54 Pheasant Landing Road by W. Murphy, seconded by S. Barber, approved 5:0:0.***

**OTHER BUSINESS:**

**260 ROSEMARY STREET (DEP FILE #234-837) – ISSUANCE OF ORDER OF CONDITIONS**

Staff updated the draft Order of Conditions and Exhibit A to reflect the Commission's comments from the previous meeting. The Commission reviewed the draft Order.

***Motion to allow work within the 25-foot No Disturb Zone for 260 Rosemary Street (DEP File #234-837) by S. Barber, seconded by A. Richardson, approved 5-0-0.***

***Motion to waive the waiver fee for work within the 25-foot No Disturb Zone for 260 Rosemary Street (DEP File #234-837) by P. Oehlkers, seconded by A. Richardson, approved 5-0-0.***

***Motion to issue the Order of Conditions for 260 Rosemary Street (DEP File #234-837) by W. Murphy, seconded by A. Richardson, approved 5-0-0.***

#### **55 BRIARWOOD CIRCLE (DEP FILE #234-801) – REQUEST FOR CERTIFICATE OF COMPLIANCE**

C. Hutchinson performed a site visit following the receipt of the Request for Certificate of Compliance. Staff confirmed that the conditions of the Order had been met and the restoration plantings had been successfully completed and monitored. The Commission reviewed the request, narrative, and as-built plans.

***Motion to issue the Certificate of Compliance for 55 Briarwood Circle (DEP FILE #234-801) by W. Murphy, seconded by A. Richardson, approved 5-0-0.***

***Motion to rescind the Enforcement Order issued to 55 Briarwood Circle made by P. Oehlkers, seconded by A. Richardson, approved 5-0-0.***

#### **823 CHARLES RIVER STREET (DEP FILE #234-827) – REQUEST FOR CERTIFICATE OF COMPLIANCE**

Bruce and Holly Johnstone were present for the discussion. Staff had previously met with the homeowners to review the Order requirements prior to requesting the Certificate of Compliance. The original project consisted of the removal of an existing house and replacement with a seeded meadow area. A small restoration planting area was established under the Order of Conditions to serve as mitigation for a previous project. The monitoring period and reports had not been completed for the restoration area. B. and H. Johnstone requested relief from the monitoring requirement given the overall site improvement with the conversion to meadow area. The Commission stated that the monitoring was still a requirement, but the Applicants could work with Staff to find a more affordable solution than the current consultant working on the monitoring.

***Motion to issue a partial Certificate of Compliance for 823 Charles River Street (DEP File #234-827) by A. Richardson, seconded by S. Barber, approved 4-0-1 (W. Murphy abstained).***

#### **0 ROSEMARY STREET (DREDGING) (DEP FILE #234-793) REFUELING AND STABILIZATION PLANS REVIEW**

Craig Ellis of BETA Group Inc., and John Fiore of Maverick Construction Co., Inc., were present for the discussion. The Commission had previously required the project managers and contractor to submit plans detailing their proposed changes to the refueling procedures and sediment dewatering procedures. The contractor submitted plans that proposed a staging pad within the resource area just inside from the parking lot staging area. The proposed procedures would “leap frog” sediment from one excavator to the next, each with approximately a 60-foot radius reach. The sediment materials would then be placed in holding bays to settle before Portland

cement is mixed in to meet MassDOT dewatering and transportation requirements. The levels of additives would be monitored to stay under thresholds suitable for the receiving party.

Refueling would occur within a specified area of the staging pad. Fuel would be stored within “fuel cubes” in the parking lot staging area. The fuel cubes would be refilled from the parking lot staging area. The staging pad in the resource area would be constructed of dense grade aggregate gravel with jersey barriers around the sediment bays. The bays would also be lined with a polyethylene liner with compost sock boundaries as required by DEP. The Commission requested that DEP be contacted to allow for the poly-sheeting liner to be installed under the aggregate pad instead of over.

## **723 CHARLES RIVER STREET – RATIFY THE ENFORCEMENT ORDER**

Staff notified the Commission that the Notice of Intent was received in the Office early in the day. The Notice of Intent stated they have removed seven (7) trees within jurisdiction. Staff loaded the photos taken from a previous site visit and determined it may have been as many as eleven (11) trees that had been cut within jurisdiction. Staff will issue the Enforcement Order for eleven (11) trees within jurisdiction, with an expectation that there will be clarification of how many trees exactly have been removed already.

***Motion to ratify the Enforcement Order for 723 Charles River Street by P. Oehlkers, seconded by S. Barber, approved 5-0-0.***

## **ADJOURN:**

Motion to adjourn by P. Oehlkers, seconded by A. Richardson, approved 5-0-0. The meeting was adjourned at 9:34p.m.

## **NEXT PUBLIC MEETING:**

***October 24, 2019 at 7:30 p.m. in the Public Services Administration Building, Charles River Room.***