

**TOWN OF NEEDHAM
CONSERVATION COMMISSION
MEETING MINUTES
Thursday, June 11, 2020**

Under Governor Baker's emergency "Order Suspending Certain Provisions of the Open Meeting Law G.L. c. 30A, S20," issued March 12, 2020 and in effect until termination of the emergency, 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), Sue Barber, Arty Crocker, William Murphy, Peter Oehlkers, Alison Richardson, Deb Anderson (Director of Conservation), Clay Hutchinson (Conservation Specialist).

GUESTS: Ellen Berkowitz, Jared Halliday, John Rockwood, Gabriela Steier, Matthew Varrell.

J. Carter Bernardo opened the public meeting at 7:30 p.m.

MINUTES: Minutes from the April 16, 2020 meeting were reviewed and amended.

Motion to approve the minutes of April 16, 2020 by W. Murphy, seconded by A. Crocker, approved 6-0-0.

ENFORCEMENTS AND VIOLATIONS

185 BROOKSIDE ROAD (DEP FILE #234-815) – VIOLATION OF THE ORDER OF CONDITIONS

The original approved work was for the tear-down and reconstruction of a single-family house. Staff received an irrigation well application review and determined that work had been done without a pre-construction site visit and no erosion controls had been installed. Gabriela Steier, the Applicant, stated that the work had been completed by a previous contractor who she thought was going to contact the Conservation Office in accordance with the Order of Conditions. Jared Halliday, the new contractor hired to finish the project, was also present for the discussion. D. Anderson stated that additional vegetation clearing occurred beyond the approved area.

The Commission discussed the issuance of an Enforcement Order to require an amended plan with mitigation and replacement planting, invasive species management, and a test pit and certification of the location of the infiltration unit. The request for the Amended Order of Conditions should be submitted prior to the August 13 meeting so that restoration planting can occur during the Fall planting season.

Motion to issue the Enforcement Order for 185 Brookside Road by A. Crocker, seconded by S. Barber, approved 6-0-0.

HEARINGS:

None.

OTHER BUSINESS:

71 STOCKDALE ROAD (DEP FILE #234-651) – REQUEST FOR CERTIFICATE OF COMPLIANCE

S. Barber recused herself for this discussion. Staff received a request for Certificate of Compliance for the completed work at 71 Stockdale Road (DEP File #234-651). J. Carter Bernardo read aloud a letter from the homeowners who were unable to attend. The letter stated that they purchased the house in 2015 and believed the builder had assumed the responsibility to close out the mitigation planting requirements. Matthew Varrell of Lucas Environmental was present to discuss the existing mitigation planting area on the Applicant's behalf. M. Varrell stated that the plantings had been installed in 2015 in compliance, but it was not closed out. M. Varrell noted that some of the original plantings did not survive, and proposed to complete the mitigation plantings as originally approved but requested that the Commission waive the additional monitoring since the homeowners will no longer be living at the address.

The Commission discussed the plantings that were planted only a couple weeks prior to the meeting and issuing a full Certificate of Compliance. Ellen Berkowitz, the Applicant, joined the discussion while in progress. The Commission did not feel comfortable issuing the complete Certificate of Compliance without some kind of monitoring, but requested that Staff issue a letter that allows the future owners to submit photos of the mitigation plantings in the future to request the Certificate of Compliance in 1 year.

Motion to table the request for Certificate of Compliance for 71 Stockdale Road (DEP File #234-651) made by A. Crocker, seconded by W. Murphy, approved 5-0-0 (S. Barber was recused from the discussion).

91 PHEASANT LANDING ROAD (DEP FILE #234-123) – REQUEST FOR CERTIFICATE OF COMPLIANCE

Staff received a request for Certificate of Compliance for 91 Pheasant Landing Road (DEP File #234-123). D. Anderson stated that the outstanding Order of Conditions was picked up by a real estate attorney as never being closed out. The original Order of Conditions was for the creation of Lot #9 when the Pheasant Landing Road subdivision was being developed. The work under DEP File #234-123 was never conducted and a later Order of Conditions and Certificate of Compliance were issued for the construction of the house.

Motion to issue the Certificate of Compliance for 91 Pheasant Landing Road (DEP File #234-123) made by A. Crocker, seconded by W. Murphy, approved 6-0-0.

ROSEMARY LAKE DREDGING PROJECT UPDATES

D. Anderson updated the Commission on the project status of the dredging project at Rosemary Lake. C. Hutchinson presented photos of the public access stairway and the final grading with placement of gravel. The Commission discussed the future emergence of aquatic vegetation around the landing area.

ADJOURN:

Motion to adjourn by A. Crocker, seconded by W. Murphy, approved 6-0-0. The meeting was adjourned at 9:05p.m.

NEXT PUBLIC MEETING:

June 25, 2020 at 7:30 p.m. virtually broadcast through the Zoom Virtual Platform.