

**TOWN OF NEEDHAM
CONSERVATION COMMISSION
MEETING MINUTES
Thursday, August 13, 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, Artie Crocker, Stephen Farr, William Murphy, Peter Oehlkers, Alison Richardson, Deb Anderson (Director of Conservation), Clay Hutchinson (Conservation Specialist).

GUESTS: Karon Skinner Catrone, Roy Cramer, Kyle Macdonald, Jon Montgomery, Robert Ouellet, Gabe Singal, Matt Varrell, Stephen Wallack, Steven Wolberg.

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

MINUTES:

None.

ENFORCEMENTS AND VIOLATIONS

None.

HEARINGS:

64 GAY STREET (DEP FILE #234-847) – *continued* NOTICE OF INTENT

Kyle Macdonald of Goddard Consulting LLC and Robert Ouellet of A. Francis Contracting were present for the hearing on behalf of the Applicant. The hearing had been continued for updated plans that included revised locations for the subsurface drywell units and topographic contours. The Applicant submitted the revised materials prior to the meeting. K. Macdonald reviewed the plan changes. The Commission had no further comment.

Motion to close the hearing for 64 Gay Street (DEP File #234-847) made by A. Richardson, seconded by S. Barber, approved 7-0-0.

Motion to issue the Order of Conditions for 64 Gay Street (DEP File #234-847) made by A. Crocker, seconded by P. Oehlkers, approved 6-0-0 (S. Barber was absent from the vote).

40 HIGHLAND AVENUE (DEP FILE #234-848) – ABBREVIATED NOTICE OF RESOURCE AREA DELINEATION (ANRAD)

Matt Varrell of Lucas Environmental, Roy Cramer of Frieze Cramer Rosen and Huber LLP, and Steven Wolberg, the Applicant, were present for the hearing. M. Varrell reviewed the existing conditions plan of the site including the wetland delineation information. M. Varrell also referenced a publicly available video of the site that was

submitted in the application materials. The site is a primarily wooded site with several historic debris piles and an existing business at the front of the property. The site abuts a DCR path along the Charles River. M. Varrell reviewed the Riverfront Area boundaries on the site and referenced the Riverfront Area regulations regarding previously disturbed areas. The plans depicted a portion of the Riverfront Area as being previously disturbed and containing the historic debris piles, which included asphalt and concrete debris.

The Commission reviewed the submitted materials including the test pit information. M. Varrell explained that the pits went down approximately 30 inches and that the native soils were still below that. Historic aerial photos were also reviewed as evidence that the disturbance and fill materials were deposited prior to August 7, 1996 when the Riverfront Area protections were enacted in Massachusetts. Abutters raised concerns that the dumping had been more recent and there was evidence of recent debris piles. The Commission discussed the regulatory definitions of previously disturbed and degraded areas in Riverfront Area and reviewed additional affidavits from other neighbors submitted with the application materials. The Commission determined that there was sufficient evidence that the site was disturbed prior to August 7, 1996 and met the definitions under the regulations.

Motion to close the hearing for 40 Highland Avenue (DEP File #234-848) made by S. Farr, seconded by W. Murphy, approved 7-0-0.

Motion to issue the Order of Resource Area Delineation for 40 Highland Avenue (DEP File #234-848) made by S. Farr, seconded by A. Crocker, approved 7-0-0.

57 FRANK STREET – REQUEST FOR DETERMINATION OF APPLICABILITY

Karon Skinner Catrone, the wetland consultant, was present for the hearing. K. Skinner Catrone reviewed the proposed work which included the construction of a patio with a sitting wall and firepit within existing lawn abutting the house. The patio is proposed to be constructed of stamped concrete due to the groundwater level in the location, though the Applicants preferred a paver patio if the engineer determines it is feasible. Erosion controls were proposed within the 25-foot Buffer Zone beyond the limit of work. Access to the patio will be over existing lawn but through the 25-foot Buffer Zone. The Commission requested that any disturbance to the access path is seeded immediately after the work is completed.

Motion to close the hearing for 57 Frank Street made by S. Farr, seconded by W. Murphy, approved 6-0-0 (S. Barber was absent from the vote).

Motion to issue a negative Determination of Applicability for 57 Frank Street made by S. Farr, seconded by A. Crocker, approved 6-0-0 (S. Barber was absent from the vote).

72 WILLIAM STREET – REQUEST FOR DETERMINATION OF APPLICABILITY

K. Skinner Catrone, the wetland consultant, and Gabe Signal, the Applicant, were present for the hearing. K. Skinner Catrone reviewed the proposed plan and the wetland qualities of the abutting intermittent stream. The Applicant proposed to construct a deck within existing lawn at the 50-foot Buffer Zone limit. No trees were proposed to be removed to construct the deck. C. Hutchinson noted that the stream behind the house appeared to be a drainage swale that was created when the subdivision was originally built, and stated it did not meet the criteria as perennial.

Motion to close the hearing for 72 William Street made by S. Farr, seconded by A. Richardson, approved 6-0-0 (S. Barber was absent from the vote).

Motion to issue a negative Determination of Applicability for 72 William Street made by S. Farr, seconded by A. Crocker, approved 6-0-0 (S. Barber was absent from the vote).

OTHER BUSINESS:

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

C. Hutchinson reviewed the Request for Certificate of Compliance that was submitted by the Applicant and described the site visit conducted. The original project consisted of the construction of a garage and the conversion of a concrete driveway to a paver driveway that was extended to the garage. C. Hutchinson noted that the driveway was expanded further than originally proposed but within an existing portion of lawn. The Commission reviewed the photos of the mitigation plantings and the subsurface stormwater unit that was installed below the driveway. Staff recommend a partial Certificate of Compliance for all work with exception of the required 2-year mitigation planting monitoring period.

Motion to issue a partial Certificate of Compliance for 1357 Great Plain Avenue (DEP File #234-819) made by S. Farr, seconded by A. Richardson, approved 6-0-0 (S. Barber was absent from the vote).

1169 SOUTH STREET – RATIFY ENFORCEMENT ORDER

Staff provided the Commission a drafted Enforcement Order for unpermitted work conducted at 1169 South Street as requested at the previous public meeting. The Enforcement Order included requirements for the submittal of a Notice of Intent permit application as well as immediate site stabilization and installation of erosion control barriers.

Motion to ratify the Enforcement Order for 1169 South Street made by S. Farr, seconded by P. Oehlkers, approved 6-0-0 (S. Barber was absent from the vote).

ADJOURN:

Motion to adjourn by S. Farr, seconded by A. Crocker, approved 7-0-0. The meeting was adjourned at 9:53p.m.

NEXT PUBLIC MEETING:

August 27, 2020 at 7:30 p.m. virtually broadcast through the Zoom Virtual Platform.