

CONSERVATION COMMISSION AGENDA

Date: Thursday, June 15, 2023

Time: 7:00pm

Place: This meeting will be held as a virtual meeting via Zoom.

The Conservation Commission will hold this meeting as a virtual meeting; no in-person meeting will take place at City Hall.

To join the meeting, click here:

<https://newtonma-gov.zoom.us/j/83382266572>

Contact jsteel@newtonma.gov or 617-796-1134 with any questions.

NOTE: In addition to the documents presented in the Commission's packet (available on the Commission's website), full application plans and narratives are available on [the Commission's website](#).

NOTE: Times listed are estimates. Items may be taken out of order at the Chair's discretion. Discussion may be limited by the Chair.

DECISIONS

A. WETLANDS DECISIONS

- (7:00) 210 Upland Rd – COC Request -- DEP #239-875
 - Owner/Applicant. Matthew Border
 - Representatives. Same
- (7:10) 400 Beacon Street – COC Request -- DEP #239-843
 - Owner/Applicant. John Shields
 - Representatives. Same
- (7:05) 24 Village Rd – COC Request (pending) -- DEP #239-866
 - Owner/Applicant. Hisham Salem
 - Representatives. Same
- (7:15) 39 Norwood Rd – COC Request (pending) -- DEP #239-873
 - Owner/Applicant. John Shields
 - Representatives. Same

B. CONSERVATION AREA DECISIONS

C. ADMINISTRATIVE DECISIONS

- (7:20) Minutes of 5/25/2023 to be approved
- (7:25) Discussion of rodenticide restrictions — Discuss Bill HD.577 and Bill H.825 and opportunities to support modifications to Newton's rodent control policy.
- (7:45) Discussion of Con Com meeting protocols and processes

D. ISSUES AROUND TOWN DECISIONS

UPDATES

E. WETLANDS UPDATES

F. CONSERVATION AREA UPDATES

- (8:00) Discussion of land management issues

G. ADMINISTRATIVE UPDATES

H. ISSUES AROUND TOWN UPDATES

- (8:15) Liaison updates

OTHER TOPICS NOT REASONABLY ANTICIPATED BY THE CHAIR 48 HOURS BEFORE THE MEETING

ADJOURN



Mayor
Ruthanne Fuller

**Director
Planning &
Development**
Barney Heath

**Chief
Environmental
Planner**
Jennifer Steel

**Assistant
Environmental
Planner**
Ellen Menounos

**Conservation
Commission
Members**
Kathy Cade
Dan Green
Judy Hepburn
Ellen Katz
Susan Lunin
Jeff Zabel
Leigh Gilligan

**Associate
Member**
Sonya McKnight

**Contact
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CONSERVATION COMMISSION MINUTES

Date: Thursday, May 25, 2023

Time: 7:00pm

Place: This meeting was held as a virtual meeting via Zoom.

With a quorum present, the meeting opened at 7:00 pm with Susan Lunin presiding as Chair.

Members Present: Susan Lunin (Vice-Chair), Kathy Cade, Judy Hepburn, Jeff Zabel, Leigh Gilligan (left the meeting at 9:10), Dan Green (Chair) (joined the meeting at 9:05)

Members Absent: Ellen Katz, Sonya McKnight (Associate Member)

Staff present: Ellen Menounos

Members of the Public: not recorded due to remote nature of the meeting

DECISIONS

A. WETLANDS DECISIONS

1. 176 Dedham Street – NOI cont – perimeter fence – DEP #239-953

- Owner/Applicant. Kaitlyn Spiegel
- Representatives. Self
- Project Summary.
 - Install a 6-foot shadowbox style privacy fence around most of the property with an 8-foot double gate to allow for access to the sewage easement.
 - To mitigate the volume of fill in the flood zone, the applicant proposes to remove all cinderblocks from the flood zone (~2 cubic yards) and remove just over 1 cubic yard of soil from the flood zone.
- Request. Issue an OOC
- Documents in packets. Highlighted site plan
- Additional documents presented at meeting. Site photos
- Jurisdiction. Bordering Land Subject to Flooding
- Presentation (staff) and Discussion.
 - Staff and applicant agreed on the amount of fill to be compensated for: 3.25 cubic yards of new, connected, flood storage.
 - Removal of cement blocks will provide 57 cf (vol/block = 0.38 cu. ft. x 150 blocks), just over 2 cubic yards of flood storage.
 - Removal of 31 cf of soil will provide just over 1 cubic yard of flood storage.
 - Staff agreed that removal of the cinder blocks and removal of soil from the existing lawn area will provide the required flood storage capacity and will not adversely affect the wildlife habitat value of the area.
- Vote to close the hearing and issue an Order of Conditions with the following special conditions. [Motion: Gilligan, Second: Cade, Roll-call vote: Lunin (aye), Zabel (aye), Gilligan (aye), Hepburn (aye), Cade (aye). Vote: 5:0:0.]
 21. The applicant must schedule and attend a pre-construction site visit with the applicant, construction supervisor and Conservation agent, to review and provide the following.
 - a. A signed Certificate of Understanding (attached to the Order of Conditions cover letter).
 - b. Contact information (for working and non-working hours) for those responsible for site compliance.
 - c. The anticipated timeline.
 - d. Proof of Recording the Order (submitted to the Conservation Office through the City's online permitting system).
 - e. DEP File number sign (minimum size 2'x2', clearly visible from the street)
 - f. Sedimentation/erosion controls (properly installed in the correct locations)
 22. A compensatory flood storage plan must be presented to the Conservation Office for approval. It must clearly indicate the location of the removal.
 23. A copy of the approved plans and Order of Conditions shall be always on-site and available. All contractors must adhere to the approved plan and conditions.



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24. Grades within the flood plain shall not be raised.
25. Finished grades may not deviate from the approved plans.
26. All trees and understory vegetation within the flood zone must be protected before, during and after the installation of the fence.
27. Compensatory flood storage must be provided in its entirety as per the plans, by removing all the cinder blocks from the flood zone, and removing ~1 cubic yard of soil from the periphery of the flood zone.
28. Photo-documentation of the removal from the flood zone of the cinder blocks and the soil must be provided to the Conservation Office at the time the work is undertaken.
29. The applicant must apply for a Certificate of Compliance in accordance with DEP Condition #12, by submitting:
 - a. A completed "Request for Certificate of Compliance (WPA Form 8A)."
 - b. An as-built plan showing the location of the fence and the newly created flood storage area.

2. 70 Kingswood Rd – NOI cont – Additions and landscape improvements to a single-family home – DEP #239-952

- Owner/Applicant. Larry Smith
- Representatives. Goddard Consulting, Zoe Krouner
- Project Summary. Remove the garage and build 2 story addition; build 1 story addition where a patio currently exists; replace the rear deck; add a front porch; replace the 1-car driveway with a 2-car driveway of "California paver strips". Most work will be in the inner riparian zone.
- Request. Issue an OOC
- Documents in packets. Highlighted site plan
- Additional documents presented at meeting. Site photos
- Jurisdiction. RFA, Bordering Land Subject to Flooding (outside the work zone), Buffer Zone to Bank
- Presentation (staff) and Discussion.
 - The project must "result in an improvement". The mitigation must result in "no significant adverse impact".
 - The house is small and the footprints of the proposed additions are modest.
 - Revised plans were received.
 - Now only one large pine tree will be removed; others will be protected with a detailed tree care plan that is part of the approved plan set.
 - The driveway has been reconfigured and reduced in area to better protect the large oak that is just off site to the north.
 - The mitigation planting area has been expanded and enhanced with more trees and shrubs; the Commission felt that that was sufficient to "result in improvement".
- Vote to close the hearing and issue an Order of Conditions with the following special conditions. [Motion: Gilligan, Second: Hepburn, Roll-call vote: Lunin (aye), Zabel (aye), Gilligan (aye), Hepburn (aye), Cade (aye). Vote: 5:0:0.]
 21. The applicant must schedule and attend a pre-construction site visit with the applicant, construction supervisor and Conservation agent, to review and provide the following.
 - a. A signed Certificate of Understanding (attached to the Order of Conditions cover letter).
 - b. Contact information (for working and non-working hours) for those responsible for site compliance.
 - c. The anticipated timeline.
 - d. Proof of Recording the Order (Note: the proof of recording must be submitted to the Conservation Office through the City's online permitting system.)
 - e. DEP File number sign (minimum size 2'x2', clearly visible from the street)
 - f. Sedimentation/erosion controls (properly installed in the correct locations)
 - g. Protection of all trees and shrubs that are due to remain within the limit of work and as necessary outside the limit of work. This may include orange snow fence installed at the dripline, mulch and plywood sheets over the roots, and/or boards tied to the trunk.
 22. To ensure broad understanding of and compliance with this Order, the applicant must:
 - a. Ensure that a copy of the approved plans and Order of Conditions is always on-site and available.
 - b. Ensure that all personnel performing the permitted work are aware of the permit's terms and conditions.
 - c. Include this document in all contracts, subcontracts, and specifications associated with the proposed work. Thereafter, the contractor will be held jointly liable for any violation of this Order.
 23. A copy of the approved plans and Order of Conditions shall be always on-site and available. All contractors must adhere to the approved plan and conditions.
 24. Erosion controls:
 - a. Erosion controls must be inspected and maintained during construction; any breach shall be remediated.

- b. An adequate supply of extra erosion control materials shall be stored on-site.
 - c. City streets shall be kept clean and catch basins in the immediate area shall be protected from sediment.
 - d. Erosion control shall remain in place until the Conservation Office provides written authorization for removal.
25. Tree protection must be undertaken as outlined in the 5/15/2023 memo from Ethical Tree Services. Additional tree protection for the oaks in the back yard must be installed (e.g., orange snow fencing at the drip line).
26. "Good housekeeping practices" shall be implemented at all times, including:
- a. appropriate limits to stormwater discharges
 - b. appropriate stockpile area management
 - c. appropriate limits to vehicle refueling, washing, etc.
 - d. appropriate litter management
 - e. appropriate controls for tire tracking
27. Concrete washout, if any occurs on-site, must be discharged to a self-contained basin and disposed of properly.
28. The bounded Riverfront Area mitigation planting area must:
- a. Be installed in compliance with the approved plans (desired changes must be approved by the Conservation office in advance)
 - b. Be installed in such a manner as to replicate to the maximum extent practical a diverse ecological system, provide habitat for native species. Plants must be installed just below grade (not in elevated mounds) to maximize water retention and result in natural grades.
 - c. Be installed under the direction of a qualified wetland consultant to ensure proper installation, proper placement, and appropriate and even filling of the entire mitigation area.
 - d. Include 5 native trees 100 % of which are well-established and thriving after 2 growing seasons
 - e. Include 5 native shrubs 100 % of which are well-established and thriving after 2 growing seasons
 - f. Include 60 native spreading herbaceous/groundcover plants with 75 % coverage that is well-established and thriving after 2 growing seasons
 - g. Be bounded, as shown on the plans, with bounds that: (1) are 4"x4"x36" stone or concrete post, (2) have instructive language regarding the required protection, (3) have at least 6" maintained above grade, and (4) are placed at every boundary corner and never more than 20 feet apart.
 - h. Be maintained in such a manner as to replicate to the maximum extent practical a diverse ecological system and provide habitat for native species.
 - i. Be managed to control/minimize invasive species for the life of this permit. If herbicides are used, the manufacturer's recommended directions must be followed.
 - j. Be monitored for two growing seasons; send descriptive season-end monitoring reports (with photographs) sent to the Conservation Office.
 - k. Be maintained, in perpetuity, in its effectively natural condition.
29. If any trees intended to be protected within the project area die within 2 years of the start of construction as a result of the construction or have been demonstrably harmed by construction activities, they shall be replaced at a ratio of 2:1 with native canopy saplings (of roughly 2 caliper inches).
30. The Applicant must inform the Commission of any violation of this Order and any other project related spill or accident that may impact wetland resource areas as soon as possible and at least by the end of the business day and must take appropriate action to mitigate impacts from such spill or accident.
31. The applicant must apply for a Certificate of Compliance in accordance with DEP Condition #12, by submitting:
- a. A completed "Request for Certificate of Compliance (WPA Form 8A)."
 - b. An as-built plan signed and stamped by a professional engineer and/or land surveyor registered in Massachusetts. This plan must include all structures, hardscape, grading (topography), mature trees, landscape features and plantings.
 - c. A written statement from a Professional Engineer registered in Massachusetts certifying that the work has been completed in substantial compliance with this Order of Conditions and the approved plans referenced herein (or approved revisions). If the completed work differs from that in the approved plans and conditions, the report must specify how the project differs.
 - d. As-built plan and letter from a landscaper certifying compliance with the approved planting scheme.
32. To protect the water quality of area wetlands, fertilizers shall be of low-nitrogen content and be used in moderation
33. To protect the full suite of benefits of area wetlands, wildlife, and native insects and pollinators, no pesticides shall be used.
34. To protect wetland wildlife, exterior lighting shall:

- a. be “dark sky” compliant -- i.e., shielded to prevent any “up lighting” and “backlighting”, focused, and directed so as not to illuminate any part of the wetland.
 - b. have limited blue content to decrease skyglow and disruption of diurnal animals
 - c. be switched off when not in active use
 - d. not exceed the illumination shown on the approved photometric plan sheet
35. The required Riverfront Area mitigation planting area shall be maintained in perpetuity in its predominantly natural condition so as to replicate to the maximum extent practical a diverse ecological system and provide habitat for native species as per 310 CMR 10.58, and shall remain bounded with the bounds exposed at least 6 inches.

3. 130 Nonantum Rd – NOI – demo and re-construction of a two family home – DEP #239-0955

- Owner/Applicant. London on the Charles LLC (Melanie Fleet)
- Representatives. John Rockwood, Eco-Tec; Sean Spruhan (Engineer)
- Project Summary.
 - Demolish existing home and detached garage.
 - Construct two-family home with associated attached garages, driveway, walkways, steps, and retaining walls.
 - Create a bounded restoration/mitigation planting area along Maple Street.
- Request. Issue an OOC
- Documents in packets. Highlighted site plan
- Additional documents presented at meeting. Locus map, site photos
- Jurisdiction. Riverfront Area
- Presentation (staff) and Discussion.
 - Total alteration is 3780 sf, all in the outer riparian zone
 - 1 deciduous tree is proposed to be removed within the Riverfront Area
 - The closest degraded areas will be further from the river than existing conditions
 - The project will result in an increase in impervious (degraded) areas on site; a restoration/enhancement planting area will be installed and bounded; DEP has reviewed and approved the sf takeoffs for increase in degraded RFA vs amount of required restoration/mitigation
 - In restoration/mitigation planting area, 12” of topsoil will be removed to prevent the return of invasives; 15 saplings (42 caliper in.), 44 large shrubs, 64 small shrubs will be planted
 - The project is exempt from state stormwater regulations, but must comply with Newton’s Stormwater Ordinance. A stormwater management system has been proposed that does so. City Engineering will review the project subsequent to wetlands Order of Conditions, as a Site Plan submitted for Stormwater Permit.
 - If Engineering requires significant plan changes, applicant will need to share plan revisions with Conservation staff for review and approval, and issue signed and stamped Plan Change Memo
 - If Engineering requires significant plan changes, applicant may need to return to Commission hearing for Minor Plan Change or Amended Order
 - The Commission discussed the square footage of degradation vs. the square footage of mitigation. John Rockwood had provided a memo defending the numbers presented as approvable under 10.58 (5); DEP (Kyle Lally) had already been consulted and agreed that John Rockwood’s interpretation was correct, so the Commission deferred to Rockwood and the DEP.
 - Prior to issuing Order of Conditions, the following plan revisions and notes are required to be reviewed and approved by staff:
 - Retaining walls must be set back from property lines at least 1-foot
 - Erosion control must be wire-reinforced silt fence (Super Silt Fence) at steepest grades and compost sock everywhere else
 - Erosion control details and stockpile locations should be updated to include more detail about locations and timeframes.
 - Stockpiling of excavated material should not occur on steep slopes towards Maple Street.
 - The area for the infiltration system should be over-dug prior to installation, to ensure proper function
 - Driveway grades should be revised to reduce steepness (including side of driveway)
 - Location and depth of shallow swale in mitigation planting area should be revised for improved function and easier maintenance
 - An invasives management plan for the life of the permit will be provided before pre-construction site visit
- Vote to close the hearing and issue an Order of Conditions, pending plan revisions, with the following special conditions. [Motion: Cade, Second: Zabel, Roll-call vote: Lunin (aye), Zabel (aye), Gilligan (aye), Hepburn (aye), Cade (aye). Vote: 5:0:0.]

21. The applicant must schedule and attend a pre-construction site visit with the applicant, construction supervisor and Conservation agent, to review and provide the following.
 - a. A signed Certificate of Understanding (attached to the Order of Conditions cover letter).
 - b. Contact information (for working and non-working hours) for those responsible for site compliance.
 - c. The anticipated timeline.
 - d. Proof of Recording the Order and the Operations & Maintenance Plan appended hereto (Note: the proof of recording must be submitted to the Conservation Office through the City's online permitting system.)
 - e. DEP File number sign (minimum size 2'x2', clearly visible from the street)
 - f. Sedimentation/erosion controls (properly installed in the correct locations)
 - g. Protection of all trees and shrubs that are due to remain within the limit of work and as necessary outside the limit of work. This may include orange snow fence installed at the dripline, mulch and plywood sheets over the roots, and/or boards tied to the trunk.
22. To ensure broad understanding of and compliance with this Order, the applicant must:
 - a. Ensure that all personnel performing the permitted work are aware of the permit's terms and conditions.
 - b. Include this document in all contracts, subcontracts, and specifications associated with the proposed work. Thereafter, the contractor will be held jointly liable for any violation of this Order.
23. An invasives management plan for the restoration/mitigation area, for the life of the permit, must be submitted to the Conservation Office for review and approval.
24. A copy of the approved plans and Order of Conditions shall be always on-site and available. All contractors must adhere to the approved plan and conditions.
25. Erosion controls:
 - a. Erosion controls must be properly entrenched Super Silt Fence or equivalent and staked 1-foot compost sock.
 - b. Placed fully within the property lines.
 - c. Erosion controls must be inspected and maintained during construction; any breach shall be remediated.
 - d. An adequate supply of extra erosion control materials shall be stored on-site.
 - e. City streets shall be kept clean and catch basins in the immediate area shall be protected from sediment.
 - f. Erosion control shall remain in place until the Conservation Office provides written authorization for removal.
26. Since the site is very steep and tight, stockpiling of demolition and/or excavation materials must be performed as noted on the plans. All notes about locations of piles, the temporary nature of some piles, and a Construction Entrance Sequence must be adhered to.
27. "Good housekeeping practices" shall be implemented at all times, including:
 - a. appropriate limits to stormwater discharges
 - b. appropriate stockpile area management
 - c. appropriate limits to vehicle refueling, washing, etc.
 - d. appropriate litter management
 - e. appropriate controls for tire tracking
28. A stabilized driveway construction entrance will be required for the duration of the construction to prevent tracking of mud and silt onto City streets.
29. Riverfront Area Mitigation/enhancement planting area must:
 - a. Be installed in compliance with the approved plans (desired changes must be approved by the Conservation office in advance)
 - b. Be installed in such a manner as to replicate to the maximum extent practical a diverse ecological system, provide habitat for native species. Plants must be installed just below grade (not in elevated mounds) to maximize water retention and result in natural grades.
 - c. Be installed under the direction of a qualified wetland consultant to ensure proper installation, proper placement, and appropriate and even filling of the entire mitigation area.
 - d. Include 15 native trees, 100% of which are well-established and thriving after 2 growing seasons
 - e. Include 44 native shrubs, 80% of which are well-established and thriving after 2 growing seasons
 - f. Include 64 native sub-shrubs, 80% of which are well-established and thriving after 2 growing seasons
 - g. Include organic leaf-litter mulch to minimize erosion and aggressive weed growth but shall not impede spread of groundcover. Mulch applications shall diminish over time and eventually cease as shrubs and sub-shrubs spread.
 - h. Stabilize all disturbed areas.
 - i. Be bounded, as shown on the plans, with bounds that: (1) are 4"x4"x36" stone or concrete post, (2) have instructive language regarding the required protection, (3) have at least 6" maintained above grade, and (4) are placed at every boundary corner and never more than 20 feet apart.

- j. Be managed to control/minimize invasive species for the life of this permit. If herbicides are use, manufacturer’s recommended directions must be followed.
 - k. Be monitored for two growing seasons; send descriptive season-end monitoring reports (with photographs) sent to the Conservation Office.
 - l. Be maintained, in perpetuity, in its effectively natural condition.
30. If any trees intended to be protected within the project area die within 2 years of the start of construction as a result of the construction or have been demonstrably harmed by construction activities, they shall be replaced at a ratio of 2:1 with native canopy saplings (of roughly 2 caliper inches).
31. All retaining walls shall be set back from property lines as shown on final civil plan.
32. The stormwater infiltration system must:
- a. Be over-dug prior to installation of the stone to ensure proper infiltration function
 - b. Be inspected by the City Engineer before it is backfilled with stone (with proof of inspection to the Conservation Office)
 - c. Be installed as per the approved plans.
33. The swale within the restoration/enhancement area must:
- a. Be constructed at a sufficient gradient to promote flow to the area drain
 - b. Be at least 1-foot deep at the time of construction to allow for settling and soil migration over time.
34. The Applicant must inform the Commission of any violation of this Order and any other project related spill or accident that may impact wetland resource areas as soon as possible and at least by the end of the business day and must take appropriate action to mitigate impacts from such spill or accident.
35. No Certificate of Occupancy shall be approved by Conservation without written approval from the Conservation Office or a Certificate of Compliance.
36. The applicant must apply for a Certificate of Compliance in accordance with DEP Condition #12, by submitting:
- a. A completed “Request for Certificate of Compliance (WPA Form 8A).”
 - b. An as-built plan signed and stamped by a professional engineer and/or land surveyor registered in Massachusetts. This plan must include all structures, hardscape, grading (topography), mature trees, landscape features and plantings.
 - c. A written statement from a Professional Engineer registered in Massachusetts certifying that the work has been completed in substantial compliance with this Order of Conditions and the approved plans referenced herein (or approved revisions). If the completed work differs from that in the approved plans and conditions, the report must specify how the project differs.
 - d. As-built plan and letter from a landscaper certifying compliance with the approved planting scheme.
37. To protect the water quality of area wetlands, fertilizers shall be of low-nitrogen content and be used in moderation
38. To protect the full suite of benefits of area wetlands, wildlife, and native insects and pollinators, no pesticides shall be used.
39. To protect wetland wildlife, exterior lighting shall:
- a. be “dark sky” compliant -- i.e., shielded to prevent any “up lighting” and “backlighting”, focused, and directed so as not to illuminate any part of the wetland.
 - b. have limited blue content to decrease skyglow and disruption of diurnal animals
 - c. be switched off when not in active use
 - d. not exceed the illumination shown on the approved photometric plan sheet
40. The required Riverfront Area restoration/enhancement planting area shall be maintained in perpetuity in its predominantly natural condition so as to replicate to the maximum extent practical a diverse ecological system and provide habitat for native species as per 310 CMR 10.58, and shall remain bounded with the bounds exposed at least 6 inches.
41. The approved Stormwater Operations & Maintenance Plan is appended hereto and must be adhered to.

4. 280 Nevada St – NOI – demo SFH, construct (3) 2FH – DEP #239-0956

- Owner/Applicant. 280 Nevada LLC (Greg Keshishyan)
- Representatives. John Rockwood, Eco-Tec; Joe Porter (engineer); Susan Sanigiolo (landscape architect)
- Project Summary.
 - Demolish the existing single-family house, pool, pool house/garage, driveway, patios, etc. Remove four eastern white pine trees with a total of 55 caliper inches
 - Construct three duplexes connected by one shared driveway, perimeter and interior fencing, three stormwater infiltration systems, and a retention pond (wet basin) surrounded by landscape plantings (including 103 caliper inches of replacement).

- Work within the 100' Buffer Zone (and a small area of flood zone) includes the removal of existing site features including a significant area of pavement and the construction of the majority of one proposed building, a portion of the paved driveway and paver walkway, segments of retaining wall and fencing, a retention pond, a mulch path with benches and maintained lawn, three pollinator gardens, and significant landscaping with native saplings, shrubs, and groundcover.
- Install an enhancement planting area with: 23 canopy trees, 13 understory trees, 170 shrubs, and seed mixes.
- Request. Issue an OOC
- Documents in packets. Highlighted site plan
- Additional documents presented at meeting. Locus map, site photos
- Jurisdiction. City Flood Zone, Buffer Zone
- Presentation (staff) and Discussion.
 - The wetland complex is a relic of Silver Lake. There is a very small area of City flood zone and a broader swath of buffer zone at the rear of the lot. The wetland is behind a fence on the abutting property and is associated with short segment of stream and a culvert on the abutting property.
 - Because stormwater overflow from the whole site will be directed to the retention pond within the Commission's jurisdiction, the Commission can review the entire project.
 - The site currently has a large amount of impervious area.
 - The rear of the site has relics of long-time "construction yard use" including piles of spoils and debris.
 - The proposed project will result in ~3,174 s.f. reduction in impervious surfaces in the 100' Buffer Zone, significantly increased infiltration of stormwater, and a robust landscaped/planted area.
 - Engineering wrote a preliminary review memo, stating that the proposed stormwater system meets the City stormwater standards based on test pit photographs from test pits 1 and 2 were shared with Engineering.
 - A third test pit near recharge system #1 will be dug with a City observer present.
 - The City's Engineering Department will conduct a detailed review of the stormwater system when an application for a Stormwater Management Permit is submitted. If plan changes are required by Engineering, Conservation staff will determine whether said changes would: (a) be administratively approvable as Minor Plan Changes, (b) require Commission review and approvable as Minor Plan Changes, or (c) require an amended Order of Conditions.
 - If Engineering requires significant plan changes, applicant will need to share plan revisions with Conservation staff for review and approval, and issue signed and stamped Plan Change Memo
 - If Engineering requires significant plan changes, applicant may need to return to Commission hearing for Minor Plan Change or Amended Order
 - Discussion ensued about the spoil pile beyond the rear (northeastern) property line and the Commission's desire to reestablish original grades and historic drainage patterns. It was decided that the owner will make a good faith effort to contact the current owner of the neighboring property to coordinate the removal of the spoil pile.
 - If initial seeding of the retention pond fails thrive (since the pond may rarely hold water), the seed mix will be revised.
 - The applicant noted and the Commission agreed that since there is a net reduction in impervious area within buffer zone, there is no express requirement for mitigation.
 - The Commission agreed that plants outside Commission jurisdiction are merely "landscaping" and need not be monitored for survival.
- Vote to close the hearing and issue an Order of Conditions with the following special conditions. [Motion: Cade, Second: Zabel, Roll-call vote: Lunin (aye), Zabel (aye), Gilligan (aye), Hepburn (aye), Cade (aye). Vote: 5:0:0.]
 21. The applicant must schedule and attend a pre-construction site visit with the applicant, construction supervisor and Conservation agent, to review and provide the following.
 - a. A signed Certificate of Understanding (attached to the Order of Conditions cover letter).
 - b. Contact information (for working and non-working hours) for those responsible for site compliance.
 - c. The anticipated timeline.
 - d. Proof of Recording the Order and the Operations and Maintenance Plan (Note: the proof of recording must be submitted to the Conservation Office through the City's online permitting system.)
 - e. DEP File number sign (minimum size 2'x2', clearly visible from the street)
 - f. Sedimentation/erosion controls (properly installed in the correct locations)
 - g. Protection of all trees and shrubs and as necessary outside the limit of work. This may include orange snow fence installed at the dripline, mulch and plywood sheets over the roots, and/or boards tied to the trunk.
 22. A dewatering plan designed to limit and control any adverse impact on the wetlands resource area(s) must be presented to the Conservation Commission for review and approval.
 23. A concrete washout plan designed to limit and control any adverse on the wetlands resource area(s) must be presented to the Conservation Commission for review and approval.

24. Engineering Department approval (and any plan revisions associated with said approval) must be forwarded to the Conservation Office prior the start of work.
25. To ensure broad understanding of and compliance with this Order, the applicant must:
 - a. Ensure that a copy of the approved plans and Order of Conditions is always on-site and available.
 - b. Ensure that all personnel performing the permitted work are aware of the permit's terms and conditions.
 - c. Include this document in all contracts, subcontracts, and specifications associated with the proposed work.
Thereafter, the contractor will be held jointly liable for any violation of this Order.
26. A copy of the approved plans and Order of Conditions shall be always on-site and available. All contractors must adhere to the approved plan and conditions.
27. The applicant must make a good faith effort to contact the abutting property owner at 288 Nevada Street seeking permission to remove all spoils and debris proximate to the delineated wetland that remain as a consequence of the operation of a landscape yard that encroached onto the 280 Nevada Street property. If permission is not granted by the abutter at 288 Nevada Street, the applicant will report same to Staff; if permission for the work is granted by the abutter, the applicant shall provide a plan for removal of spoils and debris and revegetation of the affected area by seeding only to Staff for review prior to implementation.
28. Erosion controls:
 - a. Erosion controls must be inspected and maintained during construction; any breach shall be remediated.
 - b. An adequate supply of extra erosion control materials shall be stored on-site.
 - c. City streets shall be kept clean and catch basins in the immediate area shall be protected from sediment.
 - d. Erosion control shall remain in place until the Conservation Office provides written authorization for removal.
29. "Good housekeeping practices" shall be implemented at all times, including:
 - a. appropriate limits to stormwater discharges
 - b. appropriate stockpile area management
 - c. appropriate limits to vehicle refueling, washing, etc.
 - d. appropriate litter management
 - e. appropriate controls for tire tracking
30. Within the Conservation Commission's jurisdiction, finished grades may not deviate from the approved plans.
31. The landscape plantings in the 25' buffer zone must:
 - a. Be installed in compliance with the approved plans (desired changes must be approved by the Conservation office in advance)
 - b. Be installed in such a manner as to replicate to the maximum extent practical a diverse ecological system, and provide habitat for native species. Plants must be installed just below grade (not in elevated mounds) to maximize water retention and result in natural grades.
 - c. Be installed under the direction of a qualified wetland consultant to ensure proper installation, proper placement, and appropriate and even filling of the entire mitigation area.
 - d. Include native canopy trees, 80% of which are well-established and thriving after 2 growing seasons
 - e. Include native understory trees, 80% of which are well-established and thriving after 2 growing seasons
 - f. Include native shrubs, 75% of which are well-established and thriving after 2 growing seasons.
 - g. Stabilize all disturbed areas.
 - h. Plants within the 25' buffer zone should be monitored for two growing seasons; send descriptive season-end monitoring reports (with photographs) sent to the Conservation Office.
 - i. Be managed to control/minimize invasive species for the life of this permit. If herbicides are use, manufacturer's recommended directions must be followed.
32. If any trees intended to be protected within or just outside the project area die within 2 years of the start of construction as a result of the construction or have been demonstrably harmed by construction activities, they shall be replaced at a ratio of 2:1 with native canopy saplings (of roughly 2 caliper inches).
33. The stormwater infiltration systems must be installed as per the approved plans.
34. The City Engineer must inspect the infiltration systems. The applicant must submit proof of inspection to the Conservation Office.
35. The Applicant must inform the Commission of any violation of this Order and any other project related spill or accident that may impact wetland resource areas as soon as possible and at least by the end of the business day and must take appropriate action to mitigate impacts from such spill or accident.
36. No Certificate of Occupancy shall be approved by Conservation without written approval from the Conservation Office or a Certificate of Compliance.
37. The applicant must apply for a Certificate of Compliance in accordance with DEP Condition #12, by submitting:

- a. A completed "Request for Certificate of Compliance (WPA Form 8A)."
 - b. An as-built plan signed and stamped by a professional engineer and/or land surveyor registered in Massachusetts. This plan must include all structures, hardscape, grading (topography), mature trees, landscape features and plantings.
 - c. A written statement from a Professional Engineer registered in Massachusetts certifying that the work has been completed in substantial compliance with this Order of Conditions and the approved plans referenced herein (or approved revisions). If the completed work differs from that in the approved plans and conditions, the report must specify how the project differs.
 - d. As-built plan and letter from a landscaper certifying compliance with the approved planting scheme.
38. To protect the water quality of area wetlands, fertilizers shall be of low-nitrogen content and be used in moderation
39. To protect the full suite of benefits of area wetlands, wildlife, and native insects and pollinators, no pesticides shall be used.
40. To protect wetland wildlife, exterior lighting shall:
- a. be "dark sky" compliant -- i.e., shielded to prevent any "up lighting" and "backlighting", focused, and directed so as not to illuminate any part of the wetland.
 - b. have limited blue content to decrease skyglow and disruption of diurnal animals
 - c. be switched off when not in active use
 - d. not exceed the illumination shown on the approved photometric plan sheet
41. The approved Operations and Maintenance Plan is appended hereto and must be adhered to.

5. 250 Albemarle Rd – NOI -- Gath Pool Improvements -- DEP #239-957

- Owner/Applicant. Newton Parks, Recreation, and Culture
- Representatives. Luis Perez Demorizi and Nicole Banks from Newton PRC; Josh Morse from Newton Public Buildings; Gregory Lacroix and Jim Jackson, Pare Corporation; Tom Scarlotta, pool designer
- Project Summary.
 - Demolish Gath Pool, pool decks, tennis courts, fences, etc.
 - Remove 1-3 trees (small Bartlett pear trees)
 - Construct 2 new pools, splash pool, pool deck, ADA accessible walkways, fences, etc.
 - Within the RFA there will be a ~3,194 sf reduction in impervious area, 2,589 sf of which will be in the form of new landscaped areas.
 - Install site landscaping (since there is an overall reduction in impervious/degraded area, no mitigation or restoration are required) – 3 trees, 62 shrubs, and native grass.
 - Install stormwater infiltration systems to handle all site runoff.
 - Install 3 7-foot-wide box culverts under the pool deck to provide compensatory flood storage for the 179 cf of fill.
- Request. Issue an OOC
- Documents in packets. Highlighted site plan
- Additional documents presented at meeting. Locus map, site photos
- Jurisdiction. Riverfront Area, Flood Zone
- Presentation (staff) and Discussion.
 - The flood zone (27.7 feet NAVD88) covers the entirety of the project site.
 - Riverfront Area covers approximately the "front half" of the project site.
 - All Riverfront Area performance standards are being met. The project will reduce degraded and impervious areas, capture and treat stormwater, and create wildlife habitat.
 - All flood zone performance standards are being met. The project will result in 179 cf of fill and 179 cf of compensatory flood storage capacity.
 - The Commission allowed that the project will not result in 10% additional capacity (197 cf of storage) as the Commission's policy generally requires, since the project is the only reasonable alternative, the project will further the public good, and the applicant team is providing additional mitigation plantings that were not otherwise required.
 - A revised erosion control plan sheet that shows a dewatering area was provided in response to Staff comments; the location of the dewatering area will be reviewed and refined in-person at the pre-construction site visit.
- Vote to close the hearing and issue an Order of Conditions with the following special conditions. [Motion: Green, Second: Zabel, Roll-call vote: Lunin (aye), Zabel (aye), Green (aye), Hepburn (aye), Cade (aye). Vote: 5:0:0.]
 21. The applicant must schedule and attend a pre-construction site visit with the applicant, construction supervisor and Conservation agent, to review and provide the following.
 - a. Proof of Recording the Order and the Operations and Maintenance Plan appended hereto

- b. A signed Certificate of Understanding (attached to the Order of Conditions cover letter).
 - c. Contact information (for working and non-working hours) for those responsible for site compliance.
 - d. The anticipated timeline.
 - e. DEP File number sign (minimum size 2'x2', clearly visible from the street)
 - f. Sedimentation/erosion controls (properly installed in the correct locations)
22. A dewatering plan designed to limit and control any adverse impact on the wetlands resource area(s) must be presented to the Conservation Commission for review and approval.
23. A concrete washout plan designed to limit and control any adverse on the wetlands resource area(s) must be presented to the Conservation Commission for review and approval.
24. To ensure broad understanding of and compliance with this Order, the applicant must:
- a. Ensure that a copy of the approved plans and Order of Conditions is always on-site and available.
 - b. Ensure that all personnel performing the permitted work are aware of the permit's terms and conditions.
 - c. Include this document in all contracts, subcontracts, and specifications associated with the proposed work. Thereafter, the contractor will be held jointly liable for any violation of this Order.
25. A copy of the approved plans and Order of Conditions shall be always on-site and available. All contractors must adhere to the approved plan and conditions.
26. Erosion controls:
- a. Erosion controls must be inspected and maintained during construction; any breach shall be remediated.
 - b. An adequate supply of extra erosion control materials shall be stored on-site.
 - c. City streets shall be kept clean and catch basins in the immediate area shall be protected from sediment.
 - d. Erosion control shall remain in place until the Conservation Office provides written authorization for removal.
27. "Good housekeeping practices" shall be implemented at all times, including:
- a. appropriate limits to stormwater discharges
 - b. appropriate stockpile area management
 - c. appropriate limits to vehicle refueling, washing, etc.
 - d. appropriate litter management
 - e. appropriate controls for tire tracking
28. Finished grades may not deviate from the approved plans, even if high groundwater is encountered.
29. Stabilized driveway construction entrance(s) will be required for the duration of the construction and they shall provide a truck wash and prevent tracking of mud and silt onto City streets.
30. The enhancement plantings must:
- a. Be installed in compliance with the approved plans (desired changes must be approved by the Conservation office in advance)
 - b. Include 3 native trees 100 % of which are well-established and thriving after 2 growing seasons
 - c. Include 62 native shrubs 75% of which are well-established and thriving after 2 growing seasons
 - d. Be managed to control/minimize invasive species for the life of this permit. If herbicides are use, manufacturer's recommended directions must be followed.
31. Compensatory flood storage must be provided in its entirety as per the plans.
32. The stormwater infiltration systems must be installed as per the approved plans.
33. The Applicant must inform the Commission of any violation of this Order and any other project related spill or accident that may impact wetland resource areas as soon as possible and at least by the end of the business day and must take appropriate action to mitigate impacts from such spill or accident.
34. No Certificate of Occupancy shall be approved by Conservation without written approval from the Conservation Office or a Certificate of Compliance.
35. The applicant must apply for a Certificate of Compliance in accordance with DEP Condition #12, by submitting:
- a. A completed "Request for Certificate of Compliance (WPA Form 8A)."
 - b. An as-built plan signed and stamped by a professional engineer and/or land surveyor registered in Massachusetts. This plan must include all structures, hardscape, grading (topography), mature trees, landscape features and plantings.
 - c. A written statement from a Professional Engineer registered in Massachusetts certifying that the work has been completed in substantial compliance with this Order of Conditions and the approved plans referenced herein (or approved revisions). If the completed work differs from that in the approved plans and conditions, the report must specify how the project differs.
 - d. As-built plan and letter from a landscaper certifying compliance with the approved planting scheme.
36. To protect the water quality of area wetlands, fertilizers shall be of low-nitrogen content and be used in moderation

37. To protect the full suite of benefits of area wetlands, wildlife, and native insects and pollinators, no pesticides shall be used.
38. To protect wetland wildlife, exterior lighting shall:
- be “dark sky” compliant -- i.e., shielded to prevent any “up lighting” and “backlighting”, focused, and directed so as not to illuminate any part of the wetland.
 - have limited blue content to decrease skyglow and disruption of diurnal animals
 - be switched off when not in active use
 - not exceed the illumination shown on the approved photometric plan sheet
39. To maintain the flood storage capacity of the site and to ensure “unrestricted hydraulic connection” under the permitted structure (to uphold City and DEP requirements):
- Per the Conservation Commission’s guidelines for Construction in Flood Zone (approved 10/8/20), the box culverts shall not be enclosed with lattice, screen, lath or covering of any sort that: covers more than 50% of the area of any opening, and/or has openings/holes with any dimension less than 1 inch.
40. The approved Stormwater Operations and Maintenance Plan is appended hereto and must be adhered to.

6. 17 Kessler Way – Partial COC Resign -- DEP #239-474

- Owner/Applicant. Weihui Zhang
- Representatives. Jin (Jean) Zhu, Esquire
- Request. Issue Partial COC re-sign in preparation for home sale
- Documents in packets. None.
- Additional documents presented at meeting. None
- Jurisdiction. RFA
- Presentation and Discussion. A Partial COC was granted years ago that covered only the home construction and landscaping on Lot 7 (#17 Kessler Way). A site visit was performed on 5/25/23; the house and landscaping were found to be in substantial compliance with the original order and approved plans.
- Vote to issue the COC re-sign. [Motion: Green, Second: Zabel, Roll-call vote: Lunin (aye), Zabel (aye), Green (aye), Hepburn (aye), Cade (aye). Vote: 5:0:0.]

B. CONSERVATION AREA DECISIONS

C. ADMINISTRATIVE DECISIONS

7. Minutes to be approved

- Documents in packets. Draft 5/4/23 minutes.
- Vote to approve the 5/4/23 minutes. [Motion: Green, Second: Zabel, Roll-call vote: Lunin (aye), Zabel (aye), Green (aye), Hepburn (aye), Cade (aye). Vote: 5:0:0.]
- Volunteer. Jeff Zabel will volunteer to review the 5/25/2023 minutes.

8. Consider sending letter of support for rodenticide restrictions

- Documents in packets. none
- Staff Recommendation. Discuss Ellen Katz’s proposal to draft a letter of advocacy from the Commission to the sponsoring legislators for Bill HD.577 / Bill H.825.
- Consensus: Take up this discussion to the next meeting when more Commissioners will be present.

D. ISSUES AROUND TOWN DECISIONS

UPDATES

E. WETLANDS UPDATES

F. CONSERVATION AREA UPDATES

G. ADMINISTRATIVE UPDATES

H. ISSUES AROUND TOWN UPDATES

OTHER TOPICS NOT REASONABLY ANTICIPATED BY THE CHAIR 48 HOURS BEFORE THE MEETING

ADJOURN

- Vote to adjourn at 9:40, Unanimous. [Roll-call vote: Lunin (aye), Zabel (aye), Green (aye), Hepburn (aye), Cade (aye). Vote: 5:0:0.]