

# CONSERVATION COMMISSION AGENDA

Date: Thursday, Aug 17, 2023

Time: 7:00pm

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

This will be a virtual meeting via Zoom. No in-person meeting will take place at City Hall.

Click here to join by Zoom: <https://newtonma-gov.zoom.us/j/82619442431>

Contact [jsteel@newtonma.gov](mailto: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

#### 1. (7:00) 27 Cross St – Request for an Amended Order of Conditions – minor project revisions related to parking and building location – DEP #239-0939

- Owner/Applicant. Gabriel Askarinam
- Representatives. Chris Lucas, Lucas Environmental
- Request: Issue an amended OOC that reflects the addition of 2 parking spaces, required by Zoning

#### 2. (7:20) 580 Walnut St – NOI – pool and accessories – DEP #239-0962

- Owner/Applicant. Gaurav Singal and Shikha Mangla
- Representatives. John Rockwood, Eco-Tec Inc
- Request: Issue an OOC.

#### 3. (7:50) Dedham St – Informal Discussion – Pending New Elementary School Construction

- Owner/Applicant. City of Newton
- Representatives.
  - OPM: Dore & Whittier Management Partners (DWMP)
  - Architect: DiNisco Design
  - Civil Engineer & Wetland Scientist: Horsley Witten Group, Inc.
  - Landscape Architect: Brown Sardina, Inc.
- Request: Provide preliminary input regarding permissibility of the project to support the Site Plan Approval process. Preliminary project review for Commission's initial comments and concerns

### B. CONSERVATION AREA DECISIONS

### C. ADMINISTRATIVE DECISIONS

### 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



**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

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## DECISIONS

### A. WETLANDS DECISIONS

#### 1. (7:00) 27 Cross St – Request for an Amended Order of Conditions – minor project revisions related to parking and building location – DEP #239-0939

- Owner/Applicant. Gabriel Askarinam
- Representatives. Chris Lucas, Lucas Environmental
- Request: Issue an amended OOC that reflects the addition of 2 parking spaces, required by Zoning
- Project Summary:
  - The application states that this proposal will reduce by 22 sf the amount of new impervious area on the site to 1,741 sf.
  - The application states that new flood storage capacity (2,712 cf) will still be created, but 329 cf less than the 3,041 cf originally proposed.
  - The application is proposing to expand the originally proposed permanently bounded 3,600 sf mitigation planting area by roughly 160 sf to 3,760 sf and to add one additional deciduous sapling.
  - The house structure will be shifted 3 feet closer the stream (it was originally due to be 31.9 ft and is now due to be 28.1 ft at the closest point).
- Documents in packets. Highlighted plans
- Additional documents presented at meeting. Site photos
- Jurisdiction. Riverfront Area FEMA Flood Zone, City Flood Zone
- Performance Standards.

#### **Bordering Land Subject to Flooding: 10.57**

1. Compensatory storage shall be provided for all flood storage volume that will be lost...
2. Work shall not restrict flows so as to cause an increase in flood stage or velocity.
3. Work in those portions of bordering land subject to flooding found to be significant to the protection of wildlife habitat shall not impair its capacity to provide important wildlife habitat functions. ....

#### **Riverfront Area Redevelopment (310 CMR 10.58(5)):**

1. Project shall result in an improvement over existing conditions
2. Work shall not be located closer to the river than existing conditions
3. Work shall be located outside the riverfront area or away from the river
4. Work shall not exceed the amount of degraded Riverfront Area unless mitigation or restoration is provided
5. Work may require on-site restoration (e.g., plantings) at 1:1 ratio
6. Work may require on- or off-site restoration at 2:1 ratio

- Staff Notes.



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- This seems like a simple request, essentially creating a driveway where a walkway had been, and shifting the house 3 feet closer to the stream to accommodate that change. It has little chance of fundamentally altering the functions and values of the Riverfront Area and Flood Zone.
- That said, staff have the following questions/requests:
  - The plan sheets provided did not appear to show proposed grade lines, so it was not clear where the cuts and fills would occur. Providing a grading plan sheet showing existing and proposed grades would be helpful.
  - It is not clear to staff where the reduction in impervious area is coming from.
- Staff Recommendation. Vote to close the hearing and issue an Amended Order of Conditions attached at the end of this agenda.

## 2. (7:20) 580 Walnut St – NOI – pool and accessories – DEP #239-0962

- Owner/Applicant. Gaurav Singal and Shikha Mangla
- Representatives. John Rockwood, Eco-Tec Inc
- Request: Issue an OOC.
- Project Summary:
  - Remove wood patio, hot tub, part of a stone wall, mature arborvitae hedge, and shrubs
  - Build pool with hot tub, patio, sauna, and equipment area. Impervious area will increase by 888 sf
  - Construct an additional 6-chamber infiltration system to address increase in impervious area. Existing infiltration systems will remain
  - A 32" pine will be removed
  - 9 saplings (juniper and tupelo), 81 native shrubs, 57 perennial plantings will be planted
  - Woody invasives will be removed from work area and other jurisdictional areas
  - New plantings will be monitored and reported annually for 2 growing seasons
  - Inside the 25' Naturally Vegetated Buffer Zone, the proposed changes include: reducing lawn area, adding native plants, adding stepping stones, and relocating some fence posts to ensure that all fencing is on private property.
  - Concrete washout will occur near the street
- Documents in packets. Highlighted plans
- Additional documents presented at meeting. Site photos
- Jurisdiction. Buffer Zone
- Performance Standards.

**Buffer Zone 10.53(1):** General Provisions: "... the Issuing Authority shall impose conditions to protect the interests of the Act identified for the adjacent Resource Area.
- Staff Notes.
  - Two years ago, this lot received a Certificate of Compliance for the expansion of the rear patio area and mitigation plantings around the perimeter. Most of those plantings have thrived, but the beds nearest to Bullough's Pond have some areas of sparse vegetation that are proposed to be altered for the pool and augmented with additional plants.
  - The new work is proposed within the 100' BZ, and the major project components (systems and structures) are more than 50' from the bank of the Bullough's Pond. Pools more than 50 feet from the wetland are exempt, but the grading, tree cutting, etc. are not exempt.
  - Additional/current soil testing within 25' of the proposed infiltration system may be necessary for Engineering's review.
  - The two existing infiltration systems are proposed to be protected during construction with plywood. Staff are concerned that plywood alone may not adequately protect those systems from heavy machinery. What vehicular access is anticipated? Concrete truck? Excavator? Dump truck?
  - Staff feel that 12" compost sock and the stockpile area shown on the plan may not be sufficient given the anticipated scale of excavation for the infiltration system and the pool.
  - The concrete washout should be shown as 4-sided on the plans.
  - On southern property line there are 3 large burning bush (winged Euonymus). Two are proposed to be removed; the third should also be removed.
  - It is not clear who will be responsible for invasives removal and how the details of the removal plan will be communicated to that person.
  - 80% survival is the proposed threshold for success for new woody plantings, but the Commission might want to require 100% survival rate for woodies and 80% survival for herbaceous plants.
  - The Commission should consider requiring 2 years of monitoring for all plants within the 100-foot Buffer Zone.
- Staff Recommendation. Vote to close the hearing and issue an Order of Conditions with normal Findings and the Special Conditions attached at the end of this agenda.

### 3. (7:50) Dedham St – Informal Discussion – Pending New Elementary School Construction

- Owner/Applicant. City of Newton
- Representatives.
  - OPM: Dore & Whittier Management Partners (DWMP),
  - Architect: DiNisco Design
  - Civil Engineer & Wetland Scientist: Horsley Witten Group, Inc.
  - Landscape Architect: Brown Sardina, Inc.
- Request: Provide preliminary input regarding permissibility of the project to support the Site Plan Approval process. Preliminary project review for Commission’s initial comments and concerns
- Project Summary:
  - A new Countryside Elementary School will be constructed on the current site while the existing school remains operational.
  - The new school will be a 3-story, approximately 75,500 SF building with a footprint of approximately 32,300 SF
  - Site Improvements are to include new porous asphalt parking lot & driveway, asphalt play area, permeable rubber play surface with play structures, basketball court, softball field, pollinator garden, and outdoor learning spaces.
  - Plant material in jurisdictional areas is to be from a native plant list
  - The stormwater system shall be designed to fully comply with the Massachusetts Stormwater Regulations and the Stormwater Management Ordinance No. Z-45 30-5(c)
- Additional documents presented at meeting. PowerPoint by applicant
- Jurisdiction: FEMA Flood Zone, City Flood Zone, Riverfront Area, BVW, Buffer Zone, and inland Bank
  - The majority of the site within Zone AE (el. 112.4’ NAVD88) in both the effective (June 4, 2010) and preliminary (August 13, 2021) flood insurance studies.
- Performance Standards to be met:
  - Bordering Land Subject to Flooding (310 CMR 10.57(4)):*
    1. Compensatory flood storage shall be provided within property boundaries
    2. Proposed work will not restrict flows that may cause an increase in flood stage or velocity
    3. Work in those portions of BLSF found to be significant to the protection of wildlife habitat shall not impair its capacity to provide important wildlife habitat functions
  - Riverfront Area Redevelopment (310 CMR 10.58(5)):*
    7. Project shall result in an improvement over existing conditions
    8. Stormwater management shall be provided
    9. Work shall not be located closer to the river than existing conditions
    10. Work shall be located outside the riverfront area or away from the river
    11. Work shall not exceed the amount of degraded Riverfront Area
    12. Work may require on-site restoration (e.g., plantings) at 1:1 ratio
    13. Work may require on- or off-site restoration at 2:1 ratio
    14. Anticipate a Special Condition limiting future work in Riverfront Area
  - Local: 25-Foot Naturally Vegetated Buffer (NVB) Policy*
  - Local: Tree Replacement Guidelines*
- Anticipated Permitting Milestones
  - Mid-September 2023 – Newton Engineering review of site plan design & stormwater report
  - October 2023 – Complete Schematic Design
  - Late October 2023 – DRC to approve project submittal for Site Plan Approval
  - January 2024 – Site Plan Approval

**B. CONSERVATION AREA DECISIONS** – none at this time

### C. ADMINISTRATIVE DECISIONS

#### 4. Minutes to be approved

- Documents in packets. Draft 7/27/2023 minutes
- Vote to approve the 7/27/2023 minutes reviewed by Dan Green and Ellen Menounos.
- Volunteer. Who will volunteer to review the 8/17/2023 minutes?

**D. ISSUES AROUND TOWN DECISIONS** – none at this time

## **UPDATES**

### **E. WETLANDS UPDATES**

- Staff note: With regard to matters that come before the Commission (or are pending), Commissioners should feel free to speak as either a regulator or an advocate, as long as it is clear that s/he is speaking as an individual and as long as it is clear which “hat” is being worn (advocate or impartial implementer of laws and regulations). Chapter 40: Section 8C. “Conservation commission; establishment; powers and duties” states: “A city or town which accepts this section may establish a conservation commission, hereinafter called the commission, for the promotion and development of the natural resources and for the protection of watershed resources of said city or town...”

### **F. CONSERVATION AREA UPDATES** – none at this time

### **G. ADMINISTRATIVE UPDATES**

- Committee Liaison Updates

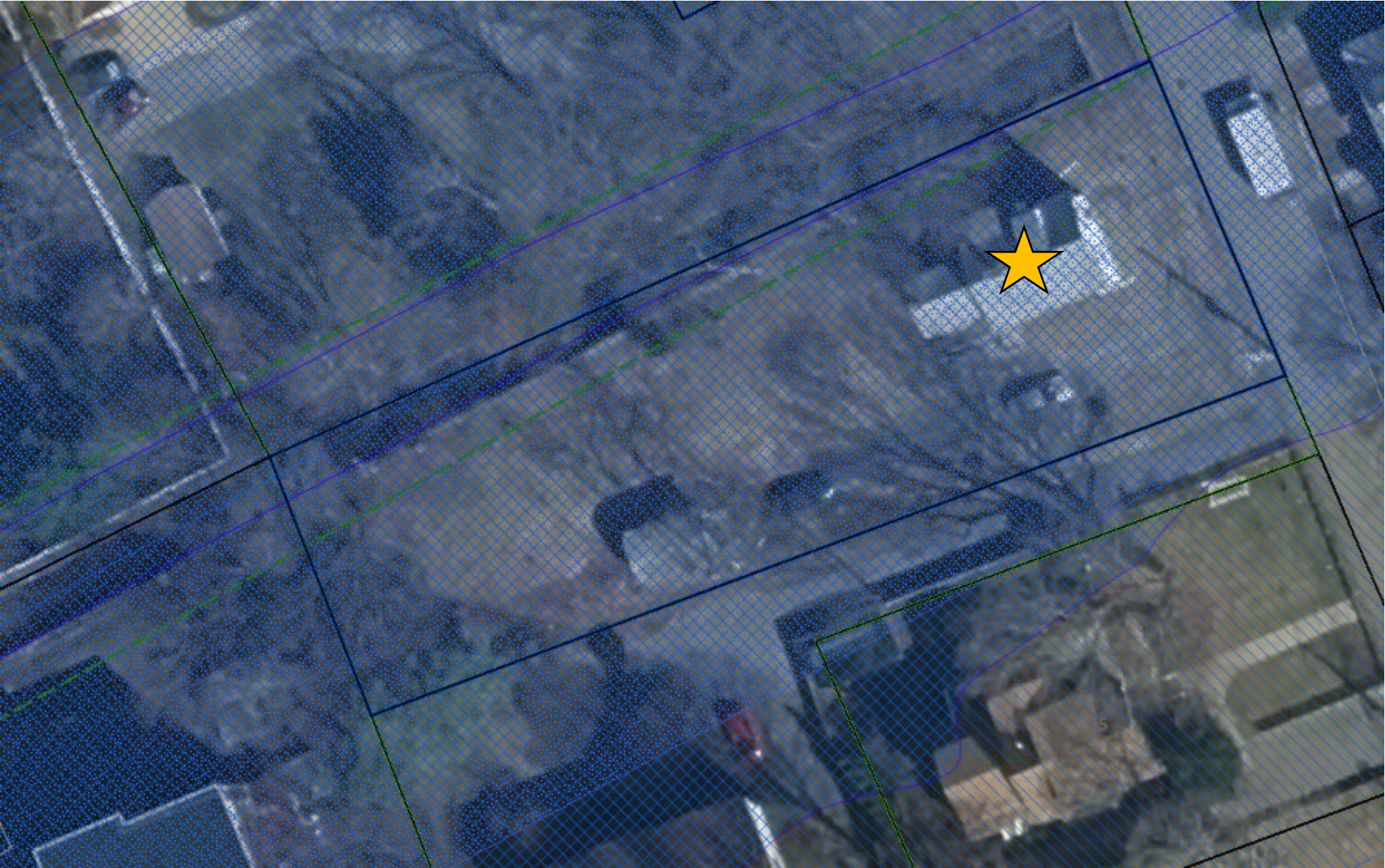
### **H. ISSUES AROUND TOWN UPDATES** – none at this time

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

## **ADJOURN**

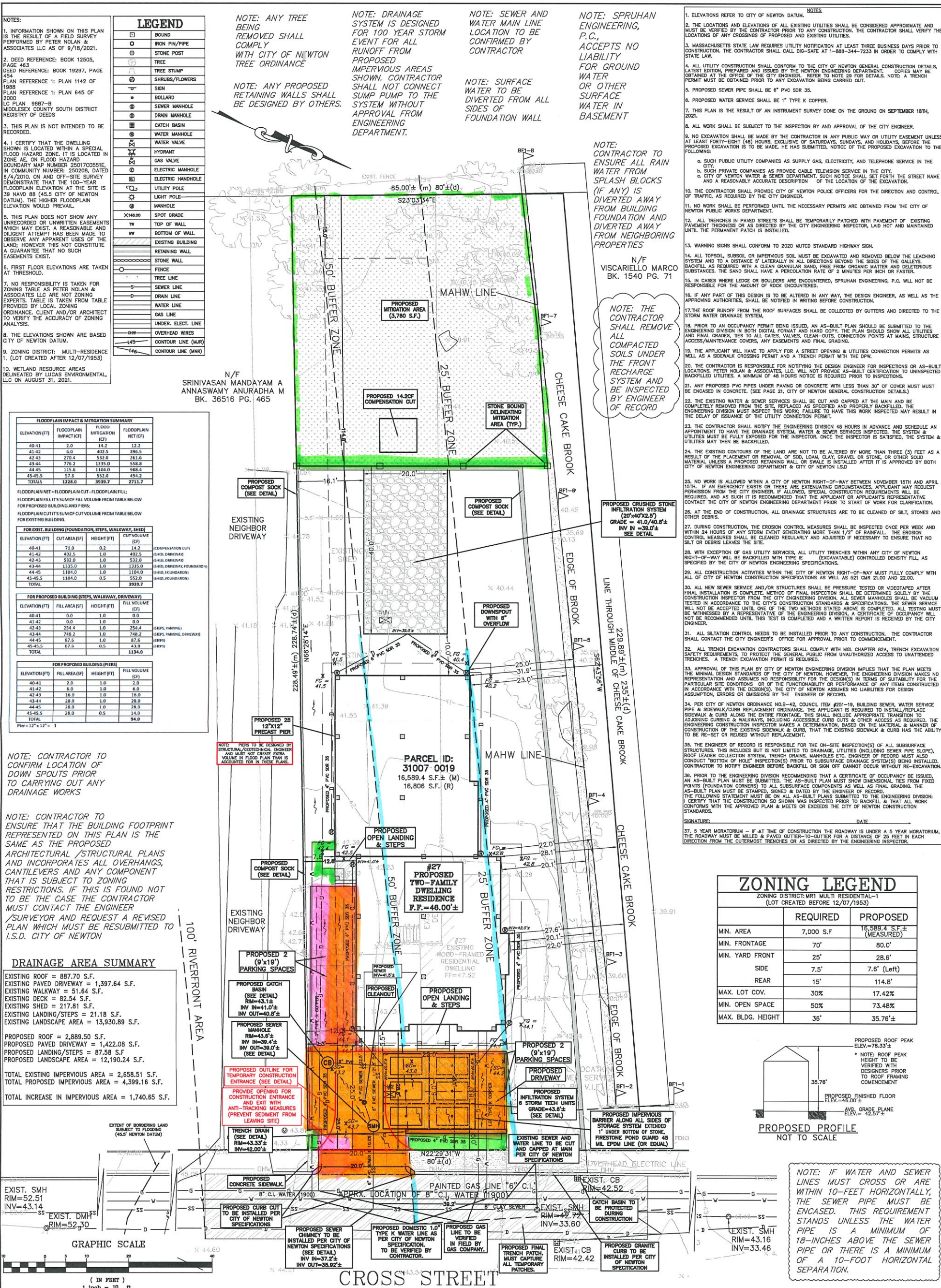


27 Cross St





# 27 Cross Street -- Proposed Site Plan



- NOTES:**
- ELEVATIONS REFER TO CITY OF NEWTON DATUM.
  - THE LOCATIONS AND ELEVATIONS OF ALL EXISTING UTILITIES SHALL BE VERIFIED BY THE CONTRACTOR PRIOR TO ANY CONSTRUCTION. THE CONTRACTOR SHALL VERIFY THE LOCATION OF ANY CROSSINGS OF PROPOSED AND EXISTING UTILITIES.
  - MASSACHUSETTS STATE LAW REQUIRES UTILITY NOTIFICATION AT LEAST THREE BUSINESS DAYS PRIOR TO CONSTRUCTION. THE CONTRACTOR SHALL CALL 811-DIG-SAFE AT 1-888-344-7233 IN ORDER TO COMPLY WITH STATE LAW.
  - ALL UTILITY CONSTRUCTION SHALL CONFORM TO THE CITY OF NEWTON GENERAL CONSTRUCTION DETAILS, LATEST EDITION, PREPARED AND ISSUED BY THE NEWTON ENGINEERING DEPARTMENT. COPIES MAY BE OBTAINED AT THE OFFICE OF THE CITY ENGINEER. REFER TO NOTE 29 FOR DETAILS. NOTE: A TRENCH PERMIT MUST BE OBTAINED PRIOR TO ANY EXCAVATION BEING CARRIED OUT.
  - PROPOSED SEWER PIPE SHALL BE 6" PVC SDR 35.
  - PROPOSED WATER SERVICE SHALL BE 1" TYPE K COPPER.
  - THIS PLAN IS THE RESULT OF AN INSTRUMENT SURVEY DONE ON THE GROUND ON SEPTEMBER 18TH, 2021.
  - ALL WORK SHALL BE SUBJECT TO THE INSPECTION BY AND APPROVAL OF THE CITY ENGINEER.
  - NO EXCAVATION SHALL BE MADE BY THE CONTRACTOR IN ANY PUBLIC WAY OR UTILITY EASEMENT UNLESS AT LEAST FORTY-EIGHT (48) HOURS EXCLUSIVE OF SATURDAYS, SUNDAYS, AND HOLIDAYS, BEFORE THE PROPOSED EXCAVATION IS TO BE MADE, HE HAS SUBMITTED, NOTICE OF THE PROPOSED EXCAVATION TO THE FOLLOWING:
    - SUCH PUBLIC UTILITY COMPANIES AS SUPPLY GAS, ELECTRICITY, AND TELEPHONE SERVICE IN THE CITY.
    - SUCH PRIVATE COMPANIES AS PROVIDE CABLE TELEVISION SERVICE IN THE CITY.
    - CITY OF NEWTON WATER & SEWER DEPARTMENT. SUCH NOTICE SHALL SET FORTH THE STREET NAME AND A REASONABLY ACCURATE DESCRIPTION OF THE LOCATION OF THE EXCAVATION.
  - THE CONTRACTOR SHALL PROVIDE CITY OF NEWTON POLICE OFFICERS FOR THE DIRECTION AND CONTROL OF TRAFFIC, AS REQUIRED BY THE CITY ENGINEER.
  - NO WORK SHALL BE PERFORMED UNTIL THE NECESSARY PERMITS ARE OBTAINED FROM THE CITY OF NEWTON PUBLIC WORKS DEPARTMENT.
  - ALL TRENCHES IN PAVED STREETS SHALL BE TEMPORARILY PATCHED WITH PAVEMENT OF EXISTING PAVEMENT THICKNESS OR AS DIRECTED BY THE CITY ENGINEERING INSPECTOR, LAID HOT AND MAINTAINED UNTIL THE PERMANENT PATCH IS INSTALLED.
  - WARNING SIGNS SHALL CONFORM TO 2020 MUTCD STANDARD HIGHWAY SIGN.
  - ALL TOPSOIL, SUBSOIL OR IMPERVIOUS SOIL MUST BE EXCAVATED AND REMOVED BELOW THE LEACHING SYSTEM AND TO A DISTANCE 5' Laterally IN ALL DIRECTIONS BEYOND THE SIDES OF THE GALLEYS, BACKFILL AS REQUIRED WITH A CLEAN GRANULAR SAND, FREE FROM ORGANIC MATTER AND DELETERIOUS SUBSTANCES AT THE GALLEY PERMEATION RATE OF 2 MINUTES PER INCH OR FASTER.
  - IN CASES WHERE LEDGE OR BOLLERS ARE ENCOUNTERED, SPRUHAN ENGINEERING, P.C. WILL NOT BE RESPONSIBLE FOR THE AMOUNT OF ROCK ENCOUNTERED.
  - IF ANY PART OF THIS DESIGN IS TO BE ALTERED IN ANY WAY, THE DESIGN ENGINEER, AS WELL AS THE APPROVING AUTHORITIES, SHALL BE NOTIFIED IN WRITING BEFORE CONSTRUCTION.
  - THE ROOF RUNOFF FROM THE ROOF SURFACES SHALL BE COLLECTED BY GUTTERS AND DIRECTED TO THE STORM WATER DRAINAGE SYSTEM.
  - PRIOR TO AN OCCUPANCY PERMIT BEING ISSUED, AN AS-BUILT PLAN SHOULD BE SUBMITTED TO THE ENGINEERING DIVISION IN BOTH DIGITAL FORMAT AND HARD COPY. THE PLAN SHOULD SHOW ALL UTILITIES AND FINAL GRADES ACCURATELY, INCLUDING CLEAN-OUTS, CONNECTION POINTS AT MAINS, STRUCTURE ACCESS/MAINTENANCE COVERS, ANY EASEMENTS AND FINAL GRADING.
  - THE APPLICANT WILL HAVE TO APPLY FOR A STREET OPENING & UTILITIES CONNECTION PERMITS AS WELL AS A SIDEWALK CROSSING PERMIT AND A TRENCH PERMIT WITH THE DPW.
  - THE CONTRACTOR IS RESPONSIBLE FOR NOTIFYING THE ENGINEERING DIVISION FOR INSPECTIONS OR AS-BUILT LOCATIONS. PETER NOLAN & ASSOCIATES, LLC. WILL NOT PROVIDE AS-BUILT CERTIFICATION TO UNSPECIFIED BACKFILLED UTILITIES. A MINIMUM OF 48 HOURS NOTICE IS REQUIRED PRIOR TO INSPECTIONS.
  - ALL PROPOSED PVC PIPES UNDER PAVING OR CONCRETE WITH LESS THAN 35" OF COVER MUST BE ENCASED IN CONCRETE. (SEE PAGE 21, CITY OF NEWTON GENERAL CONSTRUCTION DETAILS.)
  - THE EXISTING WATER & SEWER SERVICES SHALL BE CUT AND CAPPED AT THE MAIN AND BE COMPLETELY REMOVED FROM THE SITE, REPLACED AS SPECIFIED AND PROPERLY BACKFILLED. THE ENGINEERING DIVISION MUST INSPECT THIS WORK. FAILURE TO HAVE THIS WORK INSPECTED MAY RESULT IN THE DELAY OF ISSUANCE OF THE UTILITY CONSTRUCTION PERMIT.
  - THE CONTRACTOR SHALL NOTIFY THE ENGINEERING DIVISION 48 HOURS IN ADVANCE AND SCHEDULE AN APPOINTMENT TO HAVE THE DRAINAGE SYSTEM, WATER & SEWER SERVICES INSPECTED. THE SYSTEM & UTILITIES MUST BE FULLY EXPOSED FOR THE INSPECTOR. ONCE THE INSPECTOR IS SATISFIED, THE SYSTEM & UTILITIES MAY THEN BE RECONSTRUCTED.
  - THE EXISTING CONTOURS OF THE LAND ARE NOT TO BE ALTERED BY MORE THAN THREE (3) FEET AS A RESULT OF THE PLACEMENT OR REMOVAL OF SOIL, LOAM, CLAY, GRAVEL OR STONE OR OTHER SLOTTED MATERIAL UNLESS A PROPOSED RETAINING WALL OR SWALE IS INSTALLED AFTER IT IS APPROVED BY BOTH CITY OF NEWTON ENGINEERING DEPARTMENT & CITY OF NEWTON I.S.D.
  - NO WORK IS ALLOWED WITHIN A CITY OF NEWTON RIGHT-OF-WAY BETWEEN NOVEMBER 15TH AND APRIL 15TH. IF AN EMERGENCY EXISTS OR THERE ARE EXTENUATING CIRCUMSTANCES, APPLICANT MAY REQUEST PERMISSION FROM THE CITY ENGINEER. SPECIAL CONSTRUCTION REQUIREMENTS WILL BE VOUCHERED, AND AS SUCH IT IS RECOMMENDED THAT THE APPLICANT OR APPLICANTS REPRESENTATIVE CONTACT THE CITY OF NEWTON ENGINEERING DEPARTMENT PRIOR TO START OF WORK FOR CLARIFICATION.
  - AT THE END OF CONSTRUCTION, ALL DRAINAGE STRUCTURES ARE TO BE CLEANED OF SILT, STONES AND OTHER DEBRIS.
  - DURING CONSTRUCTION, THE EROSION CONTROL MEASURES SHALL BE INSPECTED EACH WEEK AND WITHIN 24 HOURS GENERATING NOISE BEYOND THE CITY OF NEWTON RIGHT-OF-WAY. THE EROSION CONTROL MEASURES SHALL BE CLEANED REGULARLY AND ADJUSTED IF NECESSARY TO ENSURE THAT NO SILT OR DEBRIS LEAVES THE SITE.
  - WITH EXCEPTION OF GAS UTILITY SERVICES, ALL UTILITY TRENCHES WITHIN ANY CITY OF NEWTON RIGHT-OF-WAY WILL BE BACKFILLED WITH TYPE III (EXCAVATED) CONTROLLED DENSITY FILL, AS SPECIFIED BY THE CITY OF NEWTON ENGINEERING SPECIFICATIONS.
  - ALL CONSTRUCTION ACTIVITIES WITHIN THE CITY OF NEWTON RIGHT-OF-WAY MUST FULLY COMPLY WITH ALL CITY OF NEWTON CONSTRUCTION SPECIFICATIONS AS WELL AS 821 CMR 21.00 AND 22.00.
  - ALL NEW SEWER AND/OR STRUCTURES SHALL BE PRESSURE TESTED OR VIDEOATED AFTER FINAL INSTALLATION IS COMPLETE. METHOD OF FINAL INSPECTION SHALL BE DETERMINED SOLELY BY THE CONSTRUCTION INSPECTOR FROM THE CITY ENGINEERING DIVISION. ALL SEWER MAINS SHALL BE VACUUM TESTED IN ACCORDANCE TO THE CITY'S CONSTRUCTION STANDARDS & SPECIFICATIONS. THE SEWER SERVICE WILL NOT BE ACCEPTED UNTIL ONE OF THE TWO METHODS STATED ABOVE IS COMPLETED. ALL TESTING MUST BE WITNESSED BY A REPRESENTATIVE OF THE ENGINEERING DIVISION. A CERTIFICATE OF OCCUPANCY WILL NOT BE RECOMMENDED UNTIL THIS TEST IS COMPLETED AND A WRITTEN REPORT IS RECEIVED BY THE CITY ENGINEER.
  - ALL SILTATION CONTROL NEEDS TO BE INSTALLED PRIOR TO ANY CONSTRUCTION. THE CONTRACTOR SHALL CONTACT THE CITY ENGINEER'S OFFICE FOR APPROVAL PRIOR TO COMMENCEMENT.
  - ALL TRENCH EXCAVATION CONTRACTORS SHALL COMPLY WITH MGL CHAPTER 82A, TRENCH EXCAVATION SAFETY REQUIREMENTS, TO PROTECT THE GENERAL PUBLIC FROM UNAUTHORIZED ACCESS TO UNRETTAINED TRENCHES. A TRENCH EXCAVATION PERMIT IS REQUIRED.
  - APPROVAL OF THIS PLAN BY CITY OF NEWTON ENGINEERING DIVISION IMPLIES THAT THE PLAN MEETS THE MINIMAL DESIGN STANDARDS OF THE CITY OF NEWTON. HOWEVER, THE ENGINEERING DIVISION MAKES NO REPRESENTATION AND ASSUMES NO RESPONSIBILITY FOR THE DESIGN OF ANY PART OF THE PROJECT FOR THE PARTICULAR SITE CONDITIONS OR OF THE FUNCTIONALITY OR PERFORMANCE OF ANY ITEMS CONSTRUCTED IN ACCORDANCE WITH THE DESIGN(S). THE CITY OF NEWTON ASSUMES NO LIABILITY FOR DESIGN ASSUMPTION, ERRORS OR OMISSIONS BY THE ENGINEER OF RECORD.
  - PER CITY OF NEWTON ORDINANCE NO.8-42, COUNCIL ITEM #201-19, BUILDING SEWER, WATER SERVICE PIPE & SIDEWALK/CURB REPLACEMENT ORDINANCE, THE APPLICANT IS REQUIRED TO INSTALL, REPLACE, SIDEWALK & CURB ALONG THE ENTIRE FRONTAGE. THIS SHALL INCLUDE APPROPRIATE TRANSITION TO ADJOINING CURBING & WALKWAYS INCLUDING ACCESSIBLE CURB CUTS & OTHER ACCESS AS REQUIRED. THE ENGINEERING CONSTRUCTION INSPECTOR MAKES A DETERMINATION, BASED ON THE MATERIAL & MANNER OF CONSTRUCTION OF THE EXISTING SIDEWALK & CURB, THAT THE EXISTING SIDEWALK & CURB HAS THE ABILITY TO BE RE-SET OR REUSED WITHIN REPLACEMENT.
  - THE ENGINEER OF RECORD IS RESPONSIBLE FOR THE ON-SITE INSPECTION(S) OF ALL SUBSURFACE STRUCTURES. THIS INCLUDES BUT IS NOT LIMITED TO DRAINAGE UTILITIES (INCLUDING SEWER PIPE (S) PIPE), ROOF LEADER COLLECTION SYSTEM, TRENCH DRAINS, MANHOLES, ETC. ENGINEER OF RECORD MUST ALSO CONDUCT "BOTTOM OF HOLE" INSPECTIONS PRIOR TO SUBSURFACE DRAINAGE SYSTEM(S) BEING INSTALLED. CONTRACTOR TO NOTIFY ENGINEER BEFORE BACKFILL OR SIGN OFF CANNOT OCCUR WITHOUT RE-EXCAVATION.
  - PRIOR TO THE ENGINEERING DIVISION RECOMMENDING THAT A CERTIFICATE OF OCCUPANCY BE ISSUED, AN AS-BUILT PLAN MUST BE SUBMITTED. THE AS-BUILT PLAN MUST SHOW DIMENSIONAL TIES FROM FIXED POINTS (FOUNDATION CORNERS) TO ALL SUBSURFACE COMPONENTS AS WELL AS FINAL GRADING. THE AS-BUILT PLAN MUST BE STAMPED, SEALED & DATED BY THE ENGINEER OF RECORD. THE FOLLOWING STATEMENT MUST BE ON ALL AS-BUILT PLANS SUBMITTED TO THE ENGINEERING DIVISION: I CERTIFY THAT THE CONSTRUCTION SO SHOWN WAS INSPECTED PRIOR TO BACKFILL & THAT ALL WORK CONFORMS WITH THE APPROVED PLAN & MEETS OR EXCEEDS THE CITY OF NEWTON CONSTRUCTION STANDARDS.
  - 5 YEAR MORATORIUM - IF AT TIME OF CONSTRUCTION THE ROADWAY IS UNDER A 5 YEAR MORATORIUM, THE ROADWAY MUST BE MILLED & PAVED OUTSIDE-TO-GUTTER FOR A DISTANCE OF 25 FEET IN EACH DIRECTION FROM THE OUTERMOST TRENCHES OR AS DIRECTED BY THE ENGINEERING INSPECTOR.

**FLOODPLAIN IMPACT & MITIGATION SUMMARY**

ELEVATION (FT)	FLOODPLAIN IMPACT (CF)	MITIGATION (CF)	FLOODPLAIN NET (CF)
40-41	2.0	14.2	12.2
41-42	6.0	402.5	396.5
42-43	270.4	132.0	138.4
43-44	776.2	1335.0	558.8
44-45	115.6	1104.0	988.4
45-45.5	57.8	552.0	494.2
TOTALS	1228.0	3938.7	2710.7

FLOODPLAIN NET - FLOODPLAIN CUT - FLOODPLAIN FILL:  
FLOODPLAIN FILL TTS SUM OF FILL VOLUME FROM TABLE BELOW FOR PROPOSED BUILDING AND PIERS:  
FLOODPLAIN CUT TTS SUM OF CUT VOLUME FROM TABLE BELOW FOR EXISTING BUILDING.

**FOR EXIST. BUILDING (FOUNDATION, STEPS, WALKWAY, SHED)**

ELEVATION (FT)	CUT AREA (SF)	HEIGHT (FT)	CUT VOLUME (CF)	MITIGATION (CF)
40-41	71.0	0.2	14.2	(COMPENSATION CUT)
41-42	402.5	1.0	402.5	(SHOULDER DRIVEWAY)
42-43	532.0	1.0	532.0	(SHOULDER DRIVEWAY)
43-44	1335.0	1.0	1335.0	(SHOULDER DRIVEWAY, FOUNDATION)
44-45	1104.0	1.0	1104.0	(SHOULDER DRIVEWAY, FOUNDATION)
45-45.5	552.0	0.5	276.0	(SHOULDER DRIVEWAY)
TOTAL			3938.7	

**FOR PROPOSED BUILDING (STEPS, WALKWAY, DRIVEWAY)**

ELEVATION (FT)	FILL AREA (SF)	HEIGHT (FT)	FILL VOLUME (CF)	
40-41	0.0	1.0	0.0	
41-42	0.0	1.0	0.0	
42-43	354.4	1.0	354.4	(STEPS, PARKING)
43-44	748.2	1.0	748.2	(STEPS, PARKING, DRIVEWAY)
44-45	87.6	1.0	87.6	(STEPS)
45-45.5	87.6	0.5	43.8	(STEPS)
TOTAL			1134.0	

**FOR PROPOSED BUILDING (PIERS)**

ELEVATION (FT)	FILL AREA (SF)	HEIGHT (FT)	FILL VOLUME (CF)
40-41	2.0	1.0	2.0
41-42	6.0	1.0	6.0
42-43	16.35	1.0	16.35
43-44	28.0	1.0	28.0
44-45	28.0	1.0	28.0
45-45.5	28.0	0.5	14.0
TOTAL			94.9

**DRAINAGE AREA SUMMARY**

EXISTING ROOF = 887.70 S.F.  
EXISTING PAVED DRIVEWAY = 1,397.64 S.F.  
EXISTING WALKWAY = 51.64 S.F.  
EXISTING DECK = 82.54 S.F.  
EXISTING SHED = 217.81 S.F.  
EXISTING LANDING/STEPS = 21.18 S.F.  
EXISTING LANDSCAPE AREA = 13,930.89 S.F.

PROPOSED ROOF = 2,888.50 S.F.  
PROPOSED PAVED DRIVEWAY = 1,422.08 S.F.  
PROPOSED LANDING/STEPS = 87.58 S.F.  
PROPOSED LANDSCAPE AREA = 12,190.24 S.F.

TOTAL EXISTING IMPERVIOUS AREA = 2,658.51 S.F.  
TOTAL PROPOSED IMPERVIOUS AREA = 4,399.16 S.F.  
TOTAL INCREASE IN IMPERVIOUS AREA = 1,740.65 S.F.

**ZONING LEGEND**

ZONING DISTRICT: M1 MULTI RESIDENTIAL-1  
(LOT CREATED BEFORE 12/07/1953)

	REQUIRED	PROPOSED
MIN. AREA	7,000 S.F.	16,589.4 S.F.± (MEASURED)
MIN. FRONTAGE	70'	80.0'
MIN. YARD FRONT	25'	28.6'
	SIDE	7.6' (Left)
	REAR	15'
		114.8'
MAX. LOT COV.	30%	17.42%
MIN. OPEN SPACE	50%	73.48%
MAX. BLDG. HEIGHT	36'	35.76'±

**REVISION BLOCK**

BY	DESCRIPTION	DATE
OG	FOOTPRINT AND CALC. REVISED	9/27/22
OG	MITIGATION AREA REVISED	9/27/22
OG	BOUNDS AND COMPOST SOCK ADDED	10/4/22
OG	REVISED AS PER CITY COMMENTS	12/12/22
OG	ESHGW REVISED	12/14/22
HMS	REVISED AS PER CITY COMMENTS	01/19/23
OG	REVISED AS PER CITY COMMENTS	01/27/23
OG	REVISED AS PER CITY COMMENTS	06/15/23
OG	REVISED AS PER CLIENT COMMENTS	07/24/23

**SCALE** 1"=10'

**DATE** 8/30/2022

**DRAWN BY** O.G.

**CHECKED BY** P.N.

**APPROVED BY** E.S.

**SHEET** 2

**PLAN NO.** 2 OF 5

**CLIENT:**

**SHEET:** 2

All legal rights including, but not limited to, copyright and design patent rights, in the designs, arrangements and plans shown on this document are the property of Peter Nolan & Associates, LLC, or Spruhan Engineering, P.C. They may not be used or reused in whole or in part, except in connection with this project, without the prior written consent of Spruhan Engineering, P.C.. Written dimensions on these drawings shall have precedence over scaled dimensions. Contractors shall verify and be responsible for all dimensions and conditions on this project, and Spruhan Engineering, P.C., must be notified of any variation from the dimensions and conditions shown by these drawings.

**27 CROSS STREET, NEWTON, MASSACHUSETTS**

**CIVIL PLAN**

**NOTES:** IF WATER AND SEWER LINES MUST CROSS OR ARE WITHIN 10-FOOT HORIZONTALLY, THE SEWER PIPE MUST BE ENCASED. THIS REQUIREMENT STANDS UNLESS THE WATER PIPE IS A MINIMUM OF 18-INCHES ABOVE THE SEWER PIPE OR THERE IS A MINIMUM OF A 10-FOOT HORIZONTAL SEPARATION.

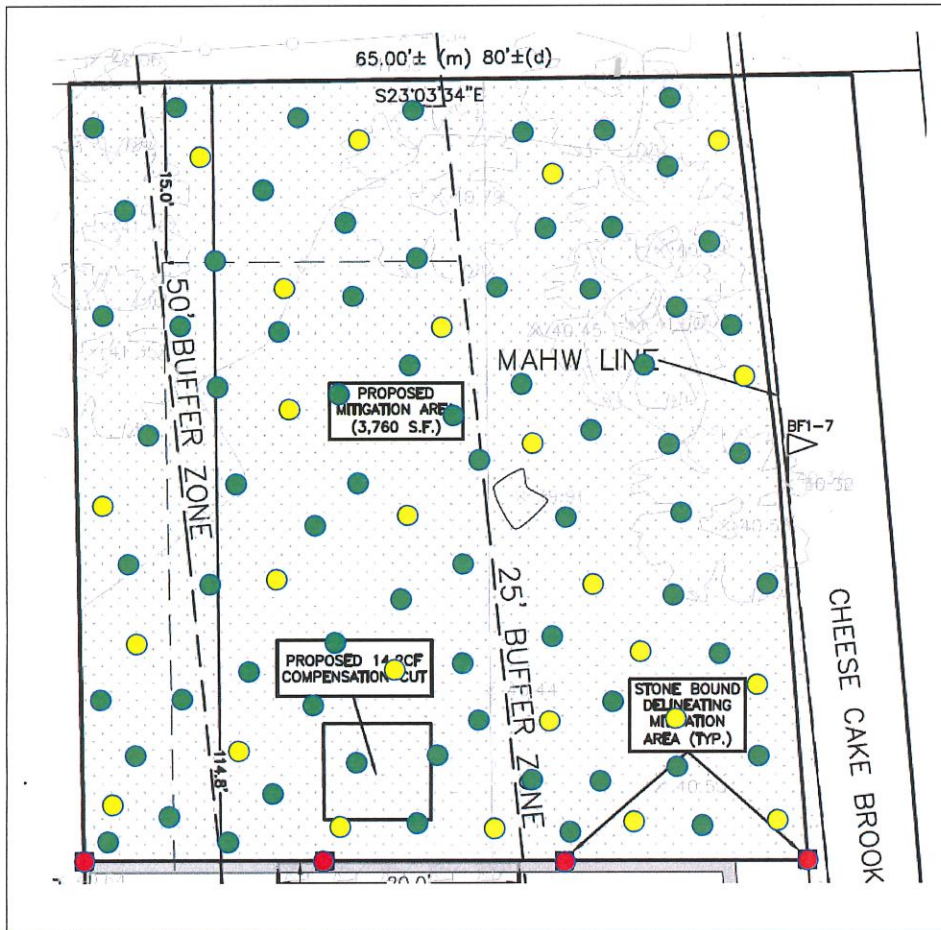
**PETER J. NOLAN**  
REGISTERED PROFESSIONAL LAND SURVEYOR

**PETER NOLAN & ASSOCIATES, LLC**

LAND SURVEYORS/CIVIL ENGINEERING CONSULTANTS  
697 CAMBRIDGE STREET,  
SUITE 113,  
BRIGHTON, MA 02135  
Tel: 617-891-7478  
Fax: 617-2925691



# 27 Cross Street -- Proposed Planting Plan



**NOTES**

1. MITIGATION AREA TAKEN FROM CIVIL PLAN, PREPARED BY SPRUHAN ENGINEERING, P.C.
2. PLANTING INSTALLATION TO BE OVERSEEN BY QUALIFIED WETLAND SCIENTIST.
3. LOCATION OF PLANTINGS IS APPROXIMATE TO BE FIELD LOCATED BY WETLAND SCIENTIST.

**LEGEND**

- MITIGATION AREA BOUNDS
- TREES
- SHRUBS

MITIGATION AREA PLANTING SCHEDULE				
Common Name	Scientific Name	Status	Size	Quantity
<b>Trees</b>				25
Red Maple	<i>Acer rubrum</i>	FAC	1-3" caliper	7
Red Oak	<i>Quercus rubra</i>	FACU	1-3" caliper	6
Yellow Birch	<i>Betula alleghaniensis</i>	FAC	1-3" caliper	6
Black Cherry	<i>Prunus serotina</i>	FACU	1-3" caliper	6
<b>Shrubs</b>				70
American Hazelnut	<i>Corylus americana</i>	FACU	1-3'	14
Maple-leaved Viburnum	<i>Viburnum acerifolium</i>	UPL	1-3'	14
Mountain Laurel	<i>Kalmia latifolia</i>	FACU	1-3'	14
Black Chokeberry	<i>Aronia melanocarpa</i>	FAC	1-3'	14
Witch Hazel	<i>Hamamelis virginiana</i>	FAC-	1-3'	14
<b>Herbaceous</b>				Seed Mix
Virginia Creeper	<i>Parthenocissus quinquefolia</i>	FACU	Bare root	50 (under canopy/edge)
White Wood Aster	<i>Eurybia divaricate</i>	FAC	2" plug	50 (under canopy)
Hayscented Fern	<i>Demnstaedia punctilobula</i>	UPL	1 gal.	100 (open areas)

NEW ENGLAND WILDFLOWER SEED MIX		
Species	Latin Name	Indicator Status
Little Bluestem	<i>Schizachyrium scoparium</i>	FACU
Indian Grass	<i>Sorghastrum nutans</i>	UPL
Partridge Pea	<i>Chamaecrista fasciculata</i>	FACU
Virginia Wild Rye	<i>Elymus virginicus</i>	FACW-
Canada Wild Rye	<i>Elymus canadensis</i>	FACU+
Red Fescue	<i>Festuca rubra</i>	FACU
Butterfly Milkweed	<i>Asclepias tuberosa</i>	NI
New York Ironweed	<i>Vernonia noveboracensis</i>	FACW+
Evening Primrose	<i>Oenothera biennis</i>	FACU-
New England Aster	<i>Aster novae-angliae (Symphyotrichum novae-angliae)</i>	FACW-
Black Eyed Susan	<i>Rudbeckia hirta</i>	FACU-
Early Goldenrod	<i>Solidago juncea</i>	NI
Hollow-Stem Joe Pye Weed	<i>Eupatorium fistulosum (Eutrochium fistulosum)</i>	FACW
Starved/Calico Aster	<i>Aster lateriflorus (Symphyotrichum lateriflorum)</i>	FACW



**PLANTING PLAN**  
July 24, 2023



**AMENDED Findings and Special Conditions of the Newton Conservation Commission**  
**DEP #239-939, 27 Cross St., SFH demo and duplex construction, mitigation planting area**

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**Findings (considered as and given equal status as special conditions)**

Site: 27 Cross St  
Owner: Gabriel Askarinam, Gaskarinam Realty Trust  
142 Bellingham Road, Brookline, MA 02467  
516-508-6335 | [gabi327@gmail.com](mailto:gabi327@gmail.com)  
Applicant: Gabriel Askarinam, Gaskarinam Realty Trust  
142 Bellingham Road, Brookline, MA 02467  
516-508-6335 | [gabi327@gmail.com](mailto:gabi327@gmail.com)  
Representative: Chris Lucas, Joe Orzek, Lucas Environmental, LLC 500A Washington Street, Quincy, MA 02169  
617.405.4118 | [jho@lucasenviro.com](mailto:jho@lucasenviro.com)

Date of Issuance: Initial issuance: October 14, 2022 ***Amended OOC issuance: August 18, 2023 (amendments appear in bold italic font.***

Existing Conditions: Single-family house in poor condition (condemned)

Approved Project Purpose: Redevelopment

Approved Project Summary:

- Demolition of the existing single-family residence, shed, and driveway
- Construction of a 2-family dwelling on piers, **4-stall** driveway, stormwater infiltration, and mitigation planting area.
- The proposed project will result in an overall increase in impervious area of approximately **1,741** square feet.
- The proposed project will result in an increase in the flood storage capacity of approximately **2,712** cubic feet
- No mature trees will be cut.
- The applicant proposes to install a bounded, **3,760** sf mitigation planting area at the rear of the lot.
  - 7 Red Maple
  - 6 Red Oak
  - 6 Yellow Birch
  - 6 Black Cherry
  - Seed Mix
  - 14 American Hazelnut
  - 14 Maple-leaved Viburnum
  - 14 Mountain Laurel
  - 14 Black Chokeberry
  - 14 Witchhazel

Amendment Summary:

- ***Plan changes were made to comply with the zoning requirement to provide a total of 4 parking stalls.***
- ***The “side” walkway has been replaced by a 12-foot-wide driveway and the driveway opening has been widened.***
- ***The house has been shifted 3 feet closer to the stream (it is now due to be 28.1 ft at the closest point).***
- ***The new plans reduce the amount of new impervious area by 22 sf.***
- ***The new plans reduce flood storage capacity by 329 cf.***
- ***The new plans expand the mitigation planting area by 160 sf and add one deciduous sapling.***

Final Approved Plans

- “27 Cross Street, Newton, Massachusetts” plans by Peter Nolan Associates and Spruhan Engineering
  - “1 - Existing Conditions” 8/30/22, signed and stamped by Peter Nolan PLS
  - “2 - Civil Plan” last revised on **7/24/23**, signed and stamped by Peter Nolan PLS, and Edmond Spruhan, PE
  - “3 - Details” last revised on **7/24/23**, signed and stamped by Edmond Spruhan
  - “4 - Details” last revised on **7/24/23**, signed and stamped by Edmond Spruhan
  - “5 - Details” last revised on **7/24/23**, signed and stamped by Edmond Spruhan
- “Planting Plan” **July 24, 2023**, by Lucas Environmental
- Operation And Maintenance Plan, 27 Cross Street, Newton, Massachusetts, 9-27-22, by Spruhan Engineering, P.C.

Plan Revisions

- Any required or desired deviations from the approved plans shall be requested in writing. Relatively minor changes resulting in the same or decreased impacts may be administratively approved. If the project purpose or scope changes substantially, the Commission may require an amended OOC or new Notice of Intent.
- When plans are updated, the applicant must provide all involved City Departments with updated plans.
- The Newton Conservation Commission retains the right to require the submittal of additional information or impose additional conditions deemed necessary to ensure the protection of wetland resource areas.

**AMENDED Findings and Special Conditions of the Newton Conservation Commission**  
**DEP #239-939, 27 Cross St., SFH demo and duplex construction, mitigation planting area**

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Jurisdiction

- Buffer Zone: 310 CMR 10.53(1)
- Riverfront Area Redevelopment: 310 CMR 10.58(5)
- Bordering Land Subject to Flooding: 310 CMR 10.57

Reasons for Approval (Impact Analysis)

- Buffer Zone: The new structure will be pulled back from the bank of the stream and a significant planting mitigation area will be installed in the Buffer Zone.
- Bordering Land Subject to Flooding: The existing house and garage on solid foundations will be replaced with a new structure entirely built on piers resulting in an increase in the flood storage capacity of approximately 3,041 cf.
- Riverfront Area: The new structure will be further from the stream than the existing structure and new impervious area is being mitigated for with a large, permanently bounded mitigation planting area that will provide wildlife habitat in an area that is currently lawn.
- Conclusion: The redeveloped site will be an improvement over existing conditions.

Limit of Work: The sediment control line shall be the limit of work.

In case of emergencies, problems, or questions, contact: Jennifer Steel: 617-796-1134.

**Site-Specific Prohibited Activities**

21. Grades are not proposed to be changed and shall not be raised.
22. Finished grades may not deviate from the approved plans, even if high groundwater is encountered.
23. No mature trees are proposed to be cut, but if the applicant determines that Norway maples should be cut, he/she may seek a Minor Plan Change from the Commission to allow said cutting and replacement.

**Newton's Standard Conditions Prior to the Start of Work**

24. To ensure broad understanding of this Order and good lines of communication, the applicant must:
  - a. Must provide a signed Certificate of Understanding.
  - b. Provide contact information for those responsible for compliance with the Order on site. An emergency telephone number must be provided in the event that action is required during non-working hours.
  - c. Provide the anticipated timeline.
  - d. Review all conditions with all contractors and workers involved in on-site operations prior to the commencement of construction on this project. Any contractors and workers arriving after construction commences must also be apprised of these conditions. The project supervisor overseeing daily operations at the site must read this Order.
  - e. Include this document in all contracts, subcontracts, and specifications associated with the proposed work and shall supersede any conflicting contract requirements. The Applicant shall ensure that all contractors, subcontractors and personnel performing the permitted work are aware of the permit's terms and conditions. Thereafter, the contractor will be held jointly liable for any violation of this Order. Nothing in this paragraph shall limit or restrict the liability of the Applicant for violations of this Order.
25. The applicant must schedule and attend a pre-construction site visit with the applicant, construction supervisor and Conservation agent, to review:
  - a. Proof of Recording the Order and the Operations and Maintenance Plan appended hereto
  - b. A signed Certificate of Understanding
  - c. Contact information for those responsible for construction, sediment controls, and landscaping
  - d. 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)
  - g. Protection of all trees and shrubs within the limit of work, and as necessary outside the limit of work, with orange snow fence installed at the dripline, plywood sheeting over the roots, and boards tied to the trunk.
26. Notice shall be given to the Conservation Commission at least two business days prior to the start of work.

**Newton's Standard Conditions During Work**



**AMENDED Findings and Special Conditions of the Newton Conservation Commission**  
**DEP #239-939, 27 Cross St., SFH demo and duplex construction, mitigation planting area**

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27. 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. Should any damage occur during the project, the applicant or any successor shall be responsible for the full cost of restoration of the wetland to the satisfaction of the Commission.
28. Erosion controls must be inspected and properly maintained during construction until the site is stable. If a breach of the erosion control barriers occurs, the Newton Conservation Commission shall be notified, and measures shall be taken to remediate said breach. City streets shall be kept clean and catch basins in the immediate area shall be protected from eroding soils. An adequate supply of extra erosion control materials shall be stored on-site at all times for repair or replacement. Hay bales are prohibited without permission from the Commission. Erosion control barriers shall remain in place until written authorization for their removal has been received from the Newton Conservation Commission.
29. 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.
30. “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
31. Work shall be immediately halted on the site if an Agent of the Commission or DEP determines that any of the work is not in compliance with this Order of Conditions or Special Conditions.

**Newton’s Site-Specific Conditions During Work**

32. If dewatering proves necessary, 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.
33. If concrete washout must occur, 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.
34. The new duplex structure must be built on piers as per the approved plans.
35. No component of the structure may be enclosed in any way that deviates from the Conservation Commission’s guidelines for Construction in Flood Zone
36. Compensatory flood storage must be provided in its entirety as per the plans.
37. The stormwater infiltration system must be installed as per the approved plans.
38. The City Engineer must inspect the infiltration system. The applicant must submit proof of inspection to the Cons. Office.
39. The mitigation planting area must:
  - a. Be installed under the direction of a qualified wetland consultant to ensure proper installation, proper placement, and appropriate filling of the entire mitigation area.
  - b. Be installed in compliance with the approved plans (desired changes must be approved by the Conservation office in advance)
  - c. Be installed and maintained in such a manner as to replicate to the maximum extent practical a diverse ecological system, provide habitat for native species, and keep invasive species in check. Mulch applications, if any, shall diminish over time and eventually cease as ground cover species and shrubs spread.
    - a. Have a survival rate of 80 % of total number of trees (after 2 growing seasons)
    - b. Have a survival rate of 80 % of total number of shrubs (after 2 growing seasons)
    - c. Have a survival rate of 80 % aerial coverage of seed mix plants (after 2 growing seasons)
  - d. 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.
  - d. Stabilize all exposed areas

**AMENDED Findings and Special Conditions of the Newton Conservation Commission  
DEP #239-939, 27 Cross St., SFH demo and duplex construction, mitigation planting area**

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- e. Invasives species must be managed and minimized. If herbicides are use, manufacturer’s recommended directions must be followed.
40. 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).

**Newton’s Standard Conditions After Work has been Completed**

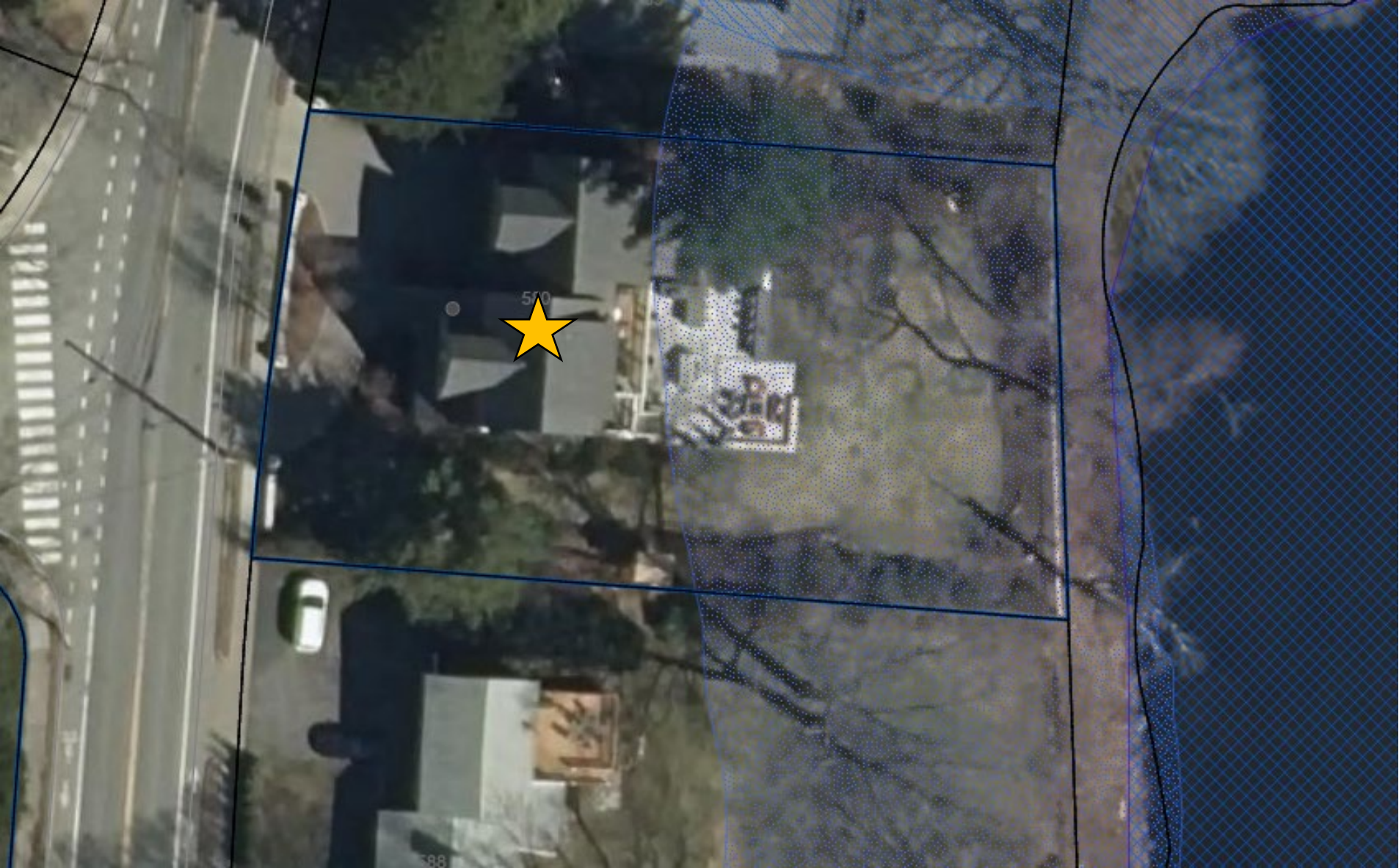
41. The applicant must apply for a Certificate of Compliance in accordance with DEP Condition #12, by submitting:
- b. A completed “Request for Certificate of Compliance (WPA Form 8A).”
  - b. An as-built plan signed and stamped by a professional engineer or land surveyor registered in Massachusetts. 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 the wetland consultant certifying compliance with the approved planting scheme.
42. No Certificate of Occupancy shall be approved by Conservation unless a Certificate of Compliance has been issued or the request receives the written approval of the Chief Environmental Planner.

**Newton’s Site-Specific Perpetual Conditions that Shall Not Expire upon the Issuance of a Certificate of Compliance**

43. To protect the water quality of area wetlands, fertilizers shall be of low-nitrogen content and be used in moderation
44. To protect the full suite of benefits of area wetlands, wildlife, and native insects and pollinators, no pesticides shall be used.
45. To protect wetland wildlife, exterior lighting shall be limited to “dark sky”, focused lighting. No spotlights or floodlights shall be directed at Cheesecake Brook.
46. The required bounded Riverfront mitigation area shall be maintained in perpetuity in its predominantly natural condition.
47. The approved Operations and Maintenance Plan is appended hereto and must be adhered to.
48. To maintain the flood storage capacity of the site, and to uphold DEP requirements for “unrestricted hydraulic connection”, there shall be no enclosure of the structure other than the minimal skirting allowed under the Conservation Commission’s guidelines for Construction in Flood Zone (approved 10/8/20), i.e., the structure shall not be enclosed with lattice, screen, lath or covering of any sort that:
- a. covers more than 50% of the area of any opening, and/or
  - b. has openings/holes with any dimension less than 1 inch.



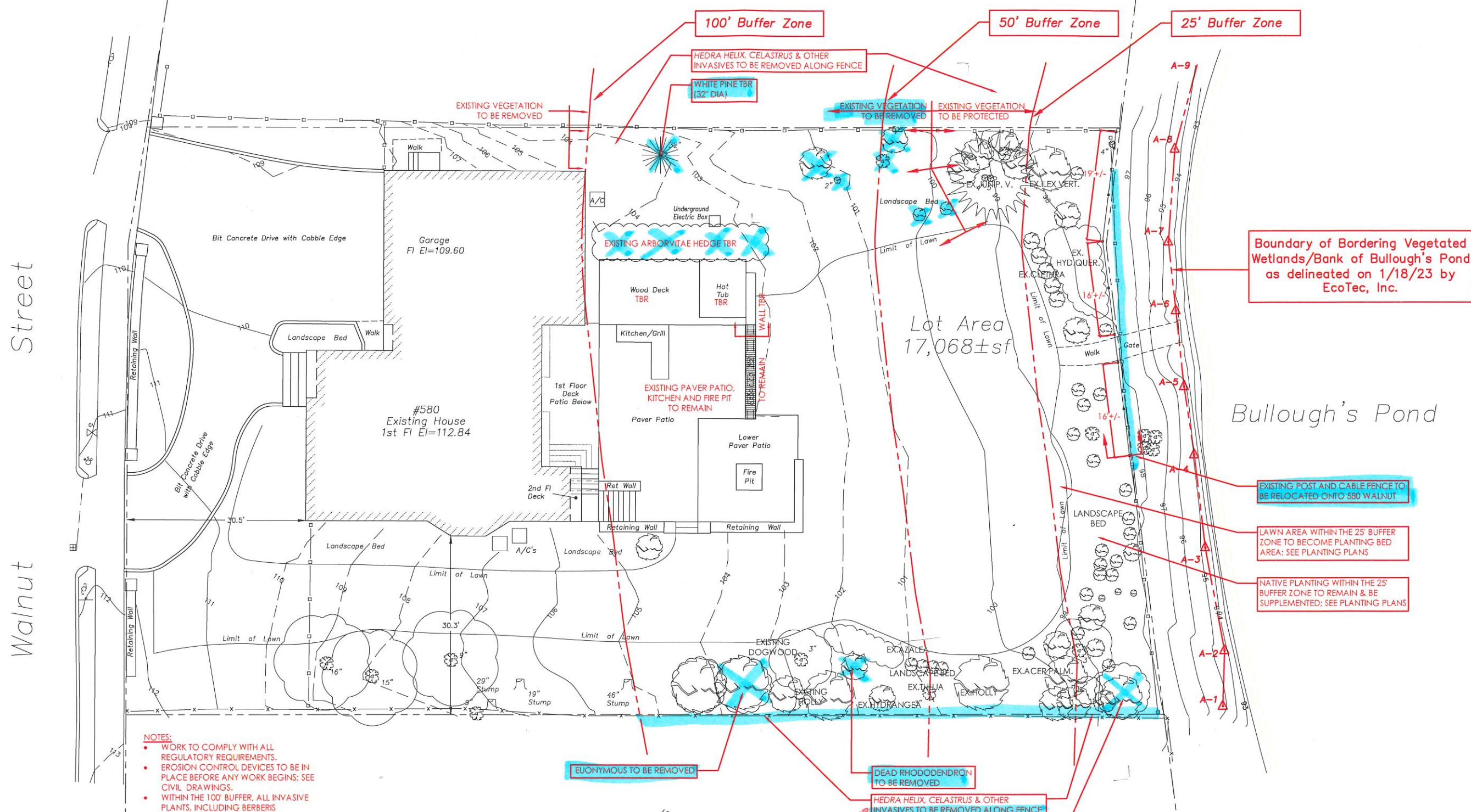
580 Walnut St





# 580 Walnut Street Existing Conditions and Vegetation Removal

n/f  
Leitch, Betsy P &  
Leitch, William R TRS  
69 Dexter Road



- NOTES:**
- WORK TO COMPLY WITH ALL REGULATORY REQUIREMENTS.
  - EROSION CONTROL DEVICES TO BE IN PLACE BEFORE ANY WORK BEGINS; SEE CIVIL DRAWINGS.
  - WITHIN THE 100' BUFFER, ALL INVASIVE PLANTS, INCLUDING BERBERIS THUNBERGII, CELASTRUS ORBICULATUS, EUONYMUS ALATUS, EUONYMUS SP., AND HEDERA HELIX, ARE TO BE REMOVED.

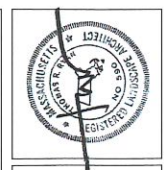
n/f  
Taube, Reuben  
& Taube, Melissa  
588 Walnut Street

English Ivy + Bittersweet

Boundary of Bordering Vegetated Wetlands/Bank of Bullough's Pond as delineated on 1/18/23 by EcoTec, Inc.

- EXISTING POST AND CABLE FENCE TO BE RELOCATED ONTO 580 WALNUT
- LAWN AREA WITHIN THE 25' BUFFER ZONE TO BECOME PLANTING BED AREA; SEE PLANTING PLANS
- NATIVE PLANTING WITHIN THE 25' BUFFER ZONE TO REMAIN & BE SUPPLEMENTED; SEE PLANTING PLANS

SCALE: 6" = 20' 0"



**ASSOCIATES**  
LANDSCAPE ARCHITECTURE AND PLANNING  
144 Moody Street, Building 4  
Waltham, MA 02453-5332  
ph: 781-314-0401  
www.ryan-assoc.com

**RYAN**

SINGAL RESIDENCE  
580 WALNUT STREET  
NEWTON, MA

LANDSCAPE  
SITE NOTES AND  
PREPARATION PLAN  
JUNE 26, 2023

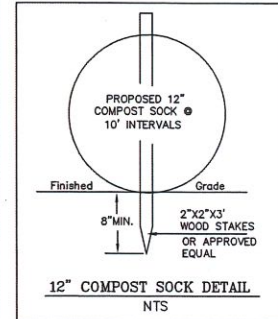
ISSUED	NO.	DESCRIPTION
	1	
	2	
	3	
	4	
	5	
	6	



eed, current  
pre 1953



- Notes:
1. Prior to the Engineering Division recommending that a Certificate of Occupancy be issued, an As-Built plan must be submitted. The As-Built plan must show dimensional ties from fixed points to all subsurface components as well as final grading. The As-Built plan must be signed stamped and dated.
  2. The contractor needs to notify the Engineering Department 48 hours in advance and schedule an appointment to have the drainage system inspected. The system must be fully exposed for the inspector. Once the inspector is satisfied, the system and utilities may be back filled.
  3. The applicant must apply for a Street Opening and Utilities Connection Permit as well as a sidewalk crossing permit with DPW.
  4. The utilities shown are from field locations and available plans of utility companies and may or may not be correct. Contractor is to contact Dig Safe, all local utility companies and field verify all locations as required prior to any excavation.
  5. All work shall be done in accordance with "City of Newton Standard Specifications" and "City of Newton Construction Details", copies of which may be obtained at the Engineering Office. All work shall be subject to inspection and approval by the City of Newton Engineering Department.
  6. The contractor shall provide Police Details for the direction and control of traffic, as required by the city engineer. All roads affected by construction shall remain open to emergency vehicles at all times. Contractor is to coordinate with Police and Fire Department to ensure public safety.
  7. An erosion control barrier shall be in place prior to any construction and all materials must be contained on site.
  8. Any tree removed from site must comply with City of Newton Tree Ordinance.
  9. Proposed drainage design and calculations meet the minimum standards as required by the City of Newton Engineering Division for this development as shown. Drainage design and accompanying drainage calculations DO NOT take into consideration perimeter drains and/or sump pump connections.



Impervious Surfaces	
<b>EXISTING</b>	
House/1st Fl Deck	2621 sf
Drive/Walks	1753 sf
Paver Patios/Ret Walls	1082 sf
Wood Patio/Hot Tub	278 sf
<b>Total:</b>	<b>5733 sf</b>
<b>PROPOSED</b>	
House/1st Fl Deck	2621 sf
Drive/Walks	1753 sf
Paver Patios/Ret Walls	1058 sf
New Pool/Patio Area	1190 sf
<b>Total:</b>	<b>6622 sf</b>
6622-5734=888	
There is an increase of impervious surface contributing to runoff of 888±sf	

**Zoning District: SR2**  
**Old Lot Status**  
 Lot is described as two parcels, combined by deed, current Bk 70407 Pg 227.  
 See Lot described as two parcels combined by pre 1953 deed Bk 6928 Pg 423 recorded 1/12/46

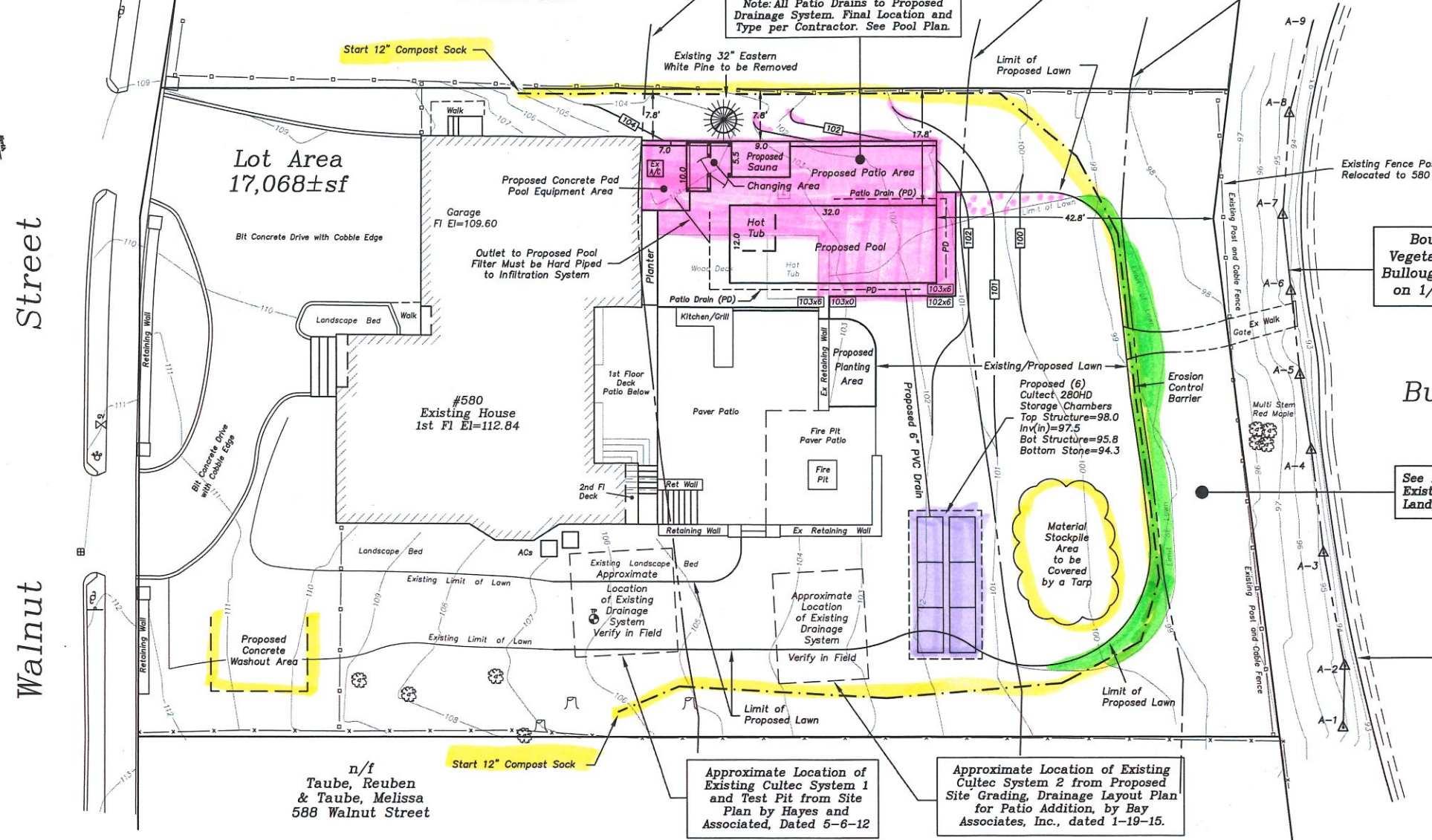
**Allowed/Required**  
 Lot Coverage=30.0%  
 Open Space=50.0%

**Existing**  
 Lot Coverage=13.41%  
 Open Space=73.74%

Note: Existing zoning district information and lot status is based on information obtained from the City of Newton on-line data base and property deeds and plans obtained from Middlesex South District Registry of Deeds. Final zoning district and lot status to be determined by the City of Newton Inspectional Services Department.

Existing elevations shown are on City of Newton Base. Benchmark: City of Newton sewer invert station 1+39.45 Prospect Avenue sewer plan 6513 S-27 Elevation=118.44

# 580 Walnut Street Proposed Site Conditions



**Dig Safe**  
 Excavation  
 Before you dig contact the Dig Safe Center. To prevent damage to telephone, gas or electric underground facilities of member utilities, call toll free Massachusetts state law requires notification at least three business days before you start digging operations. In an emergency, call immediately.

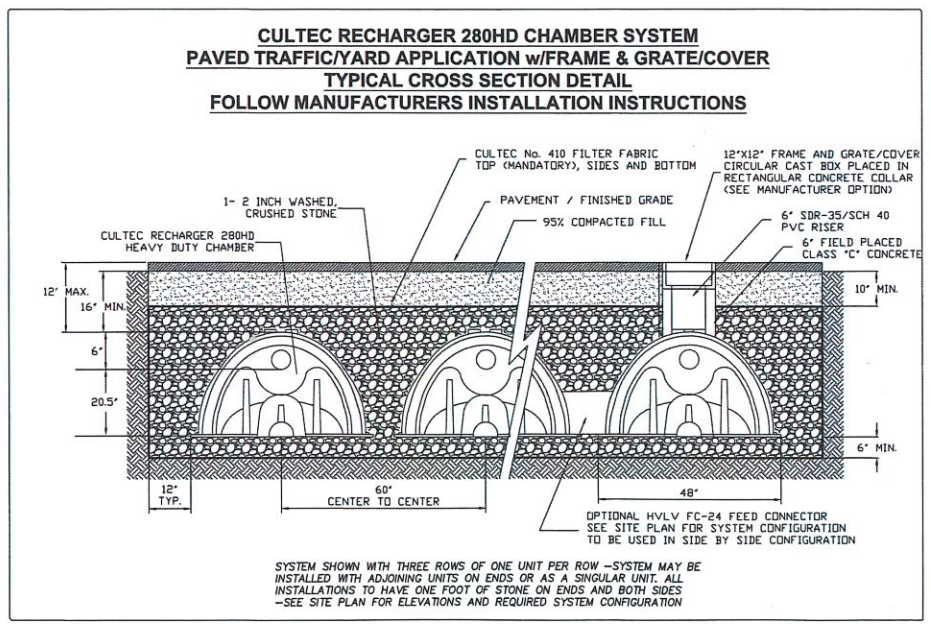
Boundary of Bordering Vegetated Wetlands/Bank of Bullough's Pond as delineated on 1/18/23 by EcoTec, Inc.

## Bullough's Pond

See Landscape Architect Plan for Existing and Proposed Plantings and Landscaping-related Work Notes.

Ordinance Watershed to Bullough's Pond 92.4 City of Newton Datum

Note: Additional Soil Testing, if Required, is to be Performed After Erosion Control Installation Prior to Construction. Drainage System and Calculations may need to be Updated and Resubmitted.



**NOTES**

1. CONCRETE WASHOUT AREAS SHALL BE INSTALLED PRIOR TO CONCRETE PLACEMENT ON SITE. THE CONCRETE WASHOUT AREA SHALL BE ENTIRELY SELF-CONTAINED.
2. THE CONTRACTOR SHALL SUBMIT THE DESIGN, LOCATION AND SIZING OF THE CONCRETE WASHOUT AREAS WITH THE PROJECT'S EROSION AND SEDIMENTATION CONTROL PLAN AND SHALL BE APPROVED BY THE ENGINEER.
3. SURFACE DISCHARGE IS UNACCEPTABLE. THEREFORE, HAY BALES OR OTHER CONTROL MEASURES AS APPROVED BY THE ENGINEER, SHOULD BE USED ALONG THE PERIMETER OF THE CONCRETE WASHOUT AREA FOR CONFINEMENT.
4. SIGNS SHOULD BE PLACED AT THE CONSTRUCTION ENTRANCE, AT THE CONCRETE AREAS AND ELSEWHERE AS NECESSARY TO CLEARLY INDICATE THE LOCATION OF THE CONCRETE WASHOUT TO OPERATORS OF CONCRETE TRUCKS AND PUMP TRUCKS. WASHOUT AREAS SHOULD BE FLAGGED WITH SAFETY TACKLING OR OTHER APPROVED METHOD.
5. WASHOUT AREAS ARE TO BE INSPECTED AT LEAST ONCE A WEEK FOR STRUCTURAL INTEGRITY, ADEQUATE HOLDING CAPACITY AND CHECKED FOR LEAKS, TRAPS OR OVERFLOWS. AS REQUIRED BY THE CONSTRUCTION SITE ENVIRONMENTAL INSPECTION REPORT, WASHOUT AREAS SHOULD BE CHECKED AFTER HEAVY RAINS.
6. HANDHELD CONCRETE WASTE SHOULD BE REMOVED AND DISPOSED OF WHEN THE WASTE HAS ACCUMULATED TO HALF OF THE CONCRETE WASHOUT'S HEIGHT. THE WASTE CAN BE STORED IN AN UPLAND LOCATION AS APPROVED BY THE ENGINEER. ALL CONCRETE WASTE SHALL BE DISPOSED OF IN A MANNER CONSISTENT WITH ALL APPLICABLE LAWS, REGULATIONS, AND GUIDELINES.
7. PAYMENT FOR THIS ITEM IS TO BE INCLUDED UNDER THE GENERAL COST OF THE WORK FOR THE PROJECT, INCLUDING SITE RESTORATION.

REVISIONS	
DATE	DESCRIPTION

**580 Walnut Street**  
 Newton, Massachusetts

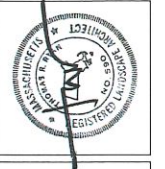
**Proposed Conditions Site Plan**

Scale: 1"=10' June 28, 2023  
 VERNE T. PORTER Jr., PLS  
 Land Surveyors - Civil Engineers  
 354 Elliot Street Newton, Massachusetts 02464

Project: 23004  
 Checked By: V. Porter Jr.  
 Drawn By: R. Jardine Jr.

Sheet 2 of 2





ASSOCIATES  
LANDSCAPE ARCHITECTURE AND PLANNING  
144 Mosley Street, Building 4  
Waltham, MA 02453-6392  
ph: 781-314-0461  
www.ryan-assoc.com

RYAN

SINGAL RESIDENCE  
580 WALNUT STREET  
NEWTON, MA

PLANTING PLAN  
JUNE 26, 2023

ISSUED	1	2	3	4	5	6
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**\* 580 WALNUT - PLANT LIST  
- 25' BUFFER ZONE AREA -**

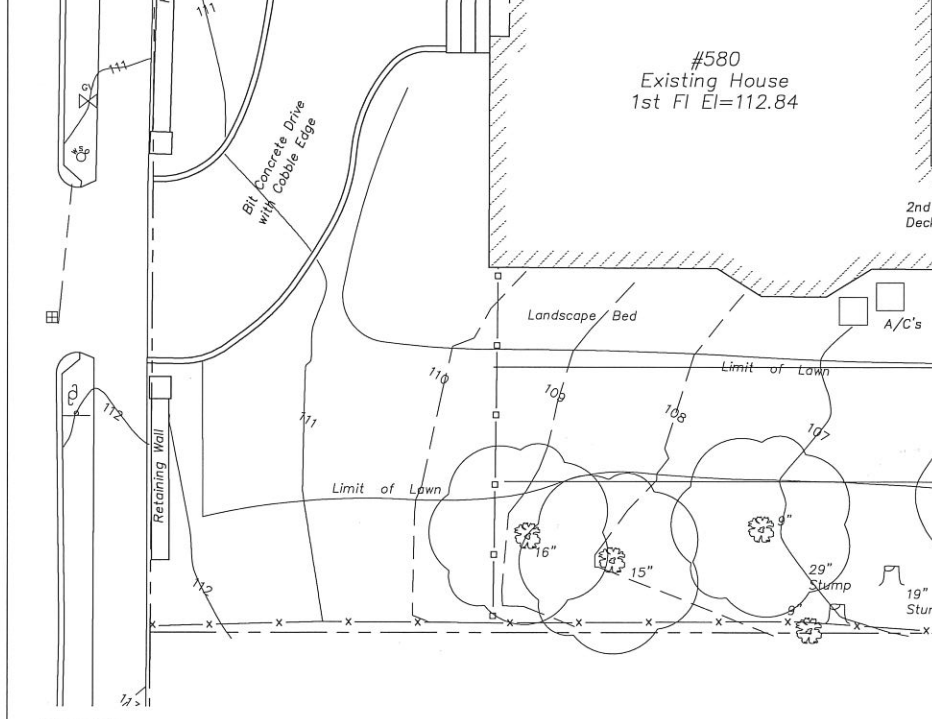
ABBR.	BOTANICAL NAME	COMMON NAME	ATTRIBUTES	SIZE - TYP	
<b>Shrubs</b>					
6	CP	<i>Comptonia peregrina</i>	Sweet Fern	fern-like, leaves give off a pleasant fragrance when crushed	#3
3	CA	<i>Cornus alba</i>	Red-Twig Dogwood	flowers late spring/early summer, followed by fruit white to blue, red stems	3' ht
5	DL	<i>Diervilla lonicera</i>	Diervilla	yellow flowers, leaves shift from green to red mid-season	18" ht
4	FG	<i>Fothergilla gardenii</i>	Fothergilla	white bottle-brush-like flowers, yellow fall color	18" ht.
3	HV	<i>Hamamelis virginiana</i>	Witch Hazel	late-fall blooming, yellow flowers, good mixed-border shrub	3-4' ht.
1	IG	<i>Ilex glabra</i>	Inkberry	evergreen foliage, good bird cover	24" ht.
17	JH	<i>Juniperus h. 'Bar Harbor'</i>	Bar Harbor Juniper	low growing, groundcover form, attractive silver foliage	#3
3	MG	<i>Myrica gale</i>	Sweetgale	leaves give off a pleasant fragrance when crushed, blends well in native border	18" ht.
<b>Perennials</b>					
3	BA	<i>Baptisia australis</i>	False Indigo	upright, shrub-like form, attractive blue flowers and seed structure	#2
4	IV	<i>Iris versicolor</i>	Blue Flag	summer blooming, grass-like foliage, elaborate flower structure	#2

**580 WALNUT - PLANT LIST  
- 25'-100' BUFFER ZONE AREA -**

ABBR.	BOTANICAL NAME	COMMON NAME	ATTRIBUTES	SIZE - TYP	
<b>Trees</b>					
6	JV	<i>Juniperus virginiana</i>	Eastern Red Cedar	sub-canopy species, spring flowers, graceful, open branching form	8-10' ht
1	NS	<i>Nyssa sylvatica</i>	Black Gum	horizontal branching, great red fall color, bird habitat	2.5' cal
<b>Shrubs</b>					
4	JA	<i>Azalea calendulaceum</i>	Flame Azalea	Summer bloomer, yellow flowers, good fall color	3-4' ht
4	CF	<i>Calycanthus floridus</i>	All Spice	fragrant, dark red flowers	3' ht
3	FG	<i>Fothergilla gardenii</i>	Fothergilla	white bottle-brush-like flowers, yellow fall color	18" ht.
3	HA	<i>Hydrangea arborescens</i>	Smooth Hydrangea	adaptable native hydrangea, summer blooming, white	24" ht.
5	IT	<i>Itea virginica</i>	Sweetspire	cascading flowers in early summer, naturalizes well	18" ht.
4	JH	<i>Juniperus h. 'Bar Harbor'</i>	Bar Harbor Juniper	low growing, groundcover form, attractive silver foliage	#3
12	KA	<i>Kalmia latifolia</i>	Laurel	shade tolerant, evergreen, pink-white flowers	24" ht.
3	MG	<i>Myrica gale</i>	Sweetgale	leaves give off a pleasant fragrance when crushed, blends well in native border	18" ht.
1	RC	<i>Rhododendron cat. 'Album'</i>	White Catawba Rhod.	hardy white rhododendron	3-4' ht
<b>Perennials</b>					
5	AD	<i>Anuncus dioicus</i>	Goatsbeard	fern-like foliage, striking plume-form flowers, shade tolerant	#2
15	DP	<i>Dennstaedtia punctilobula</i>	Hayscented Fern	adaptable, naturalizing fern, with fine leafed fronds	#1
3	BA	<i>Baptisia australis</i>	False Indigo	upright, shrub-like form, attractive blue flowers and seed structure	#2
17	IV	<i>Iris versicolor</i>	Blue Flag	summer blooming, grass-like foliage, elaborate flower structure	#2
5	MB	<i>Monarda didyma</i>	Bee Balm	upright, shrub-like form, attractive red flowers	#2
5	PS	<i>Polygonum biflorum</i>	Solomon's Seal	spring blooming, pearl-like flowers, arching stems	#2

**580 WALNUT - PLANT LIST  
- 25'-100' BUFFER ZONE AREA -**

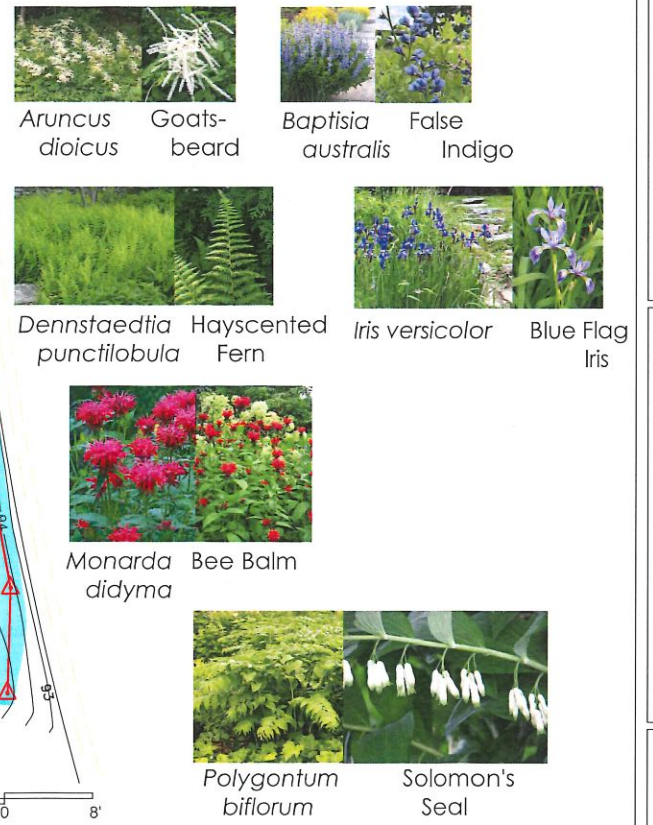
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1	NS	<i>Nyssa sylvatica</i>	Black Gum	horizontal branching, great red fall color, bird habitat	2.5' cal
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4	JA	<i>Azalea calendulaceum</i>	Flame Azalea	Summer bloomer, yellow flowers, good fall color	3-4' ht
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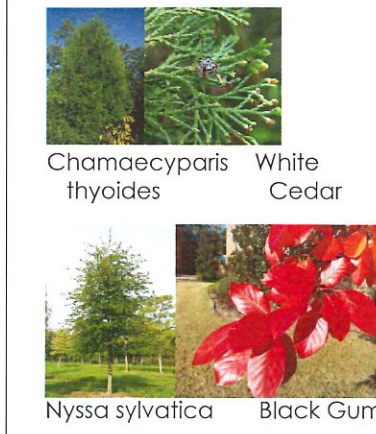
### 580 Walnut Street Proposed Planting Plan

Boundary of Bordering Vegetated Wetlands/Bank of Bullough's Pond as delineated on 1/18/23 by EcoTec, Inc.

#### PERENNIALS



#### TREES



#### SHRUBS





Findings and Conditions of the Newton Conservation Commission  
DEP #239-962, 580 Walnut St swimming pool, spa and accessories

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**Findings (considered as and given equal status as site-specific conditions)**

Site: 580 Walnut St  
Owner: Gaurav Singal and Shikha Mangla  
580 Walnut St, Newton, MA 02460  
gsingal@gmail.com | 410-952-5528  
Applicant: same  
Representative: John Rockwood, Eco-Tec  
102 Grove St, Worcester, MA 01605  
[jrockwood@ecotecinc.com](mailto:jrockwood@ecotecinc.com) | 508-752-9666

Date of Issuance: August 18, 2023

Existing Conditions: Patio, lawn, landscaped beds, 1 large mature tree

Approved Project Purpose: Install a swimming pool and associated amenities

Approved Project Summary:

- Demolish patio.
- Remove 1 large (32") pine tree, screening hedge, and other vegetation. Remove invasive vegetation.
- Construct pool with hot tub, patio, and pool equipment (with associated grading).
- Install infiltration chambers to accommodate stormwater and pool discharge.
- Install native plants.

Final Approved Plans

- 580 Walnut Street – Existing Conditions, stamped by Verne Porter PLS and Paul Tyrell CE, last rev. June 28, 2023.
- 580 Walnut Street – Proposed Conditions, stamped by Verne Porter PLS and Paul Tyrell CE, last rev. June 28, 2023.
- Singal Residence, 580 Walnut St. – Landscape Site Notes and Preparation Plan, stamped by Thomas Ryan, June 26, 2023.
- Singal Residence, 580 Walnut St. – Planting Plan, stamped by Thomas Ryan, June 26, 2023.

Plan Revisions

- Any required or desired changes to the above approved plans shall be requested via new proposed plans and a memo indicating all proposed plan changes. Relatively minor changes resulting in the same or decreased impacts may be administratively approved. If the project purpose or scope changes substantially, the Commission may require an amended OOC or new Notice of Intent.
- The Newton Conservation Commission retains the right to require the submittal of additional information or impose additional conditions deemed necessary to ensure the protection of wetland resource areas.

Jurisdiction and Reasons for Approval (Impact Analysis)

- Buffer Zone: The work is proposed within the 100' Buffer Zone. The major project components (systems and structures) are more than 50' from the bank of the Bullough's Pond. Pools more than 50 feet from the wetland are exempt, but the grading, tree cutting, etc. are not exempt. The proposed increase in the width of the mitigation planting area should help to buffer the pond from the uses of the property (light, noise, etc.).

Limit of Work: The sediment control line shall be the limit of work.

Work shall be immediately halted on the site if an Agent of the Commission or DEP determines that any of the work is not in compliance with this Order of Conditions or Special Conditions.

Responsibility: Should any damage occur during the project, the applicant or any successor shall be responsible for the full cost of restoration of the wetland to the satisfaction of the Commission.

In case of emergencies, problems, or questions, contact: Jennifer Steel: 617-796-1134.

Findings and Conditions of the Newton Conservation Commission  
DEP #239-962, 580 Walnut St swimming pool, spa and accessories

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**Conditions Prior to the Start of Work**

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 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.

**Conditions During Work**

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. "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
26. 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).
27. 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.

**Site-Specific Conditions During Work**

28. Erosion controls that run parallel Bullough's Pond shall be entrenched staked silt fence and shall be installed at the proposed edge of lawn, to allow the planting area to be filled appropriately.
29. Erosion controls that run along the northern property boundary shall be entrenched staked silt fence, to ensure proper sediment control in the vicinity of the swimming pool.
30. ¾-inch or thicker plywood and at least 4 inches of mulch shall be laid over the infiltration systems prior to and during the passage of heavy equipment.
31. No concrete washwater may enter the City's storm drainage system or Bullough's Pond.
32. Cutting and use of herbicides to treat invasives ... ???
33. All 3 winged-euonymous shrubs shall be removed from the property and disposed of properly.



34. Exterior lighting shall be “dark sky” compliant, i.e., shielded to prevent “up lighting” and “backlighting”, focused, and directed.

35. Buffer Zone mitigation/enhancement plantings must:

- a. Be installed on or before \_\_\_\_\_.
- b. Be installed in compliance with the approved plans (desired changes must be approved by the Conservation office in advance) and in such a layout as to fill the designated area.
- c. 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.
- d. Be installed under the direction of a qualified consultant to ensure proper installation, proper placement, and appropriate and even filling of the entire mitigation area.
- e. Include 9 native trees 100 % of which are well-established and thriving after 2 growing seasons
- f. Include 81 native shrubs 80 % of which are well-established and thriving after 2 growing seasons
- g. Include 57 native perennials with 75 % survival that is well-established and thriving after 2 growing seasons
- h. 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 ground cover species and shrubs spread.
- i. Stabilize all disturbed areas.
- j. 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.
- k. Be maintained in such a manner as to replicate to the maximum extent practical a diverse ecological system and provide habitat for native species.
- l. Be managed to control/minimize invasive species for the life of this permit. If herbicides are used, manufacturer’s recommended directions must be followed.
- m. Be monitored for two growing seasons; send descriptive season-end monitoring reports (with photographs) sent to the Conservation Office.

36. The stormwater infiltration system must be installed as per the approved plans.

#### **Conditions After Work has been Completed**

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.

#### **Site-Specific Perpetual Conditions** (they shall not expire upon the issuance of a Certificate of Compliance)

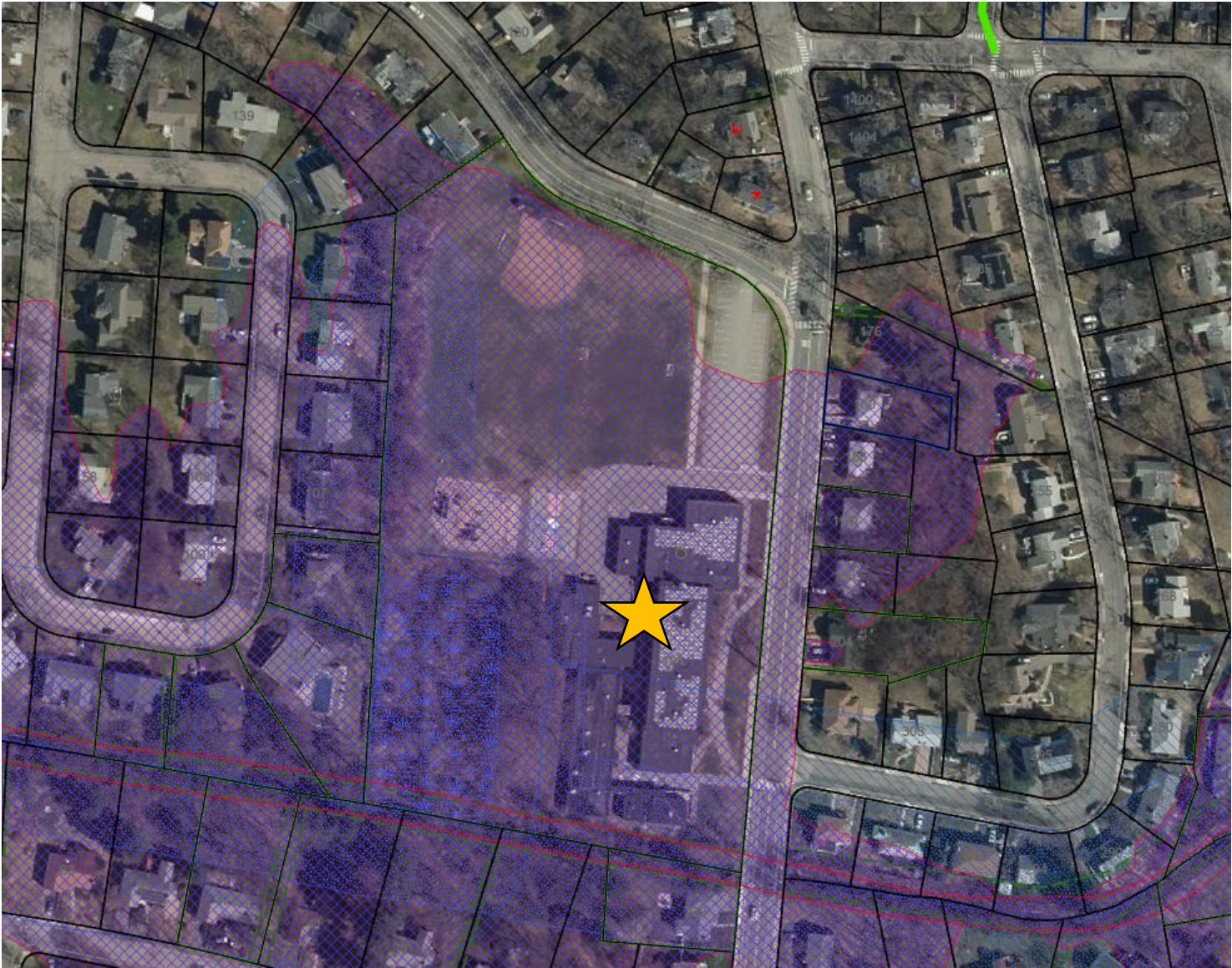
38. To protect the water quality of area wetlands, fertilizers shall be of low-nitrogen content and be used in moderation

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

191 Dedham St, Countryside School





# CONSERVATION COMMISSION MINUTES

Date: Thursday, July 27, 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 Dan Green presiding as Chair.

**Members Present:** Dan Green (Chair), Susan Lunin (Vice-Chair), Kathy Cade, Judy Hepburn, Leigh Gilligan, Jeff Zabel

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

**Staff present:** Jennifer Steel, Ellen Menounos

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

## DECISIONS

### A. WETLANDS DECISIONS

#### 1. (7:00) 19 Staniford St – NOI – two-lot rear subdivision – DEP #239-0960

- Owner/Applicant. Roger Kane, Kane Built Inc
- Representatives. John Rockwood, Eco-Tec Inc; Bob Bibbo, Michael Quinn
- Request and Project Summary:
  - Issue an OOC for the rear house.
  - The existing perimeter construction fence and erosion controls will be removed and relocated as shown on the Site Plan.
  - The proposed project results in increased impervious surfaces on the site and in the 100' Buffer Zone
  - Roof and patio runoff will be collected and directed to infiltration systems
  - Remove two trees totaling 33 caliper inches within the 100' Buffer Zone
  - Plant 13 saplings (of 5 native deciduous and evergreen species) totaling 38 caliper inches and monitor them for 2 growing seasons.
  - Remove debris on slope by hand.
  - 6 stone bounds at the 50-foot buffer to make owners aware of the wetland below.
- Documents in packets. Highlighted plans
- Additional documents presented at meeting. Site photos
- Jurisdiction. Buffer Zone [FEMA Flood Zone and City Flood Zone well outside the limit of work]
- Presentation (Staff) and Discussion (John Rockwood).
  - The proposed house is within the Buffer Zone, but is 61 feet from the wetland on what is now lawn. The wetland will not be adversely affected by the construction.
  - The 2 trees to be removed are 100-feet from the wetland. They will plant 13 saplings (of 5 native deciduous and evergreen species) totaling 38 caliper inches and monitor them for 2 growing seasons.
  - Removal of all the debris from the slope will improve the health of the area. The contractor should be asked to remove debris from beyond the property lines while on the slope removing debris from the subject property.
  - The applicant will place 6 informational bounds along the 50-foot buffer line to indicate "native habitat, do not disturb" beyond the bounds.
- Vote to close the hearing and issue an Order of Conditions with Findings and General Conditions and the following Site-Specific Conditions. [Motion: Lunin, Second: Gilligan, Roll-call vote: Green (aye), Lunin (aye), Zabel (aye), Hepburn (aye), Gilligan (aye), Cade (aye). Vote: 6:0:0.]
  - 28. All trash and debris from the slope behind the fence shall be removed by hand.
  - 29. 6 stone bounds shall be installed and have instructive medallions (provided by the Newton Conservation Office) permanently affixed to the top, as per the plans.
  - 30. The plantings (13 saplings of 5 native deciduous and evergreen species totaling 38 caliper inches) must be installed as per the plans, monitored for 2 growing seasons, with a 100% survival rate after 2 growing seasons.
  - 33. To protect the water quality of area wetlands, fertilizers shall be of low-nitrogen content and



**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  
Information**  
1000 Comm. Ave.  
Newton, MA 02459

T 617/796-1120  
F 617/796-1142

[www.newtonma.gov](http://www.newtonma.gov)

[jsteel@newtonma.gov](mailto:jsteel@newtonma.gov)

be used in moderation

34. To protect the full suite of benefits of area wetlands, wildlife, and native insects and pollinators, no pesticides shall be used.
35. 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

## **2. (7:20) 53 Roosevelt Rd – RDA – install vertical loop geothermal heat pump**

- Owner/Applicant. Satya Keerthi Kota, Savithri B Kota
- Representatives. Martin Orio, Massachusetts Geothermal
- Request and Project Summary:
  - Issue a negative Determination for the installation of the geothermal well.
  - Two 6” vertical geothermal boreholes at about 375’ each separated by 20’ horizontally.
  - Steel casing is hammered into the “competent bedrock” to keep surface water from intruding and to keep the well from caving in on itself on the way down to bedrock.
  - There will be a pit dug around the borehole so water and drilling mud can be held. This seals the overburden so the well remains open as they drill. That pit would lead (via a 1’ deep by 1’ wide trench) to an infiltration pit where the clean water would percolate into the soil and the drilling mud would be scooped out. The owners understand that the solids, 2-3 cubic yards of mostly ground bedrock, must be removed from the site with a backhoe and dump truck.
  - If water is encountered, it will be removed from the hole and percolated back into the ground via the same perc pit.
  - After boreholes are in and 1.25” HDPE pipes are installed with U-bend in the bottom the void around the pipes in the bore hole is back filled with bentonite grout.
  - There will be 2 6” pipes sticking up out of the ground with two 1.25” pipes extending above. Then a tremie rig arrives and backfills the void in the 6” borehole to complete the loop and make a conductive connection from the loop pipes to the earth. This also seals off the loop and so no other liquid or material can enter or exit the well area. Any mixed grout that overflows would also be scooped up and removed.
  - The final step is for a backhoe to dig a 2’ wide by 4’ deep trench to marry the two boreholes together. That trench would then be continued to the basement entry point to the equipment room. All trenching material would be backfilled into the trenches it came out of, so no net gain or loss of material on the property.
- Documents in packets. Highlighted plans, narrative summary
- Additional documents presented at meeting. Site photos
- Jurisdiction. FEMA Flood Zone, City Flood Zone
- Presentation (Staff) and Discussion (Marty Orio).
  - This seems like a simple project with little chance of fundamentally altering the flood zone.
  - Grades and lawn will be restored.
  - Given the detailed plans, staff’s only concern is ensuring the health of the trees close to the point of entry for the drill rig and the location of the dumpster.
  - The infiltration area will be lined with a sediment fabric to facilitate removal of the mud and debris that will be pumped from the well. The area will be expanded if/as needed to accommodate excess groundwater.
- Vote to close the hearing and issue a negative 2 Determination with the following conditions listed in the cover letter.  
[Motion: Zabel, Second: Lunin, Roll-call vote: Green (aye), Lunin (aye), Zabel (aye), Hepburn (aye), Gilligan (aye), Cade (aye).  
Vote: 6:0:0.]
  - Erosion controls and other site controls must keep all water and spoils on the subject property.
  - All solid spoils must be removed from the property.
  - There may be no net addition of fill to the property.

## **3. (7:35) 145 Warren – OOC resign request – renovations to existing SFH and 3 additional units -- DEP #239-0882**

- Owner/Applicant. David Oliveri, Warren St LLC/Civico Development
- Representatives. Stephanie Seeley, Sustainable Comfort
- Request and Project Summary. Resign the OOC so that a request for an extension can be presented.
- Documents in packets. Site plan.
- Additional documents presented at meeting. Site photos
- Jurisdiction. BZ
- Presentation (Staff) and Discussion.

- Staff recently discovered that the original OOC was never recorded, so prior to any further permit action, a resigned OOC should be provided and recorded.
- Revised plans reflect 5 units (instead of the original 4), but the footprint of the building has not changed at all.
- Site visits performed on 6/23/23 and 6/26/23 noted that erosion controls were not installed properly and that unpermitted tree removal had occurred.
- The applicant has corrected the erosion controls and has documented the unpermitted tree removal: one 20" and one 7" deciduous tree at the rear of the site. The 7" tree was approved to be removed by the Tree Warden, the 20" was not.
- The Commission discussed the need to plant additional trees as mitigation, but felt that the OOC could be re-signed prior to the installation of the plantings.
- Staff's concerns about the excess material (over-dig from the infiltration system), poor quality of material and compaction within the planting area will be addressed with removal of inappropriate soils, addition of good soil, and rototilling of the site prior to planting.
- Vote to resign the original OOC for recording, with a cover letter that indicates the need to grub the new stumps, add 2 native canopy saplings to the planting area, and restore the soils prior to plant installation. [Motion: Lunin, Second: Gilligan, Roll-call vote: Green (aye), Lunin (aye), Zabel (aye), Hepburn (aye), Gilligan (aye), Cade (aye). Vote: 6:0:0.]

**4. (7:50) 12 Lake Terrace – COC request – hardscaping, planting strip – DEP #239-0395**

- Owner/Applicant. Joseph and Kelly Rogers
- Representatives. Contractors seeking permission to install dormers
- Request and Project Summary.
  - Close out the old OOC with a COC. Allow staff to issue Administrative Approval for the dormers.
  - The 2000 OOC had condition #26. "The property owner shall present to the Commission for its review and approval a plan for a planting strip at the end of the lawn/top of bank of Crystal Lake. The strip should be a minimum of 5 feet on average and contain a predominance of native species for wildlife enhancement. The strip is intended to serve as a filter for lawn runoff and a deterrent to Canada geese."
- Documents in packets. None.
- Additional documents presented at meeting. Site photos.
- Jurisdiction. Buffer Zone to Crystal Lake, FEMA Flood Zone, City Flood Zone
- Presentation (Staff) and Discussion.
  - The open OOC came to staff's attention via a building permit application (for dormers) from the new owners.
  - A site visit on 7/20/2023 confirmed that there is a narrow line of shrubs along the top of the bank and fence line. This seems to have been the condition for many, many years.
  - The Commission felt that despite the hedge not being of a native species, given the age of the OOC and the stability of the site, that a COC was appropriate.
- Vote to issue a complete COC. [Motion: Cade, Second: Gilligan, Roll-call vote: Green (aye), Lunin (aye), Zabel (aye), Hepburn (aye), Gilligan (aye), Cade (aye). Vote: 6:0:0.]

**5. (8:00) 3, 5, 9, 11 Farwell Cir. – NOI – complete 6-lot subdivision by building 4 single-family houses – DEP #239-0961**

- Owner/Applicant. Scott Tellier, Farwell on the Charles
- Representatives. Joe Porter, Steve Vona
- Request and Project Summary:
  - Issue an OOC
  - The applicant seeks permission to complete the 6-lot subdivision that was started in 2018.
  - 2 houses have been more or less completed. 2 foundations have been installed. 2 lots remain mostly unchanged.
- Documents in packets. Highlighted plans
- Additional documents presented at meeting. Site photos
- Presentation (Staff) and Discussion (Stephen Vona).
  - Staff presented the site's permitting history and showed current site photos.
  - The current application has been filed to complete the 6-lot subdivision that the Commission permitted on 4/27/2018 (#239-793). That permit was appealed by abutters and so DEP issued a superseding OOC on 9/6/2018 (#239-793). That superseding OOC expired on 12/11/2022. So, the applicant is applying *de novo* for a permit to complete a 6-lot subdivision (#239-961).
  - Staff accepted this application as complete despite its short-comings, because DEP issued a file number and because staff wanted the Commission to weigh in on what information it feels will be necessary to render a decision and conditions. The applicant wanted the "old" (2018) plans "re-approved", but staff noted that the Commission should consider this application like any other, with fresh eyes and not be bound by the old plans or Order of Conditions.



- The current/existing conditions are in a state of partial completion.
  - #1 has been completed and DEP has, we are told, issued a Partial COC.
  - #3 has final grading, a foundation, and utilities. It awaits a modular house.
  - #5 has final grading, a foundation, and utilities. It awaits a modular house.
  - #7 has been completed and DEP has, we are told, issued a Partial COC.
  - #9 has not had work done on it. Only the original 2018 plans have been provided.
  - #11 has not had work done on it. Only the original 2018 plans have been provided.
- There are numerous legal questions that must be addressed.
  - Ownership is not clear, as deed references haven't been provided.
  - #1 and #7 received Partial COCs from DEP
  - The entire subdivision (roadway, utilities, plantings, etc. filed under the now-expired OOC) must be closed out, yet:
    - Some portion of the parcel is due to be auctioned on 7/27/2023.
    - #1 has been sold and released by DEP.
    - An additional lot (#7) has been released by DEP.
    - The City's water easement hasn't been recorded and is tied up in legal actions.
- A site visit on 7-20-2023 found the following:
  - Weeds and invasives have overtaken the planting area. Many trees have died.
  - Current grading creates ponding at the rear of #1, #3, #5, and #7.
  - As-built plans have been received for #1 and #7, but:
    - #1 is anticipating the need for additional retaining walls to address structural concerns.
    - #7 actually has a berm behind it that causes ponding, but this is not reflected on the as-built.
- Staff noted the many deficiencies of the application.
  - Deed book and page information. The NOI listed the recorded OOC book and page, not the deed book and page. Staff requested deed book and page information, but nothing was been submitted.
  - Signature of the applicant appeared to be not authentic.
  - The additional \$512.50 state filing fee required for a project in BLSF and RFA was not submitted.
  - Clarity on the scope of the project. The whole subdivision must be completed and approved through an OOC and COC, but the applicant is applying only for work on #3, #5, #9, and #11. The original permit covered the entire subdivision, so in addition to these four lots (#3, #5, #9, and #11), the Commission should review and approve the roadway, drainage, utilities, and RFA plantings for the whole subdivision under this application and a new OOC.
  - Recorded partial COCs. DEP has, reportedly, issued partial COCs for #1 and #7 Farwell Circle, but neither are recorded and only that for #7 has been submitted to the Conservation Office.
  - A copy of the abutter notification was not provided.
  - The monthly Environmental Monitor reports from MetroWest Engineering's on the RFA mitigation efforts that were never sent to the Commission, per condition #30.
  - As-built plans for #1 and #7 that show the landscaping, per condition #44 were never sent to the Commission.
  - A new stormwater analysis that proves that the proposed systems will satisfy not only the state stormwater standards, but the City's stormwater ordinance was missing.
  - A new stand-alone stormwater O&M plan may be required.
  - A statement from DEP how it intends to close out or enforce their Superseding OOC (#239-793) was requested but not received.
  - New/different details for any work proposed for #9 and #11 that reflect DEP's current requirement for construction in flood zone to be on pilings will likely be necessary.
  - One comprehensive plan set with one final revision date should be filed.
  - Revisions to the Riverfront Area mitigation planting plan, if any are required by the Commission, will be required.
- Staff noted that DEP's superseding OOC did not include:
  - Perpetual conditions (and required bounds) for the RFA mitigation planting area as required in 310 CMR 10.58(5)(h).
  - A requirement for a public access easement and pathway as was initially included in the Commission's OOC.
- Abutter Sonia Lun (31 Anthony Rd) spoke about her concern about weeds from the Farwell property encroaching on her property. Her property is outside the Commission's jurisdiction, but Steve Vona agreed to meet her on site and address the issue.
- Commissioners noted that:
  - The NOI was not "ripe" for consideration.

- A clear legal strategy, remedying some of the issues of ownership and the old OOC, was needed for a new filing to proceed, and suggested to the applicant that he contact an attorney.
- A new wetland delineation may be necessary.
- It would be best if the applicant withdrew the application and squared away all the short-comings prior to refiling.
- The applicant noted that:
  - The site was not in as bad shape as the photos and descriptions indicated, and
  - There had not been flooding during the recent heavy rains, but
  - He would request a withdrawal.
- Vote to accept the request to withdraw. [Motion: Gilligan, Second: Zabel, Roll-call vote: Green (aye), Lunin (aye), Zabel (aye), Hepburn (aye), Gilligan (aye), Cade (aye). Vote: 6:0:0.]

**6. (8:45) 288 Mill St – COC Extension Request – additions, retaining walls, mitigation plantings – DEP #239-0888**

- Owner/Applicant. Catherine Wells (now deceased)
- Representatives. Alison Andrews, Personal Representative
- Request and Project Summary:
  - Issue an extension for the OOC
  - The addition has been completed, but the mitigation plantings have not been installed.
- Documents in packets. Status letter.
- Additional documents presented at meeting. Site photos.
- Jurisdiction. RFA, BZ
- Presentation (Staff) and Discussion.
  - The house is being sold, so the current owner asked for a status letter.
  - The OOC is due to expire on 4/28/24 and will need to be extended.
  - A site visit on 7/13/23 found that the construction has been completed but the required 740 sf of mitigation plantings have not been installed and that there has been recent fill or grading along the rear fence line.
  - A recent status letter provided to the representative noted the need for the installation of the 740 sf planting area and rectification of the unpermitted grading to ensure slope stability.
  - A Commissioner discovered that the property sold on July 19<sup>th</sup>, just 8 days ago.
- Consensus. Issue a memo to the new owners apprising them of the need for them to seek an extension to allow for establishment of the planting area and regrading along the rear fence.

**7. (8:55) 44 Brandeis – COC Request – addition and grading -- DEP #239-0910**

- Owner/Applicant. Michael Lanzberg
- Representatives. Jimmy Caouette, contractor
- Request and Project Summary:
  - Issue a complete COC
  - The addition and grading have been completed.
- Documents in packets. None.
- Additional documents presented at meeting. None.
- Jurisdiction. FEMA Flood Zone, City Flood Zone
- Presentation (Staff). A site visit on 7/13/23 found the site to be in substantial compliance with the approved plans and OOC. All required paperwork has been received.
- Vote to issue a complete COC. [Motion: Lunin, Second: Hepburn, Roll-call vote: Green (aye), Lunin (aye), Zabel (aye), Hepburn (aye), Gilligan (aye), Cade (aye). Vote: 6:0:0.]

**8. (9:00) 190 Sumner St – COC Request -- ex post facto OOC for an addition and driveway -- DEP #239-806**

- Owner/Applicant. Sam Roth.
- Representatives. None.
- Request and Project Summary:
  - Issue a complete COC
  - The project involved an addition, driveway expansion, and removal of a garage, and a mitigation planting area.
  - On 5/18/2018 an ex post facto OOC was issued for an addition, driveway expansion, and removal of a garage.
  - On 8/21/2022 that OOC was due to expire. When preparing to seek an extension, the owner's engineer identified non-compliant grading.
  - The OOC was extended for an additional 6 months to 2/17/2023.



- The owner has been very responsible. Most of the required plantings were installed and timely memos have been received for extension requests.
- A site visit on 1/11/2023 found that the site was in substantial compliance with the approved plans, but for inconsequential non-compliant grading (the site is within outer RFA and outer buffer zone to Hammond Brook and the excess fill is of no adverse ecological consequence to the RFA or BZ) and a lack of some plantings behind the garage.
- Jurisdiction. RFA, BZ
- Documents in packets. None
- Additional documents presented at meeting. None
- Presentation (Staff).
  - Applicant has added plants, provided a landscape as-built diagram, provided photos, and provided a COC Request form.
- Vote to issue a complete COC. [Motion: Cade, Second: Gilligan, Roll-call vote: Green (aye), Lunin (aye), Zabel (aye), Hepburn (aye), Gilligan (aye), Cade (aye). Vote: 6:0:0.]

**B. CONSERVATION AREA DECISIONS** - none

**C. ADMINISTRATIVE DECISIONS** - none

**9. Minutes to be approved**

- Documents in packets. Draft 7/7/2023 minutes
- Vote to approve the 7/7/2023 minutes reviewed by Dan Green and Ellen Menounos. [Motion: Lunin, Second: Gilligan, Roll-call vote: Green (aye), Lunin (aye), Zabel (abstain), Hepburn (aye), Gilligan (aye), Cade (aye). Vote: 5:0:1.]
- Volunteer. We neglected to solicit a Commissioner to volunteer to review the 7/27/2023 minutes.

**D. ISSUES AROUND TOWN DECISIONS** - none

**UPDATES**

**E. WETLANDS UPDATES**

- Regulating toxicants under the Wetlands Protection Act.
- Commissioners discussed Boston’s proposed moratorium on artificial turf
- Staff noted communications from Nathaniel Stevens re regulating toxicants (e.g., Second Generation Anti-Coagulant Rodenticides (SGARs) and/or PFAS from turf fields)
  - Arlington had been addressing rodenticides through its Wetland Bylaw which protects wildlife, not just wildlife habitat.
  - The Wetland regulation stormwater standards are silent on toxicants.
  - PFAS is most likely to affect groundwater. Groundwater is not a jurisdictional wetland resource area. The Regs (10.03(1)(a)) state that the applicant has the burden of demonstrating to the Commission that the proposed work within a resource area will “contribute to the protection of the interests identified in M.G.L. c. 131, § 40 by complying with the general performance standards established by 310 CMR 10.00 for that area.”
  - SGARs affect wildlife, yet the Act and Regs only address wildlife habitat. And placing a rodenticide trap in Riverfront Area, for example, might not qualify as regulatable/conditionable "work".
  - Other realms of law address toxicants and that the Conservation Commission should not exceed its authority.
  - Notes
    - **The Act** lists “significances” (not “interests”) yet requires the Commission to “impose such conditions as will contribute to the protection of the interests described herein”.
    - **The Act** defines it purposes: "to protect the private or public water supply; to protect the ground water; to provide flood control; to prevent storm damage; to prevent pollution; to protect land containing shellfish; to protect wildlife habitat; and to protect the fisheries."
    - **The Regs** (10.04) define “interests” synonymously as the “significances” listed in the Act: “Interests Identified in M.G.L. c. 131, § 40 means public or private water supply, ground water supply, flood control, storm damage prevention, prevention of pollution, protection of land containing shellfish, protection of fisheries, and protection of wildlife habitat.
    - **Wildlife Habitat** 10.60(2)(e) = “... topography, soil structure, plant community composition and structure, and hydrologic regime...”
    - **Wildlife Habitat Functions** 10.60(2)(e) = Food, shelter, overwintering and breeding areas and migratory areas
- Staff noted that they are working on a document to clarify Calculating Riverfront Area Mitigation and Restoration: colleagues agree with Jennifer’s assessment. They will share clarifying materials shortly.

**F. CONSERVATION AREA UPDATES** - none

#### **G. ADMINISTRATIVE UPDATES**

- Committee Liaison Updates:
  - Zabel noted that the Farm Commission was due to meet shortly.
  - Green noted that he missed the last Newton Commonwealth Golf Course meeting.
  - Lunin noted that no new applications or projects had been received.

#### **H. ISSUES AROUND TOWN UPDATES** - none

***OTHER TOPICS NOT REASONABLY ANTICIPATED BY THE CHAIR 48 HOURS BEFORE THE MEETING*** - none

#### **ADJOURN**

- Vote to adjourn at 8:53. [Motion: Zabel, Second: Hepburn, Roll-call vote: Green (aye), Lunin (aye), Zabel (aye), Hepburn (aye), Gilligan (aye), Cade (aye). Vote: 6:0:0.]