

# CONSERVATION COMMISSION AGENDA

Date: Thursday, October 19, 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/83412916914>

Contact [jsteel@newtonma.gov](mailto:jsteel@newtonma.gov) or 617-796-1134 with any questions.

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

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

## DECISIONS

### A. WETLANDS DECISIONS

- (7:00) 53 Roosevelt Rd – MPC Request – RDA for geothermal drilling**
  - Owner/Applicant. Satya Keerthi Kota, Savithri B Kota
  - Representatives. owners
- (7:15) 59 Selwyn Rd – MPC Request – DEP File # 239-895**
  - Owner/Applicant. Irina Elkin
  - Representatives. Dan Burmenko (applicant)
- (7:30) 81 Albemarle Rd – EO/COC Request – garage addition/noncompliant paving – DEP #239-762**
  - Owner/Applicant. Chirag Bhatt and Heena Pandya
  - Request. Issue COC.
- (7:40) 56 Greenwood Street – OOC Extension Request -- landscaping and utilities for a SFH -- DEP #239-0768**
  - Owner/Applicant. Gene Spivak (not present)
  - Representatives. Lucas Machado, Curbs landscape design (not present)
- (7:45) 193 Lake Ave – OOC Extension Request – landscaping – DEP #239-881**
  - Applicant/Representative. Ry Hawkins, site contractor (not present)
  - Request. Issue 1-year permit extension.
- (7:50) 70 Kingswood – COC Request – SFH addition from 1998 -- DEP #239-361**
  - Owner/Applicant. Larry Smith (not present)
  - Representatives. Self
- (7:55) 365-381 Elliot Street – COC Request – Echo Mall Vegetation Maintenance Plan – DEP #239-055 and #239-555**
  - Owner/Applicant. Mary Butler, Echo Bridge LLC (not present)
  - Representatives. Same
- (8:00) 400 Beacon St – COC Request – Mary Baker Eddy landscape improvements – DEP #239-843**
  - Owner/Applicant. Sandra Houston, Longyear Foundation
  - Representatives. Bert Corey, DGT Associates

### B. CONSERVATION AREA DECISIONS

### C. ADMINISTRATIVE DECISIONS

### D. ISSUES AROUND TOWN DECISIONS

## UPDATES / DISCUSSION

### E. WETLANDS

### F. CONSERVATION AREAS

### G. ADMINISTRATIVE MATTERS

### H. ISSUES AROUND TOWN

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

## ADJOURN



**Mayor**  
Ruthanne Fuller

**Director  
Planning &  
Development**  
Barney Heath

**Chief  
Environmental  
Planner**  
Jennifer Steel

**Assistant  
Environmental  
Planner**  
Ellen Menounos

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

**Associate  
Member**  
Sonya McKnight

**Contact  
Information**  
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[jsteel@newtonma.gov](mailto:jsteel@newtonma.gov)

Reasonable accommodations will be provided to persons with disabilities requiring assistance. If you need a reasonable accommodation, please contact the city of Newton's ADA/Sec. 504 Coordinator, Jini Fairley, at least two business days in advance of the meeting: [jfairley@newtonma.gov](mailto:jfairley@newtonma.gov) or (617) 796-1253. For Telecommunications Relay Service, please dial 711 or call City Hall's TTY/TDD line at 617-796-1089.

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## DECISIONS

### A. WETLANDS DECISIONS

#### 1. (7:00) 53 Roosevelt Rd – MPC Request – RDA for geothermal drilling

- Owner/Applicant. Satya Keerthi Kota, Savithri B Kota
- Representatives. owners
- Request. Guidance for desired site changes to address flooding
- Project Summary.
  - After abundant rainfall and drainage issues in recent months, the applicant has asked to construct a wall to keep stormwater from the street from running into their back yard, install a trench drain, and do minor grading in the front yard to remove tripping hazards in the front walkway
- Documents in packets. Proposed project narrative
- Additional documents presented at meeting. Site photos
- Jurisdiction. 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.
- Staff Notes.
  - A vertical loop geothermal heat pump was approved via RDA/DOA on 7/27/23.
  - The owners would like to construct a wall to keep stormwater from the street from running into their back yard, install a trench drain, and do minor grading in the front yard to remove tripping hazards in the front walkway. They wish to have guidance on what could be done under the existing DOA, what might require a new RDA, and what might require an NOI.
  - Staff felt that the proposed work (all in flood zone) was sufficiently distinct from the approved plans to warrant Commission discussion.
  - Staff will be reaching out to DPW to determine what the City can/should do to stop City stormwater from adversely affecting private property.
  - Staff feel that the French drain work could be included as a minor plan change under the existing DOA, but that work that would involve cuts and fill in flood zone should be permitted under an NOI/OOC.
- Staff Recommendation.



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Sonya McKnight

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Information**  
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Newton, MA 02459

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- Vote to: (1) have staff issue a memo requiring an annotated sketch plan and (2) allow staff to issue a memo acknowledging the Commission's approval of the installation of a French drain as a minor plan change to the negative Determination.

## **2. (7:15) 59 Selwyn Rd – MPC Request – DEP File # 239-895**

- Owner/Applicant. Irina Elkin
- Representatives. Dan Burmenko (applicant)
- Request. Cut vegetation that was outside original limit of work but within Flood Zone
- Project Summary.
  - Teardown/rebuild with an enhancement planting area
- Documents in packets. Approved plan
- Additional documents presented at meeting. Site photos
- Jurisdiction. FEMA Flood Zone
- Performance Standards.

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

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. ....

- Staff Notes.
  - The house is complete, the enhancement plantings are in, landscaping is underway.
  - The owner would like to install a fence for her dog. There was excess flood storage capacity provided during the work, so the fence, if elevated and open, would be admissible as minor plan change and would comport with the Commission's policy for construction in Flood Zone.
  - The vegetation is predominantly invasive species, and so much c/should be removed,
    - "Back Left": Trees: Japanese maple, Norway maples, apple. Sapling: common buckthorn. Shrub: honeysuckle.
    - "Back Right": Trees: Norway maple, black cherry. Shrub: burning bush, common buckthorn.
  - Staff feel, however, that the wildlife habitat value of the originally protected vegetation should not be lost, and a robust restoration planting plan should be required (and the plantings protected from trampling).
- Staff Recommendation.
  - Discuss and determine the nature of cutting and planting that would be approvable and the permitting path forward.

## **3. (7:30) 81 Albemarle Rd – EO/COC Request – garage addition/noncompliant paving – DEP #239-762**

- Owner/Applicant. Chirag Bhatt and Heena Pandya
- Request. Issue COC.
- Project Summary. Additions to a SFH and a wider driveway to match new 2-car garage.
- Documents in packets. Memo and illustrations clarifying requirements for compliance.
- Additional documents presented at meeting. Site photos
- Jurisdiction. Riverfront Area, Buffer Zone to Cheesecake Brook
- Staff Notes.
  - The OOC expired on 9/21/21 and so cannot be amended or extended.
  - A site visit on 11/15/22 found that the site was in substantial compliance with the approved plans except for the driveway which was installed larger than the layout on the approved plan.
  - Owner opted to remove the asphalt.
  - A site visit will be conducted on 10/12/2023.
- Staff Recommendation.
  - If the staff site visit determine that the site is now compliant with the OOC, vote to issue a Certificate of Compliance.

## **4. (7:40) 56 Greenwood Street – OOC Extension Request -- landscaping and utilities for a SFH -- DEP #239-0768**

- Owner/Applicant. Gene Spivak (not present)
- Representatives. Lucas Machado, Curbs landscape design (not present)
- Request. Issue 2-year OOC Extension
- Project Summary.
  - The house was significantly renovated, a new front walkway was installed, the driveway was reconstructed, and utilities were installed.
  - At time of COC request, hardscape and landscape differed from approved plans.
  - The noncompliant hardscape was approvable; the noncompliant landscape was not.

- The Commission approved a modified planting plan including a red maple street tree on 9/28/23.
- The modified planting plan is due to be planted the week of 10/16/23. Applicant will need a 2-year permit extension for the new plants to prove themselves.
- Documents in packets. Planting plan
- Additional documents presented at meeting. None.
- Jurisdiction. Buffer Zone.
- Staff Recommendation.
  - Vote to issue a 2-year OOC extension.

**5. (7:45) 193 Lake Ave – OOC Extension Request – landscaping – DEP #239-881**

- Applicant/Representative. Ry Hawkins, site contractor (not present)
- Request. Issue 1-year permit extension.
- Project Summary. Landscaping of front hillside.
- Documents in packets. Planting plan
- Additional documents presented at meeting. None
- Jurisdiction. Buffer Zone to Crystal Lake
- Staff Notes
  - At 9/28 meeting, Staff showed photos of dense, healthy plantings on the steep slope.
  - Plants were installed in the summer of 2022, so the site will be eligible for a COC in the summer of 2024.
  - Applicant has requested 1-year extension.
- Staff Recommendation.
  - Vote to issue a 1-year OOC extension.

**6. (7:50) 70 Kingswood – COC Request – SFH addition from 1998 -- DEP #239-361**

- Owner/Applicant. Larry Smith (not present)
- Representatives. Self
- Request. Issue COC.
- Project Summary. Single family home addition, deck, and small wall retaining.
- Documents in packets. Approved plan
- Additional documents presented at meeting. None
- Jurisdiction. Riverfront Area, Buffer Zone
- Staff Notes.
  - Staff discovered an old file with a permit from 1998.
  - The site was inspected during the recent permit application process associated with the proposed new addition.
  - The site currently comports with the originally approved plans.
  - The existing site conditions plans associated with the new proposed work serve as an “as-built” plan.
- Staff Recommendation.
  - Vote to issue a complete Certificate of Compliance.

**7. (7:55) 365-381 Elliot Street – COC Request – Echo Mall Vegetation Maintenance Plan – DEP #239-055 and #239-555**

- Owner/Applicant. Mary Butler, Echo Bridge LLC (not present)
- Representatives. Same
- Request. Issue COC
- Project Summary. Clearing vegetation along the banks of the Charles River for safety, structural, and aesthetic reasons. Selective pruning and removal of invasives.
- Documents in packets. Approved plan
- Additional documents presented at meeting. Site photos
- Jurisdiction. Riverfront Area, Flood Zone, Buffer Zone
- Staff Notes.
  - The property is likely to be sold and so the owners are hoping to clear the title with a COC.
  - The OOC was issued in 2007; the normal paperwork for a COC request doesn’t exist.
  - All work appears to have been done and maintained; staff found the site to be in substantial compliance.
- Staff Recommendation.



- Vote to issue a Certificate of Compliance.

**8. (8:00) 400 Beacon St – COC Request – Mary Baker Eddy landscape improvements – DEP #239-843**

- Owner/Applicant. Sandra Houston, Longyear Foundation
- Representatives. Bert Corey, DGT Associates
- Request. Issue COC.
- Project Summary.
  - Extensive restoration and redevelopment of the main house and historic landscape features
  - Only a small portion of the overall project activities were within the ConCom’s jurisdiction (RFA).
  - Activities within RFA include creation of a paved circular drive, installation of a stormwater management system for the circular drive area (a rain garden, stone swale, and level spreader), clearing of the old vegetable garden, and Japanese knotweed control.
- Documents in packets. Approved plan
- Additional documents presented at meeting. Site photos
- Jurisdiction. Riverfront Area, Buffer Zone, Flood Zone – all at back of property
- Staff Notes.
  - Staff had not yet conducted a site visit when packets were posted.
- Staff Recommendation.
  - Vote issue a Certificate of Compliance if the site is found to be in compliance.

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

**C. ADMINISTRATIVE DECISIONS** – none at this time

**9. Minutes to be approved**

- Documents in packets. Draft 9/28/2023 minutes
- Vote to approve the 9/28/2023 minutes reviewed by Leigh Gilligan
- Volunteer. Who will volunteer to review the 10/19/2023 minutes?

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

**UPDATES / DISCUSSION**

**E. WETLANDS**

**F. CONSERVATION AREAS**

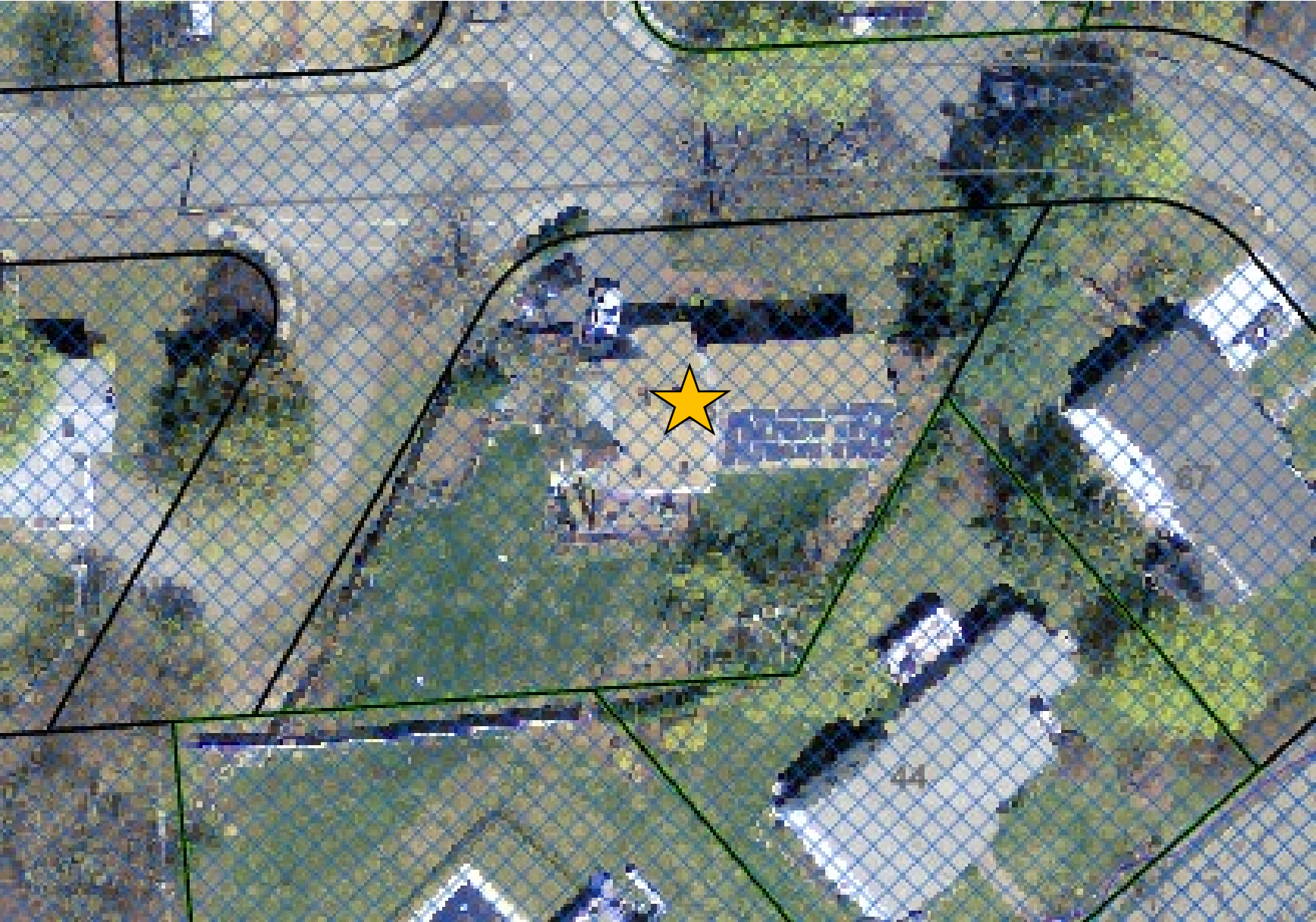
**G. ADMINISTRATIVE MATTERS**

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

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

**ADJOURN**

53 Roosevelt Rd



# GERRIOR MASONRY & LANDSCAPE CONSTRUCTION CORP.

245 SALEM STREET

WOBURN, MA 01801

WWW.GERRIORMASONRY.COM

PHONE 781-933-4157

FAX 781-938-9751

PHONE 781-438-4157

## ESTIMATE

SAVI KOTA  
53 ROOSEVELT RD.  
NEWTON MA 02459

9/26/2023  
617-413-3101 , 817-225-6534  
[b\\_savithri@yahoo.com](mailto:b_savithri@yahoo.com)

SALESMAN: NATALIE PAGE SOURCE: GOOGLE

### DRAINAGE

**GERRIOR TO CALL DIG SAFE**

#### BASEMENT PERIMETER DRAIN

**MAY REQUIRE SOME ELECTRICAL TO BE INSTALLED FOR PUMP -  
ELECTRICAL TO BE DONE BY OTHERS**

TRENCH AROUND ENTIRE PERIMETER OF BOTH ROOMS IN BASEMENT.  
EXCAVATE FOR (3) SUMP PUMPS, ONE ON EACH CORNER OF BACK WALL,  
AND ONE IN SMALLER OF TWO ROOMS. DISPOSE OF DEBRIS.

*okay*

INSTALL (APPROX. 180 LF) OF PERIMETER DRAIN IN TOTAL, 116 LF IN LARGE ROOM,  
64 LF IN SMALL ROOM, USING 4" PIPE. INSTALL (3) SUMP PUMPS,  
ONE ON EACH CORNER OF BACK WALL, AND ONE IN SMALLER OF TWO ROOMS.  
INSTALL FILTER FABRIC WITH CLEAN DRAINAGE STONE AROUND DRAINS.

#### STORM DRAIN REHAB.

REMOVE OLD EXISTING MANHOLE COVER FROM DRYWELL IN BACKYARD,  
CLEAN OUT DRY WELL, REPOSITION PUMP AND TIE UP LOOSE CONNECTIONS TO  
ENSURE FLOAT WORKS AS INTENDED. DISPOSE OF DEBRIS

*okay*

INSTALL 24" STORN DRAIN TO REPLACE MANHOLE COVER, ALLOWING WATER TO  
ENTER WELL WITHOUT RESISTANCE.

#### SIDEWALK WALL

→ FRONT YARD

TRENCH FOR NEW WALL 71' LF BETWEEN TWO TREES ALONG SIDEWALK  
DISPOSE OF DEBRIS. LAY DOWN BASE.

INSTALL 71 LF OF FREE STANDING WALL 20" HIGH BRUSSLES 3D BLOCK,  
BETWEEN TWO TREES ALONG SIDEWALK.  
(APPROX. 120 FF AND 71 FT OF CAP) GLUE DOWN CAPS

*must be on private property*

*will be fill  
111.5 - 113.2  
71' x .75' x 1.6'  
85.2 cf.*

*FP = 114 blob  
FP = 115 profile  
Yard low pt = 108  
Roosevelthigh = 112  
Back wall = 109*

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PHONE 781-438-4157

## ESTIMATE

SAVI KOTA  
53 ROOSEVELT RD.  
NEWTON MA 02459

9/26/2023  
617-413-3101 , 817-225-6534  
[b\\_savithri@yahoo.com](mailto:b_savithri@yahoo.com)

SALESMAN: NATALIE PAGE SOURCE: GOOGLE

### WALKWAY WITH STEP

DEMO AND DISPOSE OF EXISTING TERRACED BRICK WALKWAY CURVING FROM FRONT STAIRS TO DRIVEWAY. DIG OUT 4' x 25' WALKWAY WITH 6' FLAIR AT STEPS AND DISPOSE OF DEBRIS. LAY DOWN BASE PACK, GRADE AND COMPACT.

INSTALL BLOCK FOOTING FOR STEP AT DRIVEWAY

### REPLACE

INSTALL CURVED 4' x 25' WALKWAY WITH 6' FLAIR AT STEPS (APPROX. 100 SF). LAY DOWN 1" GRAY SAND, GRADE AND COMPACT. INSTALL UNLOCK BRUSSELS BLOCK PAVERS WITH BORDER. INSTALL EDGING, SWEEP IN POLY SAND.

INSTALL (1) 4' SOLID GRANITE STEP AT DRIVEWAY SIDE OF WALKWAY.

### LANDSCAPE

**GERRIOR TO CALL DIG SAFE**

### GRADING/ HYDROSEED

EXCAVATE 1.5" OF TOPSOIL FROM ENTIRE FRONT LAWN AREA (APPROX. 830 SF). DISPOSE OF DEBRIS.

TRUCK IN UP TO 36 CUBIC YARDS OF LOAM. GRADE, HAND SEED ENTIRE AREA. HYDROSEED ENTIRE AREA. (APPROX. 830 SF)

### AMEND REAR LAWN

RAKE/ CLEAN UP ANY DISTURBED LAWN AREA DISPOSE OF DEBRIS.

TOP-DRESS WITH LOAM/ HAND SEED ENTIRE AREA  
(THIS IS A BUDGET PRICE)

### MULTI-DISCOUNT:

MULTI DISCOUNT (APPLIES IF ALL LINE ITEMS INSTALLED)

*okay.*

*tree roots?*

*too much fill!*

*perim. drain area only?*

*FRONT YARD*

*.125' x 830 SF = 104 CF CUT*

*36 CY = 972 CF FILL.*



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9/26/2023  
617-413-3101 , 817-225-6534  
[b\\_savithri@yahoo.com](mailto:b_savithri@yahoo.com)

SALESMAN: NATALIE PAGE SOURCE: GOOGLE

**THANK YOU FOR CONSIDERING US! CALL AND REQUEST CONTRACT TO PROCEED WITH WORK.**

**All square footage is estimated. If work exceeds estimated sq. ft., price will be adjusted at end of job.**  
**Any material color must be selected before product order is placed. Any changes after product is delivered will incur a 10% restocking/delivery charge. Any changes after product is installed will incur a 50% restocking/delivery charge.**

All plant material is subject to substitutions based off of nursery current availability.

All material is guaranteed to be as specified. All work to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control.

Owner to carry fire, tornado and other necessary insurance. Our workers are fully covered by Workman's Compensation Insurance.

No reimbursements shall be made to any customer or vendor without Gerrior Masonry having the 1st opportunity to remedy any issue.

Gerrior Masonry preps and compacts for concrete pours above the highest industry standards, THERE IS NO WARRANTY AGAINST CRACKING.

New railings or re-installation of railings/columns are not included in quotes. We recommend Figlioli Welding at 603-571-0033. Mass state code requires railings on stairs with more than 3 risers. Most stair work can be used within 24 hours of work being completed. Note: use at your own risk if rails are not installed within this timeframe. Any demo of concrete exceeding a 4" depth will have an additional charge. Any concrete orders under 6 yards will be charged a \$75.00 per yard under charge. On chimney jobs, if roof brackets are needed, small holes in shingles will be filled with tar. There is a 90 day warranty on new trees and shrubs installed. There is a limited warranty on sod installation. **All masonry work is guaranteed for 24 months excluding repair work.** Use of ice melt on masonry work voids any guarantee.

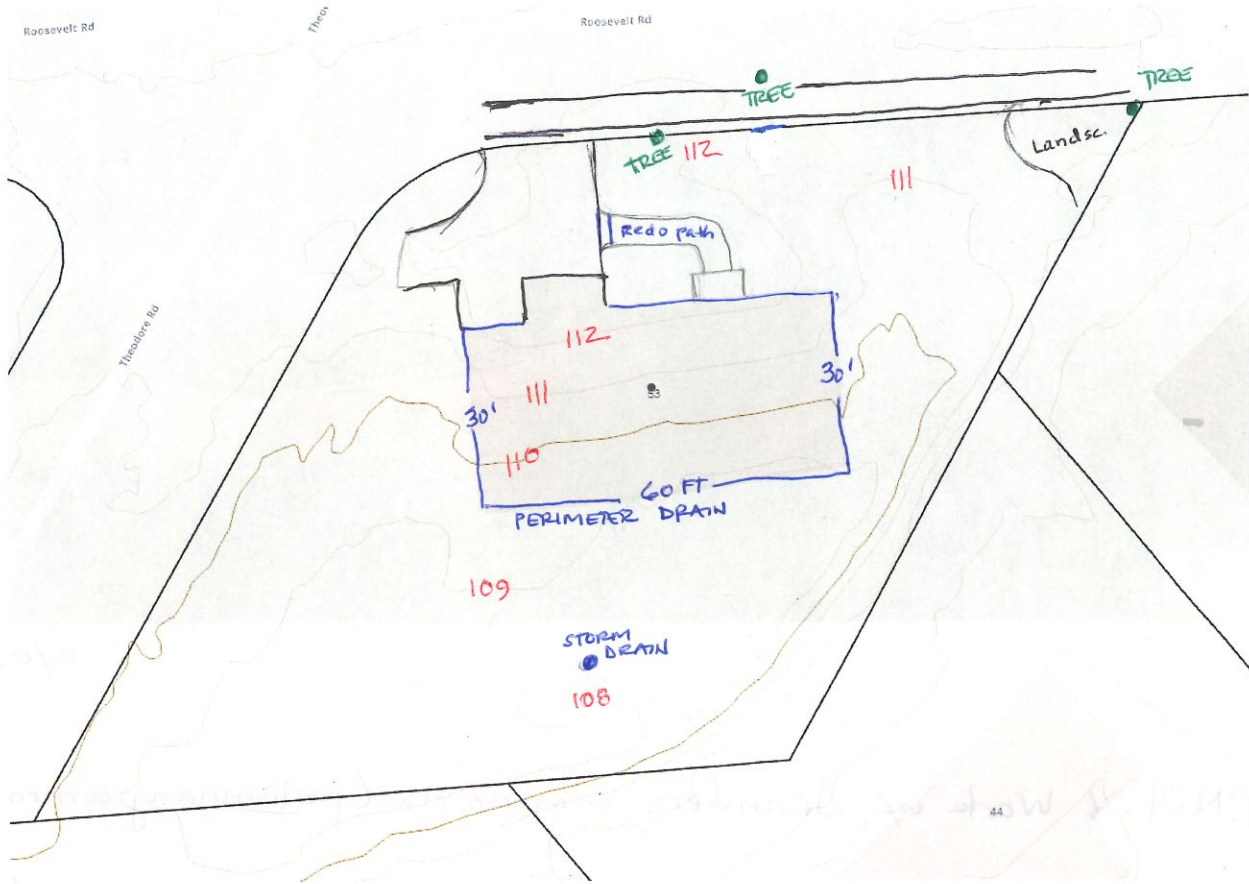


This proposal may be withdrawn by us if not accepted within 30 days.



Comments emailed  
10/6/2023

### 53 Roosevelt Rd







10/6/2023

## Proposed work w/ Jennifer's comments (preliminary comments)

1. Basement perimeter drain - okay w/ excavate removed.
2. Storm drain rehab - okay
3. Wall near sidewalk - must be on private property  
- will be fill  $\sim 111.5 - 113.2 \sim 85 \text{ cf}$
4. Walkway w/ step - in place + in kind = okay.
5. Frontyard - fill (972 cf) exceeds cut (104 cf).  
- tree roots endangered.
6. Rear yard - no new loam except over perimeter drain.

## Conclusion:

An NOI will be required to ensure no net fill and preservation of trees.



Ruthanne Fuller  
Mayor

## City of Newton, Massachusetts

Telephone  
(617) 796-1100  
Fax  
(617) 796-1113  
TDD/TTY  
(617) 796-1089  
Email  
rfuller@newtonma.gov

October 6, 2023

To: Gene Spivak  
[Gene@groveservices.com](mailto:Gene@groveservices.com)

Cc: Lucas Machado  
[lucas@curbsinc.net](mailto:lucas@curbsinc.net)

Site: 56 Greenwood St  
Project: Single family home renovation  
RE: Approved Minor Plan Change  
DEP#: 239-768

Dear Mr. Spivak:

At its September 28, 2023 meeting, the Conservation Commission reviewed your proposed revised planting plan for 56 Greenwood St (attached) and determined that the proposed changes to the required mitigation planting plan will support the functions and values of the Buffer Zone, and are therefore approvable as a minor plan change. The referenced sketch plan will now be incorporated into the Record Plans for this project.

Commissioner comments made at the meeting were as follows:

- The expanded hardscape is approvable.
- The Thuja on approved plans were substituted with Cryptomeria, a much slower growing tree.
- The Cryptomeria were not installed as of early July 2022; they were in place by July 2023.
- The Hornbeam on the approved plans was substituted with an Amelanchier, a smaller plant, but one with habitat value. It was in place as of July 2022 but now appears to be in poor health.
- The replacement street tree has not been installed; it is shown on the new proposed planting plan as a red maple.

In order to bring the site into compliance and, ultimately, receive a Certificate of Compliance, thereby clearing the cloud on the title, you will need to:

- Install the red maple street tree (fall is a great time to plant!);
- Ensure that all plants "prove" themselves and survive for 2 years (this may require some form of treatment if the Amelanchier is suffering from a fungal infection); and
- Request a 2-year permit extension (to allow for the two-year plant survival) by emailing me at the Conservation Office.

All other conditions Order of Conditions and the originally approved plans and remain in full force and effect.

If you have any questions, please don't hesitate to contact the office at 617-796-1152.

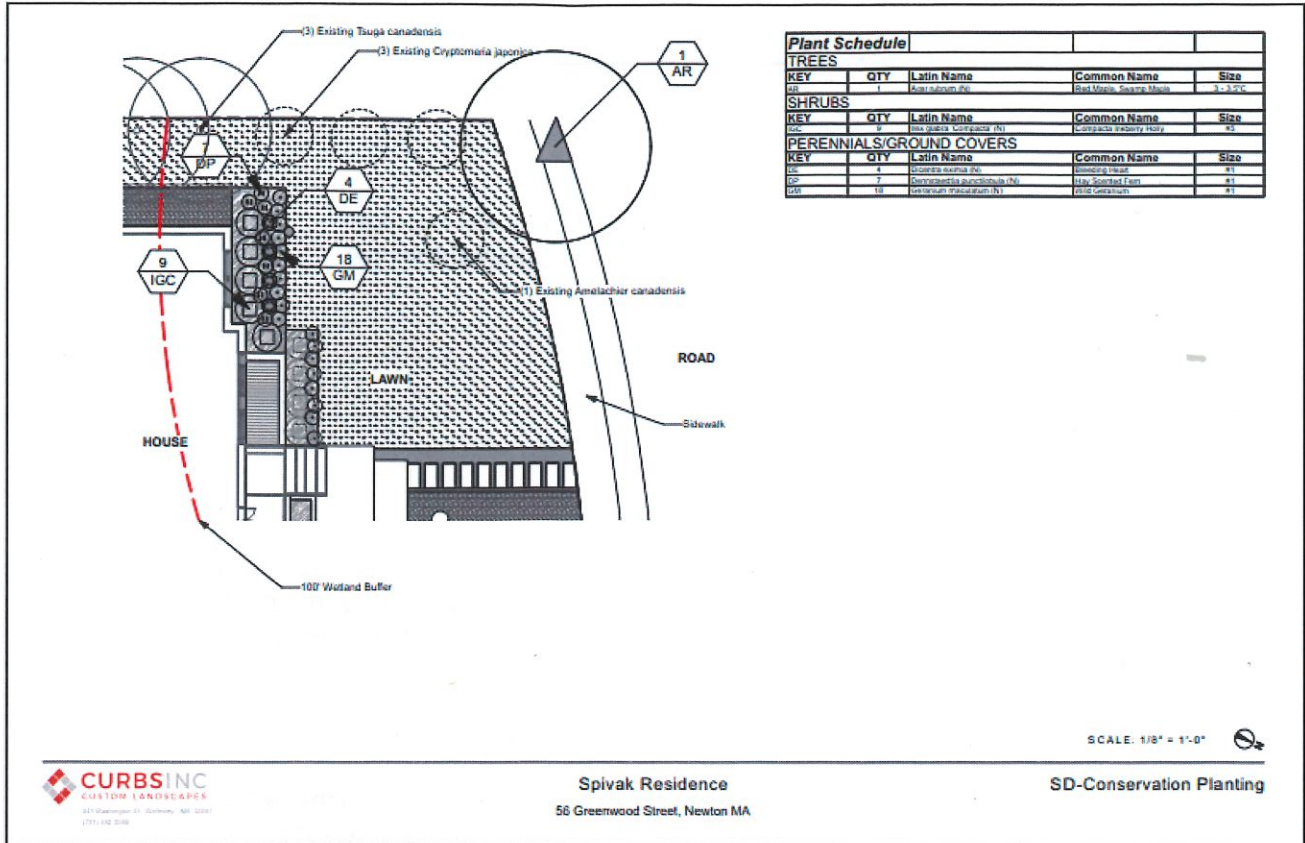
For the Commission,

*Ellen Menounos*

Assistant Environmental Planner



Attachment: Approved revised plan



**Spivak Residence**  
56 Greenwood Street, Newton MA

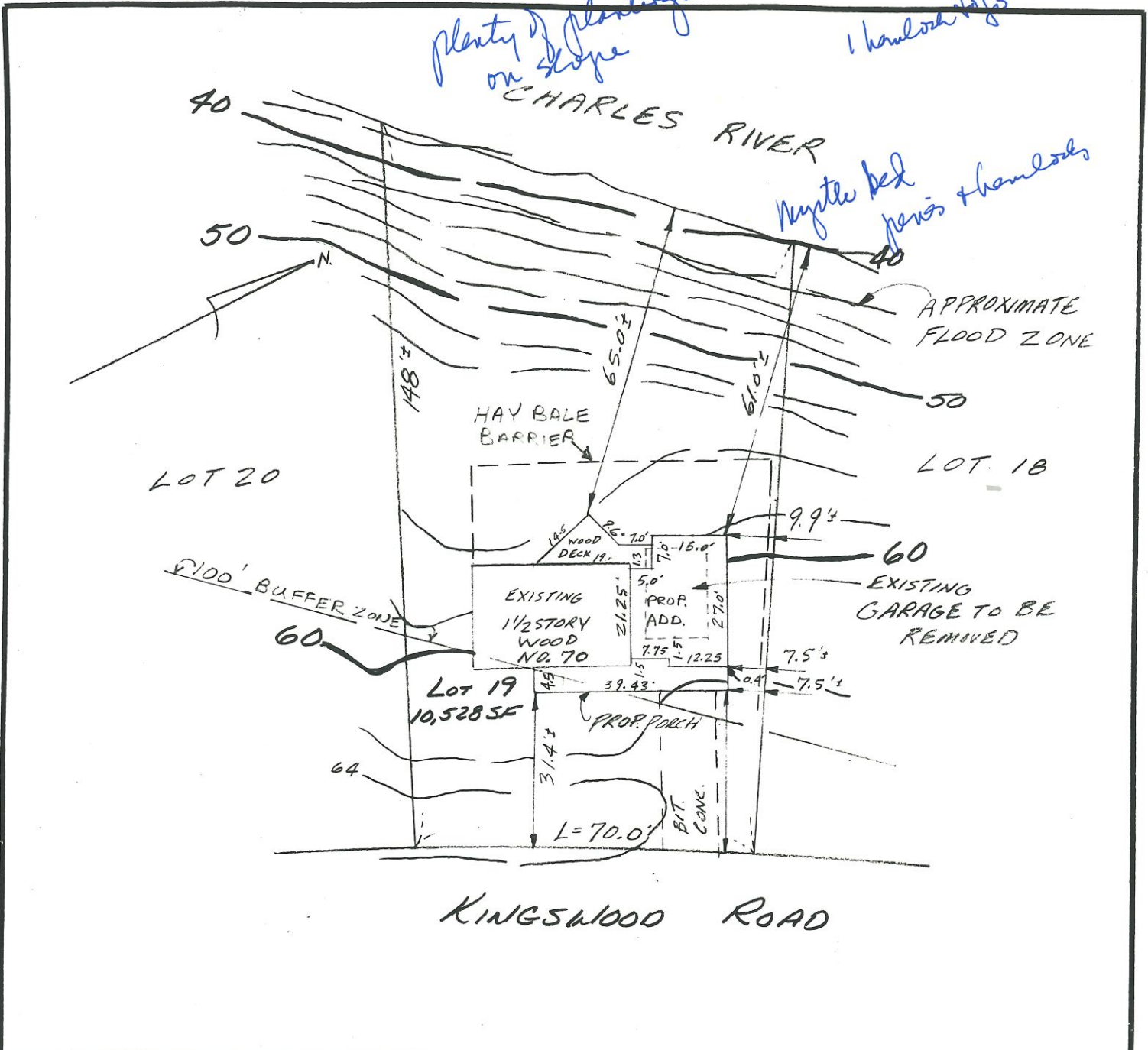
**SD-Conservation Planting**



70 Kingswood Rd







## PLOT PLAN

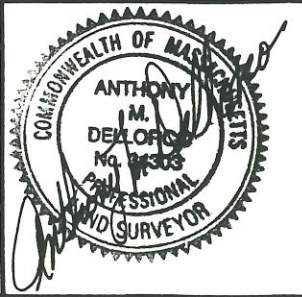
SCALE: 1 IN. = 30 FT.    DATE: 7-7-93    PLAN REFERENCE: BEING LOT 19 ON A PLAN BY  
 NEWTON ASSESSOR'S MAP DATED \_\_\_\_\_    RECORDED IN MIDDLESEX, So. DIST.  
 REGISTRY OF DEEDS CAMBRIDGE BOOK L.C. 248, PAGE 85, PLAN No. 14140F

I HEREBY CERTIFY THAT THE BUILDING SHOWN ON THIS PLAN IS LOCATED ON THE GROUND AS SHOWN,  
 AND CONFORMS TO THE ZONING LAWS OF THE TOWN OF NEWTON

I CERTIFY THAT THIS LOCUS DOES ~~NOT~~ LIE  
 WITHIN THE FLOOD HAZARD ZONE AS  
 DELINEATED ON MAP 00012 6-4-90  
 COMMUNITY 250303-0001C

70 KINGSWOOD RD.

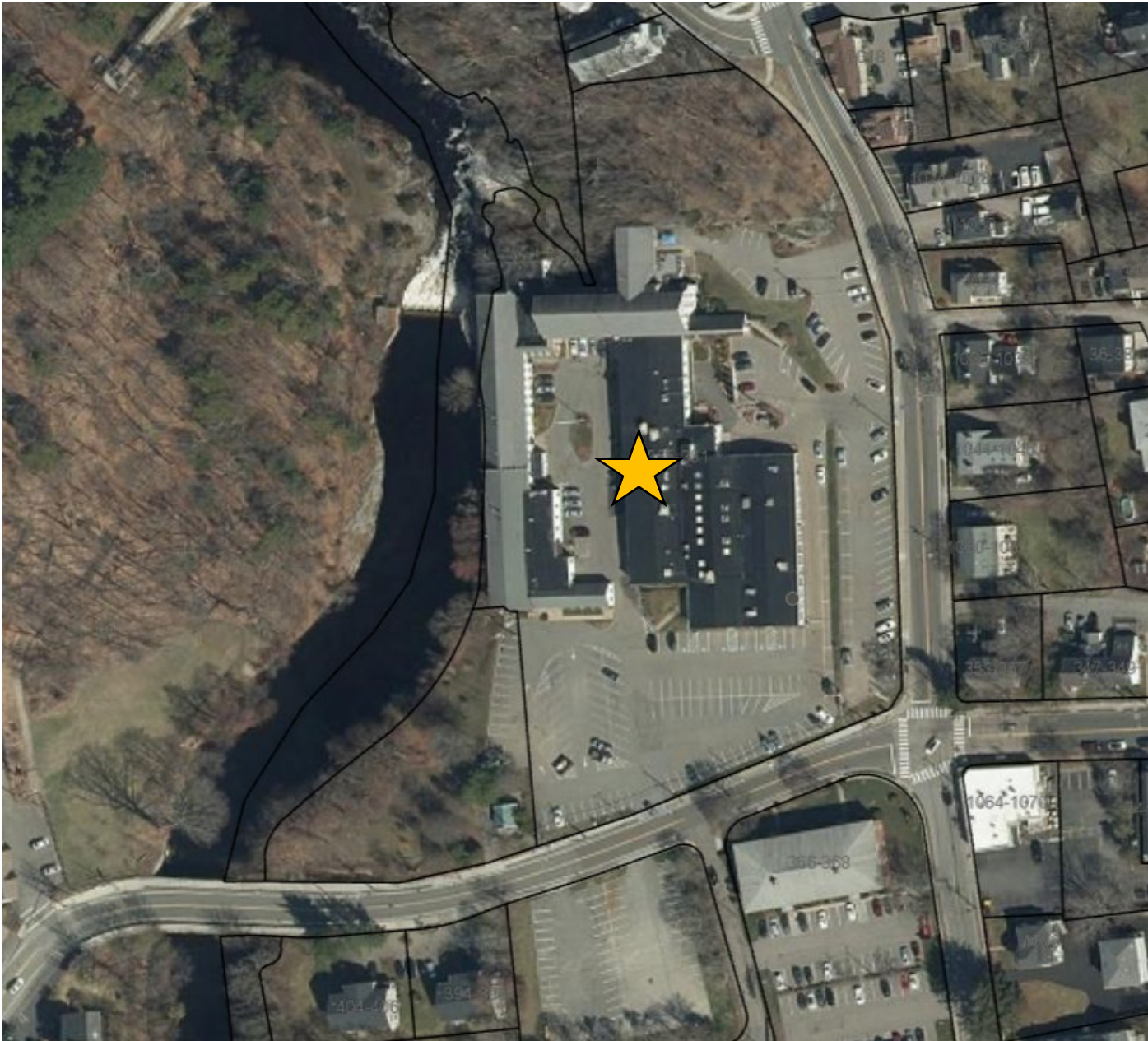
VERNE T. PORTER PE, RLS  
 292 LANGLEY RD.  
 NEWTON CENTER, MA 02159



THIS PLAN MADE FROM AN INSTRUMENT SURVEY.

VTP ASSOCIATES                      965-4870  
 NEWTON, MA 02159                    332-8271

365-381 Elliot St





PICTURE B

PICTURES C & D

PICTURE E

LIMITS OF VEGETATION CONTROL

PICTURE B

PICTURES C & D

PICTURE E

LIMITS OF VEGETATION CONTROL

96.7

CHARLES

NEEDHAM  
NEEDHAM

RIVER

dam

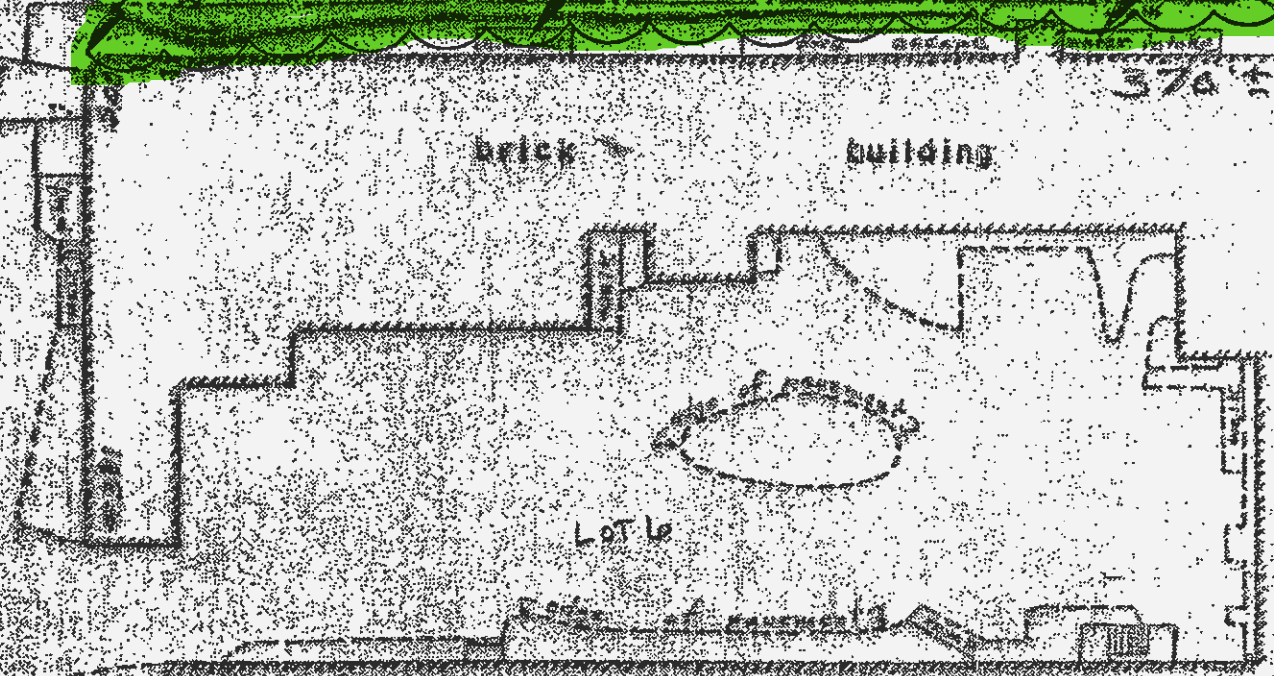
City of Boston  
Park Commission  
215.77  
200,283 s.f.



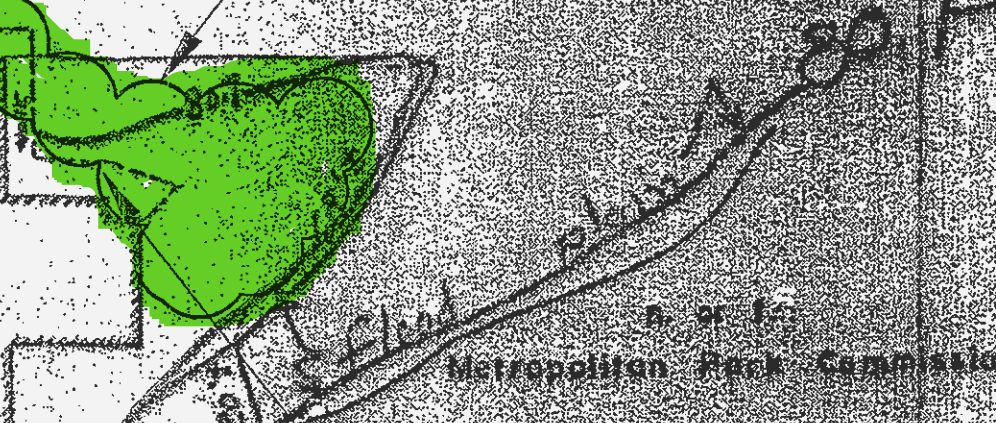
370'

brick

building



Lot 10



Tail Race

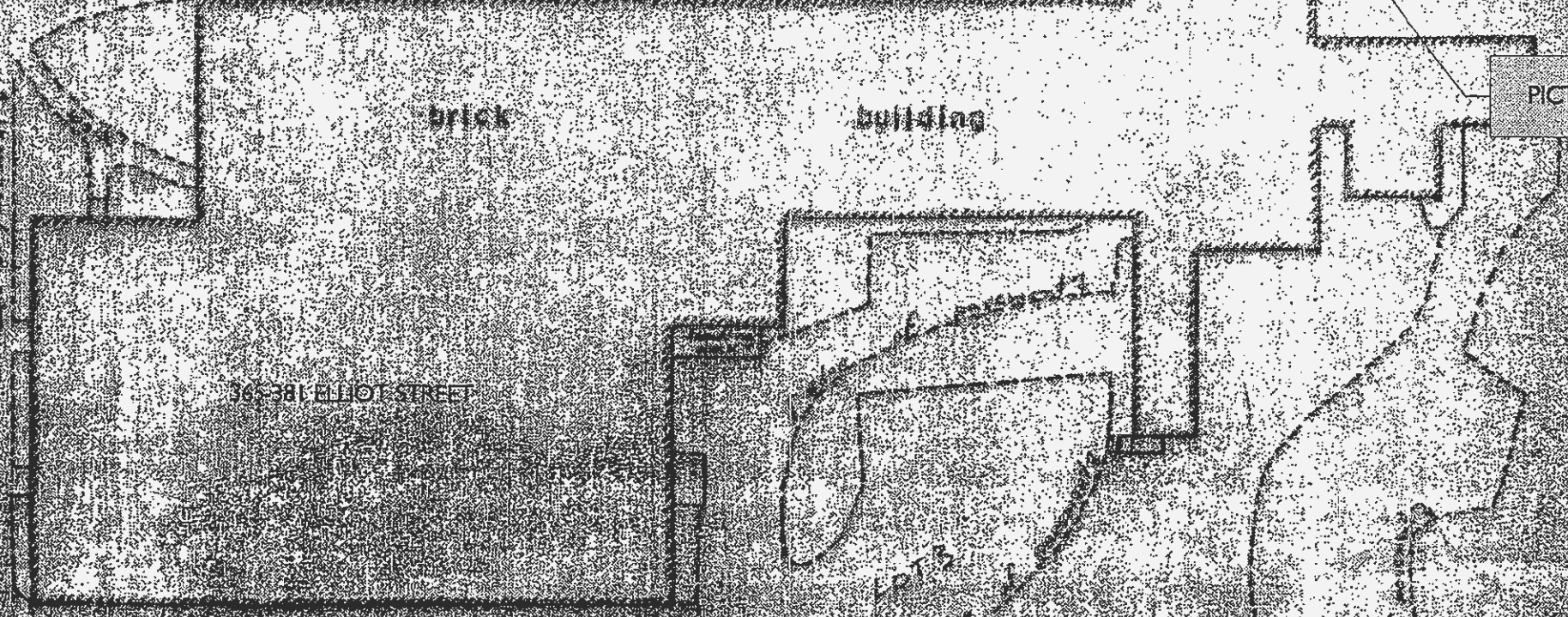
City of Boston  
Metropolitan Park Commission

PICTURE F

PICTURE G

brick

building



36-381 ELLIOT STREET

LOT 8

LOT 1

ELLIOT STREET  
COMMON SEWER

183.15



**LEGEND**

REASON FOR REMOVAL:  
 (C) CONFLICT WITH PROPOSED IMPROVEMENT DAMAGING BUILDING OR STRUCTURE  
 (D) DEAD  
 (P) DISEASE OR PEST  
 (S) STRUCTURALLY DEFICIENT

CROWN RAISING, TYP.  
 (CR)

REMOVE TREE, TYP. (13)

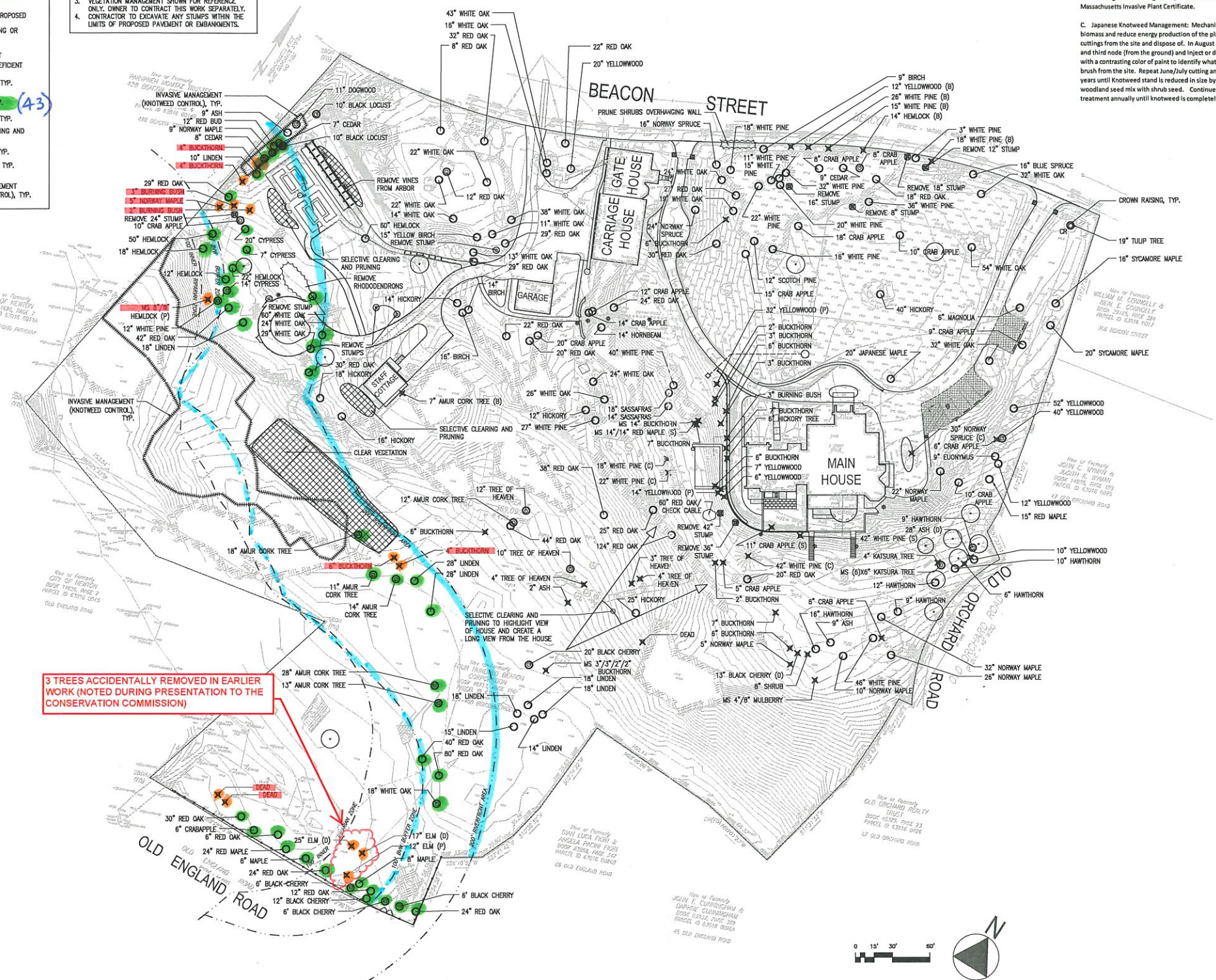
PRUNE TREE, TYP. (43)

REMOVE STUMP, TYP.  
 SELECTIVE CLEARING AND PRUNING, TYP.  
 EXISTING TREE, TYP.  
 EXISTING SHRUB, TYP.

INVASIVE MANAGEMENT (KNOTWEED CONTROL), TYP.

**NOTE:**

- TREE REMOVALS TO BE COMPLETED BY OWNER.
- TREES WITHIN THE PROTECTED BOUNDARIES WILL NOT BE REMOVED UNTIL APPROVAL IS GAINED FROM THE CONSERVATION COMMISSION.
- VEGETATION MANAGEMENT SHOWN FOR REFERENCE ONLY. OWNER TO CONTRACT THIS WORK SEPARATELY. CONTRACTOR TO EXCAVATE ANY STUMPS WITHIN THE LIMITS OF PROPOSED PAVEMENT OR EMBANKMENTS.



3 TREES ACCIDENTALLY REMOVED IN EARLIER WORK (NOTED DURING PRESENTATION TO THE CONSERVATION COMMISSION)

**INVASIVE VEGETATION MANAGEMENT**

A. Before commencing with vegetation removal or herbicide application, hold an on-site conference with the Owner's Representative, Conservation Commission Administrator and the landscape architect to review the scope of work, herbicide to be used, application methods, and schedule.

B. Qualifications for invasive management: contractor shall have five years experience with invasive vegetation management, shall hold a Massachusetts Pesticide Application License, and a Massachusetts Invasive Plant Certificate.

C. Japanese Knotweed Management: Mechanical cut knotweed stand in June or July to reduce biomass and reduce energy production of the plant prior to herbicide application. Remove all cuttings from the site and dispose of. In August or September cut stems down between the second and third node (from the ground) and inject or drip 5 ml of herbicide into the stem. Paint the stem with a contrasting color of paint to identify what stems have been treated. Remove cut stems and brush from the site. Repeat June/July cutting and August/September herbicide treatment for 2 or 3 years until knotweed stand is reduced in size by 90% or more. Seed area with a seed drill a native woodland seed mix with shrub seed. Continue June/July cutting and August/September herbicide treatment annually until knotweed is completely controlled and native vegetation is established.

**Mary Baker Eddy House**  
 400 Beacon Street  
 Chestnut Hill, MA

**WOLF ARCHITECTS INC.**  
 98 North Washington Street, Suite 304  
 Boston, Massachusetts 02114  
 817-742-7557  
 Fax: 817-742-7556  
 E-mail: info@wolfarchitects.com

**kzla**  
 36 Bromfield Street Suite 202  
 Boston, MA 02108  
 617 451-1018 Tel  
 www.kylezick.com

Sheet Issue Date: August 9, 2019  
 Job number: 1801.00  
 Date: August 2, 2019  
 Scale: 1"=30'-0" @ 36" x 48"  
 1"=60'-0" @ 18" x 24"

Drawn by: YL  
 Checked by: KZ  
 Revisions:  
 Revision #1 9 May, 2019  
 Revision #2 10 June, 2019

**Issuance**  
 Construction Documents

**Vegetation Management Plan**

**L-2.0**

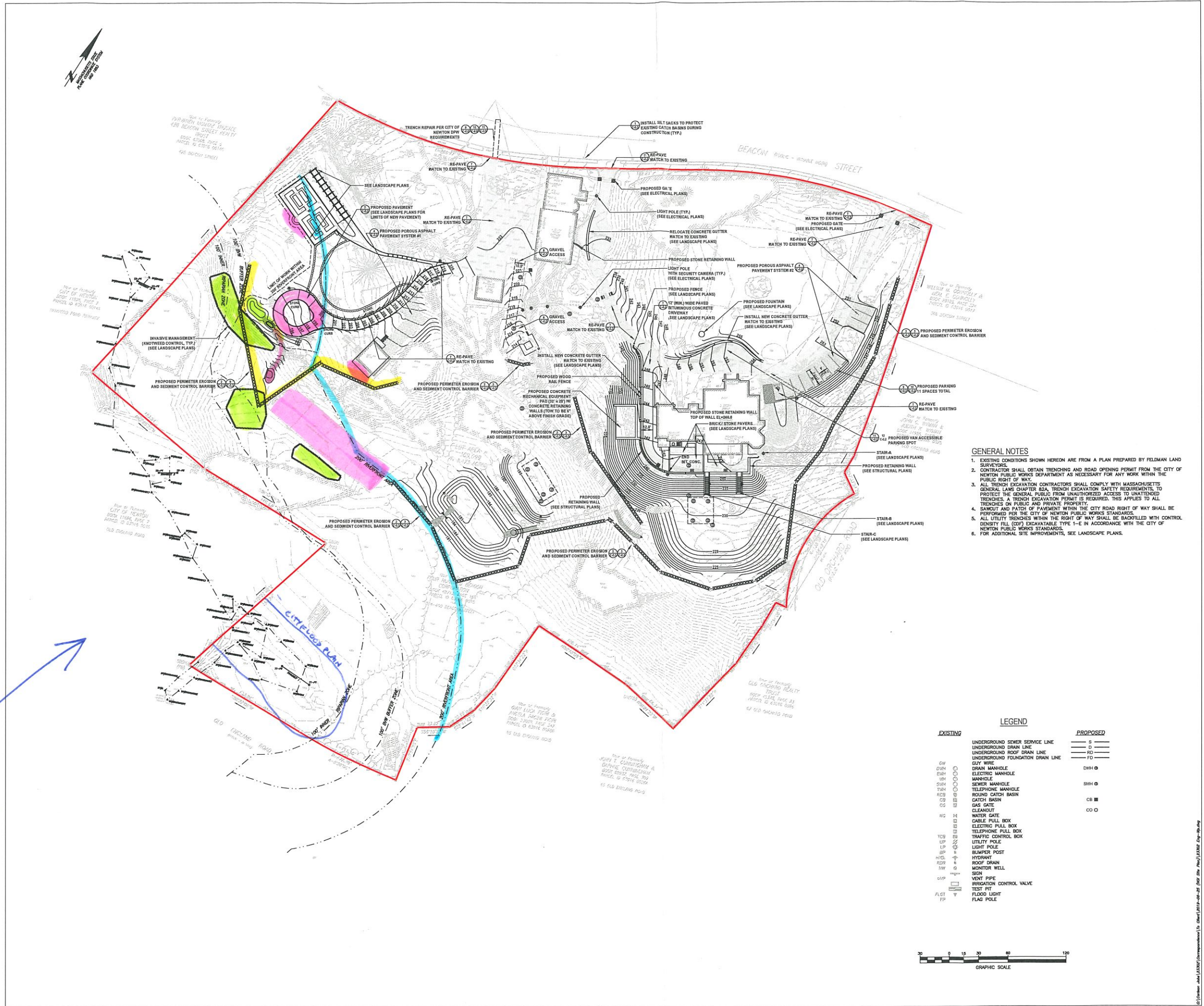


Mary Baker Eddy House  
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Chestnut Hill, MA

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98 North Washington Street, Suite 304  
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E-mail info@wolfarchitects.com

DGT Associates  
Surveying & Engineering  
Framingham Boston • Worcester  
1074 Worcester Road  
Framingham, MA 01701  
508-879-0030  
www.DGTassociates.com



**GENERAL NOTES**

- EXISTING CONDITIONS SHOWN HEREON ARE FROM A PLAN PREPARED BY FELDMAN LAND SURVEYORS.
- CONTRACTOR SHALL OBTAIN TRENCHING AND ROAD OPENING PERMIT FROM THE CITY OF NEWTON PUBLIC WORKS DEPARTMENT AS NECESSARY FOR ANY WORK WITHIN THE PUBLIC RIGHT OF WAY.
- ALL TRENCH EXCAVATION CONTRACTORS SHALL COMPLY WITH MASSACHUSETTS GENERAL LAWS CHAPTER 262A, TRENCH EXCAVATION SAFETY REQUIREMENTS, TO PROTECT THE GENERAL PUBLIC FROM UNAUTHORIZED ACCESS TO UNATTENDED TRENCHES. A TRENCH EXCAVATION PERMIT IS REQUIRED. THIS APPLIES TO ALL TRENCHES ON PUBLIC AND PRIVATE PROPERTY.
- SAFECUT AND PATCH OF PAVEMENT WITHIN THE CITY ROAD RIGHT OF WAY SHALL BE PERFORMED PER THE CITY OF NEWTON PUBLIC WORKS STANDARDS.
- ALL UTILITY TRENCHES WITHIN THE RIGHT OF WAY SHALL BE BACKFILLED WITH CONTROL DENSITY FILL (CDF) EXCAVATABLE TYPE 1-E IN ACCORDANCE WITH THE CITY OF NEWTON PUBLIC WORKS STANDARDS.
- FOR ADDITIONAL SITE IMPROVEMENTS, SEE LANDSCAPE PLANS.

**LEGEND**

EXISTING	PROPOSED
—	S
—	D
—	RD
—	FD
GW	GW
DMH	DMH
EMH	EMH
SMH	SMH
TMH	TMH
RCB	RCB
CB	CB
CG	CG
WG	WG
CP	CP
CBX	CBX
UP	UP
LP	LP
BP	BP
HT	HT
RDR	RDR
MW	MW
VP	VP
ICV	ICV
FP	FP
FLGT	FLGT
FP	FP



2  
wetland resource areas

Job number: 1801.00  
Date: Project Issue Date  
Sheet Issue Date: 25 June, 2019  
Scale: Scaled As Noted

Drawn by: JAL  
Checked by: BEC  
Revisions:

Issuance  
Notice of Intent

Pavement Layout and Materials Plan

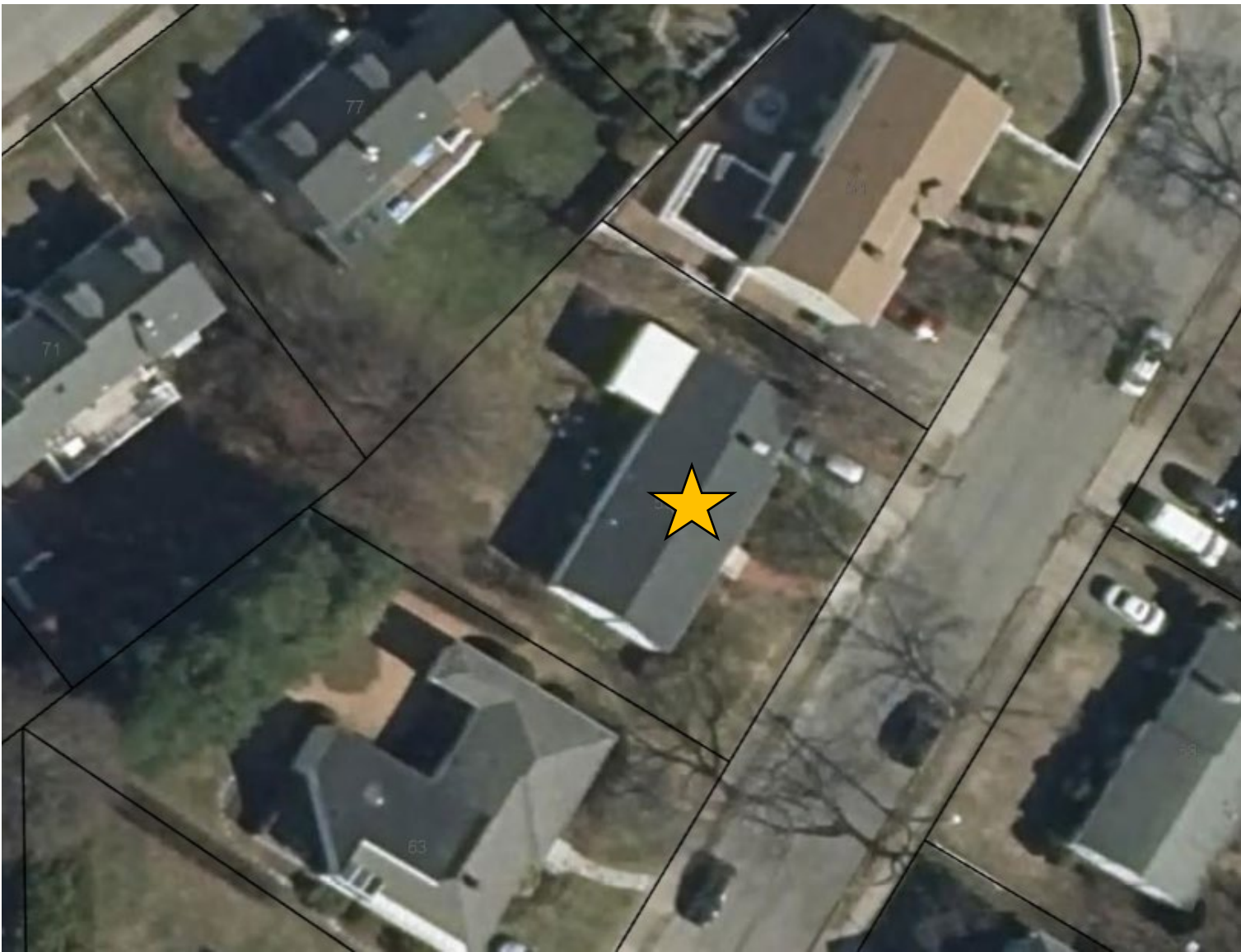
C-1.0







59 Selwyn Rd





NCE

NOTES:

ENGINEERING  
LIABILITY FOR  
WATER OR OTHER  
WATER IN BASEMENT.

CTOR TO ENSURE  
BUILDING FOOTPRINT  
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S. IF THIS IS  
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URVEYOR &  
REVISED PLAN  
BE RESUBMITTED  
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WATER MAIN LINE  
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PLY WITH CITY OF  
E ORDINANCE

CTOR TO ENSURE  
IS PITCHED AT AN  
E OF BETWEEN 2%  
HOUSE TO MAIN

OR ELEVATIONS  
AT THRESHOLD.

SEE PLANTING SCHEMATIC FOR ENHANCEMENT  
PLANTING AREA BY ECOTEC, INC.

**REQUEST TO CLEAR  
"UNDERGROWTH"**

N/F  
LEE KIN K  
WRIGHT-LEE BEATRICE L

6. THIS PLAN DOES NOT SHOW ANY UNRECORDED OR UNWRITTEN EASEMENTS WHICH MAY EXIST. A REASONABLE AND DILIGENT ATTEMPT HAS BEEN MADE TO OBSERVE ANY APPARENT USES OF THE LAND; HOWEVER THIS NOT CONSTITUTE A GUARANTEE THAT NO SUCH EASEMENTS EXIST.

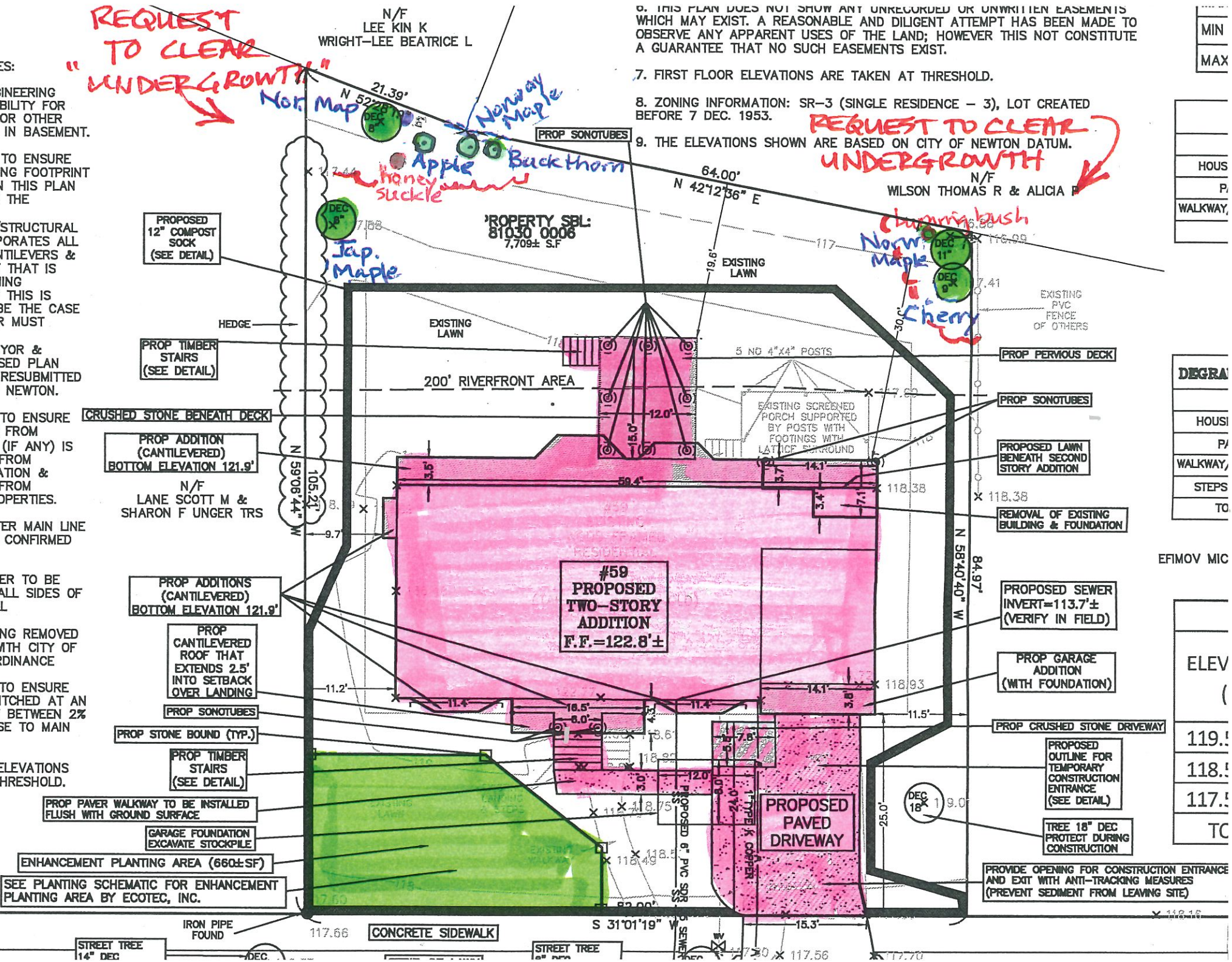
7. FIRST FLOOR ELEVATIONS ARE TAKEN AT THRESHOLD.

8. ZONING INFORMATION: SR-3 (SINGLE RESIDENCE - 3), LOT CREATED BEFORE 7 DEC. 1953.

9. THE ELEVATIONS SHOWN ARE BASED ON CITY OF NEWTON DATUM.

**REQUEST TO CLEAR  
"UNDERGROWTH"**

N/F  
WILSON THOMAS R & ALICIA F



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TC

PROVIDE OPENING FOR CONSTRUCTION ENTRANCE AND EXIT WITH ANTI-TRACKING MEASURES (PREVENT SEDIMENT FROM LEAVING SITE)



Ruthanne Fuller  
Mayor

**City of Newton, Massachusetts**  
Department of Planning and Development  
1000 Commonwealth Avenue Newton, Massachusetts 02459

Telephone  
(617) 796-1120  
Telefax  
(617) 796-1142  
TDD/TTY  
(617) 796-1089  
[www.newtonma.gov](http://www.newtonma.gov)

**Barney S. Heath**  
Director

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## MEMORANDUM

DATE: March 24, 2023  
TO: Chirag Bhatt and Heena Pandaya, owners, 81 Albemarle Road  
FROM: Jennifer Steel, Chief Environmental Planner  
SUBJECT: Remove excess asphalt to bring site into compliance with Order of Conditions 239-672

As you know, the Conservation Commission met last night and discussed your request to undertake the remedial work to remove the excess driveway asphalt to bring site into compliance with Order of Conditions 239-672. They agreed to the plans you presented (sketch attached) showing a return to the originally approved footprint of the driveway.

Three conditions were placed on the work:

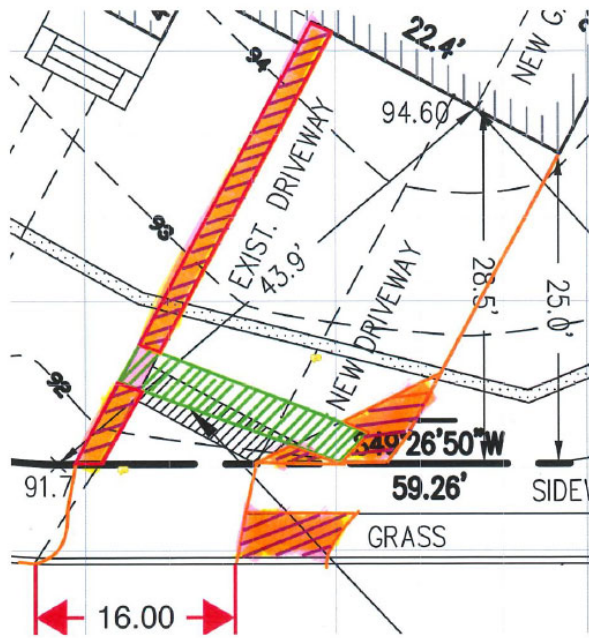
1. The contractor must coordinate with the City Engineering Division of DPW to determine and execute the City's desired treatment/restoration of the sidewalk that was paved over. The property owners are ultimately responsible for ensuring compliance with City requirements.
2. To protect the street and stream from sediment-laden runoff, compost sock must be laid along the edge of the street on the right side of the driveway prior to removal of the asphalt. It must remain in place until the loam and seed have fully stabilized.
3. Extreme care must be taken to protect the roots of the City street tree.

Once this remedial work is complete, you may apply for a Certificate of Compliance.

If you have any questions, please contact the Conservation Office.



## Proposed Changes



### Proposal

- Remove asphalt on the left side
- Remove asphalt around the pavers
- Remove the asphalt on the frontage
- Install Grass where asphalt is removed

Driveway	Original Proposal	Present (Excess)	New Proposed
Width	20' 4"	22' 4"	20' 4"
Entry	16'	23'	16'



# CONSERVATION COMMISSION MINUTES

Date: Thursday, September 28, 2023

Time: 7:00pm

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

**With a quorum present**, the meeting opened at 7:03 pm with Dan Green presiding as Chair.

**Members Present:** Dan Green (Chair), Susan Lunin (Vice-Chair), Leigh Gilligan, Ellen Katz, Jeff Zabel

**Members Absent:** Kathy Cade, Judy Hepburn, 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. 109 Harwich Rd – NOI – SFH demo and construction – DEP #239-963

- Owner/Applicant. Northeast Venture Group (David Corey)
- Representatives. John Rockwood, Eco-Tec Inc
- Request. Issue OOC.
- Project Summary.
  - Demolish and construct a single-family home.
  - Impervious area will increase 746 sf.
  - Install a 1,491 sf bounded enhancement planting area (2:1) -- 10 saplings and 46 shrubs – and monitor for 2 years.
  - Edge of lawn will not move as a result of the project. There is a 6' drop just beyond limit of work, beyond the edge of lawn.
  - A stormwater management system and an O&M plan have been proposed to mitigate the increase in impervious area.
  - Remove 5 trees within the 100' BZ (an arborist's report was included with the application): 23" crabapple, 13" magnolia, 14" red maple, and 13" Norway maple. 2 of the 5 are within the 25' NVBZ.
  - Bald Pate Meadow Conservation Area and wetland is behind the property to the south (Wetlands Restriction #7 at 142' elevation.)
- Documents in packets. Highlighted plans, planting plan, draft special conditions.
- Additional documents presented at meeting. Site photos
- Jurisdiction. Buffer Zone to BVW
- Presentation (staff) and Discussion.
  - Staff noted that their preliminary comments were addressed in revised plans received timely.
  - Staff reviewed the revised plans, proposed work, and proposed site protections.
  - Rockwood noted that Norway maple saplings would be removed from the enhancement planting area and that Norway maple seedlings would be hand-pulled three times as part of the required two years of monitoring and maintenance.
- Vote to close the hearing and issue an Order of Conditions with the following site-specific conditions. [Motion: Gilligan. Second: Lunin. Roll-call vote: Green (aye), Katz (aye), Zabel (aye), Lunin (aye), Gilligan (aye). Vote: 5:0:0.]
  - The mitigation planting plan must be installed as per the plans and:
    - a. Be installed and maintained to replicate to the maximum extent practical a diverse ecological system, provide habitat for native species, and keep invasive species in check. Plants must be properly installed such that the tops of the root balls are flush with the grade of the native soil.



**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)

Reasonable accommodations will be provided to persons with disabilities requiring assistance. If you need a reasonable accommodation, please contact the city of Newton's ADA/Sec. 504 Coordinator, Jini Fairley, at least two business days in advance of the meeting: [jfairley@newtonma.gov](mailto:jfairley@newtonma.gov) or (617) 796-1253. For Telecommunications Relay Service, please dial 711 or call City Hall's TTY/TDD line at 617-796-1089.

- b. Include 10 native trees 100 % of which are well-established and thriving after 2 growing seasons.
  - c. Include 46 native shrubs 80 % of which are well-established and thriving after 2 growing seasons.
  - d. Existing leaf litter must be used to mulch the plantings to minimize aggressive weed growth.
  - e. Include bounds, as shown on the plans, with bounds that: (1) are 1" capped iron pipe or 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.
  - f. Be managed to control/minimize invasive species for the life of this permit. If herbicides are use, manufacturer's recommended directions must be followed.
  - g. Be monitored for two growing seasons; send descriptive season-end monitoring reports (with photographs) sent to the Conservation Office.
- If either of the 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).
  - To protect the water quality of area wetlands, fertilizers shall be of low-nitrogen content and be used in moderation.
  - To protect the full suite of benefits of area wetlands, wildlife, and native insects and pollinators, no pesticides shall be used.
  - 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. 74 Bowen St – RDA – addition in outer Buffer Zone**

- Owner/Applicant. Bowen St Investments LLC (Haim Senior)
- Representatives. John Rockwood, Eco-Tec Inc
- Request. Issue DOA Negative 3, Negative 6
- Project Summary (work within 100-foot Buffer Zone).
  - This project was initiated with two administrative approvals.
    - 6/20/2023: Roof, siding, door, and window replacement (since the there were no land-disturbing activities proposed).
    - 8/9/2023: Removal of 40" Honey Locust based on arborist's report: "The tree is comprised of several co-dominant leaders. The larger of the co-dominants has 2 opposing fissures, either side of the stem. A deep pocket of decay makes up another co-dominant and has plant life growing out of the crotch. Numerous dead branches are still connected to the main stems, leaders, and the canopy is very weak even for this species.
  - Of the proposed activities within the Buffer Zone, several are exempt under Wetlands Protection Act: bulkhead, AC pads and condensers, pervious paver landing.
  - Impervious area in the BZ will increase by 34 sf.
  - The 100-foot Buffer Zone extends across the back yard and the rear 25 feet of the house
  - No work will occur within 68' of the stream
  - A small sliver of a small addition (with associated foundation rehabilitation) is within the Buffer Zone
  - 2 old wood retaining walls and crumbing stairs will be removed and replaced with new stairs
  - A concrete landing will be converted to a permeable paver area
  - Grading will create a swale to keep stormwater on site
  - Erosion controls, orange snow fence, soil stockpile area, concrete washout area, and construction entrance have all been proposed on the plans
  - No drainage system is required or proposed. Per Newton Engineering, an engineering review and a minor Stormwater permit will be required because a retaining wall is being proposed.
- Documents in packets. Highlighted plans, draft cover letter
- Additional documents presented at meeting. Site photos
- Jurisdiction. Buffer Zone to intermittent stream at Newton Centre Playground
- Presentation (staff) and Discussion.
  - Staff noted that their preliminary comments were addressed in revised plans received timely.
  - Staff reviewed the revised plans, proposed work, and proposed site protections.
  - Rockwood noted that the required 3 deciduous saplings (administratively approved mitigation for removal of the large deciduous hazard tree) were to be planted the week of September 11 and that photographs of the 2 red maples and 1 northern red oak planted on site, photos were forwarded to the Conservation office.

- Vote to issue a negative 3 and negative 6 Determination. [Motion: Gilligan. Second: Lunin. Roll-call vote: Green (aye), Katz (aye), Zabel (aye), Lunin (aye), Gilligan (aye). Vote: 5:0:0.]

### **3. 55 Bernard Street – COC – application filed in response to Enforcement Order – DEP #239-871**

- Owner/Applicant. Ivan Brown (not present)
- Request. Issue COC.
- Project History.
  - Administrative approval was granted for the tear-down/re-build of a SFH entirely outside RFA and FZ
  - Unpermitted tree cutting (of 12 “dead” trees) and grading in RFA and FZ resulted in an Enforcement Order. Not all trees were actually dead, though some were undoubtedly ailing.
  - The EO spurred a 2020 NOI filing for the project to address grading (flood storage capacity) and planting (to mitigate for the cut trees).
  - A restoration planting plan was approved for 8 “islands” and bank plantings of native species and bank with 16 canopy trees, 4 understory trees, and 96 shrubs. Additionally, 10 spruce trees and 8 rhododendrons were required (and had already been installed along the side property lines).
  - All required plants were installed as per the plans.
  - A February 2021 site visit confirmed substantial compliance.
  - In November 2021 unpermitted cutting of ailing trees occurred. Further restoration plantings were required by the Commission.
  - The owner has been working with a landscaper to install (and replace) required plants (in a slightly modified layout).
- Documents in packets. None
- Additional documents presented at meeting. Site photos
- Jurisdiction. RFA, FZ
- Presentation (staff) and Discussion.
  - The site is stable, well-maintained, and planted areas are mostly filled as per the plans.
  - Survival of saplings has been a bit of a problem. The owner has been very cooperative with staff requests to plant more shrubs and trees in “blank” spaces if/as they occur.
  - The remaining canopy trees are not in ideal health.
- Consensus: Staff will contact the owner, conduct a site visit, count trees and shrubs, suggest white pine and red maple as good options for the site, and report to the Commission.

### **4. 25 Bernard Street – OOC Extension Request – demo/construction of a single-family home – DEP #239-883**

- Owner/Applicant. Albert Chin (not present)
- Representatives. John Rockwood, Eco-Tec Inc
- Request. Extend OOC for 1 year.
- Project Summary.
  - Demo/construction of a single-family home, with mitigation plantings (56 shrubs)
  - 16 shrubs died and should be replaced.
- Documents in packets. None
- Additional documents presented at meeting. Site photos
- Jurisdiction. Buffer Zone, Riverfront Area
- Presentation (staff) and Discussion.
  - The first plant monitoring report was submitted along with an extension request.
  - The wetlands consultant has recommended the following:
    - Dead or dying shrubs to be removed
    - 16 new shrubs to be planted in fall of 2023 or spring of 2024 in place of those or in other gaps:
      - 2 each of the following larger shrubs (3-4’ height) species: American witch-hazel (*Hamamelis virginiana*), gray dogwood (*Cornus racemosa*), mountain laurel (*Kalmia latifolia*), inkberry (*Ilex glabra*);
      - 3 each of the following smaller shrubs (18-24” height) species: sweet fern (*Comptonia peregrina*), northern bush honeysuckle (*Diervilla lonicera*); and
      - 2 18-24” high common juniper (*Juniperus communis*).
  - Rockwood noted that shrubs will be planted in the spring 2024.
  - The Commission confirmed that it requires 2-yr survival even for infill or replacement plants, So a 2-yr extension is required.

- Vote to close the hearing and issue a 2-yr extension. [Motion: Gilligan. Second: Zabel. Roll-call vote: Green (aye), Katz (aye), Zabel (aye), Lunin (aye), Gilligan (aye). Vote: 5:0:0.]

#### 5. 56 Greenwood St – COC Request – Single-family home renovation – DEP #239-768

- Owner/Applicant. Gene Spivak (not present)
- Representatives. Lucas Machado, Curbs Studio (landscape design firm)
- Request. Issue COC.
- Project Summary. The house was significantly renovated, a new front walkway was installed, the driveway was reconstructed, and utilities were installed.
- Documents in packets. None
- Additional documents presented at meeting. Site photos; planting plan proposed to bring site into compliance
- Jurisdiction. Buffer Zone to the wetland resource on the other side of Greenwood St
- Presentation (staff) and Discussion.
  - The Commission heard the original COC request at the 9-7-23 meeting, but since the street tree was not replaced, hardscape had been expanded beyond the approved plans, and plantings differed from approved plans, they declined to issue a COC at that time.
  - Plant installation
    - Proposed Thuja have been replaced (substituted) with Cryptomeria japonica
    - Cryptomeria were not installed by July 2022, they were in by July 2023. Two years of survival could be September 2024
    - Proposed American hornbeam (Carpinus sp) has been replaced with Amelanchier, planted by July 2022 (but now in poor health)
    - The replacement street tree has not been installed, but is shown on the new proposed planting plan as a red maple.
  - The Commission confirmed that they require 2-yr survival even for infill or replacement plants.
- Consensus. Staff will ask the applicant to: (1) treat the Amelanchier, (2) plant the street tree as shown on the new planting plan, (3) ensure 2 years survival, (4) request an extension.

#### 6. 16 Grace Rd – COC Request -- demo/construction of a single-family home – DEP #239- 837

- Owner/Applicant. Craig Halajian
- Representatives. Craig Halajian, Edmond Spruhan
- Request. Issue COC.
- Project Summary. demo/construction of a single-family home
- Documents in packets. None
- Additional documents presented at meeting. Site photos; proposed planting plan to bring site into compliance
- Jurisdiction. RFA covers the “front right” corner of the lot
- Presentation (staff) and Discussion.
  - Hardscape was expanded beyond that approved in the original OOC and approved plans and the required RFA mitigation plantings were not installed per the approved plans. The site was due to have had 127 sf of net new hardscape in RFA. It now has 1209 sf of net new hardscape in RFA.
  - Since the Commission’s last meeting, the applicant and engineer met with staff to clarify expectations, and subsequently submitted a new planting plan to comply with the intent of the original OOC and approved plans.
  - Under the new proposed plan, there will be two red maples and a variety of shrubs in the front yard and a pollinator area in the “front right corner”.
  - The Commission noted that it will require 2 years of survival of the new plants, so an extension will be necessary.
- Vote to approve the new planting plan and require 2 years of survival. [Motion: Gilligan. Second: Zabel. Roll-call vote: Green (aye), Katz (aye), Zabel (aye), Lunin (aye), Gilligan (aye). Vote: 5:0:0.]

### B. CONSERVATION AREA DECISIONS

#### 7. Old Deer Park beekeeper license extension for Mark Lewis

- Issue Summary. Mark Lewis’ license expired yesterday (on 9/27/2022) and so a new license must be granted for him to maintain bee hives.
- Representatives. Mark Lewis (not present)
- Request. Extend license for 3 years.
- Documents in packets. Apiary policy. Draft License for signature.
- Additional documents presented at meeting. None



- Presentation (staff) and Discussion.
  - NOTE: Ellen Katz had to leave the meeting from 7:42-7:47, so missed some of this discussion and the vote.
  - Mr. Lewis has been very compliant with all Commission requirements.
  - Mr. Lewis would like a 3-year license so that he can plan ahead and invest in things like a more permanent sign.
  - Commissioners thanked Lewis for his considerate efforts, including education, lab work, and coordination.
  - One Commissioner noted that honeybees can spread disease, so testing is critical.
  - The Commission noted that the science regarding competition between native bees and honeybees in a small-scale apiary located in a large natural area is not clear. They noted that they can revoke the license at any time should the science indicate that honeybees in this setting are ecologically problematic.
- Vote to grant Mark Lewis a 2-year license. [Motion: Lunin. Second: Gilligan. Roll-call vote: Green (aye), Zabel (aye), Lunin (aye), Gilligan (aye). Vote: 4:0:0]

**C. ADMINISTRATIVE DECISIONS** – none at this time

**8. Minutes to be approved**

- Documents in packets. Draft 9/7/2023 minutes
- Vote to approve the 9/7/2023 minutes reviewed by Ellen Katz [Motion: Lunin. Second: Zabel. Roll-call vote: Green (aye), Katz (aye), Zabel (aye), Lunin (aye), Gilligan (abstain). Vote: 4:0:1]
- Volunteer. Gilligan volunteered to review the 9/28/2023 minutes.

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

**UPDATES / DISCUSSION**

**E. WETLANDS**

- Countryside School planning is underway. The project will be before the Commission in the near future.
- 288 Mill Street. The new owners are now planning to plant in the spring of 2024. Staff have requested their revised plan so that it can be reviewed approved prior to spring planting.

**F. CONSERVATION AREAS**

- Commissioners asked about the status of security cameras for Norumbega. Staff noted that the item was on their list of necessary projects
- Staff noted their interest in installing dense grade aggregate at Norumbega Conservation Area on the main loop trail to increase accessibility, as has been done at Dolan Pond Conservation Area and the Saco Street entrance to the Upper Falls Riverwalk Conservation Area. Commissioners were in favor of the proposed accessibility improvement at Norumbega. Staff noted the need for an outreach “campaign” to area residents and said they would work with local Commissioner(s) and volunteers to “get the word out”.

**G. ADMINISTRATIVE MATTERS**

- Hosting a home efficiency friend-raiser. Staff noted that Newton’s Energy Coach had asked if anyone would be interested in hosting a peer-to-peer event/social gathering (i.e., cocktail hour, weekend snack event, potluck dinner, etc.) to allow neighbors to meet up, learn about the “[4 Our Future campaign](#)”, and be inspired to take home energy action. The host would simply provide the space and invite their community. Someone from the “4 Our Future” group could be a VIP or expert at the event, give an introduction to the topic, facilitate conversation, etc. and be around to socialize and answer further questions. Interested Commissioners were asked to contact Steel.
- Follow-up conversation about the Commission’s activities/role in the community. Staff asked if any Commissioners would like to take on any special projects or roles such as public education, boy scout liaison, etc. Commissioners indicated that their schedules did not allow additional commitments.
- Committee Liaison Updates
  - Zabel noted that Susan Bottino, Executive Director of the Newton Community Farm was going to retire.
  - Green noted that the Newton Community Golf Course invasive control OOC was due to expire soon.
  - Lunin noted that the CPC had recently approved funding for the Gath Pool project.

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

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

**9. 70 Kingswood Rd – MPC Request**

- Owner/Applicant. Larry Smith (not present)
- Request. Approve revised mitigation planting plan

- Documents presented at meeting. Revised mitigation planting plan
- Jurisdiction. RFA
- Presentation (staff) and Discussion.
  - In an email the applicant noted that his landscape designer felt that the proposed plants should be spread out more and that the proposed plant schedule should be revised. He submitted a revised plan for review and approval.
- Consensus. Commissioners agreed that the larger area and new plant schedule represented ecological improvements and that staff should issue a Minor Plan Change memo to the applicant.

#### **10.518 Quinobequin Rd – MPC Request – DEP #239-928**

- Applicant. Alec Polnarev (contractor)
- Request. Approve revised location of the mitigation planting area
- Documents presented at meeting. Revised mitigation planting plan
- Jurisdiction. RFA
- Presentation (staff) and Discussion.
  - In an email the applicant noted that a row of Thuja canadensis (occidentalis?) had been installed along Quinobequin Rd, precluding installation of the bounded mitigation planting area in the original location. He submitted a revised plan for review and approval.
- Consensus. Commissioners agreed that the planting area as proposed was fine, as long as it was 10 feet from the road and the driveway, so that snow would not be piled on top of it. Staff were asked to solicit such annotations on the plan, then issue a Minor Plan Change memo to the applicant.

#### **11.193 Lake Ave – COC Request – Landscaping – DEP #239-881**

- Applicant. Ry Hawkins, site contractor (not present)
- Request. COC
- Documents presented at meeting. Site photos
- Jurisdiction. Buffer zone to Crystal Lake
- Presentation (staff) and Discussion.
  - Staff showed photos of a dense, healthy plantings on the steep slope.
  - Plants were installed in the summer of 2022, so the site will be eligible for a COC in the summer of 2024.
  - Commissioners noted the value of “promoting” this site a success story.
- Consensus. No action necessary at this time.

**ADJOURN at 8:39.** [Motion: Green. Second: Lunin. Roll-call vote: Green (aye), Katz (aye), Zabel (aye), Lunin (aye), Gilligan (aye). Vote: 5:0:0.]