

CONSERVATION COMMISSION AGENDA

Date: Thursday, November 9, 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/89802265942>

Contact 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) 27 Boylston St – RDA – Chestnut Hill Shopping Center Paving Maintenance Project**
 - Owner/Applicant. Chestnut Hill Shopping Center, LLC
 - Representatives. Val Locker, Tighe & Bond, Inc
- (7:20) 5 Bound Brook Rd – NOI – SFH addition -- DEP File # 239-964**
 - Owner/Applicant. Martin Son
 - Representatives. Goddard Consulting
- (7:45) 59 Selwyn Rd – MPC Request – fence, removal of invasives, mitigation plantings -- DEP File # 239-895**
 - Owner/Applicant. Irina Elkin
 - Representatives. Dan Burmenko (applicant)
- (8:00) 149 Pleasant St -- OOC Extension Re-sign – Mason Rice solar array -- DEP #239-844**
 - Owner/Applicant. City of Newton, Public Buildings Department
 - Representatives. Bill Ferguson

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**
1000 Comm. Ave.
Newton, MA 02459

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

www.newtonma.gov

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 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) 27 Boylston St – RDA – Chestnut Hill Shopping Center Paving Maintenance Project

- Owner/Applicant. Chestnut Hill Shopping Center, LLC
- Representatives. Val Locker, Tighe & Bond, Inc
- Request. Issue negative determination.
- Project Summary.
 - Re-pave existing parking lot. 1.5-2" of pavement will be milled/removed/overlaid. 285 sf of impervious area will be removed within the 100 buffer zone by creating stone edge to northeast edge of the parking lot.
 - Undertake maintenance of rain gardens. Exposed impermeable liner will be removed and accumulated mulch will be removed. Riprap drainage channels to the rain gardens will be removed and replaced with river stone aprons.
 - Regrade mulched area and seed with a native, wet meadow seed mix to promote infiltration.
 - Plant 3 canopy trees.
- Documents in packets. Site plans
- Additional documents presented at meeting. Site photos.
- Jurisdiction.
 - **100-ft buffer zone** to Inland Bank & BVW.
 - **FEMA flood Zone A** (~165.4 NAVD88)
- 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.
 - Installation of native vegetation and maintenance of stormwater features are technically exempt if erosion is controlled (10.02(2)(b)2.d. and 10.02(3), respectively.
 - Parking lot repaving is not exempt, but it will not alter the adjacent wetland.
 - There are two places in the existing parking lot that could have asphalt removed and a planted infiltration feature installed – the most practical one is the very northern tip of the parking lot (a currently striped area).
 - Silt sock should be located further away from wetland, closer to the actual edge of anticipated disturbance.
 - More details should be provided about target species and proposed methods for invasives control efforts.



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- Staff Recommendation. Once all concerns have been addressed, vote to issue a Negative 3 and Negative 6 DOA.

2. (7:20) 5 Bound Brook Rd – NOI – SFH addition -- DEP File # 239-964

- Owner/Applicant. Martin Son
- Representatives. Goddard Consulting
- Request. Issue OOC.
- Project Summary.
 - Demolish the existing garage and foyer, construct a larger addition.
 - Area of fill in FZ is only 6 sf.
 - Project will create 0.0025 cy of new flood storage.
 - Garage floor of addition will be built on piles 3' above the flood elevation.
- Documents in packets. Highlighted plans.
- Additional documents presented at meeting.
- Jurisdiction.
 - **FEMA flood Zone AE** (~112.4 NAVD88)
- 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.
- Staff Notes.
 - South Meadow Brook flows 230' north of the site.
 - A DEP file number has not been issued as of 10/31/2023.
 - The following project elements described in the application are not shown on the Proposed Condition plan:
 - Inlet protection (in the street)
 - The proposed compensatory storage area
 - The following project elements described in the application are likely not pertinent to this project and should be deleted:
 - Temporary sediment basins
 - A construction entrance
 - Clearing and grubbing
 - The following has not been made clear in the application:
 - Existing vs. proposed grading
 - A stockpile area
 - Where pilings will be used and where a full foundation will be constructed
 - Whether the deck will be removed and replaced
 - Details of tree protection to be provided
- Staff Recommendation. If/once all questions have been addressed, vote to close the hearing and issue OOC with special conditions.

3. (7:45) 59 Selwyn Rd – MPC Request – fence, removal of invasives, mitigation plantings -- DEP File # 239-895

- Owner/Applicant. Irina Elkin
- Representatives. Dan Burmenko (applicant)
- Request. Cut vegetation that was outside the original limit of work but within Flood Zone to accommodate a fence around the property to contain dogs.
- Project Summary.
 - Teardown/rebuild with an enhancement planting area
- Documents in packets. Approved plan, administrative approval for fence
- 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 (and replaced?),
 - “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 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 removal and planting that would be approvable and the permitting path forward.

4. (8:00) 149 Pleasant St -- OOC Extension Re-sign – Mason Rice solar array -- DEP #239-844

- Owner/Applicant. City of Newton, Public Buildings Department
- Representatives. Bill Ferguson
- Request. Issue OOC Extension Re-sign (the original was lost)
- Project Summary. At Mason Rice Elementary, install two solar canopies supported by columns, install new electrical conduits to connect the canopies to the grid with associated trenching, remove 2 trees, plant 29 trees in the adjacent Newton Center Playground area.
- Documents in packets. None
- Additional documents presented at meeting. None
- Jurisdiction. RFA, BZ
- Staff Notes.
 - This site (one site of many canopy installations) has been postponed due to contract and labor challenges.
 - At 9/7/23 Con Com meeting, a 3-yr OOC extension was issued, to allow the project to proceed if possible.
 - The 9/7/23 document was lost
- Staff Recommendation. Vote to issue a re-signed COC.

B. CONSERVATION AREA DECISIONS – none at this time

C. ADMINISTRATIVE DECISIONS – none at this time

5. Minutes to be approved

- Documents in packets. Draft 10/19/2023 minutes
- Vote to approve the 10/19/2023 minutes reviewed by Susan Lunin.
- Volunteer. Who will volunteer to review the 11/9/2023 minutes?

D. ISSUES AROUND TOWN DECISIONS – none at this time

UPDATES / DISCUSSION

E. WETLANDS

- **Toll Bros 40B schedule.** NOI now likely in early spring, so no immediate concerns about “Mullin”. Ellen Katz will miss some meetings due to grandchild care obligations
- **2 Wells Ave beaver dam.** There was a report of the ponding affecting Nahanton Street drainage during a very heavy rain storm. DPW has reached out to Beaver Solutions for an assessment and will likely file to install a pond leveling device.
- **Permitting construction of fences, sheds, and driveways in Flood Zone and Riverfront Area and Buffer Zone**
 - These are the types of smaller projects with which staff struggle.

PROJECT	TRIGGER / OTHER PERMIT	REQUIRED DOCUMENTS	CONCOM PERMIT if in FZ	Fill if in 2’ of Flood Elevation	CONCOM PERMIT if in RFA and/or BZ
Fence, 0-4’	n.a.	n.a.	NOI	0.4 cy	Exempt (AA)
Fence, 4-6’	Zoning Permit	Sketch	NOI	0.4 cy	Exempt (AA)
Fence, >6’	Special Permit	Plans	NOI	0.4 cy	Exempt (AA)

Shed, <200 sf	Zoning Permit	Sketch	NOI	15 cy	Exempt (AA)
Shed, >200 sf	Building Permit	Plans	NOI	15 cy	Exempt (AA)
Driveway, remove/replace	Zoning Permit	Photos	AA	0 cy	Exempt (AA)
Driveway, expand/relocate (22'x25'x2")	Zoning Permit, Engineering Rev	Stamped plans	NOI	3.4 cy	NOI
Driveway, new (22'x25'x2")	Zoning Permit, Engineering Rev	Stamped plans	NOI	3.4 cy	NOI

- The Commission has 2 policies for construction in FZ: (1) 110% flood storage compensation is required, (2) fences require an NOI and shall not restrict flow, to clarify the state regulation language.
- Staff wonder about:
 - defining a *de minimus* volume of fill for which no compensation would be required, and/or
 - allowing compensatory flood storage to be provided at lower elevations for small projects or where foot-for-foot compensation is not achievable.
- Staff have also considered creating a “template” NOI and OOC for such small projects to facilitate applications and permits.
- Staff are working to improve the City permitting portal to facilitate coordination across departments.

F. CONSERVATION AREAS

- **Newton Stewards walk at Saw Mill Brook took place on Thursday 10/26.** We had a nice turn out of about 10 people on a beautiful afternoon and enjoyed snacks and conversation afterwards.
- **Upper Falls River Walk.** Staff will investigate “rights” over a possibly shared right-of way and then ask our Land Managers to install boundary markers.

G. ADMINISTRATIVE MATTERS – none at this time

H. ISSUES AROUND TOWN

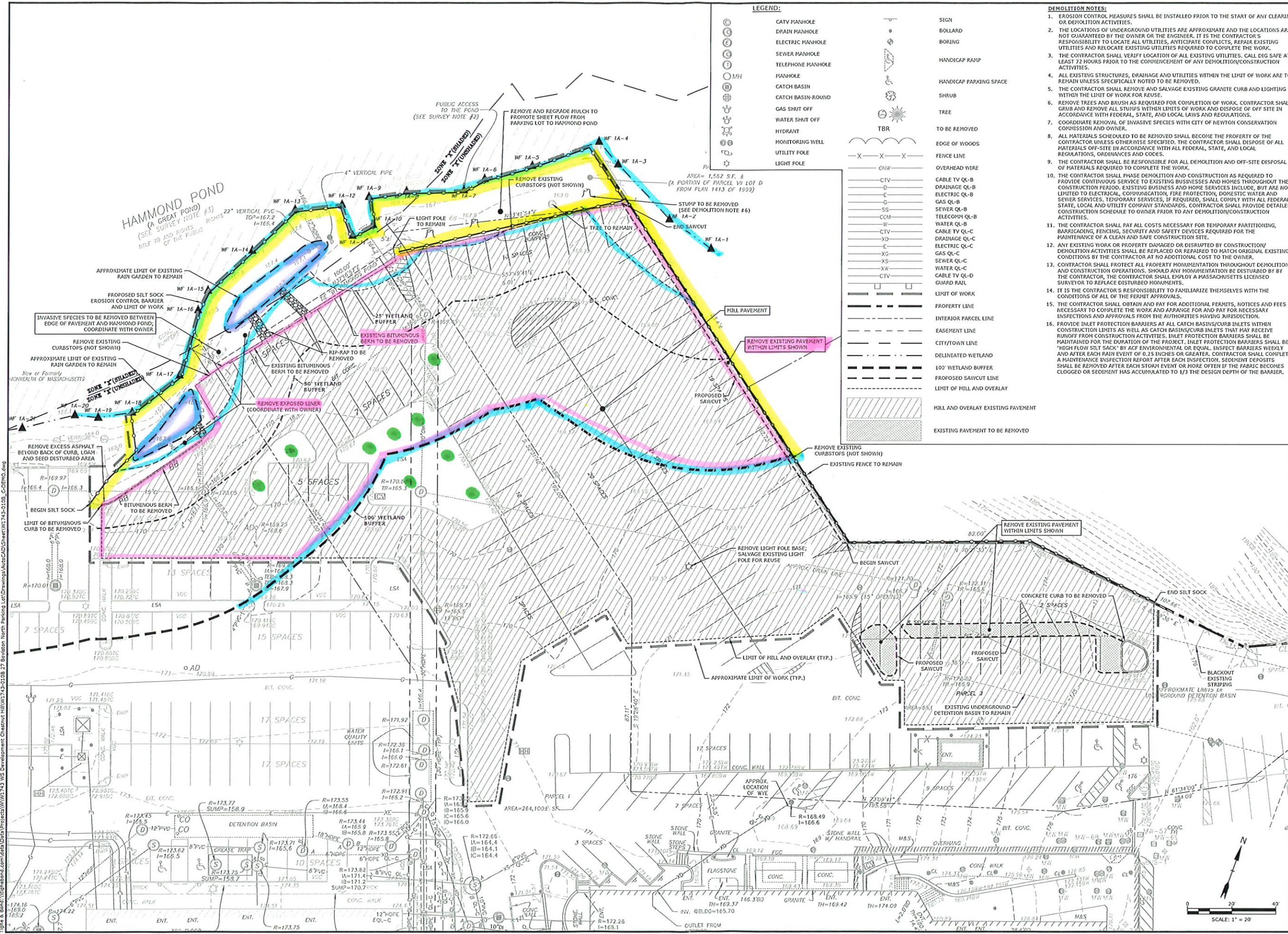
- The new Floodplain Ordinance requires communities to designate a Floodplain Administrator. Jennifer Steel will likely fill that role.

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

ADJOURN

27 Boylston St





LEGEND:

	CATV MANHOLE		SIGN
	DRAIN MANHOLE		BOLLARD
	ELECTRIC MANHOLE		BORING
	SEWER MANHOLE		HANDICAP RAMP
	TELEPHONE MANHOLE		HANDICAP PARKING SPACE
	MANHOLE		SHRUB
	CATCH BASIN		TREE
	CATCH BASIN-ROUND		TO BE REMOVED
	GAS SHUT OFF		EDGE OF WOODS
	WATER SHUT OFF		FENCE LINE
	HYDRANT		OVERHEAD WIRE
	MONITORING WELL		CABLE TV QL-B
	UTILITY POLE		DRAINAGE QL-B
	LIGHT POLE		ELECTRIC QL-B
			GAS QL-B
			SEWER QL-B
			TELECOMM QL-B
			WATER QL-B
			CABLE TV QL-C
			DRAINAGE QL-C
			ELECTRIC QL-C
			GAS QL-C
			SEWER QL-C
			WATER QL-C
			CABLE TV QL-D
			GUARD RAIL
			LIMIT OF WORK
			PROPERTY LINE
			INTERIOR PARCEL LINE
			EASEMENT LINE
			CITY/TOWN LINE
			DELINEATED WETLAND
			100' WETLAND BUFFER
			PROPOSED SAWCUT LINE
			LIMIT OF MILL AND OVERLAY
			MILL AND OVERLAY EXISTING PAVEMENT
			EXISTING PAVEMENT TO BE REMOVED

- DEMOLITION NOTES:**
- EROSION CONTROL MEASURES SHALL BE INSTALLED PRIOR TO THE START OF ANY CLEARING OR DEMOLITION ACTIVITIES.
 - THE LOCATIONS OF UNDERGROUND UTILITIES ARE APPROXIMATE AND THE LOCATIONS ARE NOT GUARANTEED BY THE OWNER OR THE ENGINEER. IT IS THE CONTRACTOR'S RESPONSIBILITY TO LOCATE ALL UTILITIES, ANTICIPATE CONFLICTS, REPAIR EXISTING UTILITIES AND RELOCATE EXISTING UTILITIES REQUIRED TO COMPLETE THE WORK.
 - THE CONTRACTOR SHALL VERIFY LOCATION OF ALL EXISTING UTILITIES. CALL DIG SAFE AT LEAST 72 HOURS PRIOR TO THE COMMENCEMENT OF ANY DEMOLITION/CONSTRUCTION ACTIVITIES.
 - ALL EXISTING STRUCTURES, DRAINAGE AND UTILITIES WITHIN THE LIMIT OF WORK ARE TO REMAIN UNLESS SPECIFICALLY NOTED TO BE REMOVED.
 - THE CONTRACTOR SHALL REMOVE AND SALVAGE EXISTING GRANITE CURB AND LIGHTING WITHIN THE LIMIT OF WORK FOR REUSE.
 - REMOVE TREES AND BRUSH AS REQUIRED FOR COMPLETION OF WORK. CONTRACTOR SHALL GRUB AND REMOVE ALL STUMPS WITHIN LIMITS OF WORK AND DISPOSE OF OFF SITE IN ACCORDANCE WITH FEDERAL, STATE, AND LOCAL LAWS AND REGULATIONS.
 - COORDINATE REMOVAL OF INVASIVE SPECIES WITH CITY OF NEWTON CONSERVATION COMMISSION AND OWNER.
 - ALL MATERIALS SCHEDULED TO BE REMOVED SHALL BECOME THE PROPERTY OF THE CONTRACTOR UNLESS OTHERWISE SPECIFIED. THE CONTRACTOR SHALL DISPOSE OF ALL MATERIALS OFF-SITE IN ACCORDANCE WITH ALL FEDERAL, STATE, AND LOCAL REGULATIONS, ORDINANCES AND CODES.
 - THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL DEMOLITION AND OFF-SITE DISPOSAL OF MATERIALS REQUIRED TO COMPLETE THE WORK.
 - THE CONTRACTOR SHALL PHASE DEMOLITION AND CONSTRUCTION AS REQUIRED TO PROVIDE CONTINUOUS SERVICE TO EXISTING BUSINESSES AND HOMES THROUGHOUT THE CONSTRUCTION PERIOD. EXISTING BUSINESS AND HOME SERVICES INCLUDE, BUT ARE NOT LIMITED TO ELECTRICAL, COMMUNICATION, FIRE PROTECTION, DOMESTIC WATER AND SEWER SERVICES. TEMPORARY SERVICES, IF REQUIRED, SHALL COMPLY WITH ALL FEDERAL, STATE, LOCAL AND UTILITY COMPANY STANDARDS. CONTRACTOR SHALL PROVIDE DETAILED CONSTRUCTION SCHEDULE TO OWNER PRIOR TO ANY DEMOLITION/CONSTRUCTION ACTIVITIES.
 - THE CONTRACTOR SHALL PAY ALL COSTS NECESSARY FOR TEMPORARY PARTITIONING, BARRICADING, FENCING, SECURITY AND SAFETY DEVICES REQUIRED FOR THE MAINTENANCE OF A CLEAN AND SAFE CONSTRUCTION SITE.
 - ANY EXISTING WORK OR PROPERTY DAMAGED OR DISRUPTED BY CONSTRUCTION/DEMOLITION ACTIVITIES SHALL BE REPLACED OR REPAIRED TO MATCH ORIGINAL EXISTING CONDITIONS BY THE CONTRACTOR AT NO ADDITIONAL COST TO THE OWNER.
 - CONTRACTOR SHALL PROTECT ALL PROPERTY MONUMENTATION THROUGHOUT DEMOLITION AND CONSTRUCTION OPERATIONS. SHOULD ANY MONUMENTATION BE DISTURBED BY THE CONTRACTOR, THE CONTRACTOR SHALL EMPLOY A MASSACHUSETTS LICENSED SURVEYOR TO REPLACE DISTURBED MONUMENTS.
 - IT IS THE CONTRACTOR'S RESPONSIBILITY TO FAMILIARIZE THEMSELVES WITH THE CONDITIONS OF ALL OF THE PERMIT APPROVALS.
 - THE CONTRACTOR SHALL OBTAIN AND PAY FOR ADDITIONAL PERMITS, NOTICES AND FEES NECESSARY TO COMPLETE THE WORK AND ARRANGE FOR AND PAY FOR NECESSARY INSPECTIONS AND APPROVALS FROM THE AUTHORITIES HAVING JURISDICTION.
 - PROVIDE INLET PROTECTION BARRIERS AT ALL CATCH BASINS/CURB INLETS WITHIN CONSTRUCTION LIMITS AS WELL AS CATCH BASINS/CURB INLETS THAT MAY RECEIVE RUNOFF FROM CONSTRUCTION ACTIVITIES. INLET PROTECTION BARRIERS SHALL BE MAINTAINED FOR THE DURATION OF THE PROJECT. INLET PROTECTION BARRIERS SHALL BE "HIGH FLOW SILT SACK" BY ACF ENVIRONMENTAL OR EQUAL. INSPECT BARRIERS WEEKLY AND AFTER EACH RAIN EVENT OF 0.25 INCHES OR GREATER. CONTRACTOR SHALL COMPLETE A MAINTENANCE INSPECTION REPORT AFTER EACH INSPECTION. SEDIMENT DEPOSITS SHALL BE REMOVED AFTER EACH STORM EVENT OR MORE OFTEN IF THE FABRIC BECOMES CLOGGED OR SEDIMENT HAS ACCUMULATED TO 1/3 THE DESIGN DEPTH OF THE BARRIER.

DRAFT
NOT FOR CONSTRUCTION

CHESTNUT HILL SHOPPING CENTER PAVING MAINTENANCE

CHESTNUT HILL SHOPPING CENTER, LLC

Chestnut Hill, MA

MARK	DATE	DESCRIPTION
PROJECT NO:	W1743-0108	
DATE:	10/22/2023	
FILE:	W1743-0108_C-DEMO.dwg	
DRAWN BY:	EGD	
CHECKED BY:	JMP	
APPROVED BY:	JMP	

EXISTING CONDITIONS & DEMOLITION PLAN

SCALE: AS SHOWN

C-100

Last Saved: 10/12/2023 2:09pm By: EGD@tandb.com
 Tighe & Bond: \\tandb.com\dbs\projects\W1743\3 W5 Development Chestnut Hill\W1743-0108 37 Bonifas North Parking Lot\Drawings\AutoCAD\Sheet\W1743-0108_C-DEMO.dwg

SITE NOTES:

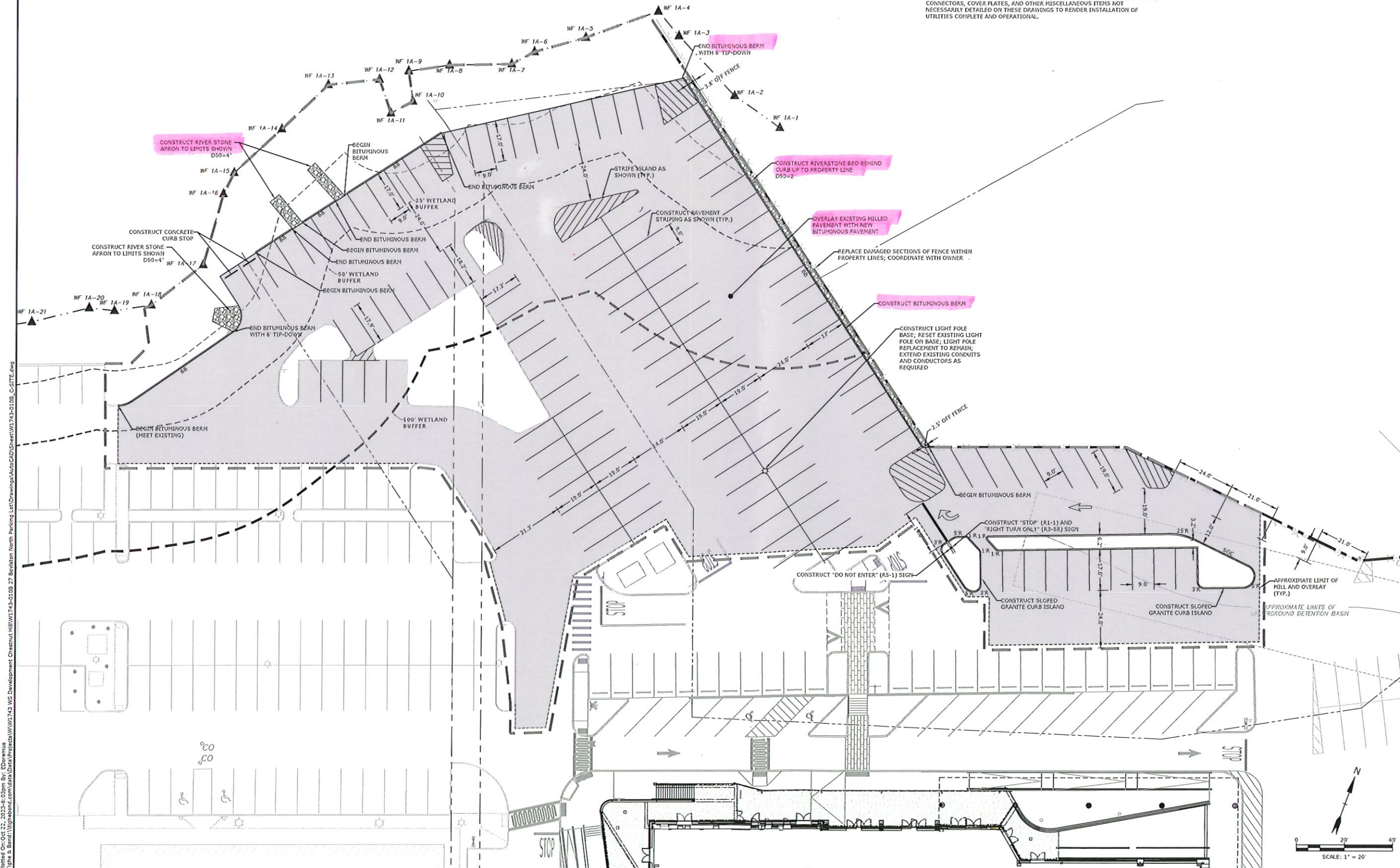
1. STRIPE PARKING AREAS AS SHOWN.
2. ALL MATERIALS AND CONSTRUCTION SHALL CONFORM WITH APPLICABLE FEDERAL, STATE AND/OR CITY OF NEWTON DEPARTMENT OF PUBLIC WORKS CODES & SPECIFICATIONS.
3. CONTRACTOR TO SUBMIT AS-BUILT PLANS IN DIGITAL FORMAT (.DWG & .PDF FILE) ON DISK TO THE OWNER AND ENGINEER UPON COMPLETION OF THE PROJECT. AS-BUILTS SHALL BE PREPARED AND CERTIFIED BY A MASSACHUSETTS LICENSED LAND SURVEYOR OR PROFESSIONAL ENGINEER. AS-BUILTS SHALL INCLUDE A FULL TOPOGRAPHY SURVEY WITHIN THE LIMIT OF WORK INCLUDING BUT NOT LIMITED TO SITE TOPOGRAPHY, SITE FEATURES (BUILDINGS, ROADS, CURBS, SIDEWALKS), STORM DRAINAGE, AND SURFACE AND SUBSURFACE UTILITIES.

UTILITY NOTES:

1. COORDINATE ALL UTILITY WORK WITH APPROPRIATE UTILITY COMPANY.
2. ALL ELECTRICAL MATERIAL WORKMANSHIP SHALL CONFORM TO THE NATIONAL ELECTRIC CODE, LATEST EDITION, AND ALL APPLICABLE STATE AND LOCAL CODES.
3. THE CONTRACTOR SHALL PROVIDE AND INSTALL ALL MANHOLES, BOXES, FITTINGS, CONNECTORS, COVER PLATES, AND OTHER MISCELLANEOUS ITEMS NOT NECESSARILY DETAILED ON THESE DRAWINGS TO RENDER INSTALLATION OF UTILITIES COMPLETE AND OPERATIONAL.

LEGEND

- LIMIT OF WORK
- PROPERTY LINE
- 100' WETLAND BUFFER
- PROPOSED SAWCUT LINE
- LIMIT OF MILL AND OVERLAY
- LIMIT OF BITUMINOUS PAVEMENT OVERLAY
- BB PROPOSED BITUMINOUS BERM
- SGC PROPOSED SLOPED GRANITE CURB



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NOT FOR CONSTRUCTION

CHESTNUT HILL SHOPPING CENTER PAVING MAINTENANCE

CHESTNUT HILL SHOPPING CENTER, LLC

Chestnut Hill, MA

MARK	DATE	DESCRIPTION
PROJECT NO:	W1743-010B	
DATE:	10/22/2023	
FILE:	W1743-010B_C-SITE.dwg	
DRAWN BY:	EGD	
CHECKED BY:	JMP	
APPROVED BY:	JMP	

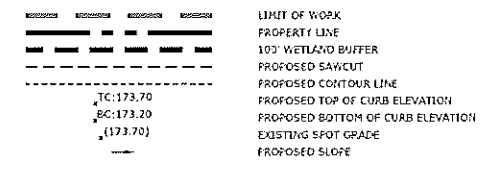
SITE PLAN

SCALE: AS SHOWN

C-200

last saved: 9/17/2023
 Tighe & Bond
 1000 State Street, Suite 200
 Boston, MA 02116
 Tel: 617.552.1000
 Fax: 617.552.1001
 www.tigheandbond.com

LEGEND



EROSION CONTROL NOTES:

1. PRIOR TO ANY WORK OR SOIL DISTURBANCE COMMENCING ON THE SUBJECT PROPERTY, INCLUDING MOVING OF EARTH, THE APPLICANT SHALL INSTALL ALL EROSION AND SILTATION MITIGATION AND CONTROL MEASURES AS REQUIRED BY STATE AND LOCAL PERMITS AND APPROVALS.
2. SEE GENERAL EROSION CONTROL NOTES ON DETAIL SHEETS.
3. PROVIDE INLET PROTECTION AROUND ALL EXISTING AND PROPOSED CATCHBASIN INLETS WITHIN THE WORK LIMITS, MAINTAIN FOR THE DURATION OF THE PROJECT UNTIL PAVEMENT HAS BEEN INSTALLED.
4. INSTALL STABILIZED CONSTRUCTION ENTRANCES.
5. INSPECT INLET PROTECTION AND SILT FENCES DAILY AND AFTER EACH RAIN STORM OF 0.25 INCH OR GREATER. REPAIR/MODIFY PROTECTION AS NECESSARY TO MAXIMIZE EFFICIENCY OF FILTER. REPLACE ALL FILTERS WHEN SEDIMENT IS 1/3 THE FILTER HEIGHT.
6. CONTRACTOR SHALL BE RESPONSIBLE TO CONTROL DUST AND WIND EROSION THROUGHOUT THE CONSTRUCTION PERIOD. DUST CONTROL MEASURES SHALL INCLUDE, BUT NOT LIMITED TO, SPRINKLING WATER ON UNSTABLE SOILS SUBJECT TO ARID CONDITIONS.
7. THE CONTRACTOR SHALL REMOVE AND PROPERLY DISPOSE OF ALL TEMPORARY EROSION CONTROL DEVICES UPON COMPLETION OF CONSTRUCTION.
8. TEMPORARY SOIL STOCKPILE SHALL BE SURROUNDED BY SILT FENCE AND SHALL BE STABILIZED BY TEMPORARY EROSION CONTROL SEEDING. STOCKPILE AREAS TO BE LOCATED AS FAR AS POSSIBLE FROM THE DELINEATED EDGE OF WETLAND.
9. SAFETY FENCING SHALL BE PROVIDED AROUND STOCKPILES OVER 10 FT.

GRADING AND DRAINAGE NOTES:

1. COMPACTION REQUIREMENTS:
 - BELOW PAVED OR CONCRETE AREAS 95%
 - TRENCH BEDDING MATERIAL AND SAND BLANKET BACKFILL 95%
 - BELOW LOAM AND SEED AREAS 90%
2. ADJUST ALL MANHOLES, CATCHBASINS, CURB BOXES, ETC. WITHIN LIMITS OF WORK TO FINISH GRADE.
3. CONTRACTOR SHALL PROVIDE A FINISH PAVEMENT SURFACE AND LAWN AREAS FREE OF LOW SPOTS AND PONDING AREAS.
4. CONTRACTOR SHALL THOROUGHLY CLEAN ALL CATCHBASINS AND DRAIN LINES, WITHIN THE LIMIT OF WORK, OF SEDIMENT IMMEDIATELY UPON COMPLETION OF CONSTRUCTION.
5. ALL DISTURBED AREAS NOT TO BE PAVED OR OTHERWISE TREATED SHALL RECEIVE 6" LOAM, SEED, FERTILIZER AND MULCH.
6. ALL MATERIALS AND CONSTRUCTION SHALL CONFORM WITH APPLICABLE FEDERAL, STATE AND CITY OF NEWTON DEPARTMENT OF PUBLIC WORKS AND CONSTRUCTION SPECIFICATIONS, LATEST REVISIONS.

DRAFT
NOT FOR CONSTRUCTION

CHESTNUT HILL SHOPPING CENTER PAVING MAINTENANCE

CHESTNUT HILL SHOPPING CENTER, LLC

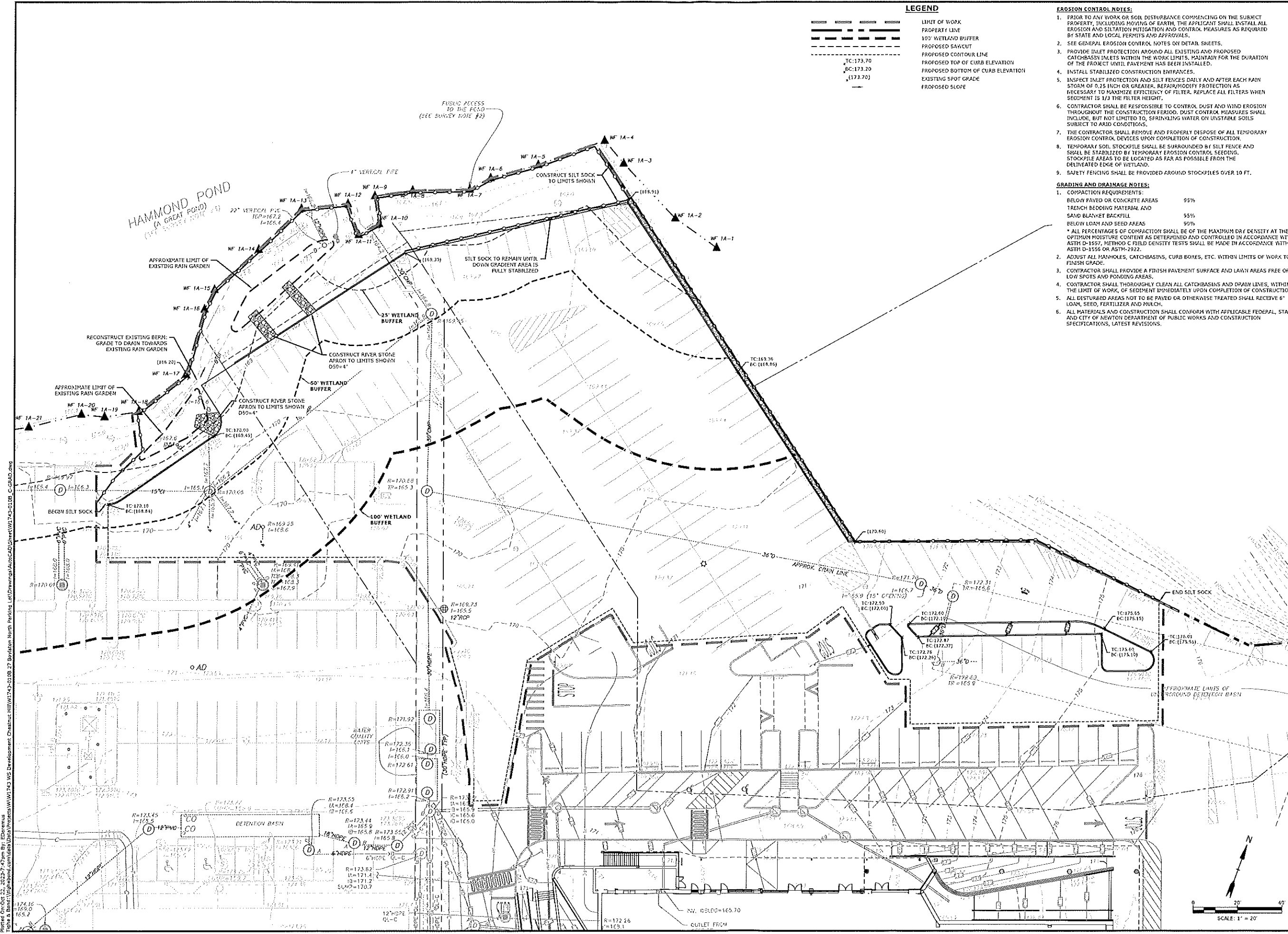
Chestnut Hill, MA

MARK	DATE	DESCRIPTION
PROJECT NO:	W1743-010B	
DATE:	10/22/2023	
FILE:	W1743-010B_C-GRAD.dwg	
DRAWN BY:	EGD	
CHECKED BY:	JMP	
APPROVED BY:	JMP	

GRADING, DRAINAGE, & EROSION CONTROL PLAN

SCALE: AS SHOWN

C-300



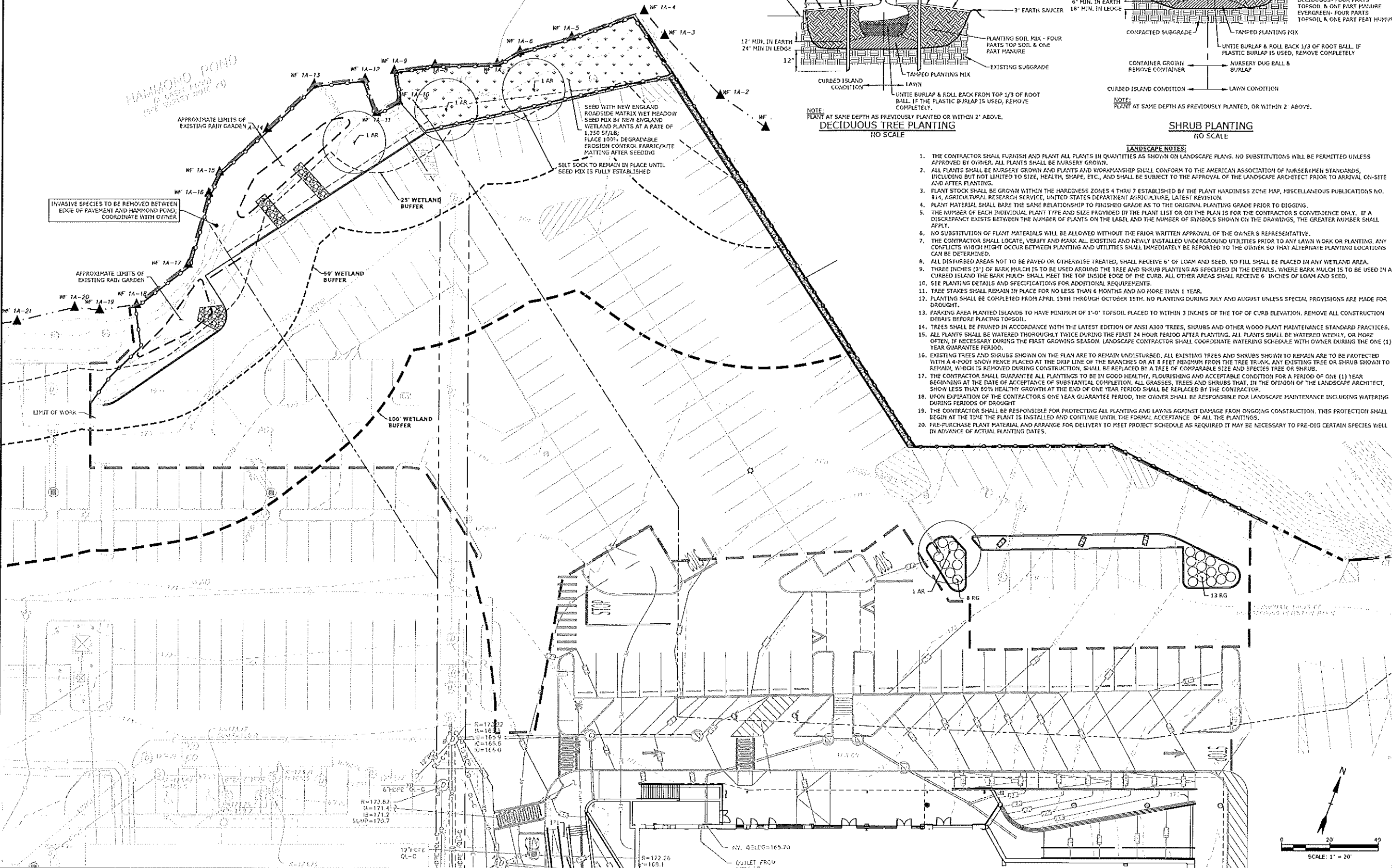
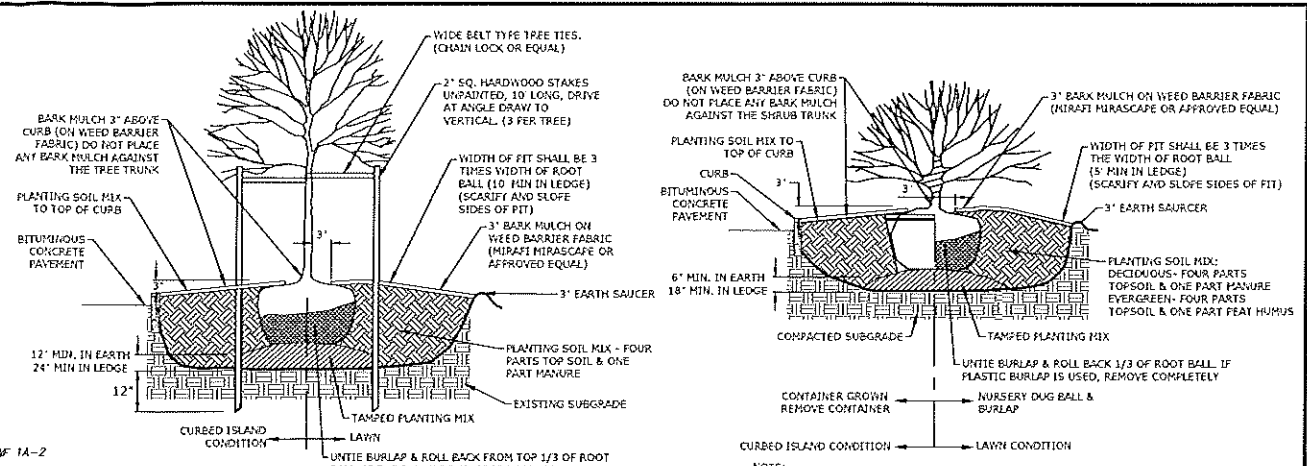
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LEGEND

LIMIT OF WORK
PROPERTY LINE
100' WETLAND BUFFER
PROPOSED TREE
PROPOSED SHRUB/FERN

PARKING LOT PLANTING SCHEDULE

TREES
AR *Acer freemanii* 'Autumn Blaze' 3" CAL
SHRUBS
RG *Rhus aromatica* 'Grow-Low' 3 GAL 4A'



- LANDSCAPE NOTES:**
1. THE CONTRACTOR SHALL FURNISH AND PLANT ALL PLANTS IN QUANTITIES AS SHOWN ON LANDSCAPE PLANS. NO SUBSTITUTIONS WILL BE PERMITTED UNLESS APPROVED BY OWNER. ALL PLANTS SHALL BE NURSERY GROWN.
 2. ALL PLANTS SHALL BE NURSERY GROWN AND PLANTS AND WORKMANSHIP SHALL CONFORM TO THE AMERICAN ASSOCIATION OF NURSERIES STANDARDS, INCLUDING BUT NOT LIMITED TO SIZE, HEALTH, SHAPE, ETC., AND SHALL BE SUBJECT TO THE APPROVAL OF THE LANDSCAPE ARCHITECT PRIOR TO ARRIVAL ON-SITE AND AFTER PLANTING.
 3. PLANT STOCK SHALL BE GROWN WITHIN THE HARDINESS ZONES 4 THRU 7 ESTABLISHED BY THE PLANT HARDINESS ZONE MAP, MISCELLANEOUS PUBLICATIONS NO. 814, AGRICULTURAL RESEARCH SERVICE, UNITED STATES DEPARTMENT OF AGRICULTURE, LATEST REVISION.
 4. PLANT MATERIAL SHALL BE THE SAME RELATIONSHIP TO FINISHED GRADE AS TO THE ORIGINAL PLANTING GRADE PRIOR TO DIGGING.
 5. THE NUMBER OF EACH INDIVIDUAL PLANT TYPE AND SIZE PROVIDED IN THE PLANT LIST OR ON THE PLAN IS FOR THE CONTRACTOR'S CONVENIENCE ONLY. IF A DISCREPANCY EXISTS BETWEEN THE NUMBER OF PLANTS ON THE LABEL AND THE NUMBER OF SYMBOLS SHOWN ON THE DRAWINGS, THE GREATER NUMBER SHALL APPLY.
 6. NO SUBSTITUTION OF PLANT MATERIALS WILL BE ALLOWED WITHOUT THE PRIOR WRITTEN APPROVAL OF THE OWNER'S REPRESENTATIVE.
 7. THE CONTRACTOR SHALL LOCATE, VERIFY AND MARK ALL EXISTING AND NEWLY INSTALLED UNDERGROUND UTILITIES PRIOR TO ANY LAWN WORK OR PLANTING. ANY CONFLICTS WHICH MIGHT OCCUR BETWEEN PLANTING AND UTILITIES SHALL IMMEDIATELY BE REPORTED TO THE OWNER SO THAT ALTERNATE PLANTING LOCATIONS CAN BE DETERMINED.
 8. ALL DISTURBED AREAS NOT TO BE PAVED OR OTHERWISE TREATED, SHALL RECEIVE 6" OF LOAM AND SEED. NO FILL SHALL BE PLACED IN ANY WETLAND AREA.
 9. THREE INCHES (3") OF BARK MULCH IS TO BE USED AROUND THE TREE AND SHRUB PLANTING AS SPECIFIED IN THE DETAILS. WHERE BARK MULCH IS TO BE USED IN A CURBED ISLAND THE BARK MULCH SHALL MEET THE TOP INSIDE EDGE OF THE CURB. ALL OTHER AREAS SHALL RECEIVE 6" INCHES OF LOAM AND SEED.
 10. SEE PLANTING DETAILS AND SPECIFICATIONS FOR ADDITIONAL REQUIREMENTS.
 11. TREE STAKES SHALL REMAIN IN PLACE FOR NO LESS THAN 6 MONTHS AND NO MORE THAN 1 YEAR.
 12. PLANTING SHALL BE COMPLETED FROM APRIL 15TH THROUGH OCTOBER 15TH. NO PLANTING DURING JULY AND AUGUST UNLESS SPECIAL PROVISIONS ARE MADE FOR DROUGHT.
 13. PARKING AREA PLANTED ISLANDS TO HAVE MINIMUM OF 1" OF TOPSOIL PLACED TO WITHIN 3 INCHES OF THE TOP OF CURB ELEVATION. REMOVE ALL CONSTRUCTION DEBRIS BEFORE PLACING TOPSOIL.
 14. TREES SHALL BE PRUNED IN ACCORDANCE WITH THE LATEST EDITION OF ANSI A309 'TREES, SHRUBS AND OTHER WOOD PLANT MAINTENANCE STANDARD PRACTICES. IF NECESSARY DURING THE FIRST GROWING SEASON. LANDSCAPE CONTRACTOR SHALL COORDINATE WATERING SCHEDULE WITH OWNER DURING THE ONE (1) YEAR GUARANTEE PERIOD.
 15. EXISTING TREES AND SHRUBS SHOWN ON THE PLAN ARE TO REMAIN UNDISTURBED. ALL EXISTING TREES AND SHRUBS SHOWN TO REMAIN ARE TO BE PROTECTED WITH A 4-FOOT SNOW FENCE PLACED AT THE DRIP LINE OF THE BRANCHES OR AT 8 FEET MINIMUM FROM THE TREE TRUNK. ANY EXISTING TREE OR SHRUB SHOWN TO REMAIN, WHICH IS REMOVED DURING CONSTRUCTION, SHALL BE REPLACED BY A TREE OF COMPARABLE SIZE AND SPECIES TREE OR SHRUB.
 16. THE CONTRACTOR SHALL GUARANTEE ALL PLANTINGS TO BE IN GOOD HEALTH, FLOURISHING AND ACCEPTABLE CONDITION FOR A PERIOD OF ONE (1) YEAR BEGINNING AT THE DATE OF ACCEPTANCE OF SUBSTANTIAL COMPLETION. ALL GRASSES, TREES AND SHRUBS THAT, IN THE OPINION OF THE LANDSCAPE ARCHITECT, SHOW LESS THAN 80% HEALTHY GROWTH AT THE END OF ONE YEAR PERIOD SHALL BE REPLACED BY THE CONTRACTOR.
 17. UPON EXPIRATION OF THE CONTRACTOR'S ONE YEAR GUARANTEE PERIOD, THE OWNER SHALL BE RESPONSIBLE FOR LANDSCAPE MAINTENANCE INCLUDING WATERING DURING PERIODS OF DROUGHT.
 18. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ALL PLANTING AND LAWNS AGAINST DAMAGE FROM ONGOING CONSTRUCTION. THIS PROTECTION SHALL BEGIN AT THE TIME THE PLANT IS INSTALLED AND CONTINUE UNTIL THE OWNER ACCEPTS ALL THE PLANTINGS.
 19. PRE-PURCHASE PLANT MATERIAL AND ARRANGE FOR DELIVERY TO MEET PROJECT SCHEDULE AS REQUIRED IT MAY BE NECESSARY TO PRE-DIG CERTAIN SPECIES WELL IN ADVANCE OF ACTUAL PLANTING DATES.

DRAFT
NOT FOR CONSTRUCTION

CHESTNUT HILL SHOPPING CENTER PAVING MAINTENANCE

CHESTNUT HILL SHOPPING CENTER, LLC

Chestnut Hill, MA

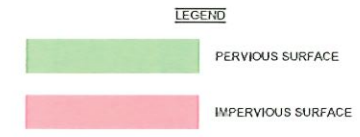
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DATE:	10/22/2023	
FILE:	W1743-010B_C-LAND.dwg	
DRAWN BY:	EGD	
CHECKED BY:	JMP	
APPROVED BY:	JMP	

LANDSCAPING PLAN

SCALE: AS SHOWN

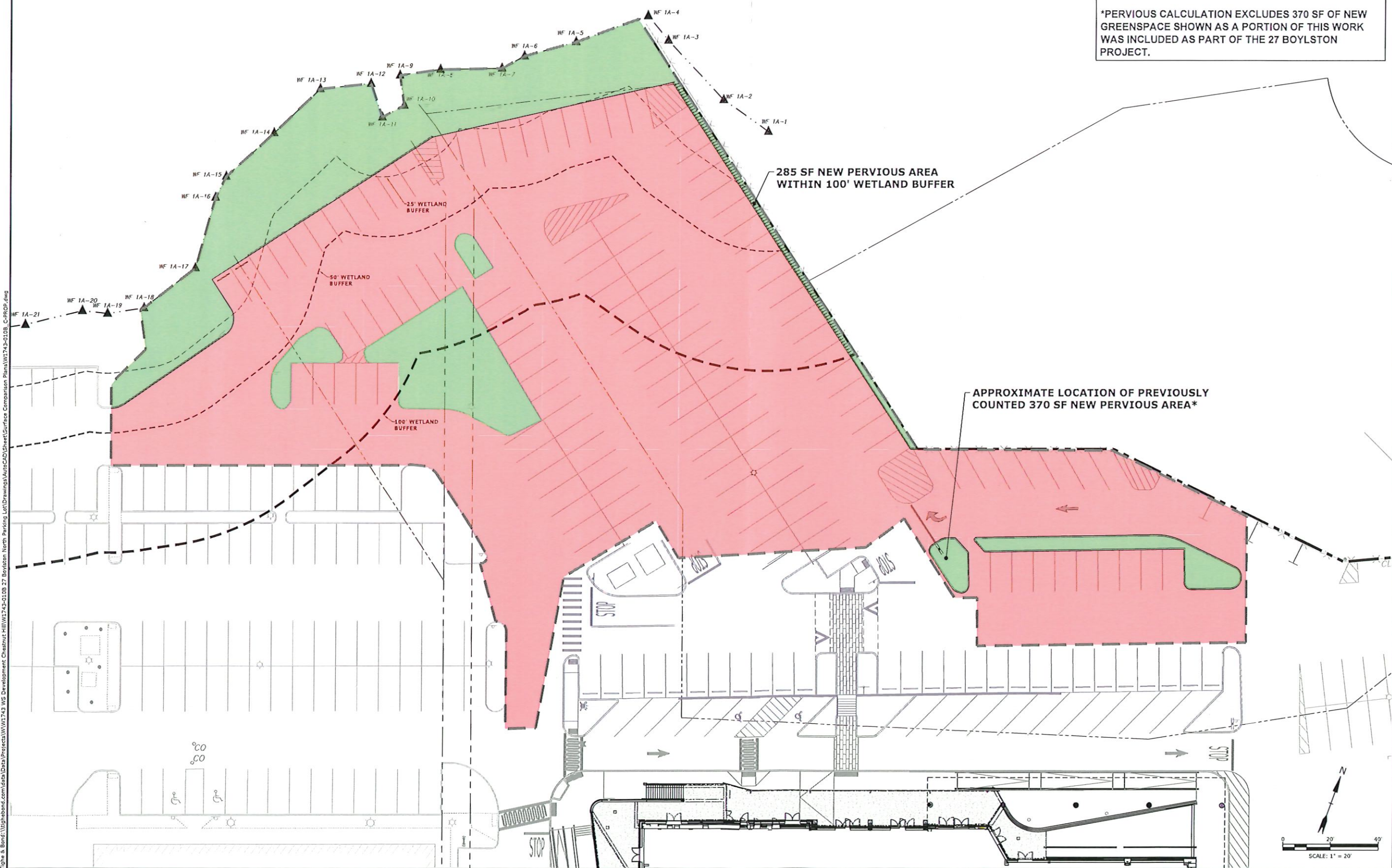
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PROPOSED PERVIOUS: 11,643 SF*
PROPOSED IMPERVIOUS: 48,608 SF

*PERVIOUS CALCULATION EXCLUDES 370 SF OF NEW GREENSPACE SHOWN AS A PORTION OF THIS WORK WAS INCLUDED AS PART OF THE 27 BOYLSTON PROJECT.



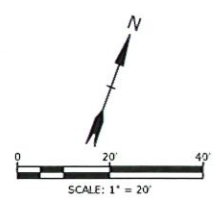
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 NOT FOR CONSTRUCTION

CHESTNUT HILL SHOPPING CENTER PAVING MAINTENANCE

CHESTNUT HILL SHOPPING CENTER, LLC

Chestnut Hill, MA

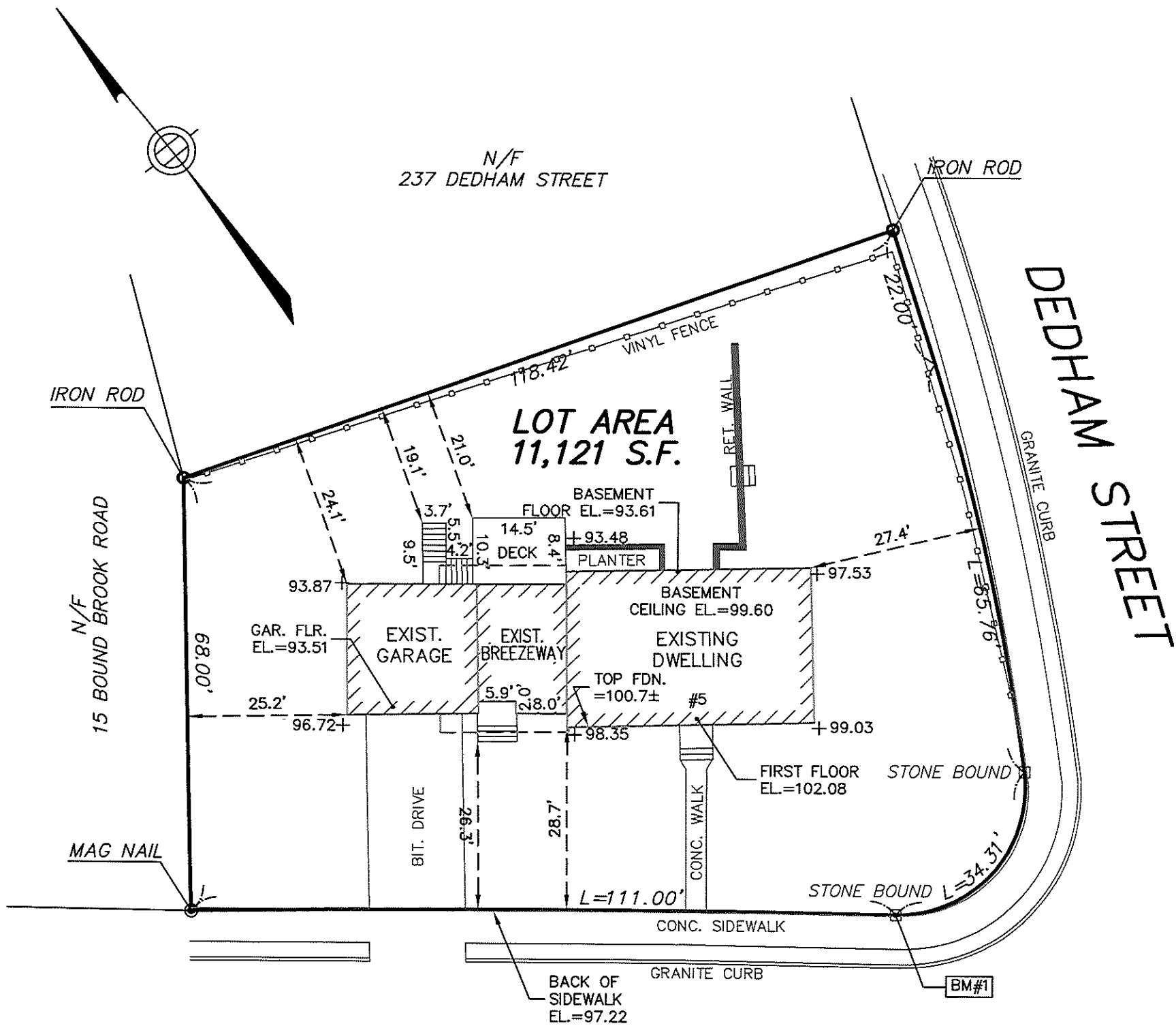
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CHECKED BY:	JMP	
APPROVED BY:	JMP	
PROPOSED SURFACE COMPARISON PLAN		
SCALE:	AS SHOWN	
2.0		



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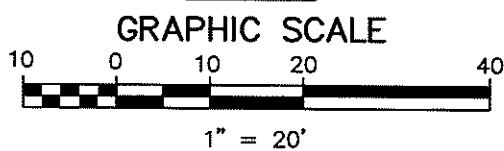
5 Bound Brook Rd





BOUND BROOK ROAD

PLAN



AVERAGE GRADE PLANE

SEG 1= $(93.87+96.72)/2 \times 20.6'$ =1,963
 SEG 2= $(93.87+93.48+97.53)/3 \times 73.07'$ =6,939
 SEG 3= $(97.53+99.03)/2 \times 24.41'$ =2,399
 SEG 4= $(99.03+98.35+96.72)/3 \times 74.43'$ =7,296
 AVERAGE GRADE= $(1,963+6,939+2,399+7,296)/192.51$
 AVERAGE GRADE=96.60

ZONING SETBACKS: SR2 (OLD LOT)

FRONT YARD 25'
 SIDE YARD 7.5'
 REAR YARD 15'

RECORD OWNER:

MARTIN SON & JEESOO LEE
 BOOK 1411 PAGE 89

PLAN REFERENCE:

LOT 305 ON L.C. PLAN 14628.40

BENCHMARKS (ASSUMED DATUM)

NO.	DESCRIPTION	ELEVATION
BM#1	CENTER STONE BOUND	100.00



SCOTT M. CERRATO
 Professional Land Surveyor

24 Pleasant View Drive • Exeter, NH 03833 • 781-775-3724

I HEREBY CERTIFY THAT THIS PLAN IS BASED ON AN ACTUAL INSTRUMENT SURVEY MADE ON THE GROUND IN NOVEMBER 2015 AND THE STRUCTURE DEPICTED HEREON IS LOCATED AS SHOWN.

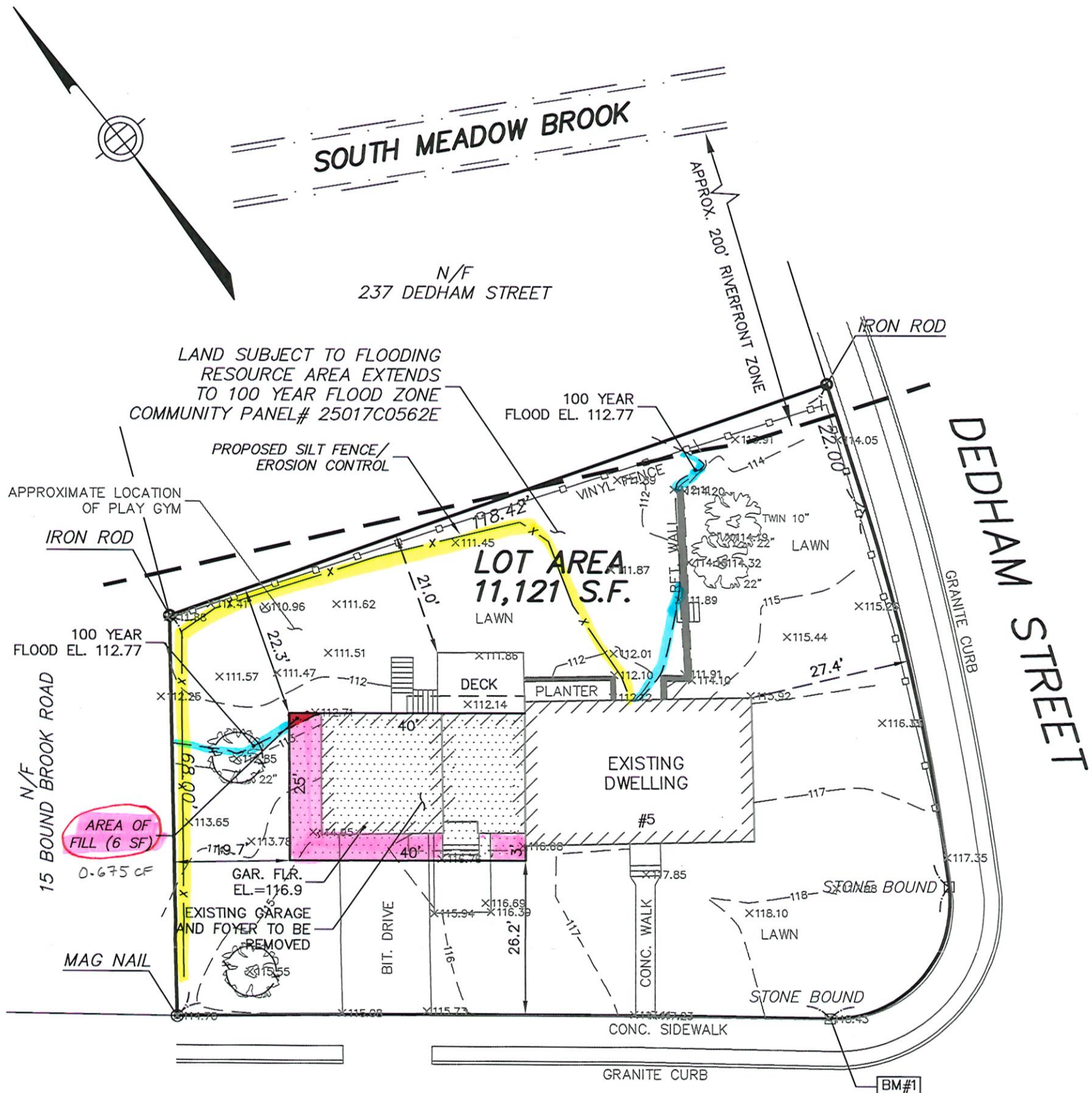
11-16-15
 DATE

Scott M. Cerrato
 SIGNATURE

AS-BUILT PLOT PLAN

**5 BOUND BROOK ROAD
 NEWTON, MASSACHUSETTS
 PARCEL ID: 83006 008**

NOVEMBER 16, 2015



BOUND BROOK ROAD

ZONING SETBACKS: SR2 (OLD LOT)

FRONT YARD 25'
 SIDE YARD 7.5'
 REAR YARD 15'

RECORD OWNER:

MARTIN SON & JEESOO LEE
 BOOK 1411 PAGE 89

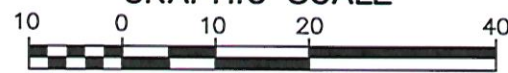
PLAN REFERENCE:

LOT 305 ON L.C. PLAN 14628.40

BENCHMARK (NAVD88)		
NO.	DESCRIPTION	ELEVATION
BM#1	CENTER STONE BOUND	118.43

PLAN

GRAPHIC SCALE



1" = 20'



SCOTT M. CERRATO
Professional Land Surveyor

51 Wareham Street - Medford, Ma 02155 - 781-775-3724

I HEREBY CERTIFY THAT THIS PLAN IS BASED ON AN ACTUAL INSTRUMENT SURVEY MADE ON THE GROUND IN FEBRUARY 2023 AND THE STRUCTURE DEPICTED HEREON IS LOCATED AS SHOWN.

2-21-23
 DATE

Scott M. Cerrato
 SIGNATURE

PLOT PLAN

**5 BOUND BROOK ROAD
 NEWTON, MASSACHUSETTS
 PARCEL ID: 83006 008**

FEBRUARY 19, 2023

59 Selwyn Rd



NOTES:

ENGINEERING AND LIABILITY FOR WATER OR OTHER WATER IN BASEMENT.

FOR TO ENSURE BUILDING FOOTPRINT IS ON THIS PLAN AS THE

AL/STRUCTURAL INCORPORATES ALL CANTILEVERS & ELEMENT THAT IS ZONING IS. IF THIS IS TO BE THE CASE CONTRACTOR MUST THE SURVEYOR & REVISED PLAN TO BE RESUBMITTED OF NEWTON.

FOR TO ENSURE WATER FROM DROPPINGS (IF ANY) IS AWAY FROM FOUNDATION & AWAY FROM G PROPERTIES.

WATER MAIN LINE TO BE CONFIRMED CONTRACTOR

WATER TO BE FROM ALL SIDES OF WALL

BEING REMOVED TO COMPLY WITH CITY OF NEWTON ORDINANCE

FOR TO ENSURE ROOF IS PITCHED AT AN ANGLE OF BETWEEN 2% HOUSE TO MAIN

DOOR ELEVATIONS AT THRESHOLD.

PROF PAVEN WALKWAY TO BE INSTALLED FLUSH WITH GROUND SURFACE

GARAGE FOUNDATION EXCAVATE STOCKPILE

ENHANCEMENT PLANTING AREA (660±SF)

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

REQUEST TO CLEAR "UNDERGROWTH"

21.39'

N 52°28'10" W

Not Map

Norway Maple

Apple

Buckthorn

Honey Suckle

Jap. Maple

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"

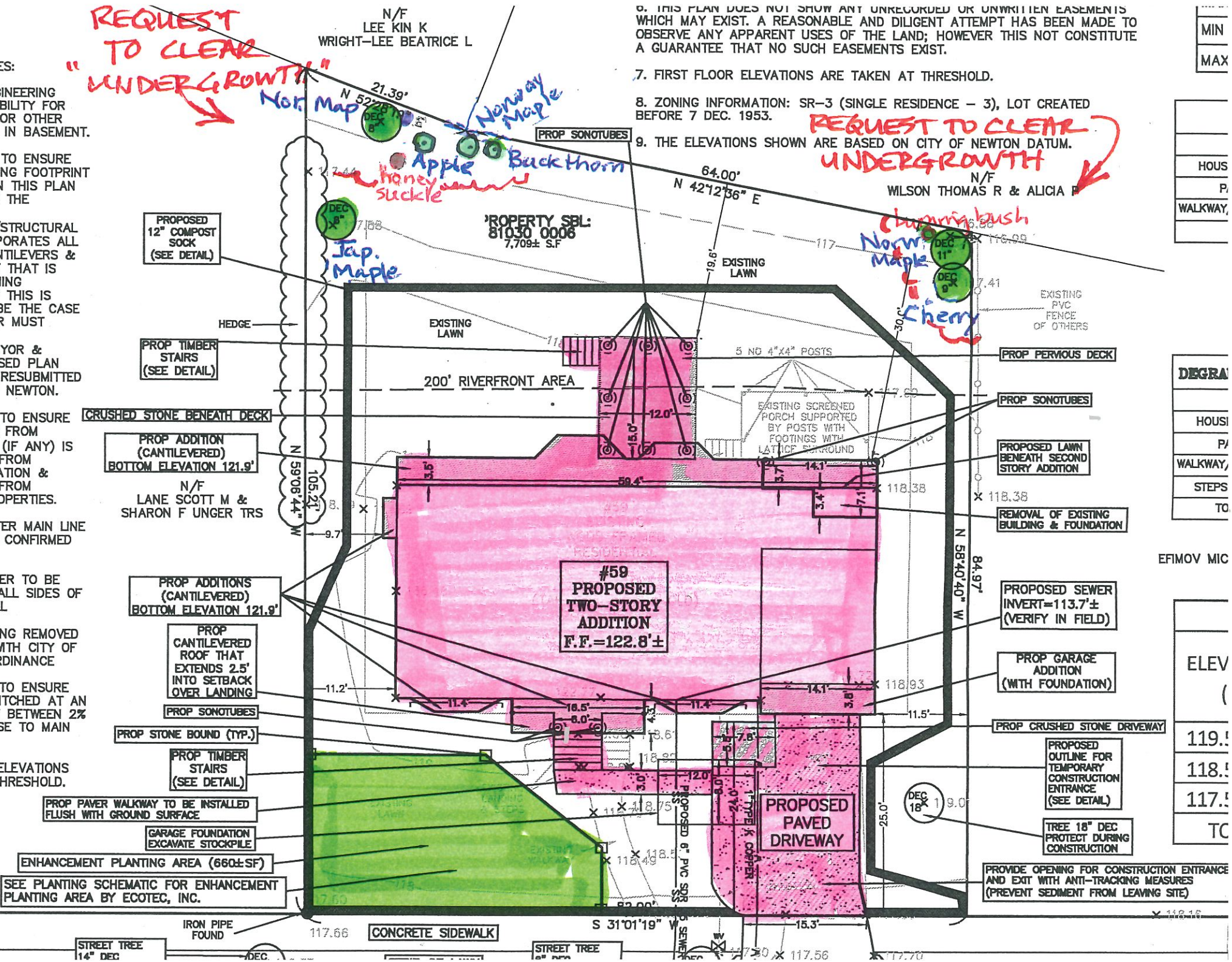
N/F WILSON THOMAS R & ALICIA F

Cherry bush

Norw. Maple

Cherry

PROPERTY SBL: 81030 0006 7,709± S.F



MIN
MAX

HOUS
P
WALKWAY,

DEGRA
HOUS
P
WALKWAY,
STEPS
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EFIMOV MIC

ELEV
(
119.!
118.!
117.!
TC

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

CONSERVATION COMMISSION MINUTES

Date: Thursday, October 19, 2023

Time: 7:01-7:53pm

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

With a quorum present, the meeting opened at 7:01 pm with Dan Green presiding as Chair.

Members Present: Dan Green (Chair), Susan Lunin (Vice-Chair), Kathy Cade, Leigh Gilligan, Ellen Katz, and Sonya McKnight (Associate Member)

Members Absent: Jeff Zabel, Judy Hepburn,

Staff present: Jennifer Steel

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

DECISIONS

A. WETLANDS DECISIONS

1. 53 Roosevelt Rd – Minor Plan Change Request – flooding mitigation – Negative Determination

- Owner/Applicant. Satya Keerthi Kota, Savithri B Kota
- Representatives. owners
- Request. Can desired site changes to address flooding be incorporated into the existing negative Determination as Minor Plan Changes
- 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
- Presentation (Staff) and Discussion (Satya Kota).
 - 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 reached out to DPW and heard that the City will be reconstructing Roosevelt Rd in the summer of 2024 and will, at that time, adjust the crown and pitch to better handle street runoff. In the meantime, DPW will increase maintenance to ensure optimal function of the stormdrain system.
 - The Commission feel that the perimeter drain installation could be approved as a minor plan change under the existing Determination as it would protect the approved geothermal well and that relaying the front walkway could be incorporated in the negative Determination as part of a Minor Plan Change, but that installation of a wall (i.e., work that would involve fill in flood zone and compensatory flood storage) would have to be reviewed, permitted, and conditioned under an Order of Conditions.
 - Katz suggested that installation of a rain garden might facilitate the provision of the required compensatory flood storage.
- Vote to ask staff to issue a memo summarizing the discussion and decision approving a perimeter drain and re-laid front walkway as Minor Plan Changes to the existing negative Determination. [Motion: Lunin. Second: Katz. Roll-call vote: Green (aye), Lunin (aye), Cade (aye), Gilligan (aye), Katz (aye). Vote: 5:0:0.] Staff will issue a memo with a sketch documenting the Commission's decision.
- Consensus: The installation of a wall designed to deflect street runoff would require the filing of a Notice of Intent and compensatory flood storage.



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

jsteel@newtonma.gov

2. 59 Selwyn Rd – Minor Plan Change Request – vegetation removal – 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
- Presentation (Staff) and Discussion.
 - The applicant was unable to attend this evening and asked that this agenda item be considered at the next meeting.
 - Staff will place the matter on the 11/9/2023 agenda.

3. 81 Albemarle Rd – EO Closure/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
- Presentation (Staff) and Discussion.
 - 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.
 - The owner opted to remove the asphalt and did so recently, rectifying the one outstanding issue.
 - A site visit on 10/18/2023 confirmed removal and compliance with the originally approved plans.
- Vote to issue a complete Certificate of Compliance. [Motion: Gilligan. Second: Lunin. Roll-call vote: Green (aye), Lunin (aye), Cade (aye), Gilligan (aye), Katz (aye). Vote: 5:0:0.]

4. 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 determined to be approvable; the noncompliant landscaping 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.
 - The 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.
- Presentation (Staff) and Discussion.
 - Staff presented the Project Summary.
- Vote to issue a 2-year extension. [Motion: Katz. Second: Cade. Roll-call vote: Green (aye), Lunin (aye), Cade (aye), Gilligan (aye), Katz (aye). Vote: 5:0:0.]

5. 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
- Presentation (Staff) and Discussion.
 - Staff reminded the Commission of the site and the photos of dense, healthy plantings on the steep slope.
 - Plants were installed in the summer of 2022 as per the plans and are thriving, so the site will be eligible for a COC in the summer of 2024.
 - The applicant has requested 1-year extension.
- Vote to issue a 1-year extension. [Motion: Gilligan. Second: Lunin. Roll-call vote: Green (aye), Lunin (aye), Cade (aye), Gilligan (aye), Katz (aye). Vote: 5:0:0.]

6. 70 Kingswood – COC Request – single-family home deck, wall, and addition -- DEP #239-361

- Owner/Applicant. Larry Smith (not present)
- Representatives. Self
- Request. Issue COC.
- Project Summary. Single family home addition, deck, and small retaining wall.
- Documents in packets. Approved plan
- Additional documents presented at meeting. None
- Jurisdiction. Riverfront Area, Buffer Zone
- Presentation (Staff) and Discussion.
 - Staff discovered the file for the 1998 permit. The Order of Conditions was recorded, but long since expired.
 - The site was inspected during the recent permit application process associated with the proposed new addition.
 - The site is not in violation of the originally approved plans; only the wall and the deck were constructed; the proposed addition wasn't constructed.
 - The owner applied to construct the addition under a new Notice of Intent and recently received an Order of Conditions.
 - The new "existing conditions" plan associated with the new Order of Conditions serves as an "as-built" plan for the old project.
- Vote to issue a Certificate of Compliance noting that work on the addition was never commenced. [Motion: Cade. Second: Gilligan. Roll-call vote: Green (aye), Lunin (aye), Cade (aye), Gilligan (aye), Katz (aye). Vote: 5:0:0.]

7. 365-381 Elliot Street (the Mall at Echo Bridge) – COC Request – 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
- Presentation (Staff) and Discussion.
 - Staff clarified that the 239-055 permit number was issued in error and that 239-555 was the correct DEP file number.
 - 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 appropriately (Mature vegetation has been allowed to remain, but it has been pruned away from the building. Invasive species are not apparent). Staff found the site to be in substantial compliance.
- Vote to issue a complete Certificate of Compliance (clearly indicating that 239-055 and 239-555 were the same project and are now fully closed out. [Motion: Gilligan. Second: Lunin. Roll-call vote: Green (aye), Lunin (aye), Cade (aye), Gilligan (aye), Katz (aye). Vote: 5:0:0.]

8. 400 Beacon St – COC Request – Mary Baker Eddy estate 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
- Presentation (Staff) and Discussion.
 - Staff’s recent site visit found the site to be in good shape and ready for removal of the erosion controls.
 - Staff praised the applicant team for their extensive invasive control and debris removal efforts.
 - Staff noted that recently installed sedge plants had been uprooted by animals, but that the applicant team had reinstalled them and submitted photo-documentation.
 - The Applicant removed the erosion controls and submitted photo-documentation.
- Vote to issue a complete Certificate of Compliance. [Motion: Cade. Second: Gilligan. Roll-call vote: Green (aye), Lunin (aye), Cade (aye), Gilligan (aye), Katz (aye). Vote: 5:0:0.]

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. [Motion: Katz. Second: Lunin. Roll-call vote: Green (aye), Lunin (aye), Cade (abstain), Gilligan (aye), Katz (aye). Vote: 4:0:1.]
- Volunteer. Susan Lunin volunteered to review the 10/19/2023 minutes.

D. ISSUES AROUND TOWN DECISIONS – none at this time

UPDATES / DISCUSSION

E. WETLANDS

- Large projects soon to be before the Commission. 528 Boylston St. (provides an opportunity for wetland improvements); Countryside School (provides an opportunity for wetland improvements); and Albemarle Fields.
- Watertown Dam. Staff noted that the dam is entirely within Watertown, so any permitting associated with its possible removal would be centered in Watertown, but that up- and down-stream impacts might need to be permitted by Newton Conservation Commission.

F. CONSERVATION AREAS

- Essex Horticulture is wrapping up the season with “last visits”. All parcels are in good shape going into the winter.
- Volunteer Land Steward Walk on 10/26/2023. Commissioners will be invited to join when the invitation goes out tomorrow.

G. ADMINISTRATIVE MATTERS

- City Email Addresses. Commissioners asked staff to request City email accounts for every Commissioner so their personal email addresses would not be used by the public. Staff will do so right away.

H. ISSUES AROUND TOWN – none at this time

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

10.6 Vaughn Ave. – COC Re-Sign – tear-down/rebuild of single family home – DEP #239-865

- Owner/Applicant. Jon Roiter
- Representatives. none
- Request. Issue re-signed COC.
- Presentation (Staff) and Discussion.
 - The original “wet signature” copy was lost by the original recipient.
- Vote to issue a re-signed complete Certificate of Compliance. [Motion: Katz. Second: Gilligan. Roll-call vote: Green (aye), Lunin (aye), Cade (aye), Gilligan (aye), Katz (aye). Vote: 5:0:0.]

11.43 Grayson Lane – COC – Addition to a SFH -- DEP #239-593

- Owner/Applicant. Marta Geletkanycz
- Representatives. none
- Request. Issue COC.

- Presentation (Staff) and Discussion.
 - This old permit needed to be closed out.
 - The applicant had recently submitted a plan to install extensive perimeter plantings and gravel in the back yard. The gravel installation was not possible, and the plantings that were installed were not as extensive as originally hoped.
 - The only special condition in the Order of Conditions was that the applicant remove lawn and install native plants in an area as large as the approved work associated with the addition. The applicant installed ferns in the side yard and native shrubs along the perimeter of the back yard. Taken together those areas exceed the “area of work” and so comply with the Order of conditions.
- Vote to issue a complete Certificate of Compliance. [Motion: Katz. Second: Gilligan. Roll-call vote: Green (aye), Lunin (aye), Cade (aye), Gilligan (aye), Katz (aye). Vote: 5:0:0.]

ADJOURN at 7:53. [Motion: Cade. Second: Gilligan. Roll-call vote: Green (aye), Lunin (aye), Cade (aye), Gilligan (aye), Katz (aye). Vote: 5:0:0.]

310 CMR 10.57 Flood Zone regs

10.57: continued

(4) General Performance Standards.

(a) Bordering Land Subject to Flooding.

1. Compensatory storage shall be provided for all flood storage volume that will be lost as the result of a proposed project within Bordering Land Subject to Flooding, when in the judgment of the issuing authority said loss will cause an increase or will contribute incrementally to an increase in the horizontal extent and level of flood waters during peak flows.

Compensatory storage shall mean a volume not previously used for flood storage and shall be incrementally equal to the theoretical volume of flood water at each elevation, up to and including the 100-year flood elevation, which would be displaced by the proposed project. Such compensatory volume shall have an unrestricted hydraulic connection to the same waterway or water body. Further, with respect to waterways, such compensatory volume shall be provided within the same reach of the river, stream or creek.

2. Work within Bordering Land Subject to Flooding, including that work required to provide the above-specified compensatory storage, 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. Except for work which would adversely affect vernal pool habitat, a project or projects on a single lot, for which Notice(s) of Intent is filed on or after November 1, 1987, that (cumulatively) alter(s) up to 10% or 5,000 square feet (whichever is less) of land in this resource area found to be significant to the protection of wildlife habitat, shall not be deemed to impair its capacity to provide important wildlife habitat functions. Additional alterations beyond the above threshold, or altering vernal pool habitat, may be permitted if they will have no adverse effects on wildlife habitat, as determined by procedures contained in 310 CMR 10.60.

Construction in Flood Zone
Newton Conservation Commission
Guidelines under the State Wetlands Protection Regulations (310 CMR 10.00)
Approved 10/8/20

Purpose. It is the interest of the Newton Conservation Commission to ensure that flood zone areas continue to provide flood storage and wildlife habitat value interests as specified in the state wetland regulations, most specifically:

310 CMR 10.57(1)(a)2. Bordering Land Subject to Flooding provides a temporary storage area for flood water which has overtopped the bank of the main channel of a creek, river or stream or the basin of a pond or lake.

310 CMR 10.57(1)(a)3. Certain portions of Bordering Land Subject to Flooding are also likely to be significant to the protection of wildlife habitat.

Guidelines. As per the regulations, “unrestricted hydraulic connection” must be provided in areas of compensatory flood storage,

310 CMR 10.57(4)(a)1. Such compensatory volume shall have an unrestricted hydraulic connection to the same waterway or water body.

310 CMR 10.57(4)(a)2. Work within Bordering Land Subject to Flooding, including that work required to provide the above-specified compensatory storage, shall not restrict flows so as to cause an increase in flood stage or velocity.

Therefore:

- 1. Areas developed as compensatory flood storage must be fully open to the flow of water from any and all sides of the contiguous flood plain.**
 - a. Structures must be constructed on pilings. “To act as an unrestricted hydraulic connection in Bordering Lands Subject to Flooding, there would have to be an open pile foundation with the lowest floor or lowest horizontal structural member elevated at or above the 100-year flood elevation, so river flow during a flood can flow unimpeded. An open-pile foundation would only require compensatory flood storage for the volume of the piles.”
 - b. Apertures in otherwise solid foundations are not permitted. “Apertures, orifices, or penetrations of any size in a solid foundation act as hydraulic restrictions, when constructed in Bordering Lands Subject to Flooding.” “The apertures or orifices in a solid foundation act as hydraulic restrictions when constructed in Bordering Lands Subject to Flooding, so do not meet the 310 CMR 10.57 criteria to provide compensatory flood storage.” “The volume enclosed by the solid foundation cannot be credited to serve as compensatory flood storage, regardless of the numbers and size of apertures and orifices.” [Note: Quoted text is from email communication from Tom Maguire, Wetland Regional Coordinator, MassDEP Wetlands Program, Boston MA, July 2020]
 - c. Skirting, wire mesh, lattice, or other similar covering over or around pilings or apertures within the flood zone/elevation may be permitted only if those materials are proven to not impede or restrict the flow of flood waters. Any covering that is proposed within the flood zone/elevation must have an even distribution of at least 50% open air and must not be of a design that is likely to trap debris. All proposals for covering must be submitted to the Conservation Commission for review and approval; submissions must prove that the proposed material meets the requirement of preserving unrestricted hydraulic connection. Some options that may be considered by the Commission for approval include the following:
 - Shrubs planted at grade
 - Wire cables spaced at least 1” apart
 - Wire mesh with large holes, at 1”x4” openings
 - Wooden lattice with large holes, at ~2” on a side
 - Narrow, vertical lath with large gaps (at least 1”) between the slats and total coverage of no more than 50%

2. Fences must not restrict hydraulic connection or impede wildlife passage.

- Installing a fence in BLSF is an alteration, so requires the filing of a NOI.
- The BLSF performance standards for storm damage prevention and flood control must be demonstrated to be met.
 - For the wildlife habitat interest, the bottom of the fence would need to be elevated to provide for wildlife passage, similar to fences constructed in the Riverfront Area.
 - For the storm damage prevention and flood control interests, the fence would have to comply with 310 CMR 10.57(4)(a)2., work "shall not restrict flows so as to cause an increase in flood stage or velocity." The burden is on the Applicant to make this demonstration.

Any and all questions about these guidelines should be posed to the Newton Conservation Office:

- jsteel@newtonma.gov,
- 617-796-1134, or
- 1000 Commonwealth Ave., Newton, MA 02459

Newton Conservation Commission
Flood Zone Compensatory Storage Policy

Approved: 1-30-20

- I. **PREAMBLE:** The state Wetlands Protection Regulations, 310 CMR 10.57, state that floodplains provide flood control and storm damage prevention; certain portions of Bordering Land Subject to Flooding (BLSF) are also likely to be significant to the protection of wildlife habitat. This guidance was created in recognition of the great ecological and hydrological value of BLSF, the realities of grading and construction projects, and the pressing concern of increased rainfall and flooding events due to climate change.
- II. **GOAL of this POLICY:** To support the interest of the Massachusetts Wetlands Protection Act of fully preserving flood storage capacity within Newton's bordering lands subject to flooding (BLSF) by requiring applicants to incorporate a small net gain of flood storage capacity into proposed plans for development within BLSF.
- III. **REASON for this POLICY:** The Newton Conservation Commission recognizes the importance of BLSF (as defined in the Massachusetts Wetlands Protection Act, G.L. c. 131, § 40 and associated regulations 310 CMR 10.00 et seq.) in providing flood control and storm damage prevention and, possibly, significant wildlife habitat. The Newton Conservation Commission further recognizes that:
 - Fill within BLSF reduces overall flood storage capacity,
 - The precision of grades shown on proposed site plans and as-built plans is often insufficient to determine exact changes in flood storage capacity, and
 - Final landscaping with loam, sod, and mulch can result in unanticipated and unaccounted for increases in fill on a site.
- IV. **REQUIREMENT of this POLICY:** To protect Newton's residents from the adverse impacts of incremental fill in BLSF, it is the policy of the Newton Conservation Commission to ensure that any project which results in an increase in fill greater than 2 cubic yards, must supply an additional 10% of compensatory flood storage capacity (i.e., 110% compensation for fill brought into the floodplain elevation). This additional flood storage capacity shall be built into the project application filed with the Commission when proposing work within BLSF. This will help ensure that overall BLSF flood storage capacity will be maintained throughout Newton.
- V. **EXEMPTIONS:** If an applicant seeks an exemption from the requirements of this policy or any provision hereof, the burden shall be upon the applicant to prove that the proposed project:
 - Complies with the Wetlands Protection Act, and
 - Is the only reasonable alternative to achieve the stated project purpose, or
 - Will further a significant public interest, or
 - Is the only available alternative that does not constitute an unconstitutional taking of private property without just compensation.

If the Commission votes to allow an exemption to this policy, it may require the applicant to meet certain conditions that the Commission determines will result in improved protection of the wetland resource area.