

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

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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.]