

CONSERVATION COMMISSION MINUTES

Date: Thursday, June 13, 2024

Time: 7:00pm

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

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

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

Members Absent: Jeff Zabel

Staff present: Jennifer Steel, Ellen Menounos

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

DECISIONS

A. WETLANDS DECISIONS

1. (7:00) 51 Oak Ave – Request for Determination of Applicability (continued) – Confirm the City

Floodplain line shown on the plans

- Owner/Applicant. YZ Fleet LLC (Tom Zou)
- Representatives. John P. Rockwood, Ph.D., SPWS, EcoTec, Inc.
- Proposed Project Summary.
 - No work has been proposed. No permits for work have been sought.
- Request.
 - This is a request to confirm the wetland line and Conservation Commission jurisdiction. The applicant is asking if land below the 52.0 contour is subject to the Act and/or the Ordinance and is therefore seeking:
 - A Negative 1 Determination - The area described in the Request is not an area subject to jurisdiction under the Act or the Buffer Zone.
 - A Negative 6 Determination - The area and/or work described in the Request is not subject to additional review and approval by the Newton Conservation Commission under its Floodplain Ordinance
 - The Friendly Enforcement Order required an arbitrary 50% of the area below the 52-foot contour to be 1 to 2' below the flood elevation. ~450 cubic yards or more of fill have been removed from the site. The draft as-built shows ~33% of the area to meet that criterion. Is the current grading based on mature tree flares sufficient to satisfy the EO?
- Jurisdiction. City Floodplain
- Documents in packets. Interim plan of subject parcel
- Additional documents presented at meeting. Site photos by applicant
- Presentation and Discussion.
 - A lot of material has been removed. Grading is looking good. Survey is underway. The required 12 saplings have been planted and are being monitored.
 - Seed has not been spread, but seedlings and vegetation are beginning to emerge.
 - The requirement for 50% of the area to be 1-2' below the 52-foot contour was an informed, but admittedly "off the cuff" staff suggestion to ensure that significant flood storage capacity would be provided. 33% seems acceptable, given the history of the site, the work done to date, and the indications of the root flares.
 - The submitted plan doesn't confirm where the 52-foot contour is now.
- Vote to agree that having ~33% of the area below the 52-foot removal will be sufficient to lift the Enforcement Order and vote to continue the public meeting to 7/8/2024 at 7 pm when a complete survey plan should be available. [Motion: Cade; Second: Katz; Vote: 5:0:0]

2. (7:10) 3, 5, 7, 9, and 11 Farwell Circle -- Notice of Intent – completion of 5-lot subdivision and road

– DEP File # 239-978



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
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Sonya McKnight

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Information**

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- Owner/Applicant. Farwell on the Charles LLC (J. Scott Tellier)
- Representatives. John P. Rockwood, Ph.D., SPWS, EcoTec, Inc.
- Proposed Project Summary. Complete the remaining 5 lots of the residential subdivision.
 - Access roadway: Complete stone trench and vegetated swale, establish seed mix, top-coat pavement
 - Note: Lot 1 has been completed and sold and is no longer part of the project.
 - Lot 2 (House #3): Construct house on existing foundation, install utilities, repair driveway, repair other site features, grade, seed
 - Lot 3 (House #5): Construct house on existing foundation, install utilities, repair driveway, repair other site features, grade, seed
 - Lot 4 (House #7): Repair house, repair utilities, repair driveway, repair other site features, grade, seed
 - Lot 5 (House #9): Begin construction, remove tree, grade, pour foundation, construct house on foundation and pilings, install site features, grade, seed.
 - Lot 6 (House #11): Begin construction, grade, pour foundation, construct house on foundation, install site features, grade, seed.
 - Invasive species removal/treatment and mitigation planting: Implement plans.
- Request. Issue OOC.
- Jurisdiction. Riverfront Area, FEMA Flood Zone (Bordering Land Subject to Flooding), Buffer Zone
- Documents in packets. Annotated plans
- Additional documents presented at meeting. Site photos
- Presentation and Discussion. Staff noted that the goal for this hearing was to identify necessary changes to the plan set and made reference to all the detailed comments in the agenda that the applicant team should address.
 - Staff introduced the project by going through the highlighted plans.
 - The project is very similar to that approved by the ConCom in 2018 and approved by DEP upon appeal in 2018. The changes are as follows.
 - The FEMA flood elevation is now at 21.1' NAVD88 (rather than 20.5').
 - Considerable additional compensatory flood storage (17,412 cf) will be provided for the 1,415 cf lost.
 - There is a slight (872 sf) reduction in the proposed new degraded/impervious area (mostly from a reduced roadway) from 4,179 sf to 3,307 sf.
 - The bounded mitigation planting area has been increased in size by 3,000 sf (for a total of 19,500 sf) and given a simplified boundary. There will be 100 canopy trees, 40 understory saplings, and 310 shrubs.
 - Around the perimeter of the rest of the site, there will be 40 canopy saplings and 40 shrubs.
 - The 7.5-foot-wide public walkway easement was reinstated.
 - Staff noted general concerns.
 - Staff would like a phasing plan to understand the proposed process.
 - The applicant should make sure the Fire Department is okay with an 18-foot road and a small "hammerhead"
 - Staff noted concerns about the house lots.
 - Lot 1 is still shown on Sheet 7 of 10, yet is not part of this application.
 - Lot 1 and 2 appear to have some extra fill because of a different wall configuration. Any excess fill should be taken into consideration in the cut and fill calculations.
 - Lot 2 has no way to access the rear of the lot for maintenance purposes.
 - Lot 6 (House #11) has a tiny deck and no stairs. Is that realistic?
 - The foundations were checked by a structural engineer and will be able to used as is (despite the cracks).
 - At what point will the stockpile be removed?
 - Staff noted concerns about the grading.
 - Directing all the water from the low area behind lots #2, 3, and 4 to lot #2 for discharge to the river doesn't seem appropriate. Each lot should drain to the river.
 - The plans should indicate the elevations of the areas shown as "foundation is designed to flood".
 - The applicant was asked to create a plan sheet showing shaded areas of proposed new cuts and fills.
 - The berm at the rear of the site is not indicated on the plans.
 - It would be nice to have the cut and fill calcs on the grading sheet.
 - The cross-section information on the topo/grading sheet doesn't match the information in the plan views.
 - It would be nice to have all the cross-sections of the houses on one sheet, not split between Sheets 7 and 8
 - Where is cross-section A-A of the swale?

- Invasive removal – a very detailed plan has been developed.
 - Can it be conditioned that a single entity be responsible for the invasive control work after lots are sold?
 - Who will be responsible for any invasive species management between the road and the southern property line?
- Planting plan
 - Who will be responsible for the planting and maintenance of the plants between the road and the southern property line?
 - With out a legend, it is hard to distinguish the different areas indicated. Hatching or shading would help.
 - Please clarify the southern planting area plan.
- Stormwater
 - Because of the poor quality of construction on the site to date, staff noted concerns about the quality of the stormwater systems that have been installed. Joe Porter, the civil engineer, stated that he had inspected the systems as they were being installed.
 - Staff stated that the test pits for Lot 5 and Lot 6 should be redone and observed by Conservation staff.
 - Staff would like a letter from Engineering stating that the new proposal complies with the City's Stormwater Ordinance.
- Public Comment: Kirk Kaloustian, on behalf of his mother who lives on Anthony Road, asked that the invasives from the stockpiled soil that are growing through the fence on onto his mother's property be addressed. As that area is outside the Commission's jurisdictions, he will be in touch with the applicant team.
- Vote to continue the hearing to July 8, 2024 at 8:15, for revised plans and a detailed plan change memo. [Motion: Lunin, Second: Katz, Vote: 5:0:0]

3. (7:45) 528 Boylston St -- Notice of Intent – 40B development – 184-unit multi-family residential building -- DEP File # 239-977

- Owner/Applicant. Will Adams, Toll Brothers
- Representatives. Tim Hayes and Jay Emperor, Bohler Engineering; Chris Lucas, Lucas Environmental
- Proposed Project Summary.
 - The project site is approximately 5.82 acres, some of it an active landscaping yard.
 - The proposed project consists of the construction of a six-story residential building with an access drive, 3 levels of under-building parking, stormwater management structures, an amenity area at the rear, a footpath, and landscaping
- Request. Issue OOC.
- Documents in packets. Annotated plans
- Additional documents presented at meeting. Site photos
- Presentation and Discussion. Staff noted that the goals for this hearing were to: (1) introduce the project to the Commission and the public, (2) discuss the need for a peer reviewer and environmental monitor, (3) begin to hear Commission and resident comments. The Chair reminded participants that the Commission's purview is wetlands protection (under the state act and regulations and the City's Floodplain Ordinance. He noted that with over 70 people in the audience, he would ask any commenter to refrain from duplicative presentations and would limit comments to 2 minutes, if needed.
 - Staff introduced/summarized the project by presenting the highlighted plans and site photos.
 - The Commission stated their unanimous desire for a peer reviewer.
 - Staff asked the team to reach out to MassDOT so that the culvert under Rt 9 (which is in a state of disrepair) could be addressed.
 - The applicant team indicated their interest in a site visit with staff to review the wetland line and tree identification, and to discuss opportunities for mitigation, and their willingness to have another site visit with Commissioners and the public.
 - Scott Horsley, consultant retained by some of the abutters, spoke. He submitted 2 comment letters in conjunction with the ZBA hearing process. The site is complex. With the anticipated removal of trees, there will be significant hydrologic changes (increased stormwater hitting the ground and being infiltrated), specifically increased groundwater. He noted Stormwater Standard #3 requires mounding analyses – the applicant's submissions indicate 2-3 inches of increased groundwater, but he feels it could be more. He noted that while groundwater is not within the Commission's jurisdiction, it should be considered, and the correct analytical methodology (MODFLOW, not Hantush) should be employed.
 - It was noted that access for routine stream cleaning and other maintenance should be built into the project.
 - Public comments were taken.
 - Wendy Landon (40 Olde Field Rd) encouraged the Commission to look at the site from her back yard and asked if the site visit would be open to the public.

- Rob Sellers (16 Olde Field Rd) noted that there was already lots of flooding in the neighborhood and that simply “not making conditions any worse” was not good enough.
- Lucie Chansky (259 Jackson St) noted that flooding also occurred upstream of Rt. 9 in her neighborhood.
- Alex Pogrebnyak (96 Olde Field Rd)
- Janet Sterman (120 Church St) asked that any site visit be publicized.
- Note: Detailed staff comments from the 6/13/2024 agenda were not repeated in their entirety but are here for reference.
 - Stormwater is rain (or snow) that falls on a site. That isn’t being changed by this project. But storms are getting more intense, and on average more rain is falling every year in New England. Unfortunately, the state stormwater regulations haven’t caught up with current rainfall regimes. Fortunately, the City’s Stormwater Ordinance is more current/stringent and requires that the 100-year storm be contained on-site.
 - Rainfall can infiltrate, runoff, or evaporate. This project, MassDEP and City requirements, is being designed to increase infiltration (and storage/detention with stone chambers), decrease runoff (with capture systems), and maintain or enhance evaporation (with tree planting).
 - Currently, rain that falls on the pavement, compact dirt, and rooftops soaks into the ground or runs off into the wetland and stream. The redevelopment project will capture rainwater from developed surfaces and put it into the ground; from there it will slowly make its way to the water table and stream. Only in severe storms will some of the excess water be released directly to the wetland.
 - The applicant’s stormwater management system has been modified based on several rounds of peer review and has been designed to infiltrate stormwater to such an extent that the volume and rate of stormwater leaving the site will be reduced from the current conditions.
 - According to the application, over the whole site, wooded/vegetated area will decrease by 3.7% (from 66.8% of the site to 63.1% of the site). Over the whole site, relatively impervious area (pavement, roofs, and dirt/gravel) will increase by 3.7% (from 33.2% of the site to 36.9% of the site).
 - Flooding is water that rises up to be somewhere it usually isn’t found. Flooding can result from a big storm, an intense storm, a blocked pipe, a pipe that is too small, etc. Flooding has been a problem in this area since Newton was settled. Newton, like so many municipalities, filled wetlands, and channelized streams, and culverted streams to allow for development. Most stormwater pipes were installed decades ago when less rain fell on less developed land; many of those old pipes are now “pinch points” during big or intense rainstorms. With expansion of impervious area and climate change, flooding will likely worsen.
 - FEMA flood zones and City Ordinance flood zones are associated with rivers that over-top their banks, not whole stormwater collection, transport, and discharge systems. The applicants are using a conservative floodplain elevation: (1) they are using the City’s Floodplain Ordinance elevation of 121 NAVD88 which is ~9 inches higher/more encompassing/more stringent than the FEMA floodplain elevation of 120.2 NAVD88; and (2) they are using the highest elevation throughout the site, despite the stream’s floodplain elevation dropping ~1 foot from Route 9 to Hagen Road.
 - The proposed project will fill a man-made “gully” portion of the Flood Zone with 3,279 cf to install the pathway and will remove 2.5X more material (9,304 cf) from behind the existing building, thus creating 6,025 cf of new flood storage capacity on the site.
 - Groundwater is not a jurisdictional wetland resource area directly protected by the state Wetlands Protection Act or Regulations. The Act notes the significance of “groundwater supply” and the protection of “the groundwater”. The Regulations address the value of other wetlands in protecting the groundwater. DEP’s goal is to maximize infiltration to best replicate natural ecosystems and to best manage stormwater for quantity and quality.
 - Staff’s General Comments
 - All plan sheets should have appropriate keys/legends.
 - All plan sheets should have the engineer’s stamp.
 - All plan sheets should show the RFA line and FZ line.
 - There should be a complete narrative detailing the overall process and product – blasting, depth of garages, etc.
 - ConCom will need a detailed construction sequence plan with interim and interior erosion controls and protection of stormwater systems.
 - Concerns about changing contractors and supers. How will that work? How will we train contractors about the OOC.
 - Has a 21E study been conducted?
 - Staff comments on Stormwater

- Engineering has not conducted a review of the most recent stormwater assessment, plans, O&M. Has such a request been made?
- What are the plans for future test pits? Conservation staff should be invited to observe the test pits when dug.
- A SWPPP will be required with weekly reports (with photos and narratives). Who will be in charge of that review and reporting?
- Should/could more of the stormwater “transmission” pipes be perforated?
- Why are the stormwater pipes sized for only the 25-year storm?
- What will happen with headwall and CB outfall from Rt 9? It is terribly dilapidated and unstable.
- What is the total existing impervious area on the site? Proposed impervious = 90,117 sf (proposed retention = 19,006 cf = more than the 2” 24-hour storm)
- Staff comments on Wetlands
 - Staff thought a few of the BVW flags should be modified slightly and would like an opportunity to walk the site with the wetland scientist.
 - Riverfront Area regulations don’t address/quantify “disturbed” land, rather “degraded”. “Disturbed” land should be removed from the narrative, figures, and calculations.
 - Within the Riverfront Area, will this project increase or decrease degraded area?
 - The narrative states that no work will be undertaken in the BVW, but there is a lot of remediation proposed.
 - How should the comments about possible rare species be interpreted/addressed?
- Staff comments on Trees and Plants
 - The number, size, and species of trees to be cut and planted within the ConCom’s jurisdiction should be identified.
 - The tree survey was very hard to read. For example, the very large oak at the base of the footpath was hard to distinguish on the plans, so there may need to be alterations to the proposed modifications around it.
 - It seems as if there will be more trees cut in the cut-and-fill areas than were identified on the plans.
 - All the trees identified as “black gum” appear to be *Ulmus glabra* (non-native Wych or Scotch elms).
 - A clearer tree protection plan should be provided – particularly where trees and the pathway intersect and in the proposed mitigation areas.
 - The invasive control plan (and planting plan) needs much more careful consideration:
 - Planting under Norway maples is rarely successful.
 - 2 years of invasive control is totally insufficient.
 - How will plant maintenance be undertaken?
 - Placing loam in the flood zone would constitute fill.
 - Planting details are critical both on plans and in the field.
 - Oversight of the Environmental Monitor will be critical.
- Vote to continue the hearing to August 1 at 7 pm, with materials due by July 18. [Motion: Cade, Second: Lunin, Vote: 5:0:0]

4. (8:30) 0 Irwin Rd -- Notice of Intent (cont.) – New single-family home plus driveway and utilities – DEP File # 239-976

- Owner/Applicant. Tom Blakely
- Representatives. Mark Arnold, Goddard Consulting
- Proposed Project Summary.
 - Extend the paved Irwin Road roughly 70 feet to the north to provide access and frontage for this new development.
 - Prepare the site and construct a new single-family home construction plus driveway and utilities.
- Request. Issue OOC.
- Jurisdiction. Buffer Zone to Bordering Vegetated Wetland
- Relevant 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.
- Documents in packets. Revised plans were not submitted in time for the release of this packet.
- Additional documents presented at meeting. Highlighted revised plans and site photos
- Presentation and Discussion. Staff just received plans 3 days prior to the meeting, so did not have time for a detailed review.
 - Staff shared highlighted plans that showed: a slight revision to the wetland line, a trees cutting table, a tree planting table, and a mitigation planting area.
 - Staff noted that the proposed mitigation for the proposed 223” of cutting was far short of the Commission’s policy.
 - Staff noted concerns about the need for carefully considered invasive control.
 - Staff noted concerns about the proposed row of hemlocks having insufficient space to grow.
 - Staff noted concerns about the trenching for the water line threatening the mature trees beside the road “stub”.

- Staff and Commissioners noted concerns about the proposed mitigation area being off-site and in established woods.
- Commissioners noted confusion over the distinction between landscape plantings and mitigation plantings and suggested that the two be combined into one comprehensive native mitigation planting plan.
- There was discussion about the opportunity to plant within the drainage easement (rather than in the right of way).
- The applicant noted that the Commission had not mentioned concerns about the proposed planting plan at the prior hearing and that another site visit with staff (or Commissioners) would help in the development of a mitigation plan.
- Public comments – Romma (Romy) Southwick stated that her family owns the abutting land to the south.
- Vote to continue the hearing to July 8, 2024 at 8pm, with materials due on June 24 at noon.
 - If materials are presented prior to the meeting, discuss and pose any remaining questions.
 - Motion: Katz, Second: Lunin, Vote: 5:0:0

5. (8:50) 40 Albemarle Rd – request for amended Order of Conditions – teardown/rebuild SFH -- DEP File # 239-880

- Owner/Applicant. Jeremy Osinski
- Representatives. John P. Rockwood, Ph.D., SPWS, EcoTec, Inc.
- Summary of Proposed Changes.
 - Addition of swale
 - Two mitigation planting areas totaling 1,628± sf with lowered/depressed grading for stormwater capture
 - Preservation of the mature 14" fruit tree, originally approved to be removed
 - Addition of stone wall/retaining wall, comprised of two stone steps, to level a portion of the upper lawn area
 - Reduction and reorientation of front walkway
 - Elimination of proposed shed
 - Relocation of bulkhead
 - Relocation and reshaping of bounded mitigation areas with new proposed planting plan
 - Introduction of additional native planting areas outside of bounded mitigation areas
 - Addition of three (3) sets of wooden composite egress steps, over ground
 - Relocation and expansion of patio, to be located on a fully pervious bed
 - Addition of gravel walkway
 - Relocation of proposed fence addition of proposed fence to screen trash storage
 - Adjusted location of utilities as placed by utility companies
 - Plant two street trees on Nevada Street.
- Request. Amend OOC to accept the proposed changes.
- Jurisdiction. Riverfront Area
- Documents in packets. Annotated plans
- Additional documents presented at meeting. Site photos
- Presentation and Discussion.
 - Revised plans were received 6/10/2024.
 - The house has been built. Some of the proposed changes are in place already.
 - The applicant attempted to negotiate mitigation plantings offsite, along Cheese Cake Brook; this effort was ultimately withdrawn due to a lack of support from City entities other than the Conservation Commission.
 - The changes proposed under this request are mainly related to: (1) site features and retaining walls and (2) the required mitigation landscape plantings.
 - The current proposal would result in a 1,190 sf. increase in total impervious area on the site and two mitigation planting areas with a total of 19 saplings and 65 shrubs, and several types of groundcover are proposed, totaling 2,179 sf. (a 2:1 ratio for the increase in impervious area).
 - The Commission noted their appreciation for the creative solution.
- Vote to close the hearing and issue an amended Order of Conditions referencing the plans presented at this hearing. [Motion: Gilligan, Second: Cade, Vote: 5:0:0]

6. (9:10) 71 Harwich Rd – Violation of Plans -- Informal Discussion -- DEP File # 239-933

- Owner/Applicant. Vlad Vilkomir
- Representatives. Debbie Anderson
- Issue Summary.
 - The developer constructed a large elevated “patio” (considered a “deck” by ISD), walkways, stairs, and much taller walls at the rear of the site, where initially sloping lawn and a short retaining wall were proposed and approved.
 - The Commission discussed the full range of their options:
 - Require removal of the unpermitted work under the existing Order of Conditions,
 - Require modification of the unpermitted work under an amended Order of Conditions,
 - Allow the unpermitted work to remain under an amended Order of Conditions,

- Allow the unpermitted work to remain as a minor plan change, and/or
- Require additional mitigation measures.
- Request. Determine path to compliance.
- Jurisdiction. Buffer Zone to Bordering Vegetated Wetland
- Documents in packets. Plans were not submitted in time for the release of this packet.
- Additional documents presented at meeting. Plans were not provided in advance of the meeting.
- Presentation and Discussion.
 - Ms. Anderson noted that the wetland line had been moved up-gradient during the initial hearing; she noted that other homes nearby had rear lawns.
- Consensus. Await a proposal for some remediation from the applicant.

7. (9:30) 1 Malvern Terrace – Notice of Violation -- Informal Discussion -- DEP File # 239-808

- Owner/Applicant. Srinu Srinivasan
- Representatives. Self
- Issue Summary. Site work is not according to plan and will not be able to be completed by the expiration OOC expiration date.
- Request. Determine what, if anything, must be modified to be approved.
- Documents in packets. Approved plan, unapproved revised plans
- Additional documents presented at meeting. Highlighted plans and site photos
- Staff Notes.
 - 2015-05-13: ConCom approved plans and issued an OOC.
 - 2018-08-06: ConCom approved the same plans and issued an OOC.
 - 2018-08-20: Engineering approved modified plans with added window wells, rear bump-out, side stairs, and reconfigured infiltration system.
 - 2019-12-05: Structural plans showed expanded window wells, a rear patio, and a cantilevered glass room.
 - 2022-9-27: Revised drainage plans were sent to Engineering.
 - 2024-03-05: A notice of violation was sent because of the added window wells, rear bump-out, side stairs, and reconfigured infiltration system never having been granted approval.
 - The owner's response to the emailed Notice of Violation was read for the record at the last meeting.
 - The current permit is due to expire on 11/14/2025. None of the mitigation plantings have been installed, yet they will have to prove themselves for 2 growing seasons. The permit will have expired before plantings can be approved.
- Presentation and Discussion.
 - The owner thought that since he received a building permit he could undertake those plans.
 - The owner noted that the plans presented to the Commission and approved in 2018 were exactly the same as those approved in 2015, despite there being more detailed plans available (with window wells and the entry way).
 - The owner noted that the driveway could be made narrower to offset the increased footprint of the window wells.
 - The Commission noted that the owner should consider working with professionals to develop new, detailed and accurate plans, with new consideration given to the mitigation area (in light of the Commission's new guidelines), and a provide a very clear timeline for completion of the project.
- Consensus. Applicant should provide to the Commission for review and approval: (1) an up-to-date engineering approval for any proposed revised drainage system; (2) a landscaping plan including required mitigation (under the Commission's new policy) and invasive control; (3) a detailed timeline for project completion; and (4) a request for another extension to accommodate landscape work and survival.

8. (9:40) 30 Selwyn Rd – Friendly Enforcement Order/Informal Discussion -- DEP File # 239-0851

- Owner/Applicant. Dan Burmenko
- Representatives. Self
- Proposed Project Summary. Tear-down rebuild of a single-family home – regrade to bring site into compliance
- Request. Determined what is needed to: (1) close the Friendly Enforcement Order and (2) issue a Certificate of Compliance on the now-expired Order of Conditions.
- Jurisdiction.
 - Riverfront Area
 - Flood Zone
- Documents in packets. Remedial grading plan (as-built)
- Additional documents presented at meeting. Site photos
- Presentation and Discussion.
 - The OOC recently expired. A friendly EO was issued to allow the remedial grading to take place.

- The house sold on 5/9/2024, but Mr. Burmenko is obligated to see the site work through to completion.
- A remedial grading plan has been submitted showing grades that will bring the site into compliance with the approved plan. Once the grading is complete, the owner will re-establish the disturbed portions of the bounded mitigation planting area.
- Staff sent letter to the owner on 6/4/2024 after a site visit noting:
 - The Commission determined that the remedial grading plan met the grading requirements,
 - Grades now appear to pitch down to the rear, southeast corner of the lot to drain into Paul Brook.
 - Plants that were moved from the bounded mitigation planting area during the regrading all appear to have been replanted nicely.
 - Soil (of the lawn and regraded area) remains exposed and should be seeded and mulched (respectively).
 - Final as-built plans will need to be provided as per the original Order of Conditions condition #42.
- Consensus.
 - Mr. Burmenko will mulch the bounded area right away and seed the lawn in September.
 - The Commission will accept a request for a Certificate of Compliance in October 2024 if all is healthy and stable.
 - Staff will memorialize the Commission’s decisions in a memo.

B. ADMINISTRATIVE DECISIONS

9. (10:00) Minutes to be approved

- Documents in packets. Draft 5/23/2024 minutes, reviewed by Leigh Gilligan
- Vote to approve the 5/23/2024 minutes. [Motion: Gilligan, Second: Cade, Vote: 4:0:1]
- Volunteer. Who will volunteer to review the 6/13/2024 minutes?

C. ISSUES AROUND TOWN DECISIONS

UPDATES / DISCUSSION

D. WETLANDS – none at this time

E. CONSERVATION AREAS – none at this time

F. ADMINISTRATIVE MATTERS – none at this time

G. ISSUES AROUND TOWN – none at this time

PUBLIC COMMENT – none at this time

OTHER TOPICS NOT REASONABLY ANTICIPATED BY THE CHAIR 48 HOURS BEFORE THE MEETING – none at this time

ADJOURN

- Vote to adjourn at 11:25. [Motion: Cade, Second: Katz, Vote: 5:0:0]