

CONSERVATION COMMISSION MINUTES

Date: January 9, 2020
Time: 7:00 pm
Place: City Hall, Room 204

With a quorum present, the meeting opened at 7:02 with Dan Green presiding as Chair

Members Present: Judy Hepburn, Susan Lunin, Ellen Katz

Members Absent: Jeff Zabel, Kathy Cade, Leigh Gilligan

Staff Present: Jennifer Steel

Members of the Public: See sign-in sheet

Jonathan Yeo announced that Jennifer Steel received the Mayor's Employee of the Year award.

DECISIONS

I. WETLANDS DECISIONS

1. 1114 Beacon St – cont'd NOI – construction of 25-unit residential condominiums -- DEP File #239-827

- **Owner:** Ronald Simons, 1114 Beacon Street LLC **Applicant/Representative:** Kelly Durfee Cardoza, Mike Gitten ATC Group Services
- **Request:** Issue an OOC.
- **Documents Presented:** colored plans colored plans, photos, draft OOC
- **Jurisdiction and Performance Standards:** Isolated Land Subject to Flooding (ILSF)
- **Project Summary:**
 - Tear-down existing building and remove existing parking lot.
 - Construct 2 buildings, one of townhouses and one of condominiums, along with underground parking and associated driveway.
 - Install reinforced grass swales to pick up runoff from the roofs, proposed driveway, and proposed lawn areas. Install new catch-basin to pick up currently untreated parking lot runoff from the adjacent property to the west. Install footing drains to capture and redirect groundwater during periods of high groundwater.
 - Remove 7 trees (5 Norway Maples, 1 Chinese Elm, and 1 Cottonwood), trash, and invasive vines and shrubs from within the ILSF area. Tree removal is proposed to reduce invasive species coverage, allow for access for clean-up, allow for access to install a new fence around the ILSF
 - Install mitigation plantings within the ILSF area including 6 saplings, 35 shrubs, and roughly 380 perennial plants. All areas not planted with the above listed materials will be seeded with a conservation seed mix.
- **Presentation (Kelly Durfee Cardoza and Mike Gitten) and Discussion**
 - The applicant noted that the project will improve the ILSF habitat and reduce pavement. She noted that the owner is aware of abutters concerns about flooding and will do everything he can to ensure against off-site impacts. The applicant noted the distinction between the standard of "no proof of adverse impacts" vs. the standard of "proof of no adverse impact" and noted that a great deal of data had been collected, analyzed, and presented.
 - The applicant noted that the building will only intrude into the water table by about 2'.
 - The applicant provided all the materials requested by the ConCom. They provided a revised planting plan per the request of Commissioner's at the 12/5/19 meeting that increases the number of canopy trees proposed in ILSF to 5 and provides evergreen shrub species. The proposed plantings within ILSF now include 5 red maples and 1 pagoda dogwood, along with added inkberry and rhododendron shrubs. And the applicant has submitted groundwater samples for analysis of chlorinated solvents and will be submitting the results of analysis when they are available. Tests determined that groundwater flow did not change during periods of high water.
 - The applicant reviewed the history of contamination on the site and noted that all recent tests found no contamination or non-reportable levels. Chlorinated solvents were never used in the near-by dry cleaner and were not detected in soil samples.



Mayor
Ruthanne Fuller

**Director
Planning &
Development**
Barney Heath

**Senior
Environmental
Planner**
Jennifer Steel

**Assistant
Environmental
Planner**
Claire Rundelli

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

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- The Commission will consider and condition the proposed work to ensure that the work will not result in adverse alterations to the ILSF. The only work proposed within wetlands jurisdiction is asphalt removal, tree and trash removal, regrading and landscaping, installing stormwater management systems, and replacement of fencing. All other work will be reviewed for its potential to affect the health of the functions and values of the ILSF (i.e., flood storage capacity, groundwater quality, and vernal pool habitat).
 - The applicant’s wetland consultant, Desheng Wang noted that the ILSF had not been studied to determine whether it was a vernal pool. The ConCom noted that they were assuming that it was a vernal pool and would condition the project accordingly.
 - Wang noted that groundwater contributes to the ILSF, that the flow of groundwater is not perfectly understood, and that by infiltrating stormwater more water could enter the ILSF. [As noted: The Commission does not regulate groundwater as a jurisdictional resource area; and the project complies with DEP stormwater standards that encourage infiltration.]
 - Wang noted that the northeast corner of the lot should be of concern because of historic contamination. Mike Gitten reiterated that all the northeast corner wells indicated “non-reportable” levels of contaminants.
 - Wang noted that the reduction of impervious area would be bad for the abutters basements.
 - Wang requested that the applicant consider directing some stormwater to the City street drainage system.
 - Abutters spoke: Elizabeth Gray (20 Beaconwood) noted that her basement flooded in 2010 and her sump pump works hard. Carolyn Shears (18 Beaconwood) noted that her sump pump works hard. Hoony Youn (19B Carthay Cir) felt that there was insufficient data and that a large building would have some adverse impact. Vivek Pandit (23 Carthay Cir) asked if a groundwater flow model would be able to answer the questions raised. John Hi (19 Carthay Cir) asked if the ILSF should have a vernal pool assessment done.
 - Dan Green thanked the abutters for their contributions and assured them that their concerns were heard, noted the Commission’s limited jurisdiction, praised the applicant’s responsiveness and the robust planting plan, and noted that the abutters could address stormwater questions and concerns to the Engineering Department.
 - The applicant asked for a temporary delay so that she could speak with the owner. A little while later in the meeting, the applicant asked the Commission to close the hearing and vote.
 - The ILSF was not tested for obligate vernal pool species but has been presumed to be a vernal pool. The only alterations permitted within the ILSF are those designed to improve the viability of the area to serve as vernal pool (and other wildlife) habitat.
- Vote to close the hearing and issue an Order of Conditions with the findings and special conditions listed below [Motion: Ellen Katz, Second: Susan Lunin, Vote: 4:0:0]
 - Findings:
 - Contaminated groundwater at “non-reportable” levels (from a historic release at the adjacent property, now with a “permanent solution”) is present in the northeast corner of the site, however the applicant demonstrated that existing groundwater flows are to the west and northwest, and so do not result in contamination reaching the jurisdictional ILSF (to the south). The Conservation Commission reviewed extensive data presented by the applicant and concluded that the project will not cause contaminated groundwater to reach the ILSF.
 - November 15, 2019, Phase I Initial Site Investigation Report by ATC Group Services LLC
 - January 2, 2020 Avalon memo with results of groundwater analytical testing conducted by ATC in three monitoring wells at 1114 Beacon Street on December 10, 2019
 - Groundwater flow is known to be predominantly east to west. The new building will be only roughly 1 foot deeper than the existing building’s basement. Groundwater that hits the northern half of the eastern wall will be collected in a foundation drain and directed to a stone infiltration trench under the middle of the building, and then allowed to return to the existing groundwater flow. All other groundwater flows will remain unchanged by the project. The ILSF is not likely to encounter any more or any less groundwater than it does under existing conditions.
 - January 9, 2020 Atlas/ATC findings of a groundwater flow analysis on October 24, November 7, December 10, and December 23, 2019.
 - Prohibitions:

The location of this meeting is wheelchair accessible and reasonable accommodations will be provided to persons with disabilities who require 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. The city’s TTY/TDD direct line is: 617-796-1089. For the Telecommunications Relay Service (TRS), please dial 711.

- a. There shall be no direct discharge of stormwater to the ILSF during construction; all such runoff must be directed to seepage pits (as shown on the approved plans).
- b. There shall be no work in the vegetated areas of the ILSF between mid-March and mid-April. In order to protect potential vernal pool species using the ponding area, no work may occur within the ILSF boundary during this sensitive time period.
- c. For the benefit of vernal pool inhabitants, fallen logs and leaf litter shall be left undisturbed to the maximum extent possible while still allowing the applicant to undertake removal of litter, man-made debris, and trash.
- All debris and trash removal shall be completed by hand. Should powered vehicles be required, the vehicles shall remain on paved surfaces to avoid soil compaction and damage to vegetation.
- Tree cutting shall be by hand. Should powered vehicles be required to remove cut pieces, the vehicles shall remain on paved surfaces to avoid soil compaction and damage to vegetation. All cut brush shall be removed from the site. No chips may be stored or spread on the site.
- Herbicide use shall be painting by hand on freshly cut stumps by a licensed applicator in conformance with all applicable safety standards.
- To maintain flood storage capacity, no net fill may be brought into the ILSF.
- Landscape plantings within Commission jurisdiction must:
 - a. Stabilize all exposed areas;
 - b. Be installed in compliance with the approved plans (desired changes must be approved by the Conservation office in advance);
 - c. Have a total survival rate and average aerial coverage of 75% after 2 growing seasons;
 - d. May include mulch application at the initial installation but shall diminish over time and eventually cease as ground cover species and shrubs spread.
 - e. If any trees within the wetland within the project area die within 2 years of the start of construction or have been demonstrably harmed by construction activities, they shall be replaced at a ratio of 2:1 with native canopy saplings (of roughly 2 caliper inches).
- The stormwater/infiltration system must be installed as per the approved plans.
- The applicant must arrange for the City Engineer to inspect installation of the infiltration components of stormwater management system prior to these components being covered. The applicant must submit proof of inspection to the Cons. Office
- The proposed paved area along the east side of the property, south of Proposed CB #1 shall be routed through a stormwater treatment unit as shown on the approved plans.
- Perpetual: Snow shall not be piled or stored within the boundary of the ILSF.
- Perpetual: The approved Operations and Maintenance Plan is appended hereto and must be adhered to.
- Perpetual: To maintain the flood storage capacity of the site, no net fill may be brought into the ILSF.

2. 326 Fuller St – NOI – replacement of failing fieldstone bridges with timber bridges at Holes 6 and 7 – DEP File #239-857

- Owner: Brae Burn Country Club Applicant: Sean McLaughlin Representative: Sarah Stearns, Beals and Thomas, Inc.
- Request: Issue OOC.
- Documents Presented: colored plans colored plans, photos, draft OOC
- Jurisdiction: Buffer Zone, Bank, LUWW, and City Floodplain
- Project Summary
 - Remove 2 existing fieldstone bridges and associated culverts.
 - Regrade the bank, once the culvert has been removed, to conform the grading of the bank along the open stream corridor. The stream corridor base where the culvert has been removed will lined with ~6" of 1.5" smooth stone.
 - The regraded bank is proposed to be vegetated with low growing or turf grasses based on the adjacent vegetation at each crossing location.
 - Construct 2 timber bridge crossings on timber pilings, designed in accordance with the Stream Crossing Handbook/Standards.
 - Erosion controls (straw wattles or straw socks) are proposed in both the upland areas and within the stream itself to limit migration of sediment during bank regrading and to protect against sediment entering the stream from surface runoff.
 - [Note: Abutter notification is not required for work deep in the interior of a parcel over 50 acres.]
- Presentation (Sarah Stearns) and Discussion

- Stearns outlined the process of installing erosion controls, removing the existing pipes and fill (with an excavator) and regrading and stone-lining the embankments. All excavated material will be loaded directly into trucks and removed from the site. A vibratory pile driver will be used for the bridge footings. Work will be conducted in the intermittent stream during a low flow time to remove the need for bypass pumping or dewatering.
- Cut and fill numbers were provided for the elevations within City floodplain. 8 cy will be removed from the Hole 6 bridge area and 10 cy will be removed from the Hole 7 bridge area.
- The erosion controls will be installed only where necessary as determined at the pre-construction site visit.
- The instream work will occur in winter low-flow conditions and should be completed in roughly 2 hours (so flow will not be impeded/pond much at all). Bridge construction, regrading, and installation of stone will follow immediately and will take roughly 2 weeks. Planting will occur in the spring.
- The applicant will use jute matting as temporary stabilization of the planting area.
- Staff feel that this project is an improvement for the headwaters of Cheesecake Brook. The proposed design does meet stream crossing standards and presents an overall improvement to stream channel capacity.
- The existing tree relatively close to the crossing at Hole 6 will not be impacted by the construction.
- Vote: to close the hearing and issue an Order of Conditions with the findings and special conditions listed below [Motion: Susan Lunin, Second: Ellen Katz, Vote: 4:0:0]
 - All areas of disturbed bank shall be planted with a native grass and sedge mix sourced from a reputable nursery. The mix shall support native wildlife and shall include the following or similar: fox sedge, deertounge panicgrass, eastern wild rye, red fescue, nodding sedge, blunt broom, hop sedge, and cosmos sedge.
 - Perpetual: To promote growth and wildlife habitat value, mowing of the grass/sedge mix planted around the new bridges shall only occur 1 time per year and only after the grasses and sedges have set seed

3. 148 Pine Street – NOI – demolition of existing duplex and construction of 3 single-family homes – DEP File #239-856

- Owner/applicant: Vincent Mastroianni, 148 Pine Realty Trust Representative: John Rockwood, EcoTec, Inc.
- Request: Continue the hearing to January 30
- Documents Presented: none
- Jurisdiction: Buffer Zone to bank of an intermittent stream, City Floodplain
- Project Summary
 - Tear-down the existing duplex, detached garage, and remove pavement.
 - Construct three new single-family homes with associated shared driveway, patios, stormwater management, grading, and landscaping, and install a 3,412 s.f. bounded mitigation planting area. The proposed conditions will result in a net increase in impervious area of roughly 1144 s.f. within the buffer zone. Portions of the proposed work fall outside the 100' buffer zone.
 - According to the narrative provided, no trees are proposed to be removed and the 2 trees currently existing on site are proposed to be protected.
 - The 3,412 s.f. mitigation area with stone bounds is proposed to include 41 saplings, 117 shrubs, and a large number of herbaceous grasses and wildflowers.
- Vote to continue the hearing to 1/30/20 allow applicant time to provide revised materials addressing staff concerns. [Motion: Dan Green, Second: Judy Hepburn, Vote: 4:0:0]

4. Pony Truss Trail (between Riverside Station and Depot Tunnel) – NOI – restoration of trail – DEP File #239-858

- Owner: Massachusetts Dept. of Conservation and Recreation, Erica Aubin (DCR) Applicant: Ted Chapman, Riverside Greenway Working Group Representative: Dick O'Brien, Conservation Works, LLC (head contractor)
- Request: Issue OOC.
- Documents Presented: written work description, overview aerial overview aerial, photos, draft OOC
- Jurisdiction: Riverfront Area, BLSF, City Floodplain
- Project Summary
 - The Pony Truss Trail is a critical link in the Charles River pathway system (conceived decades ago). The trail has been in place since the mid-1800s but is in need of maintenance and improvements.
 - The Pony Truss Trail runs north from Riverside station to the abandoned Depot Tunnel, but is narrow, slippery, unstable, and challenging to pass safely in some places.

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- The goal of this project is to create a ~3-foot- wide level foot bed to provide safe single-person passage along the existing Pony Truss trail from the Riverside station to within ~100 feet of the abandoned Depot Tunnel by Details of the specific methods for each segment of the trail are provided in the NOI. The finished trail will not be ADA compliant because of the challenging topography. The most significant project components include:
 - Bank stabilization near the Pony Truss Bridge where erosion has cut in toward the trail tread.
 - Constructing an 85' long boardwalk that is 42" wide and stepped to accommodate a 6' grade change.
 - The existing outfall for Runaway Brook on the trail alignment will be navigated with a footpath that goes along the headwall of the outfall. This will require two sets of overlapping rock stairs.
 - Sections of the trail just upstream of the Pony Truss bridge will be stabilized using donated, recycled, granite curbing to create small retaining walls/cribbing as needed above and below the tread of the trail.
 - Constructing a set of granite stairs to provide a stable connection from the "CD Road" to the trail at the higher elevation of Riverside Station and the "two bridges."
 - Remove one tree that poses a hazard to the trail and drop it in place as habitat/cover.
 - Smooth the surface of the trail with added "crusher run" where needed.
 - Presentation (Ted Chapman) and Discussion
 - Proof of abutter notification accepted as having demonstrated appropriate due diligence.
 - The applicant has worked hand-in-hand with the Conservation Office and DCR throughout the design and planning process and has received funding through the Recreational Trails Program grant from DCR, the Solomon Foundation, and the Newton Community Preservation Committee.
 - Overall this project presents a huge benefit of improved pedestrian connectivity to Newton and surrounding communities and will result in an improvement to the riverine corridor by limiting degradation of the very steep riverbank.
 - The proposed boardwalk will be set on galvanized pipes that are augered in. The frame will be of white oak heartwood. The decking will be 5/4" decking, rough oak, or grip-coated metal grating. Railings on the down-gradient side are necessary for safety and will be constructed to be as visually unobtrusive as possible, probably 3"x3" black wire mesh.
 - Abutter Amy Sangiolo noted her support for the path improvements and interest in ensuring that the railing would not block the view of the river or change the natural feel of the path.
 - Finding: A portion of the proposed work is below the flood elevation and may result in an increase in fill from current conditions, but is being permitted in order to restore stable slopes, the original bank elevations, and will be kept to the minimum volume necessary to create safe, passable conditions.
 - Vote to close the hearing and issue an Order of Conditions with the findings and special conditions below. [Motion: Susan Lunin, Second: Ellen Katz, Vote: 4:0:0]
 - Final locations for the staked compost sock shall be determined during the pre-construction site visit and installed where needed. Should erosion control locations shift as work progresses along the trail corridor, re-inspection or photos of re-installed erosion controls must be submitted to the Conservation Office prior to new work commencing
 - Auguring spoils related to the boardwalk installation must be disposed of appropriately.
 - Material added to footbed shall be clean dense grade/crusher run material, kept to a minimum within flood elevation where needed to create a 3' wide, stabilized, level trail.
 - The naturally surfaced footbed shall not exceed 4' in width at any point along the trail length.
 - Chips from brushing must be disposed off-site and shall not be distributed on-site or end up in the Charles River.
 - Curbing brought in and retaining structures to stabilize the footbed and tread shall be kept to a minimum and used only where needed to create a 3', stabilized, level trail.
 - Disturbance of native vegetation shall be minimized to the maximum extent practicable. There shall be no grubbing associated with this project.
 - Approval by the Conservation Office or Conservation Commission is required for removal of any trees other than the 24" oak (identified in the matrix of trail treatments, 280' from the Pony Truss Bridge).
- 5. 315 Albemarle Rd – Discussion regarding compliance and request for COC – DEP File #239-399**
- Owner/applicant: Mary and Sean Fitzgerald Representative: none
 - Request: Determine next steps in bringing the site into compliance with the Order of Conditions and approved plans.
 - Documents Presented: none colored plans, photos
 - Jurisdiction: Riverfront Area

- Project Summary: applicant sought COC for a teardown/rebuild of a single-family home, but site is not in compliance with the approved plans and OOC.
- Staff Notes
 - Staff conducted a site visit on 11/4/19 and found several discrepancies between the plans and the Order of Conditions resulting in an increase in impervious area over and above that which was approved in 2000. Google street view images indicate that site conditions have not changed since 2007.
 - The approved plan shows the paver driveway extending all the way to the detached garage. Currently a wider but shorter asphalt driveway stops roughly halfway through the lot with grass extending past it to the garage.
 - A leaching catch basin was approved to be installed in the paver driveway close to the garage. No catch basin structure was visible during the site visit (note: Engineering did sign-off on a Certificate of Occupancy), but that area is now lawn, so a catch basin is likely not necessary
 - Several paver walkways are in locations originally approved to be lawn (note: several of these walkways may be considered exempt under the WPA due to their distance from the resource area).
 - There are plantings shown on the approved plans that were not present during the staff site visit. The owner indicated that there was not room for shrubs there because of the tight abutting driveway layout.
 - The OOC required that “native species with high wildlife value shall be installed along the edge of the property. The applicant shall present a plan to the Commission for approval and planting must be accomplished prior to the issuance of a Certificate of Compliance.” City files do not have any planting plans, approved or otherwise, for this site and the plantings present on site appear to be mostly non-native ornamental plants.
 - Letters (dated 2019) by the project contractor certified “substantial compliance,” but that is not the case.
 - Staff issued a “friendly” notice of violation on 11/20/19 to the homeowner requiring her appear before the Commission at the 12/5/19 meeting.
 - Staff met with the homeowner on 12/17/19 to discuss the compliance issues and provide her with an idea of what the Commission might require in terms of mitigation/returning the site to compliance.
- Presentation and Discussion
 - The applicant is interested in making improvements to the detached garage and wants to clear up this OOC first.
 - The Fitzgeralds were not aware of being out of compliance, as it had been years since they built their house under the original OOC. The Fitzgeralds are happy to plant more native trees and shrubs
- Consensus:
 - The applicants shall speak with Jennifer Steel and develop a planting plan showing: 2 native trees, 6-8 native shrubs, and a native vine (to cover the fence on their eastern property line). Said plan must be approved by Jennifer Steel. It will be rolled into the NOI for their proposed garage project. Neither permit will be closed until the plantings have been installed and survive for 2 years.

6. 28 Olde Field Rd – NOI – addition to existing single-family home – DEP File #239-855

- Owner/applicant: Punam Sharma Representatives: Susan McArthur, McArthur Environmental Consulting, LLC
- Request: Issue OOC.
- Documents Presented: colored plans colored plans, photos, draft OOC
- Jurisdiction: Buffer Zone
- Project Summary
 - The applicant is proposing to construct a 408 s.f. addition and a new 233 s.f. deck onto an existing single-family home, partially within the footprint of an existing 243 s.f. garage and existing deck.
 - The overall increase in impervious area is roughly 165 s.f.
 - The applicant is proposing mitigation plantings as part of the project. The proposed plantings include 1 highbush blueberry, 3 sensitive ferns, and 3 cinnamon ferns to be planted between the existing shed on the lot and the stream bank. Please note that no tree species are proposed due to existing canopy cover and the City drain easement that runs in this area.
- Discussion: The Commission felt that the proposed mitigation plantings were not sufficient to compensate for the amount of non-exempt disturbance occurring within the jurisdictional area and required that 3 highbush blueberry bushes, 6 cinnamon ferns, and 6 sensitive ferns be planted.

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- Vote to close the hearing and issue an Order of Conditions with the special conditions below. [Motion: Susan Lunin, Second: Ellen Katz, Vote: 4:0:0]
 - The stormwater infiltration system must be installed as per the approved plans, if required.
 - The City Engineer must inspect the infiltration system, if required. The applicant must submit proof of inspection to the Cons. Office.
 - Landscape plantings within Commission jurisdiction must:
 1. Include 3 highbush blueberry, 6 cinnamon ferns, 6 sensitive ferns;
 2. Stabilize all exposed areas;
 3. Be installed in compliance with the approved plans (desired changes must be approved by the Conservation office in advance);
 4. Have a total survival rate of 75% after 2 growing seasons; and
 5. May install mulch at the initial plantings, but applications shall diminish over time and eventually cease as ground cover species and shrubs spread.
- 7. 31 Harwich Road – COC Re-resign – DEP File #239-771**
 - Owner: Hisham Kader Applicant: Mikhail Deychman Representative: none
 - Request: Re-sign COC issued 6/20/19
 - Documents Presented: photos, draft COC
 - Jurisdiction: Buffer Zone, RFA
 - Staff Notes: The applicant moved and did not provide a changed address to the Conservation Office so the original, signed Certificate of Compliance was not received. The applicant is requesting a re-signed Certificate for recording.
 - Consensus to re-sign the Certificate of Compliance for the approved work under OOC #239-771 as an administrative action.

II. CONSERVATION AREA DECISIONS

8. Old Deer Park Opening – Discussion

- Documents Presented: proposed trail alignment proposed trail alignment, photos
- Discussion:
 - Abutters were notified by mail of this agenda item.
 - As stated in previous updates, Conservation land maintenance contractors have made significant progress in cutting back and cutting down the invasive species present in the Old Deer Park and in clearing path alignments.
 - Staff recommend that the Commission vote in favor of having the land maintenance contractors mow and maintain a path this spring that connects the two gates, and that the gates be opened (without fanfare) allowing pedestrian access from Houghton Garden and Old England Road.
 - Parking and access were the main topics of concern. Old England Road is very narrow and effectively a driveway. Sean Wilder spoke with staff earlier, noting concerns about parked cars blocking access to his driveway or to deliveries or emergency vehicles. The Commission noted that there is considerable parking available along Suffolk Road, and that if problems arise, then abutters could petition the Traffic Council for “no parking” signs.
 - John Luca (65 Suffolk Rd) noted that more parking on Suffolk Road could pose a problem. Debra Weiss (32 Clovelly) noted that Clovelly Lane is very narrow and not conducive to road-side parking.
 - The Commission determined that Phase I could be a “quiet” opening of the southern (Lowell Lane) gate and the creation of a loop trail, Phase II could involve a new access from Hammond Pond Parkway once the road redesign provides safe crossing and/or parking, and/or Phase II or III could involve opening the northern (Old England Road) gate to create another point of access, if it seemed appropriate to do so.
- Consensus:
 - Ask the land management contractor to create the loop trail through focused mowing efforts (and expand their invasive cutting to combat invasives on the rock outcroppings).
 - Address the topic of opening at the April 2, 2020 meeting prior to removing the lock on the southern gate.

9. Encroachment Procedure – Discussion

- Documents Presented: draft encroachment procedure draft encroachment procedure
- Staff Notes:
 - Staff are aware of a number of encroachments onto Conservation land. We have approached a number of the subject abutters, but others have not yet been approached. Some abutters are willing to facilitate restoration, others are less willing. Staff would like to ensure that all remedial efforts follow the same procedure.
 - Known encroachments include:
 - lawn at 261 Parker Rd – planted with shrubs by ConCom contractor, completed fall 2019

- lawn at 230 Dudley Rd – to be planted with shrubs and meadow mix by owner, in progress
- lawn at 170 Suffolk Rd – under consideration
- lawn at 70 Wayne Rd – to be staked by City, restoration plantings under consideration
- lawn at 149 Harwich Rd – yet to be addressed
- landscaping at 92 Pine St – yet to be addressed
- lawns at 24 and 28 Rebecca Rd – yet to be addressed
- Staff have made edits based on suggestions from Commissioners.
- Consensus: Due to late hour, the Commission will discuss this at the next meeting.

III. ADMINISTRATIVE DECISIONS

10. Flood Zone Policy to Ensure Adequate Compensatory Flood Storage

- Documents Presented: draft policy draft policy
- Staff Notes: Staff have made edits to the policy based on the conversations at the 12/5/19 meeting.
- Consensus: Due to late hour, the Commission will discuss this at the next meeting, but asked that staff check minutes from the last discussion about the 10 cubic foot threshold (vs 54 cubic feet (2 cy)).

11. Minutes of 12/5/19 to be approved

- Documents Presented: draft minutes draft minutes
- Vote to accept the 12/5/19 minutes. [Motion: Susan Lunin, Second: Ellen Katz, Vote: 4:0:0]

IV. ISSUES AROUND TOWN DECISIONS – none at this time

UPDATES

V. WETLANDS UPDATES

- Stormwater Ordinance: The City of Newton is currently working to develop a stormwater ordinance that will require stormwater permits for various projects as required by the new MS4 permit. This ordinance is on track to be presented to the City Council early in 2020. This ordinance addresses a number of the concerns raised by the Commission in regard to earth moving.

VI. CONSERVATION AREA UPDATES

- Kessler Woods: Staff are working to move forward with construction of a boardwalk trail and a bridge in the Kessler Woods Conservation Area using the funds provided by Chestnut Hill Realty as a condition of their special permit. The project is expected to go out to bid at the end of January.

VII. ISSUES AROUND TOWN UPDATES

- Christina Street Bridge: Staff are moving forward with a grant application to conduct a feasibility study on the old rail bridge off of Christina Street that crosses the Charles River into Needham. The hope is for this connection to become a fully accessible bike/ped connection from Newton to Needham.
- Aqueducts: License application has been submitted to the Law Department for review and is due to be returned with comments by 1/15/20.
- Ticketing: Staff will continue working with the Law Department towards the goal of being able to issue tickets to off-leash dog offenders.
- Open Space and Recreation Plan: Our first meeting with Committee members was a success. Our first meeting with the Conway School student contractors who will be creating a full draft of the OSRP is scheduled for 1/14/20.

VIII. ADMINISTRATIVE MATTER UPDATES

- 2020 Meeting Dates: We have received final confirmation and room bookings for the 2020 meeting dates. They are uploaded on the website on the Conservation Commission “Agendas and Minutes” webpage.
- MACC Annual Environmental Conference: is scheduled for 2/29/20. Please consider attending and save the date!

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

ADJOURN Vote to adjourn at 10:40pm. [Motion: Ellen Katz, Second: Susan Lunin, Vote: 4:0:0]

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