

CONSERVATION COMMISSION MINUTES

Date: March 12, 2020
Time: 7:00pm
Place: City Hall, Room 204

With a quorum present, the meeting opened at 7:00 with Susan Lunin presiding as Chair. At 7:07 Dan Green arrived and took over as Chair.

Members Present: Leigh Gilligan, Jeff Zabel, Judy Hepburn, Ellen Katz

Members Absent: Kathy Cade

Staff Present: Jennifer Steel

Members of the Public: See sign-in sheet

DECISIONS

I. WETLANDS DECISIONS

1. 6 Vaughn Ave – Preliminary Presentation

- Prospective Owner/Applicant: Scott Kenton, Scott Kenton Consulting Representative: Daniel C. Orwig, Landscape Designer, Orwig Associates
- Request: Applicant team has requested an opportunity to present their preliminary plans for redevelopment to the Commission for feedback prior to filing a Notice of Intent.
- Project Summary: Applicant is looking to demolish an existing single-family home on a single lot and construct a new, larger single-family home on two combined lots.
- Presentation (Daniel Orwig) and Discussion
 - The wetlands were recently flagged.
 - Survey indicates that the Life Course Trail crosses private property, so an easement will be granted to the City to allow the trail to remain in place.
 - The soils have been tested and appear to support infiltration. ESHGW is only 35 inches from the surface, though.
 - The applicant presented colored plans of the existing and proposed conditions.
 - Applicant intends to build the new house closer to the street to limit pavement.
 - Applicant intends to grade so that most runoff will be directed to a rain garden far from the wetland edge.
 - The Commission is ready to receive a full NOI.

2. 687 Watertown St – NOI – Newton Early Childhood Program – demo of modular buildings, parking/driveway reconfiguration, and playground improvements – **DEP File #239-XXX**

- Owner: City of Newton Applicant: Joshua Morse, Newton Public Buildings Representative: Deborah Danik, engineer, Nitsch Engineering
- Request: Issue OOC.
- Documents Presented: colored plans, photos, draft OOC
- Jurisdiction: Buffer Zone to Bank, Riverfront Area
- Project Summary
 - Redevelop the Horace Mann Elementary School to become the Newton Early Childhood Education Program.
 - Demolish modular buildings, reconfigure parking/driveways, install new porous surface play area.
 - Install 3 water quality structures and a sub-surface infiltration system.
 - All work will be outside the City Flood Zone. Much of the work will be interior renovation.
 - There will be a net decrease of degraded area in the inner riparian zone (-846 sf) due to removal of paths / patio.
 - There will be a net increase of degraded area in the outer riparian zone (+1,120 sf) due to conversion of lawn to playground.
 - Pervious area is due to be increased 4,328 sf due to the use of porous pavement.
 - Two trees are proposed to be removed.



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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- Significant native plantings have been proposed (5 trees, 100 shrubs, and lots of perennials).
 - An O&M plan has been submitted.
 - Presentation (Alex Valcarce, Public Buildings and Deb Danik) and Discussion
 - Applicant presented revised plans showing stockpile and laydown areas for the construction period, staked compost sock and entrenched silt fence for erosion controls, a concrete washout area in the rear parking lot, snow storage areas, and clarified porous asphalt locations.
 - The issue of contaminated soils on site and recent, unpermitted, excavation and removal was discussed.
 - The applicant responded to the inquiry about making the catch-basin at the end of the driveway by Albemarle Road a double catch-basin, noting that grading of the driveway would direct all stormwater to the catchbasin and that it was serving a relatively small catchment, so a single catchbasin would be sufficient.
 - Most performance standards for Riverfront Area appear to have been met with: (1) overall improved conditions, (2) construction period stormwater management efforts, (3) post-construction stormwater management efforts, (4) expansion of degraded area occurred in the outer most part of the site, & (5) robust on-site plantings.
 - Off-site plantings along Cheesecake Brook were discussed, but since the applicant has no control over the stream bank area, they were reluctant to propose planting there and relying on maintenance by others.
 - The Commission noted the need to have all proposed plants be native.
 - The Commission noted the need to have a clean set of plans with all the changes submitted to the Conservation Office for permit issuance and the file.
 - Vote to close the hearing and issue an Order of Conditions with the following special conditions [Motion: Jeff Zabel, Second: Leigh Gilligan; Vote: 6:0:0].
 - Once this OOC is issued, the issuance date must be added to plan sheet C001.
 - A Stormwater Pollution Prevention Plan (SWPPP) must be provided to the Commission prior to the start of construction.
 - The mitigation planting areas are bounded by the sidewalk and will be maintained and preserved in perpetuity (as per 310 CMR 10.58(5)).
 - Concrete washout must occur outside the Riverfront Area as per the approved plans and all wash water must be kept from entering the catchbasin or Cheesecake Brook.
 - All porous surfaces, stormwater management, and infiltration systems must be installed as per the approved plans.
 - Landscape plantings within Commission jurisdiction must be installed as per the approved plans and must be maintained in perpetuity.
 - If either or both of the trees near the poured-in-place playground are removed, 2 native canopy saplings must be planted in the lawn area adjacent to Watertown Street.
 - A written statement from Lord Environmental Inc. describing the status of the site with respect to soil and groundwater contamination.
 - The required Riverfront restoration and/or mitigation areas shall be maintained in perpetuity in their predominantly natural condition as per 310 CMR 10.58.
 - The approved Operations and Maintenance Plan is appended hereto and must be adhered to.
 - The use of herbicides and other pesticides is prohibited and fertilizers shall be limited to slow-release organic fertilizers to improve water quality in the adjacent wetlands and waterways.
 - In order to protect wildlife and/or vernal pool species, artificial lighting shall be designed to prevent lighting of the wetlands. Any outdoor lights within 200 feet of the wetland shall be directed so as not to radiate light towards those areas. Any such lights shall be limited to no more than 1,800 lumens per fixture and the fixture shall not illuminate any part of the wetland more than 0.2 footcandles. Exterior lights shall not be mounted higher than 25 feet above the ground.
- 3. 125 Wells Avenue – NOI – parking expansion and stormwater management improvements – DEP File #239-XXX**
- Owner/Applicant: Ross Soraci, Solomon Schecter Day School Representative: Timothy Power, PVI Site Design, LLC; Carl Francesci, DRA
 - Request: Issue OOC.
 - Documents Presented: colored plans, photos, draft OOC

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- Jurisdiction: Buffer Zone to bank, Riverfront Area
- Project Summary
 - The school is consolidating campuses to become PreK-8, and so will be expanding at this location.
 - The school will be adding 11 parking spaces (1700 sf) within RFA where there is currently lawn.
 - The school will be removing three trees (diameters to be determined at an upcoming site visit)
 - The school will be installing a sub-surface infiltration system for the roof drains and installing a water quality unit in the existing parking lot.
 - Currently roof runoff discharges to a catchbasin and thence to the street drainage system. Parking areas discharge to 2 catchbasins and thence to the wetland.
- Presentation (Tim Power) and Discussion
 - The DEP file number has not yet been issued, so the hearing will open, but not close.
 - The wetland delineation was done in 2010, so the OOC will note that it is NOT memorializing the wetland line
 - Infiltrating under the parking lot was not feasible because of underground utilities.
 - Project will upgrade one catchbasin to a deep sump catchbasin with a hood and one catchbasin to a water quality inlet.
 - Applicant will modify the O&M plan to reflect any plan changes.
 - Applicant will look into making the deep sump catchbasin a leaching catchbasin with a sump.
 - Applicant will look into adding a flared end (rather than rip rap) to the end of the discharge pipe.
 - Applicant will clarify the amount of new pavement in Riverfront Area. It appears to be roughly 2000 sf.
 - Additional replacement trees will be proposed to mitigate the removal of 2-3 mature trees.
- Vote to accept the request to continue the hearing to April 2, 2020 [Motion: Leigh Gilligan, Second: Jeff Zabel, Vote:6:0:0].

4. 15 Riverdale Avenue – NOI – multi-use 40B development – DEP File #239-860

- Owner: Michael Price, Legacy the River, LLC Applicant: Jack Englert, CPC Land Acquisition Company, LLC
- Representative: Timothy Williams, Allen & Major Associates, Inc.
- Request: Accept a request to continue to April 2, 2020.
- Documents Presented: colored plans, photos, draft OOC
- Jurisdiction: Buffer Zone, Riverfront Area, BLSF, City Floodplain
- Project Summary
 - Demolish existing large commercial building.
 - Construct one large building (with a central open-air concourse) within Riverfront Area -- ~182 units, 62623 sf, and 5 stories with ground-level covered parking, and associated outdoor amenities.
 - Undertake associated site grading, install drainage and stormwater management systems, and landscape the site.
 - N.B. The project includes the construction of another smaller building, roadway, and parking outside of RFA.
- Vote to accept a request to continue to April 2, 2020 [Motion: Susan Lunin, Second: Ellen Katz, Vote: 6:0:0].

5. 42 Parsons Street – OOC discussion – demo of single-family home and construction of a duplex – DEP File #239-859

- Owner/Applicant: Arto Dermovsesian Representative: John Rockwood, EcoTec, Inc., Joe Porter, engineer.
- Request: Address the discovery of the unpermitted paved driveway. Revise OOC to: (1) reference new plans that reflect the unpermitted driveway, (2) reference the new proposal for mitigation for the ~400-500 sf of unpermitted paved driveway, and (3) reference calculations that show that the originally proposed infiltration system is large enough to accommodate the ~400-500 sf of unpermitted paved driveway.
- Documents Presented: photos, revised plans, draft OOC
- Jurisdiction: Riverfront Area
- Presentation (Jennifer Steel) and Discussion
 - The OOC discussed at the last meeting has not been issued because of the late discovery of the unpermitted paving of the driveway, then described as “existing conditions” in the original NOI.
 - The applicant has acknowledged the violation and is working cooperatively with the Conservation Commission and ISD.
 - ISD has noted the violation in its files and is requiring the applicant to file plans to rectify (e.g., remove driveway or redevelop site) within 2 months.

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- Conservation staff have received and reviewed revised plans from the engineer (Joe Porter) and wetland scientist (John Rockwood). All minimum requirements for mitigation and infiltration seem to have been met.
- The Commission must vote to correct the OOC to reference:
 1. the new plans that reflect the unpermitted driveway,
 2. the new plans that show additional bounded mitigation area for the ~400-500 sf of unpermitted paved driveway, and
 3. the new calculations that show that the originally proposed infiltration system is large enough to accommodate the ~400-500 sf of unpermitted paved driveway.
- Engineering will have to review revised drainage calculations.
- Vote to modify the OOC voted on at the last Commission meeting, as noted above, with the issuance date of 2/13/20 [Motion: Leigh Gilligan, Second: Susan Lunin, Vote: 6:0:0].

6. 229 Cabot St – COC – new school – DEP File #239-779

- Owner: City of Newton Applicant: Joshua Morse, Newton Public Buildings Representative: none
- Request: Issue COC.
- Documents Presented: photos, draft COC
- Jurisdiction: LUWW
- Discussion: Staff site confirmed that the site is in substantial compliance with the approved plans and Order.
- Vote to issue a complete Certificate of Compliance [Motion: Jeff Zabel, Second: Susan Lunin, Vote: 6:0:0].

7. 96 Suffolk Road – COC – 1-story addition and patio – DEP File #239-779

- Owner/Applicant: Earl and Allison Henry Representative: none
- Request: Issue COC.
- Documents Presented: photos, draft COC
- Jurisdiction: Buffer Zone, Riverfront Area
- Discussion: Staff site confirmed that the site is in substantial compliance with the approved plans and Order.
- Vote to issue a complete Certificate of Compliance [Motion: Judy Hepburn, Second: Susan Lunin, Vote: 6:0:0].

II. CONSERVATION AREA DECISIONS

8. Herbicide/Pesticide Policy – Discussion

- Documents Presented: draft policy
- Staff Notes: In response to a question from the City’s IPM committee, the Commission was asked how to address the standard perpetual condition prohibiting the use of herbicides and pesticides. The condition is essentially impossible to enforce, and the use of herbicides and pesticides on playing fields and grassy park fields is questionably regulated under “remove, dredge, fill, or alter” in the Act.
- Discussion: The commission edited the draft policy presented by staff as follows.
 - In keeping with the Conservation Commission’s “25-Foot Naturally Vegetated Buffer Policy”, a 25-foot swath of native vegetation should be maintained (or established to the maximum extent possible) along every wetland edge.
 - Neonicotinoids shall not be used within Conservation Commission jurisdiction because of their adverse effects on pollinators.
 - Using other herbicides and pesticides in compliance with the City’s IPM plan for maintenance of turf grass athletic fields, grassy parks, grassy play areas, or grassy picnic areas will not “remove, fill, dredge or alter” an adjacent wetland resource area, therefore using herbicides and pesticides in compliance with the City’s IPM plan for maintenance (but not enlargement) of such facilities may be undertaken without a wetland permit (see 310 CMR 10.02 and 310 CMR 10.58(6)).

Exceptions: Several City properties were permitted with Orders of Conditions that had a perpetual condition prohibiting the use of herbicides and pesticides on land within Conservation Commission jurisdiction: Zervas School, Albemarle Fields, Mason Rice School, Newton Centre Playground, and Countryside School. Desired use of herbicides and pesticides on those parcels must get prior approval by the Conservation Office.
 - Any predominantly natural area (e.g., woods, wooded trails, wooded picnic areas, etc.) may not have herbicides or pesticides applied to it without a permit from the Conservation Commission.

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- Vote to accept the policy as amended [Motion: Leigh Gilligan, Second: Susan Lunin, Vote: 6:0:0].

III. ADMINISTRATIVE DECISIONS

9. Wetland Ordinance – Discussion

- Documents Presented: peer community purpose statements and jurisdiction
- Staff Notes: Staff have gathered purpose statements and jurisdiction summaries from peer communities for the Commission to review as potential models for a Newton ordinance.
- Consensus: Address this issue at the next meeting.

10. Shortened Native Plant List – Discussion

- Documents Presented: drafted list
- Staff Notes: Is this the kind of list that the Commission was seeking? How would they like to see it used?
- Consensus: The 4-page list was accepted as appropriate and will be shared with applicants in advance of and at meetings.

11. CPC Liaison Position – Discussion

- Staff Notes: Susan Lunin’s term on the Community Preservation Committee is expiring at the end of March.
- Consensus: The Commission accepted Susan’s interest in continuing as CPC liaison.

12. Farm Commission Liaison Position – Discussion

- Staff Notes: Jeff Zabel’s term on the Farm Commission is expiring soon.
- Consensus: The Commission accepted Jeff’s interest in continuing as Farm Commission liaison.

13. Member terms

- Consensus: The following term re-appointments were agreed to, to stagger term expiration dates. Jennifer will send an email to Amalia Timbers with the results of this discussion.

Name	Exp Date	Re-app term	New expiration date	Other roles
Susan Lunin	5/31/20	3 yr	5/31/23	representative on CPC
Judy Hepburn	5/31/20	2 yr	5/31/22	
Jeff Zabel	5/31/20	3 yr	5/31/23	representative on Farm Com
Ellen Katz	5/31/20	2 yr	5/31/22	
Kathy Cade	7/31/20	3 yr	7/31/23	
Dan Green	1/1/22	n.a.	1/1/22	
Leigh Gilligan	11/1/22	n.a.	11/1/22	

14. Minutes of 2/20/20 to be approved

- Documents Presented: draft minutes
- Vote to accept the 2/20/20 minutes as amended [Motion: Jeff Zabel, Second: Susan Lunin, Vote: 6:0:0].

IV. ISSUES AROUND TOWN DECISIONS – none at this time

UPDATES

V. WETLANDS UPDATES

- Northland: Will be moving forward and will file.

VI. CONSERVATION AREA UPDATES

- Pending projects: Stairs at CRP, boardwalk and bridge at Kessler, ODP trail, Kennard stair replacement, Norumbega stair replacement, Houghton Pond improvements, Webster stairs and signs.

VII. ISSUES AROUND TOWN UPDATES

- Open Space and Recreation Plan: The second public meeting was on Mar. 4th and focused on priority actions. The first full draft is due to be submitted on March 19. Completion is expected in early June.
- Invasive pulls are being coordinated.

VIII. ADMINISTRATIVE MATTER UPDATES

- ConCom 101 and Social Evening: Pick a date.

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

ADJOURN Vote to adjourn at 9:20 [Motion: Susan Lunin, Second: Jeff Zabel, Vote: 6:0:0]

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