

CONSERVATION COMMISSION AGENDA

The Conservation Commission will hold this meeting as a virtual meeting on Thursday, April 2, 2020 at 7:00 pm. No in-person meeting will take place at City Hall.

To view and participate in this virtual meeting on your phone, download the “Zoom Cloud Meetings” app in any app store or at www.zoom.us. At the above date and time, click on “Join a Meeting” and enter the following Meeting ID: 842 942 8454.

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NOTE: Items may be taken out of order at the Chair’s discretion.

NOTE: Discussions of wetland cases may be limited to 20 minutes for RDAs and 40 minutes for NOIs

DECISIONS

I. WETLANDS DECISIONS

1. **30 Rogers St – NOI – treatment of Crystal Lake to prevent algal blooms – DEP File #239-861**
 - Owner: City of Newton Applicant: Maria Rose, Newton Public Works Representative: Ken Wagner, Water Resource Services
 - Request: Issue OOC.
2. **125 Wells Avenue – NOI – parking expansion and stormwater management improvements – DEP File #239-863**
 - Owner/Applicant: Ross Soraci, Solomon Schechter Day School Representative: Timothy Power, PVI Site Design, LLC
 - Request: Issue OOC.
3. **79 Staniford Street – OOC Amendment – lawn leveling, retaining wall replace, tree removal – DEP File #239-805**
 - Owner: Alison and Nick Fisher Applicant/Representative: Michelle Crowley, Crowley Cottrell, LLC
 - Request: Amend Order of Conditions to reference new plans and condition proposed work.
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 23, 2020.
5. **229 Cabot St – COC – Laundry Brook culvert replacement – DEP File #239-778**
 - Owner: City of Newton Applicant: Ted Jerdee, Newton Public Works Representative: none
 - Request: Issue COC.
6. **7 Great Meadow Road – COC – addition and deck – DEP File #239-637**
 - Owner: Theodore Selame Applicant/Representative: Brendan Sullivan, Cavanaro Consulting, Inc.
 - Request: Issue COC.

II. CONSERVATION AREA DECISIONS

III. ADMINISTRATIVE DECISIONS

7. Minutes of 3/12/20 to be approved

IV. ISSUES AROUND TOWN DECISIONS – none at this time

UPDATES

V. WETLANDS UPDATES

VI. CONSERVATION AREA UPDATES

VII. ISSUES AROUND TOWN UPDATES

VIII. ADMINISTRATIVE MATTER UPDATES

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

ADJOURN



Mayor
Ruthanne Fuller

**Director
Planning &
Development**
Barney Heath

**Senior
Environmental
Planner**
Jennifer Steel

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Kathy Cade
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DECISIONS

I. WETLANDS DECISIONS

1. 30 Rogers St – NOI – treatment of Crystal Lake to prevent algal blooms – DEP File #239-861

- **Owner:** City of Newton **Applicant:** Maria Rose, Newton Public Works **Representative:** Ken Wagner, Water Resource Services
- **Request:** Issue OOC.
- **Documents Presented:** aerial plan, photos, draft OOC
- **Jurisdiction:** Land Under Wetlands and Waterways (LUWW)
- **Performance Standards**
 - **Limited Project:** 10.53(4)(e)(5) Other Ecological Restoration project
(4) Ecological Restoration Limited Projects.
 - (a) Notwithstanding the requirements of any other provision of 310 CMR 10.25 through 10.35, 10.54 through 10.58, and 10.60, the Issuing Authority may issue an Order of Conditions permitting an Ecological Restoration Project listed in 310 CMR 10.53(4)(e) as an Ecological Restoration Limited Project and impose such conditions as will contribute to the interests identified in M.G.L. c. 131, § 40, provided that:
 - 1. the Issuing Authority determines that the project is an Ecological Restoration Project as defined in 310 CMR 10.04;
 - 2. the project will [not] impact ... State-listed Rare Wetlands Wildlife ...
 - 3. the project will be carried out in accordance with any time of year restrictions or other conditions ...
 - 4. the project [doesn't] involves the dredging of 100 cubic yards ...
 - (b) ... may result in the temporary or permanent loss of Resource Areas and/or the conversion of one Resource Area to another when such loss is necessary to the achievement of the project's ecological restoration goals.
 - (c) ... exempt from the requirement to perform a wildlife habitat evaluation ...
 - (d) ... the issuing authority shall consider the following:
 - 1. the condition of existing and historic coastal Resource Areas ...
 - 2. the magnitude and significance of the benefits of the Ecological Restoration Project in improving the capacity of the affected Resource Areas to protect and sustain the other interests identified in M.G.L. c. 131, § 40; and
 - 3. the magnitude and significance of the impacts of the Ecological Restoration Project on existing Resource Areas ... and the extent to which the applicant will: avoid ... minimize and utilize best management practices.
 - (e) Types of Ecological Restoration Limited Projects.
 - 1. Dam Removal Projects
 - 2. Freshwater Stream Crossing Repair and Replacement Projects
 - 3. Stream Daylighting Projects
 - 4. Tidal Restoration Projects
 - 5. Other Restoration Projects ... that will improve the natural capacity of a Resource Area(s) to protect the interests identified in M.G.L. c. 131, § 40



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- Project Summary
 - Crystal Lake suffers toxic algal blooms in the summer.
 - Dredging, oxygenation and phosphorus inactivation were options evaluated for internal nutrient management.
 - Phosphorus inactivation (achieved by the application of alum) would be the most viable and cost-effective approach to management of internal nutrient cycling and would achieve a 90% internal load reduction and prevent cyanobacteria blooms.
 - Treat 9 acres of Crystal Lake deeper than 16 feet (Figure 1) with two aluminum compounds to strip phosphorus from the water column and inactivate phosphorus in surficial sediment. A total of 60 g/m² will be applied over 9 acres of the lake. The first application, to be completed by late April or early May 2020, will be 35 g/m², requiring 2423 gallons of aluminum sulfate and 1262 gallons of sodium aluminate. The second treatment will occur 1 to 3 years later, depending on conditions in the pond as determined by monitoring. The dose for the second treatment will be 25 g/m², requiring 1801 gallons of aluminum sulfate and 901 gallons of sodium aluminate. Application will be from a small boat equipped with holding tanks, pumps and a manifold for delivering each of the aluminum compounds simultaneously and guided by GPS for accurate delivery of the inactivators. The boat will be launched from the bath house beach area.
 - Notes: Existing and Proposed Stormwater BMPs with enhanced street sweeping will achieve 32% load reduction
 - Several viable structural stormwater controls have been identified for the watershed that will provide long-term nutrient reduction benefit, e.g., the Trowbridge Street Focal Point system
- Staff Notes
 - This is tried and true method that will provide ~20 years of phosphorus inactivation.
 - Whenever oxygen drops below 2 mg/L, iron and phosphorus dissociate and both move from the lake sediments into the water column. Phosphorus acts as a fertilizer, and algae bloom.
 - Crystal Lake is 27.5 acres with a maximum depth of just over 30 feet. Total watershed is 55-acres (this is a low watershed-to-lake ratio).
 - Woodard & Curran and Dr. Ken Wagner of WRS have reviewed all existing data including the data collected by Crystal Lake Conservancy. They augmented existing data with the collection of sediment, algae and zooplankton samples, several rounds of outfall sampling and lake measurements to model the internal and external nutrient loads to the Lake.
 - The suburban watershed generates significant nutrient and organic loads. "...runoff from the watershed and internal loading supply more than 86% of the phosphorus in the lake. The watershed load (53%) is larger than the internal load (34%) but the internal load occurs almost entirely in summer and is a greater contributor to cyanobacteria blooms."
 - Crystal lake is suffering from excessive internal loading and has enough ongoing watershed loading to warrant both in-lake and watershed action. The average annual dissolved and available phosphorus load is estimated at 17.3 kg/yr (50.14 lbs/yr), resulting in an average phosphorus concentration of 17-20 ug/L, high enough to allow summer cyanobacteria blooms.
 - A target total phosphorus load of about 10 kg/yr is suggested, yielding an average phosphorus concentration <11 µg/L, acceptable levels with regards to algae during the primary use season.
 - It will not be possible to reach a target phosphorus loading goal of 10 kg/yr and may be hard to reach 15 kg/yr with watershed management alone; the internal load is too large and occurs mainly in summer.
 - Late April to mid-May is the ideal time for phosphorus inactivation, proposed w/ Alum.
 - The primary concern during treatment application is possible swings in pH. Over the past two decades of treatments, applicators have balanced the two aluminum compounds at ratios near 2:1 by volume (alum:aluminate) to keep pH between 6 and 8, which is the recommended range for fish and other aquatic biota and avoids aluminum toxicity. The low oxygen in the target treatment zone does not support an advantageous habitat for aquatic biota. Aquatic biota like zooplankton and benthic invertebrates may be negatively impacted by the floc formed during the actual aluminum application, but populations in the target zone are minimal and will recover within 2 years if impacts occur.
 - The long-term benefits of an aluminum treatment include improved water quality and enhanced food web dynamics, which are known to last up to 20 years, possibly longer if watershed inputs are controlled.

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.

- Staff Recommendations: Vote to close the hearing and issue an Order of Conditions with the following special conditions.
 - Adhere to the NOI narrative.
 - Monitor to determine whether/when a second treatment is warranted.
- 2. 125 Wells Avenue – NOI – parking expansion and stormwater management improvements – DEP File #239-863**
- Owner/Applicant: Ross Soraci, Solomon Schecter Day School Representative: Timothy Power, PVI Site Design, LLC
 - Request: Issue OOC.
 - Documents Presented: revised plans, photos, draft OOC
 - Jurisdiction: Buffer Zone to bank, Riverfront Area
 - Performance Standards
 - **Buffer Zone. 10.53(1): General Provisions** “For work in the Buffer Zone subject to review under 310 CMR 10.02(2)(b)3., the Issuing Authority shall impose conditions to protect the interests of the Act identified for the adjacent Resource Area. ... where prior development is extensive, may consider measures such as the restoration of natural vegetation adjacent to a Resource Area to protect the interest of [the Act]. ... The purpose of preconstruction review of work in the Buffer Zone is to ensure that adjacent Resource Areas are not adversely affected during or after completion of the work.”
 - **Riverfront Area: 10.58(4)**
 - (c) Practicable and Substantially Equivalent Economic Alternatives.
 - (d) No Significant Adverse Impact.
 1. Within 200-foot riverfront areas, the issuing authority may allow the alteration of up to 5000 square feet or 10% of the riverfront area within the lot, whichever is greater ..., provided that:
 - a. At a minimum, a 100’ wide area of undisturbed vegetation is provided... preserved / extended...
 - b. Stormwater is managed ...
 - c. ... work does not impair ... capacity of ... riverfront area to provide important wildlife habitat ...
 - d. ... incorporating erosion and sedimentation controls...
 - Project Summary
 - The school is consolidating campuses and so will be expanding at this location.
 - The school will be adding 11 parking spaces within RFA where there is currently lawn.
 - The school will be removing three trees (diameters to be determined at an upcoming site visit) and is proposing 2 Pin Oak saplings.
 - 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.
 - Staff Notes
 - A DEP file number has been received.
 - Applicant has provided revised plans as requested, showing one on-site catch basin switched for a leaching catch basin, a flared end pipe rather than extensive rip-rap, and 2 mitigation planting trees. A modified O&M plan reflecting drainage changes was also provided.
 - Applicant has clarified the amount of new pavement in Riverfront Area. The proposed pavement within outer riverfront area is 1703 s.f., no work is proposed within the inner 100’ of Riverfront Area.
 - The proposed stormwater system meets the City’s standards. Note: the revised O&M plan should be reviewed by Engineering during any building permit review.
 - Staff Recommendations: Vote to close the hearing and issue an Order of Conditions with the following special conditions are recommended.
 - The drainage improvements must be installed as per the approved plans
 - The mitigation plantings must be installed as per the approved plans
 - O&M plan must be recorded and adhered to.
- 3. 79 Staniford Street – OOC Amendment – lawn leveling, retaining wall replace, tree removal – DEP File #239-805**
- Owner: Alison and Nick Fisher Applicant/Representative: Michelle Crowley, Crowley Cottrell, LLC
 - Request: Amend Order of Conditions to reference new plans and condition proposed work.
 - Documents Presented: colored amendment plans, photos, draft OOC
 - Jurisdiction: Buffer Zone
 - Performance Standards
 - **Buffer Zone. 10.53(1): General Provisions** “For work in the Buffer Zone subject to review under 310 CMR 10.02(2)(b)3., the Issuing Authority shall impose conditions to protect the interests of the Act identified for the

adjacent Resource Area. ... where prior development is extensive, may consider measures such as the restoration of natural vegetation adjacent to a Resource Area to protect the interest of [the Act]. ... The purpose of preconstruction review of work in the Buffer Zone is to ensure that adjacent Resource Areas are not adversely affected during or after completion of the work.”

- Project Summary
 - Lawn leveling, including pulling the existing lawn line back towards the approved lawn line under OOC 239-805, to reduce potential run-off causing erosion on Conservation Commission owned land.
 - Replacement of an existing wood retaining wall along the rear lawn line with a new stone retaining wall, with a maximum height of 3’6”. Applicant is also proposing to pull back the second existing retaining wall on-site so that it falls within the property boundaries and no longer encroaches onto neighboring properties.
 - Remove 7 trees total. 4 of the proposed trees to be removed are Norway maples, 2 are dead, and 1 is a Black walnut. The walnut is proposed to be removed due to the hazard of falling walnuts currently dropping in the lawn area.
 - Install a 3 canopy trees, 4 understory trees, and 17 shrubs within the 100’ Buffer Zone.
 - Install the fence required originally under OOC 239-805 to prevent future encroachments onto Conservation Commission owned land.
- Staff Notes
 - This would result in an expansion of the originally approved extent of lawn, and the removal of canopy trees (some native and some invasive species). Applicants have been very interested in creating an appropriately native and diverse plant palette. Con Com must determine whether the proposed 2 red maples, 1 nyssa, 3 amalanchier, and 1 magnolia are an appropriate balance of canopy and understory trees.
 - This project would result in a more robust vegetated shrub and fern buffer to the slope and wetland below.
 - Erosion controls should be added/required where fill is proposed. Staff recommend entrenched silt fence and compost sock.
- Staff Recommendations: Vote to close the hearing and issue an Order of Conditions, once all questions are addressed, including the following special conditions.
 - Erosion controls must be installed
 - No brush, logs, chips or other debris from the tree removal (other than stacked fire wood) shall remain on site
 - All disturbed slopes must be fully stabilized and vegetated immediately after grading has been completed.
 - The mitigation plantings must be installed as per the approved plans.
 - If the fence is installed, it must be elevated from the ground at least 4” to allow for the passage of wetland wildlife.

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 23, 2020.
- Documents Presented: none
- 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.
- Staff Recommendation: Vote to accept a request to continue to April 23, 2020.

5. 229 Cabot St – COC – Laundry Brook culvert replacement – DEP File #239-778

- Owner: City of Newton Applicant: Ted Jerdee, Newton Public Works Representative: none
- Request: Issue COC.
- Documents Presented: photos, draft COC

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- Jurisdiction: LUWW
- Staff Notes: Staff site confirmed that the site is in substantial compliance with the approved plans and Order of Conditions.
- Staff Recommendations: Vote to issue a complete Certificate of Compliance.

6. 7 Great Meadow Road – COC – addition and deck – DEP File #239-637

- Owner: Theodore Selame Applicant/Representative: Brendan Sullivan, Cavanaro Consulting, Inc.
- Request: Issue COC.
- Documents Presented: photos, draft COC
- Jurisdiction: Buffer Zone, Riverfront Area, BLSF, City Floodplain
- Staff Notes: Staff site visit confirmed that the site is in substantial compliance with the approved plans and Order of Conditions.
- Staff Recommendations: Vote to issue a Certificate of Compliance.

II. CONSERVATION AREA DECISIONS

- 7. New trail in the Old Deer Park:** Discussion will be postponed until the April 23, 2020 ConCom meeting to possibly better accommodate public discussion. If the April 23 meeting must also be remote, staff recommend that the discussion occur then so that the trail can be created and opened this spring.

III. ADMINISTRATIVE DECISIONS

8. Minutes of 3/12/20 to be approved

- Documents Presented: draft minutes
- Staff Recommendations: Vote to accept the 3/12/20 minutes.

IV. ISSUES AROUND TOWN DECISIONS – none at this time

UPDATES

V. WETLANDS UPDATES

- Riverside: MEPA DEIR comment period will end on April 24th and the MEPA Certificate will be issued on May 1st

VI. CONSERVATION AREA UPDATES

- Recent completions: Kennard stair replacement, Norumbega stair replacement, Saw Mill Brook boardwalks replaced.
- Pending projects: Woodchips at Norumbega, Stairs at CRP, boardwalk and bridge at Kessler, Houghton Pond improvements, Webster stairs and signs.
- Webster Woods Ribbon Cutting: On hold with COVID-19, but we are moving forward with application for stairs off mall entrance drive.

VII. ISSUES AROUND TOWN UPDATES

- Open Space and Recreation Plan: The first full draft has been reviewed and sent back to the Conway team. Completion is expected in early June.
- Invasive pulls are being coordinated.
- Sudbury Aqueduct 8(m) license application: was submitted to MWRA
- Climate Action Plan: implementation continues
- Climate Resiliency: MVP grant application is in the works

VIII. ADMINISTRATIVE MATTER UPDATES

- ConCom 101 and Social Evening: Indefinitely postponed.
- EnviSci Summer Program may be affected by COVID-19

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

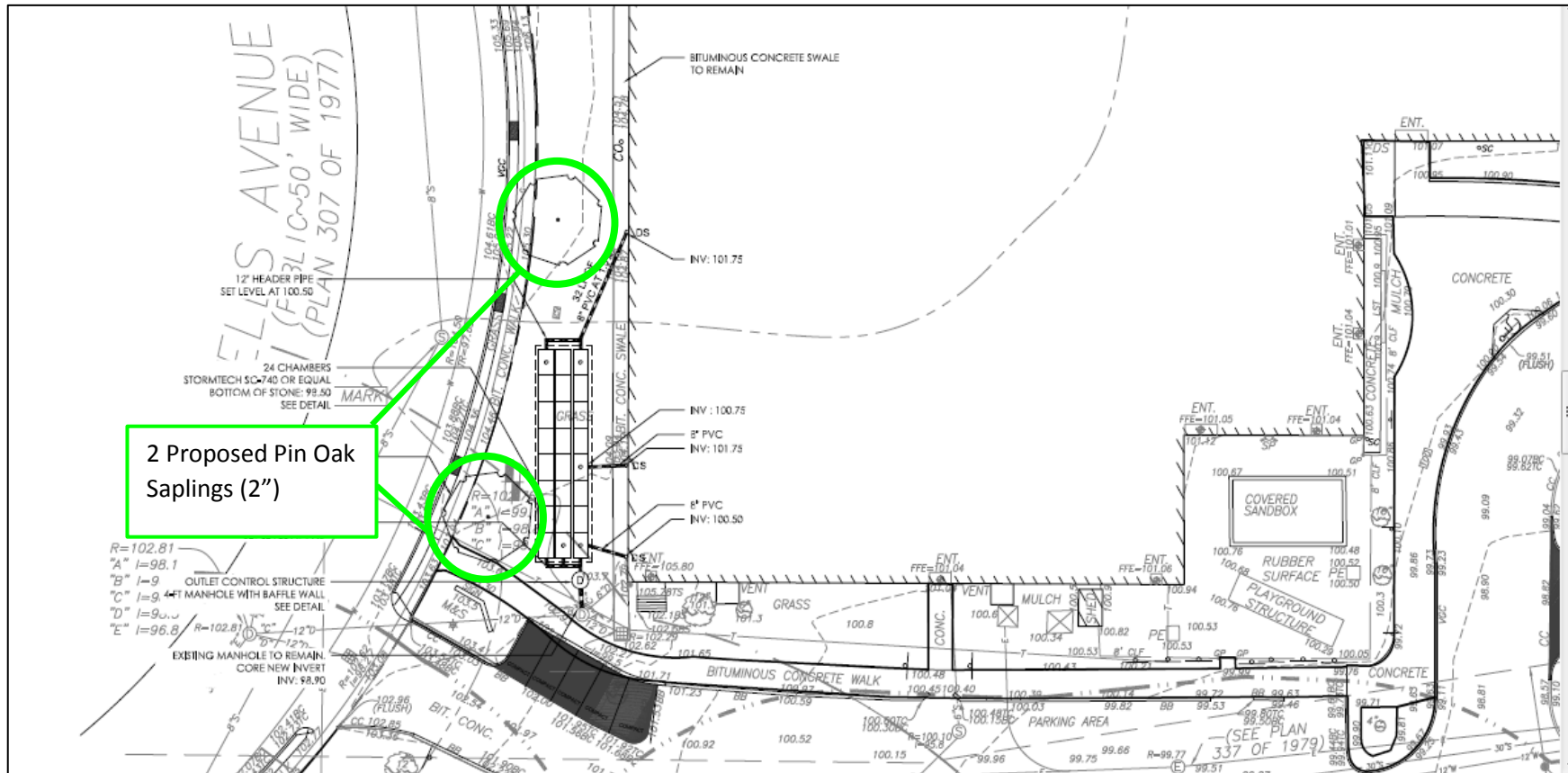
1. 30 ROGERS STREET (CRYSTAL LAKE)

Figure 1. Crystal Lake depth contours and proposed treatment area.

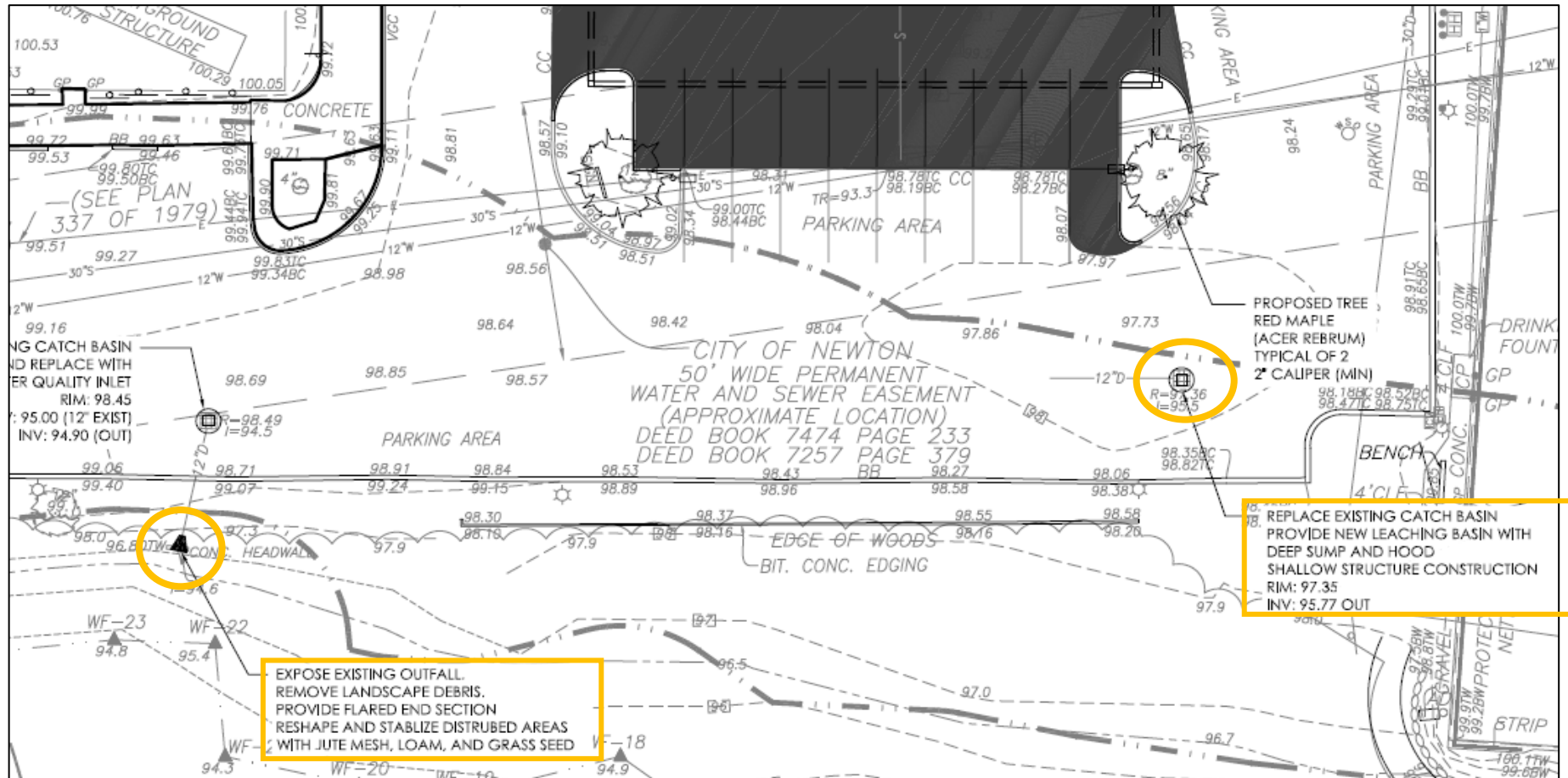


Grey shaded areas indicate the area of treatment.

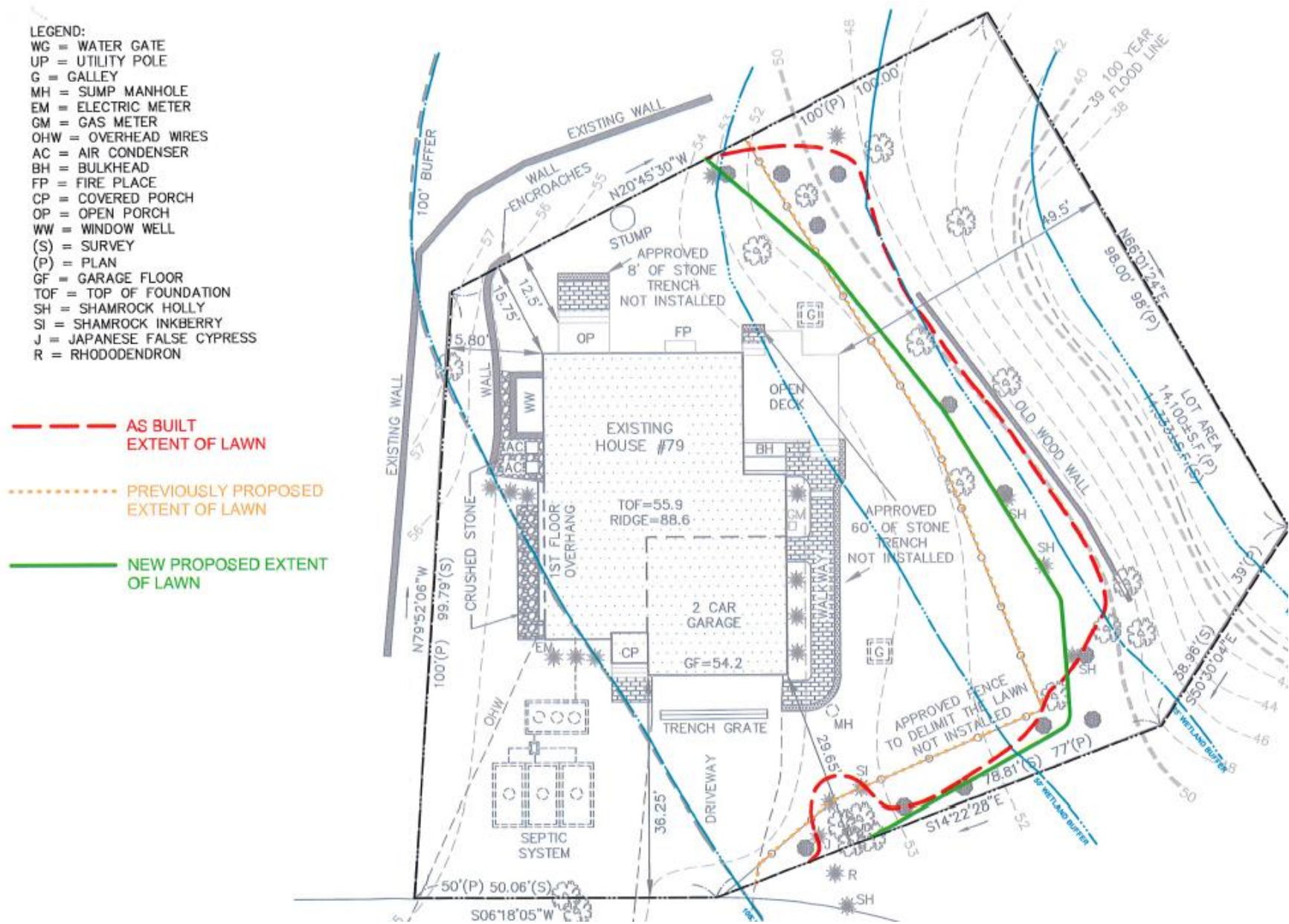
2 – 125 WELLS AVENUE – CHANGES TO PREVIOUS PLANS



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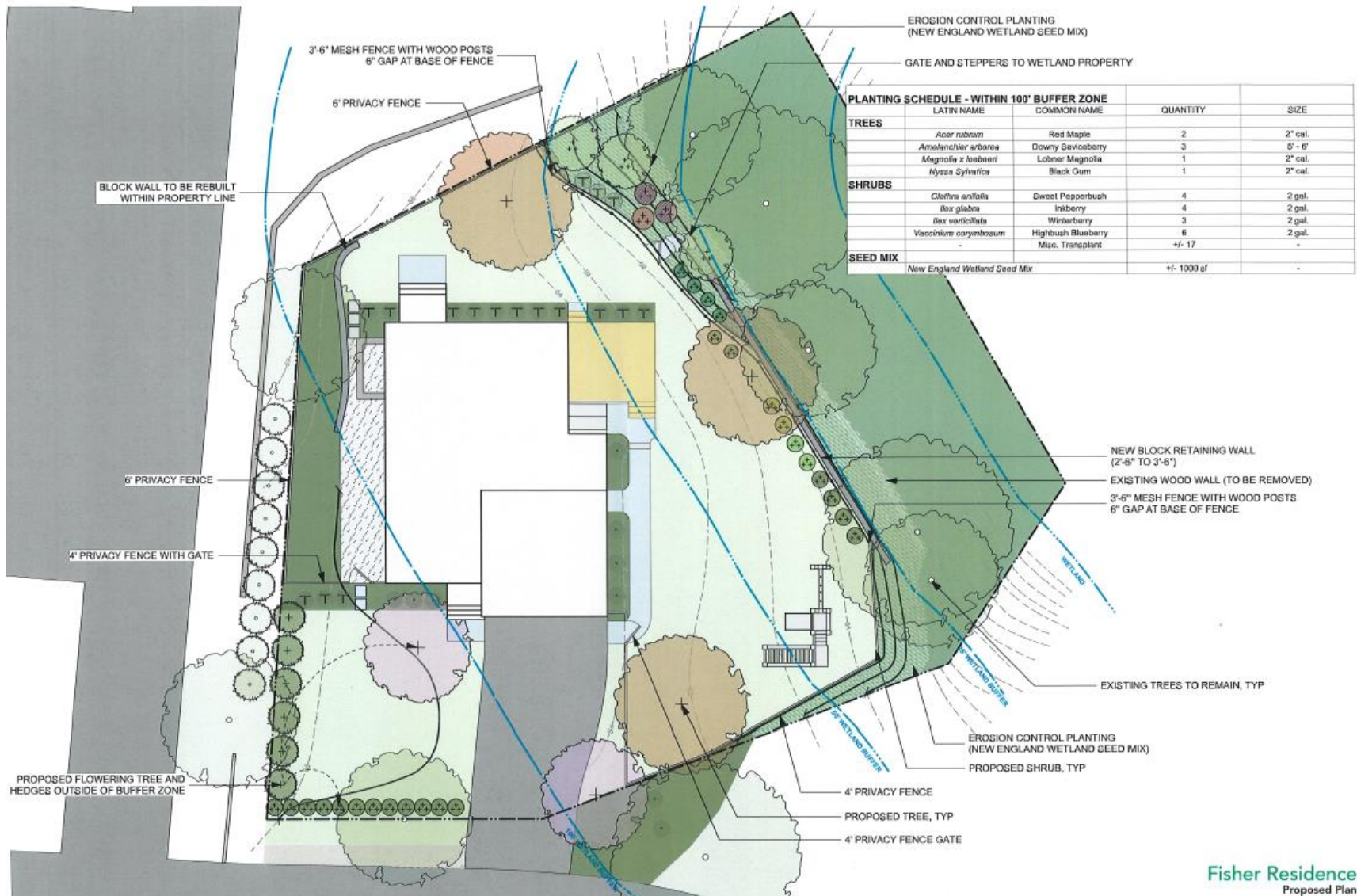
3 – 79 STANIFORD STREET – EXISTING CONDITIONS



3 – 79 STANIFORD STREET – PROPOSED WORK



3 – 79 STANIFORD STREET – PROPOSED FINAL CONDITIONS



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.



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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 not 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.

The location of this meeting is wheelchair accessible & reasonable accommodations will be provided to persons with disabilities who require assistance. If you need a reasonable accommodation, please contact 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.

- 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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