

CONSERVATION COMMISSION MINUTES

Date: April 23, 2020

Time: 7:00pm

Place: This meeting was held as a virtual meeting via Zoom

<https://zoom.us/j/390740999>

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

Members Present: Leigh Gilligan, Kathy Cade, Jeff Zabel, Judy Hepburn, Ellen Katz, and Susan Lunin

Members Absent: none

Staff Present: Jennifer Steel and Claire Rundelli

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

DECISIONS

I. WETLANDS DECISIONS

1. **6 Vaughn Ave – NOI – teardown/rebuild single-family home – DEP File #239-XXX**
 - **Owner:** 6 Vaughn Avenue, LLC **Applicant:** Merek Franklin, Copley Design, LLC
Representative: Daniel C Orwig, Orwig Associates
 - **Request:** Continue to May 14, 2020.
 - **Jurisdiction:** Buffer Zone
 - **Project Summary:** Demolition of an existing single-family home with associated driveway.
 - **Vote:** to continue the hearing to 5/14/20 to allow for submission of revised materials addressing staff and Commission questions and concerns. [Motion: Lunin; Second: Gilligan; Roll-call vote: Cade (aye), Gilligan (aye), Green (aye), Hepburn (aye), Katz (aye) Lunin (aye), Zabel (aye); Vote 7:0:0]
2. **791 Walnut Street – NOI – ecological restoration – DEP File #239-864**
 - **Owner:** Newton Cemetery Corporation (NCC) **Applicant:** Mary Ann Buras, NCC
Representative: Michael DeRosa, DeRosa Environmental Consulting, Inc.
 - **Request:** Continue to June 4, 2020.
 - **Jurisdiction:** Bank, Bordering Vegetative Wetlands (BVW), City Floodplain, Land Under Wetlands and Waterways (LUWW), Riverfront Area, Buffer Zone
 - **Project Summary:** This applicant is requesting a 5-year Order of Conditions to implement an ecological restoration plan including hydromaking ponds, tree removal, buffer zone plantings, chemical treatments for phosphorus, etc.
 - **Vote:** to continue the hearing to 6/4/20 to allow for submission of revised materials addressing staff and Commission questions and concerns. [Motion: Susan Lunin; Second: Gilligan; Roll-call vote: Cade (aye), Gilligan (aye), Green (aye), Hepburn (aye), Katz (aye) Lunin (aye), Zabel (aye); Vote 7:0:0]
3. **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:** Katherine Adams, Schlesinger & Buchbinder, LLP; Timothy Williams, Allen & Major Associates, Inc.; Ian Ramey Copley Wolff Design Group, Inc.; Jack Englert, Criterion Development; Melissa Mintz, Criterion Development.
 - **Request:** Issue OOC.
 - **Documents Presented:** Powerpoint presentation by the applicant team, colored plans, site photos
 - **Jurisdiction:** Buffer Zone, Riverfront Area, BLSF, City Floodplain
 - **Presentation (provided by Melissa Mintz and Tim Williams) and Discussion**
 - Project summary
 - Demolish existing large commercial building and remove much of the existing pavement.
 - Construct one large mixed-use building (with a central open-air concourse) within Riverfront Area -- 166 units, ~57,819 sf, and 5 stories with ground-level covered parking, and associated outdoor amenities. Construct one smaller building outside the Riverfront Area.
 - Undertake associated site grading, install drainage and stormwater management systems, and landscape the site.



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

1000 Comm. Ave.
Newton, MA 02459
T 617/796-1120
F 617/796-1142

www.newtonma.gov

- 5,309 c.f. of additional flood storage is proposed to be constructed on site.
- Impervious area on the entire project site (including areas outside Riverfront Area) will be reduced by ~10,000 s.f.
- The bioretention area will hold the 100-year storm event.
- The retrofitted catchbasins, water quality structure, and subsurface detention structure will hold and treat runoff from the entire site and nearby streets and reduce the site's phosphorus load in compliance with the City's TMDL.
- Runoff from the covered parking area will go through oil/water separators and into the City's sewer.
- The project, a 40B, is before the ZBA.
- Riverfront Area improvements include a reduction in impervious area and stormwater quality improvements.
- Flood storage will be increased on the site by 15%.
- Public access to the DCR Blue Heron Pathway and to the City's adjacent Forte Park will be enhanced.
- Plans have been revised a number of times. The most recent plans, dated April 17, address a number of questions and concerns raised by Conservation staff. Since they were received after the filing deadline, staff and Commission members have not had a chance to review them and so a continuation will be necessary.
 - Stormwater from the large building site and from the surrounding roads and smaller building site will now be treated.
 - Plantings and snow storage have been revised to be more compatible.
 - Erosion controls have been revised.
 - Notes have been added to protect infiltration areas from compaction during construction
 - A concrete washout area has been added.
 - Phosphorus reduction has been increased.
 - The size of the detention facility has been increased.
- A Phase I analysis for site contamination has been done and turned up nothing of note. There will be Phase II oversight during excavation.
- The Commission asked for more information regarding the following.
 - The SWPPP will detail the construction phasing plan
 - Snow storage plans will address the need to provide access to the courtyard
 - Plans should reflect and reinforce the requirement to protect infiltration areas from compaction during construction
- Vote: to continue the hearing to 5/14/20 to allow for review of revised materials. [Motion: Gilligan; Second: Zabel; Roll-call vote: Cade (aye), Gilligan (aye), Green (aye), Hepburn (aye), Katz (aye) Lunin (aye), Zabel (aye); Vote 7:0:0]

II. CONSERVATION AREA DECISIONS

4. Old Deer Park Opening – Discussion

- Issue: Moving forward with the Commission's interest in opening the Old Deer Park parcel to the public.
- Documents Presented: proposed trail alignment, overall land management project list and estimated costs, site photos
- Presentation (by staff) and Discussion (by Commissioners and members of the public)
 - Abutters were re-notified by mail that this agenda discussion was moved from the 4/2 meeting to the 4/23 meeting.
 - 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.
 - Allowing access through the southern gate from Suffolk Road/Lowell Lane/Houghton Garden seems most appropriate at this point in time.
 - Commissioners noted the possibility of a "Phase II" that would provide access to the parcel from Hammond Pond Parkway once the road redesign provides safe crossing and/or parking, and/or through the northern gate at Old England Road, if it seemed appropriate to do so.

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.

- Commissioners noted the need to address dogs early on to: ensure that the City’s leash law is upheld, provide a pet waste station, to advertise the fact that the fence along Hammond Pond Parkway is not intact and so off-leash dogs could be at risk.
- Commissioners noted the desirability of having a “Friends of the Old Deer Park” group be formed to assist with stewardship and monitoring.
- Members of the public commented on a number of issues:
 - John Grandin noted the likelihood of interest in a volunteer steward group or friends group.
 - Lisle Baker, neighbor and Ward Councilor, noted that additional improvements might be appropriate at some point, including signage, pet waste stations, and fence repairs, but suggested waiting on the installation of parking signs until a need, if any, were clear. Lisle Baker suggested that signs noting the presence of bee hives and signs asking users to stay on the trail would be appropriate.
 - Fred Hochberg noted the need to ensure that parking on Lowell Lane was strictly prohibited (and noted that the two hour parking limit on Suffolk is not well-enforced).
 - Debbie Weiss suggested signs that would encourage users to park on Suffolk Road, not Clovelly Lane or Old England Road.
- Consensus:
 - Staff will meet with the annual maintenance contractors to have them begin to maintain a path this spring
 - Once the Commission feels confident that trail safety has been achieved, signage has been adequately addressed, and parking concerns have been adequately addressed the southern gate can be opened.

5. Hydro-raking Houghton Pond – Discussion

- Documents Presented: aerial photo of work area, site photos
- Staff Presentation:
 - Houghton Pond has been filling in with leaves and organic debris since its creation at the turn of the century. Now emergent weeds encroach close to the center of the pond during dry periods. Trails are suffering extreme damage from frequent flooding.
 - The Commission requested staff to investigate ways to rehabilitate the historic nature of the pond and recreate the valuable ecology of open water habitat.
 - Dredging includes removal of accumulated and/or parent sediment and requires extensive permitting.
 - Hydroraking is a temporary disturbance, is more readily permitted, and could increase flood storage and alleviate some of the flood damage. It is seen essentially as preventive maintenance and ecological restoration.
 - Jennifer Steel solicited estimates for the work.
 - ESTIMATE 1: Aquavac (Note: Jennifer was informed that suction removal was considered dredging and would, therefore, require USACE permits and that because of the small-diameter hose, it is not an appropriate technology for areas with lots of sticks) = \$58,000
 - ESTIMATE 2: Solitude Hydroraking = \$37,500
 - Mobilization and demob of the hydro-rake and steel tub, project planning meetings
 - 15 days hydrorake pond and streams (wet material ~920 cu yds) (tub material ~460 cu yds)
 Landscape contractor needed for site prep and clean-up = ???
 - Swamp mats or other protection for launch site
 - Transit & spreading of material in tubs (dumped volume ~460 cu yds) (finished vol. ~140 cu yds)
 - Planting of seed mix or shrubs
 - ESTIMATE 3: Solitude Hydroraking = \$27,000
 - Mobilization and demob of the hydro-rake and steel tub, project planning meetings
 - 10 days hydrorake “pond plus” (wet material ~620 cu yds) (tub material ~310 cu yds)
 Landscape contractor needed for site prep and clean-up. Estimate from local landscaper = \$27,200
 - Swamp mats or other protection for launch site
 - Transit & spreading of material in tubs (dumped volume ~460 cu yds) (finished vol. ~140 cu yds)
 - Planting of seed mix or shrubs
 - Jennifer Steel shared a spreadsheet listing the desired capital improvement projects for all Conservation Commission parcels and initial estimates for those projects. She noted that the Commission had spent over \$50,000 on tree cutting in Houghton Garden recently, and over \$35,000 on restoration efforts at the adjacent Old Deer Park in recent years. She, therefore, noted the necessity of not committing too much of the Commission’s limited budget to work at Houghton Garden, to ensure that other priority projects could be undertaken at other Conservation Areas.

- Jennifer Steel also noted the financial uncertainties associated with the COVID-19 pandemic, notably that near-future City contributions to the ConCom’s Capital Improvement budget are not guaranteed and that the annual contribution from the Commonwealth Golf Course Fund that supports routine annual maintenance may be contingent on the golf course opening to the public.
- Discussion:
 - Neighbors felt that many local residents would like to contribute funds to ensure that the hydroraking project could move forward as soon as possible.
 - Commissioners noted that the community supplying matching funds could encourage the Commission to undertake the project.
 - Commissioners also noted the need to study and address needs at other parcels throughout the City.
 - Jennifer Steel noted that several projects were in the works and that several parcels should have accessibility improvements made.
 - Fred Hochberg offered to take the idea to the Chestnut Hill Garden Club and to the Chestnut Hill Association to gauge interest.
 - Lisle Baker, neighbor and Ward Councilor, noted that additional improvements might be appropriate.
 - Anthony Trase noted that City resources should be spent on maintenance efforts.
 - Commissioners asked the neighbors to see if they could raise matching funds.
 - Jennifer Steel will send the Commission’ overall land management budget estimates to the Commission (and the neighbors) for their consideration.
- Consensus: Commissioners will consider the matter at their next meeting.

III. ADMINISTRATIVE DECISIONS

6. Minutes of 4/2/20 to be approved

- Documents Presented: draft minutes
- Vote: to accept the 4/2/20 minutes. [Motion: Gilligan; Second: Zabel; Roll-call vote: Cade (aye), Gilligan (aye), Green (aye), Hepburn (aye), Katz (aye) Lunin (aye), Zabel (aye); Vote 7:0:0]

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, 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

7. Dolan Pond Accessibility Improvements.

- Discussion: Spurred by the Open Space and Recreation Planning process, Jennifer Steel and Claire Rundelli identified four parcels ripe for accessibility improvements:

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- Dolan Pond - trail surface improvements from new ramp off boardwalk to Cumberland/Fernwood
- Norumbega - trail surface improvements on the oval loop
- Charles River Pathway - trail surface improvements
- Houghton Garden - trail surface improvements from the peninsula trail to the stream crossing.

Claire and Jennifer walked the Dolan Pond trails with Jini Fairley, ADA Coordinator, and Ted Kuklinski, Volunteer Steward for Dolan Pond. We determined that top-dressing the trail with crusher-run would be a big improvement in accessibility, even if some slopes did not comply with the 1:20 grade requirement for ADA compliance.

- Discussion: Ted Kuklinski noted that the initial trail accessibility work was done with CDBG funds.
- Consensus: Jennifer Steel will get an estimate for minor grading and installation of crusher-run at Dolan Pond.

8. Voted to allow Commissioners to use electronic signatures on permitting or compliance documents that have been approved by a board vote.

- Vote: to allow Commissioners to use electronic signatures on permitting or compliance documents that have been approved by a board vote. Such electronically signed documents will also include a statement that “the signatures are made in accordance with M.G.L. c.110G and pursuant to the commission’s electronic signature authorization vote recorded on [DATE] in [BOOK and PAGE or REG. LAND DOCUMENT NUMBER] at the Middlesex South Registry of Deeds. [Motion: Green; Second: Lunin; Roll-call vote: Cade (aye), Gilligan (aye), Green (aye), Hepburn (aye), Katz (aye) Lunin (aye), Zabel (aye); Vote 7:0:0]

ADJOURN at 10:21pm [Motion: Lunin; Second: Zabel; Roll-call vote: Cade (aye), Gilligan (aye), Green (aye), Hepburn (aye), Katz (aye) Lunin (aye), Zabel (aye); Vote 7:0:0]