

# CONSERVATION COMMISSION AGENDA

The Conservation Commission will hold this meeting as a virtual meeting on Thursday, June 4, 2020 at 7:00 pm. No in-person meeting will take place at City Hall.

Zoom access information for the June 4, 2020 Conservation Commission meeting will be posted at the following web address 48 hours in advance of the meeting.

<http://www.newtonma.gov/gov/planning/conserv/default.asp>

Please feel free to email [jsteel@newtonma.gov](mailto:jsteel@newtonma.gov) and [crundelli@newtonma.gov](mailto:crundelli@newtonma.gov) with any questions about filings prior to the meeting or access to the meeting.

**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. **Informal Discussion – 138 Lake Ave. – Proposed Tree Removal**
  - Owner/Applicant: Anthony Deighton
2. **Northland Mixed-Use Development – Preliminary Discussion**
  - Owner/Applicant: Northland Investment Corp. Representative: Curtis Quitzau, VHB, Inc.
3. **24 Village Road – NOI – construction of new detached garage and new driveway – DEP File #239-866**
  - Owner/Applicant: Hisham Salem Representative: Anthony Stella, Site Engineering Consultants, Inc.
  - Request: Issue OOC.
4. **15 Riverdale Avenue – NOI (continued) – 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: Issue OOC.
5. **791 Walnut Street – NOI (continued) – ecological restoration – DEP File #239-864**
  - Owner: Newton Cemetery Corporation (NCC) Applicant: Mary Ann Buras, NCC Representative: Michael DeRosa, DeRosa Environmental Consulting, Inc.
  - Request: Issue OOC.
6. **Houghton Garden Conservation Area – NOI – hydro-raking and associated site work – DEP File #239-XXX**
  - Owner/Applicant: City of Newton Conservation Commission Representative: none
  - Request: Continue hearing.
7. **62 Carlton Road – OOC Amendment Request – lawn extension with associated grading, retaining walls, and plantings – DEP File #239-836**
  - Owner/Applicant: Hillcrest Development Representative: John Rockwood, EcoTec, Inc.
  - Request: Issue OOC amendment.

### II. CONSERVATION AREA DECISIONS

### III. ADMINISTRATIVE DECISIONS

8. **Unrestricted Hydraulic Flow – Discussion**
9. **Review of Standard Conditions**
10. **Minutes of 5/14/20 to be approved**

### IV. ISSUES AROUND TOWN DECISIONS

11. **City of Newton 2020-2027 Open Space and Recreation Plan**

## 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

**Chief  
Environmental  
Planner**  
Jennifer Steel

**Assistant  
Environmental  
Planner**  
Claire Rundelli

**Conservation  
Commission  
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Kathy Cade  
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1000 Comm. Ave.  
Newton, MA 02459  
T 617/796-1120  
F 617/796-1142

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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. Informal Discussion – 138 Lake Ave. – Proposed Tree Removal

- Owner/Applicant: Anthony Deighton
- Documents Presented: Site photos
- Jurisdiction: Buffer Zone
- Staff Notes
  - The tree in question was saved during the recent construction of the Deighton's house.
  - The tree is a huge old silver maple that has been dropping limbs.
  - The owners are concerned someone or something will be damaged.
  - Because of the size of the tree and the recent permitting of site alterations, staff were not comfortable using their administrative approval authority.
  - The Commission's tree replacement guidelines state:
    - For each inch of tree over 8" dbh removed, ½ caliper inch (measured 6 inches off the ground) must be planted. Replacement trees must be at least 1-2 caliper inches.
    - If the trees or shrubs being replaced are hazards, mitigation requirements may be reduced.
- Staff Recommendation: Determine the scope/scale/nature of an appropriate tree replacement planting scheme.

#### 2. Northland Mixed-Use Development – Preliminary Discussion

- Owner/Applicant: Northland Investment Corp. Representative: Curtis Quitzau, VHB, Inc.
- Documents Presented: Applicant presentation
- Jurisdiction: Buffer Zone, Riverfront Area, City Floodplain
- Performance Standards
  - **10.58(5) RFA: Redevelopment within Previously Developed Riverfront Areas; Restoration & Mitigation**
    - ... work improves existing conditions.
    - Redevelopment means ... reuse of degraded or previously developed areas.
    - A previously developed riverfront area contains areas degraded prior to August 7, 1996....
    - Work to redevelop previously developed riverfront areas shall ...:
      - (a) At a minimum, work shall result in an improvement over existing conditions ...
      - (b) Stormwater management is provided according to standards
      - (c) Proposed work shall not be closer to the river than existing conditions or 100', whichever is less
      - (d) Proposed work...shall be located... away from the river, except in accordance with 10.58(5)(f) or (g).
      - (e) ... proposed work shall not exceed the degraded area ...except in accordance with 10.58(5)(f) or (g).



**Mayor**  
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- (f) despite what it says in 310 CMR 10.58(5)(c), (d), and (e), more alteration at the RFA outer boundary may be allowed if an applicant proposes restoration ... of at least 1:1 ...
- (g) despite what it says in 310 CMR 10.58(5)(c), (d), or (e), more alteration at the RFA outer boundary may be allowed if an applicant proposes mitigation ... of at least 2:1
- (h) The issuing authority shall include a continuing condition in the COC ...under 10.58(5)(f) or (g) prohibiting further alteration within the restoration or mitigation area....

- **City Floodplain. Sec. 22-22. Floodplain/Watershed Protection Provisions.**

- (b)(1) Except as provided in subsections (b)(2) and (e) of this section, no building or other structure shall be erected, constructed, altered, enlarged or otherwise created for any residence or other purpose ... which will restrict floodwater flow or reduce floodwater storage capacity shall be permitted.
- (b)(2) ... the conservation commission may issue an order of conditions for the following uses in the Floodplain/Watershed Protection District:
  - a) Any building or structure for which compensatory storage is provided ...

- Staff Notes: Applicant would like preliminary feedback from the Commission before submitting a NOI.

### 3. 24 Village Road – NOI – construction of new detached garage and new driveway – DEP File #239-866

- Owner/Applicant: Hisham Salem Representative: Anthony Stella, Site Engineering Consultants, Inc.
- Request: Issue OOC.
- Documents Presented: Colored plans, site photos, draft OOC
- Jurisdiction: Riverfront Area
- Performance Standards

- **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 or extended to the max. extent feasible....
  - b. Stormwater is managed ...
  - c. Proposed work does not impair the capacity of the riverfront area to provide important wildlife habitat functions. ...
  - d. ... incorporating erosion and sedimentation controls and other measures to attenuate nonpoint source pollution.

- Project Summary

- Construction of a 24'x26' detached, 2-car garage. Existing garage will be converted to storage.
- Pouring of a new 22' wide asphalt driveway.
- Installation of underground infiltration chambers and trench drain to collect runoff from driveway and new roof.
- The project will result in a roughly 1200 s.f. increase in impervious area on the site, all within the outer riparian zone.

- Staff Notes

- There is a fair amount of mature vegetation that will need to be removed in order to construct the garage and pour the driveway. Details of vegetation removal have not been provided.
- No mitigation plantings have been proposed under this filing. Appropriate mitigation plantings, preferably in a bounded bed, should be provided for the increase in impervious area within Riverfront area.
- Staff question whether a 22'-wide driveway is necessary, considering the existing driveway is due to remain. Staff wonder whether, since this lot is at the end of a quiet dead-end street, the driveway could be reconfigured to reduce asphalt (backing into the street is not a hazardous undertaking)
- The proposed erosion control barrier should be revised to include revised to include a silt fence, in addition to the compost sock.
- Engineering comments have not yet been received for this filing.

- Staff Recommendations: Continue hearing to allow staff concerns to be addressed.

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

*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.*

- Owner: Michael Price, Legacy the River, LLC Applicant: Jack Englert, CPC Land Acquisition Company, LLC  
Representative: Timothy Williams, Allen & Major Associates, Inc.
- Request: Issue OOC.
- Documents Presented: Colored plans, site photos, draft OOC
- Jurisdiction: Buffer Zone, Riverfront Area, BLSF, City Floodplain
- Performance Standards
  - **10.58(5) RFA: Redevelopment within Previously Developed Riverfront Areas; Restoration & Mitigation**
    - ... work improves existing conditions.
    - Redevelopment means ... reuse of degraded or previously developed areas.
    - A previously developed riverfront area contains areas degraded prior to August 7, 1996....
    - Work to redevelop previously developed riverfront areas shall ...:
      - (a) At a minimum, work shall result in an improvement over existing conditions ...
      - (b) Stormwater management is provided according to standards
      - (c) Proposed work shall not be closer to the river than existing conditions or 100', whichever is less
      - (d) Proposed work...shall be located... away from the river, except in accordance with 10.58(5)(f) or (g).
      - (e) ... proposed work shall not exceed the degraded area ...except in accordance with 10.58(5)(f) or (g).
      - (f) despite what it says in 310 CMR 10.58(5)(c), (d), and (e), more alteration at the RFA outer boundary may be allowed if an applicant proposes restoration ... of at least 1:1 ...
      - (g) despite what it says in 310 CMR 10.58(5)(c), (d), or (e), more alteration at the RFA outer boundary may be allowed if an applicant proposes mitigation ... of at least 2:1
      - (h) The issuing authority shall include a continuing condition in the COC ...under 10.58(5)(f) or (g) prohibiting further alteration within the restoration or mitigation area....
  - **Bordering Land Subject to Flooding: 10.57**
    - Compensatory storage shall be provided for all flood storage volume that will be lost ... Such compensatory volume shall have an unrestricted hydraulic connection to the same waterway or water body.
    - Work shall not restrict flows so as to cause an increase in flood stage or velocity.
    - Work in those portions of bordering land subject to flooding found to be significant to the protection of wildlife habitat shall not impair its capacity to provide important wildlife habitat functions. ....
  - **City Floodplain. Sec. 22-22. Floodplain/Watershed Protection Provisions.**
    - (b)(1) Except as provided in subsections (b)(2) and (e) of this section, no building or other structure shall be erected, constructed, altered, enlarged or otherwise created for any residence or other purpose ... which will restrict floodwater flow or reduce floodwater storage capacity shall be permitted.
    - (b)(2) ... the conservation commission may issue an order of conditions for the following uses in the Floodplain/Watershed Protection District:
      - a) Any building or structure for which compensatory storage is provided ...
- Project Summary
  - The project, a 40B, is before the ZBA.
  - Demolish existing large commercial building and remove much of the existing pavement.
  - Construct one large 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.
  - Undertake associated site grading, install drainage and stormwater management systems, create bioretention area, and landscape the site.
  - N.B. The project includes the construction of another smaller building, roadway, and parking outside of RFA.
- Regulatory framework
  - Riverfront Area alteration – some reduction in impervious area, significant plantings, significant improvement in stormwater, improvement in public access
  - Flood zone – net gain of 5,309 c.f. storage
- Project will result in a number of improvements to current conditions
  - Overall, this seems to represent a small improvement to the existing Riverfront Area by pulling the proposed building back 30-35' feet from the river and pulling the hardscape back 7' from the river in most areas. The bioretention area could provide greater habitat value than the existing lawn it will be replacing.
  - Impervious area on the entire project site (including areas outside Riverfront Area) will be reduced by 10,218 s.f.
  - Flood storage will be increased on the site by 15% or 5,309 c.f.
  - The retrofitted catch basins, 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.



- Public access to the DCR Blue Heron Pathway and to the City's adjacent Forte Park will be enhanced.
- Staff Notes:
  - As discussed at the last hearing, the applicant has addressed all of the concerns that staff raised. These changes have been appropriately incorporated in the revised plans.
- Staff Recommendation: If there are no further questions from the Commission, vote to close the hearing and issue an OOC.

**5. 791 Walnut Street – NOI (continued) – ecological restoration – DEP File #239-864**

- Owner: Newton Cemetery Corporation (NCC) Applicant: Mary Ann Buras, NCC Representative: Michael DeRosa, DeRosa Environmental Consulting, Inc.
- Request: Issue OOC.
- Documents Presented: Plans, site photos, draft OOC
- Jurisdiction: Bank, Bordering Vegetative Wetlands (BVW), City Floodplain, Land Under Wetlands and Waterways (LUWW), Riverfront Area, Buffer Zone
- Performance Standards – this project was filed as a Limited Project, essentially seeking waivers from the standard performance standards because of the project's anticipated overall ecological improvement. "Limited projects are categories of activities within the existing wetlands regulations which can proceed at the discretion of the issuing authority without fully meeting the resource area performance standards." (RFA preamble) "the types of projects covered are, by nature, important to the protection of public health, safety and/or the environment." (Jan 1, 1994 preamble) Under the "Limited Project" type, the applicant must show that a project improves the natural capacity of a specific resource area. This includes projects proposed primarily to enhance fisheries habitat, address eutrophication, or increase dissolved oxygen or improve overall water quality in a water body. As an Ecological Restoration Limited Project, the environmental impacts are reviewed at two levels: the local Conservation Commission, which has jurisdiction under the Wetlands Protection Act and any local wetland bylaw/ordinance, and the Massachusetts Environmental Policy Act (MEPA) Unit, which has jurisdiction over state-funded or state-authorized projects of a certain size or scope.
- **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.
    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
- **Bank: 310 CMR 10.54**
  - (a) Work on a Bank shall not impair the following:

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1. The physical stability of the Bank;
  2. The water carrying capacity of the existing channel within the Bank;
  3. Ground water and surface water quality;
  4. The capacity of the Bank to provide breeding habitat, escape cover and food for fisheries;
  5. The capacity of the Bank to provide important wildlife habitat functions.
  6. Work on a stream crossing ...
- (b) Structures may be permitted in or on a Bank ...
- (c) No project may be permitted which will have any adverse effect on specified habitat sites of Rare Species.
- **BVW: 10.55(4)**
    - (a) Work in a Bordering Vegetated Wetland shall not destroy or otherwise impair any portion of the BVW
    - (b) The ConCom may permit the loss of up to 5000 square feet of BVW when said area is replaced ....
    - (c) The ConCom may permit the loss of a portion of BVW when ...
    - (d) No project may be permitted which will have any adverse effect on specified habitat sites of rare species
    - (e) No work shall destroy or otherwise impair any Area of Critical Environmental Concern
  - **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 or extended to the max. extent feasible....
        - b. Stormwater is managed ...
        - c. Proposed work does not impair the capacity of the riverfront area to provide important wildlife habitat functions. ...
        - d. ... incorporating erosion and sedimentation controls and other measures to attenuate nonpoint source pollution.
  - **City Floodplain. Sec. 22-22. Floodplain/Watershed Protection Provisions.**
    - (b)(1) Except as provided in subsections (b)(2) and (e) of this section, no building or other structure shall be erected, constructed, altered, enlarged or otherwise created for any residence or other purpose ... which will restrict floodwater flow or reduce floodwater storage capacity shall be permitted.
    - (b)(2) ... the conservation commission may issue an order of conditions for the following uses in the Floodplain/Watershed Protection District:
      - a) Any building or structure for which compensatory storage is provided ...
- **Project Summary**
- NOTE: This applicant is requesting a 5-year Order of Conditions to implement an ecological restoration plan.
  - The proposed ecological restoration focuses on the management of Ponds 1-4 and the Irrigation Pond to reduce organic accumulation, reduce nutrient loading, increase water holding capacity, manage invasive aquatic plant species, improve overall water quality, and improve wildlife habitat.
  - Proposed activities are:
    - Hydro-raking of the 4 ponds (2.7 acres). “The objective of the hydro-raking portion of the project will be to remove the roots and tubers of nuisance vegetation within the ponds.” All equipment for hydro-raking is proposed to be positioned on existing paved pathways within the cemetery, with other work being done by hand. Applicant has proposed that during hydro-raking operations members of the cemetery staff and hydro-raking crew will separate out any turtles, fish, and macro-invertebrates that can be easily collected from the harvested material and place them back in a previously selected refuge pond (typically the upgradient pond from where the work is being conducted). In this way these species can find refuge areas within the adjacent ponds during these activities. Five (5) gallon pails or equivalent will be used to transport the hand collected specimens to the refuge pond. The raked material will be temporarily deposited on accessible shoreline to dewater, then trucked by the Applicant or third party to a designated permanent, upland, on-site composting/disposal location. Increases in turbidity typically settle-out to background levels within 24 hours of the completion of hydro-raking. The anticipated hydro-rake launch areas are as follows:
      - Pond 1 – the northeast corner of the pond
      - Pond 2 – the easternmost point of the pond
      - Pond 3 – craned in from a point on the road likely along the northern shoreline where feasible
      - Pond 4 – craned in from a point on the road likely along the northern shoreline where feasible
    - “Other Management Strategies” are proposed for the irrigation pond.

- BioChar Socks to pull nutrients, metals and pollutants from the water by placing the bags near inlets. Once the bag is full, it is pulled from the water which physically removes the pollutants from the water column. The material can be disposed of or even placed in gardens to aid in fertilization
- Regular monitoring of water quality. No details are given
- PAC and copper-based algaecide applications. To be applied at a threshold of 30% cover or “noticeably reduced water clarity”
- Hand-pulling of and/or chemical treatments for water chestnut.
- EX POST FACTO stream restoration plantings along the stretch of stream between ponds 3 and 4.
- Tree Removal and Replanting – some trees have already been cut, others are due to be cut and replaced to increase native stock, vary the ages of trees, and allow for long-term health of the arboretum.
- Staff Notes
  - NOTE: This project was filed as an Ecological Restoration Limited Project. Staff feel that this is appropriate for the hydroraking of the ponds, but all tree cutting (old and new), tree planting, and ex post facto stream bank restoration should be reviewed as work in RFA, Bank, and/or buffer zone, as appropriate.
  - NOTE: The wetland resource area “delineations” shown on the plans submitted with this application do not accurately represent the limits of Bank, Bordering Vegetated Wetland, Buffer Zone, Riverfront Area, or City Floodplain.
  - Staff had an extensive site visit with members from the cemetery management and the applicant team. Based on that site visit, the proposed work has been simplified to focus on hydro-raking and tree planting, the most urgent and time-sensitive work.
  - The applicant has provided details regarding their turf management and it seems as though all best management practices are being followed in terms of reducing nutrient run-off from turf.
  - Some of the proposals will likely result in function and habitat improvements
    - Hydroraking can be effective in restoring open water habitat
    - PAC can be effective at reducing nutrient re-cycling. The proposed PAC phosphorus treatment is very similar to what the Commission recently approved to occur at Crystal Lake.
    - Stream side restoration performed without permits may represent an improvement over prior conditions; without more information, staff cannot be sure
    - Hand removal of water chestnuts
  - Some of the proposals will likely have short-term negative effects on habitat
    - Tree and shrub removal performed without permits
    - Tree removal without sufficient tree and shrub replacement
  - All of the originally proposed buffer strip restoration has been removed from this application.
  - All plans lack titles, dates, legends, authors, and scales.
  - The computer generate wetland resource area depictions (i.e., ConCom jurisdiction) are imprecise and inaccurate.
  - The hand-sketch plans lack wetland resource area lines.
  - The “treeid” table lacks a title and a date.
  - Plan of tree removal does not clarify what removal has already been cut vs. what is proposed to be cut.
  - Plan of tree removal does not show shrubs that have been cut recently
  - The tree cutting and planting information provides no analysis of the proposed tree cutting and planting:
    - native vs non-native to be cut vs to be replaced
    - native vs non-native already cut vs to be replaced
    - caliper inches already cut vs to be replaced
    - caliper inches to be cut vs to be replaced
  - The planting plans do not include any shrubs or ground covers.
  - Areas of proposed water chestnut removal have not been provided.
  - Only a vague threshold of “inefficiency” has been provided for chemical treatment of water chestnuts. Staff feel that Clearcast may not be appropriate for water chestnut, as it is a broad-spectrum herbicide that is active on many submerged, emergent, and floating broadleaf and monocot aquatic plants. It is non-toxic to fish, birds, and invertebrates.

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- A vague threshold of “noticeably reduced water clarity” has been provided for the use of algacide.
- The frequency and nature of proposed water quality and plant growth monitoring has not been provided. The Commission should consider requiring annual monitoring reports and that certain treatments only be permitted if truly necessary.
- Staff Recommendation: Vote to continue so that applicant can provide more detailed information.

**6. Houghton Garden Conservation Area – NOI – hydro-raking and associated site work – DEP File #239-XXX**

- Owner/Applicant: City of Newton Conservation Commission Representative: none
- Request: Continue to 6/25/20.
- Documents Presented: Plan, Hanss scope of work, site photos, draft OOC
- Jurisdiction: Bank, City Floodplain, Land Under Wetlands and Waterways (LUWW), Riverfront Area, Buffer Zone
- Performance Standards – this project is filed as a Limited Project for the hydro-raking operations, essentially seeking waivers from the standard performance standards for Bank and Land Under Wetlands and Waterbodies because of the project’s anticipated overall ecological improvement. The trail work should be reviewed as work in Riverfront Area and City Flood Zone

- **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.

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

- **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 or extended to the max. extent feasible....
  - b. Stormwater is managed ...
  - c. Proposed work does not impair the capacity of the riverfront area to provide important wildlife habitat functions. ...
  - d. ... incorporating erosion and sedimentation controls and other measures to attenuate nonpoint source pollution.

- **City Floodplain. Sec. 22-22. Floodplain/Watershed Protection Provisions.**

(b)(1) Except as provided in subsections (b)(2) and (e) of this section, no building or other structure shall be erected, constructed, altered, enlarged or otherwise created for any residence or other purpose ... which will restrict floodwater flow or reduce floodwater storage capacity shall be permitted.

(b)(2) ... the conservation commission may issue an order of conditions for the following uses in the Floodplain/Watershed Protection District:

a) Any building or structure for which compensatory storage is provided ...

- Project Summary Letters in parenthesis reference the area codes on the provided plan.
  - (A1.) Hydro-rake the pond.
  - (A1.) Dispose of hydro-raked material at the corner of Suffolk/Lowell; loam and seed with woody/vegetative seed mix.
  - (A1.) Restore the main entrance's accessible stonedust trail and the western wood chip trail to the weir/outlet.
  - (B.) Hand rake the two inflowing streams.
  - (C.) Use a mini-excavator to hydro-rake the larger inflowing streams and outfall plunge pools.
  - (D.) Create a new accessible trail surface parallel to the southerly influent stream to fix damage from mini-excavator
- Staff Notes:
  - Due to the requirement for submitting to the Environmental Monitor 14 days prior to the hearing (we submitted 13 days prior), staff suggest that this item be continued to and closed at a brief special hearing on 6/11/20 (1 day after the Monitor is published).
  - The required solicitations for hydroraking contractors have been issued.
  - The OOC will spell out the performance requirements for the hydro-raking operation.
  - The Conservators have agreed to hold the community donations and oversee the contract with the landscaper, Robert Hanss.
  - Robert Hanss has submitted a detailed scope of work.
  - Staff has drafted a license agreement that will allow the private contractor hired by the Conservators to work on City land.
  - Two disposal/restoration sites in Houghton Garden have been located. Additional hydro-raked material not desired for site restoration can be disposed of in the abandoned swimming pool the Old Deer Park to help alleviate the pool as a trail-side hazard.
- Staff Recommendation: Vote to continue the hearing to 6/11/20 at which time the Commission can vote to close the hearing and issue an Order of Conditions for the proposed hydro-raking and associated site and trail work.

**7. 62 Carlton Road – OOC Amendment Request – lawn extension with associated grading, retaining walls, and plantings – DEP File #239-836**

- Owner/Applicant: Hillcrest Development Representative: John Rockwood, EcoTec, Inc.
- Request: Issue OOC amendment.
- Documents Presented: Colored plans, site photos, draft OOC amendment
- Jurisdiction: Buffer Zone, City Floodplain (proposed work outside floodplain)
- 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."
- Summary of Requested Changes
  - No changes are proposed to the house location and size, driveway location and size, wildlife corridors along the side yards, or stormwater systems.
  - The requested changes are to:
    - Lower the basement floor elevation from 142.4' to 141.6' (~1.5 feet), and patio elev. from 142' to 140'.
    - Extend lawn (and retaining wall) beyond the 50' buffer zone line to as close as ~30' to the wetland boundary and right up to the City Flood Zone line.
    - Relocate proposed retaining wall to accommodate lawn expansion; increase wall in height by 2' at the highest point (previously approved 6', amendment proposes 8'); it ends tapering off to 1' in height.

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*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.*

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- Revise grading, retaining walls (outside 100' BZ), and landscape stairs associated with lawn expansion.
- Expanded invasive species removal on the lot.
- Increase by 37 the number of shrubs in the mitigation planting area. (Previously approved: 67 shrubs and 4 saplings)
- Staff Notes:
  - Below are some of the reasons for approval listed for this project in the Order of Conditions Findings and Special Conditions.
    - Reduced retaining walls provide more naturally graded wildlife corridors on either side of the proposed single-family home
    - No work is proposed within the inner 50' of the Buffer Zone.
  - It appears the basement floor and patio have already been constructed at the "newly proposed" elevations.
  - A deck has been added at the first-floor level that was not shown on the approved. It is technically exempt because of distance from the wetland boundary, but any plan changes are supposed to be brought before the Commission or the Conservation Office for review and approval.
  - The current condition of the expanded planting area is full of invasive species (as is the area proposed to be lawn) and staff have concerns about whether three years will be a long enough management period for the expanded area to ensure that mitigation plantings will thrive.
  - Increasing by 37 the number of shrubs in the mitigation planting area is nice, but only 4 canopy trees were originally proposed and approved. No additional sapling plantings have been proposed under this amendment.
  - The approved plans restricted development and limited lawn in buffer zone because of Commission concerns about the effect of a retaining wall (its height and intrusion) on the wildlife habitat function/value of the wetland.
  - The proposed steepness of the lawn 1:2.5 or 40% make it of limited utility.
- Staff Recommendation: None at this point in time.

**II. CONSERVATION AREA DECISIONS -- None at this point in time**

**III. ADMINISTRATIVE DECISIONS**

**8. Unrestricted Hydraulic Flow – Discussion**

- Staff Notes:
  - The goal is to develop a guidance that can be reflected in proposed plans, OOC conditions, and administrative approvals.
  - The regulations and DEP offer minimal guidance (see guidance document)
  - The concern is ensuring that floodwaters can remain on-site.
- Staff Recommendation: Characteristics to consider:
  - Foundations
    - Foundation walls with openings (size required? covers allowed?) vs piers
  - Deck/house skirting
    - Required elevation from the ground
    - Required/allowed scale and orientation of openings in lattice, screen, or slats
  - Fences
    - Solid panel vs slat
    - Vertical slat vs horizontal slat
    - Elevated vs in the ground
    - parallel/perpendicular to stream flow

**9. Review of Standard Conditions**

- Staff Notes:
  - The goal is to reconsider the Commission's standard perpetual conditions to ensure their appropriateness.
  - The three that should be reviewed and possibly revised are:
    - Enclosure of structures in flood zone
    - Lighting
    - Fertilizers, herbicides, pesticides
  - The concern is ensuring that floodwaters can remain on-site.
- Staff Recommendation: Consider the draft document presented in the packet.

**10. Minutes of 5/14/20 to be approved**

- Documents Presented: draft minutes
- Staff Recommendations: Vote to accept the 5/14/20 minutes.

#### IV. ISSUES AROUND TOWN DECISIONS

##### 11. City of Newton 2020-2027 Open Space and Recreation Plan

- Request: Sign a letter of support for the 2020-2027 Open Space and Recreation Plan.
- Staff Notes: The first draft of the OSRP was released for public review (and review by P&D and ZAP on 4/30. Susan Lunin and Jeff Zabel have been involved members of the OSRP Advisory Committee, but all members of the ConCom should review the draft plan. The state requires a letter of support from the Conservation Commission. Individual members of the ConCom may submit any comments to Conservation staff for consideration in the final draft.
- Staff Recommendation: Vote to sign a letter of support for the 2020-2027 Open Space and Recreation Plan.

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#### UPDATES

##### V. WETLANDS UPDATES

##### VI. CONSERVATION AREA UPDATES

- COVID-19 heavy use: Trail repairs will be needed after use returns to more normal levels
- Old Deer Park: Maintenance contractors did their first pass of the season two weeks ago.
- Pending projects:
  - CRP stairs – bid language submitted to Purchasing
  - Kessler boardwalk and bridge – hoping to get bid out soon
  - Webster stairs – staff met with DCR and received some guidance and will be revising materials for them
  - Dolan crusher-run – waiting on materials estimate
  - Houghton Garden – hydroraking and trail work soon to be initiated

##### VII. ISSUES AROUND TOWN UPDATES

- Invasive pulls are being coordinated.

##### VIII. ADMINISTRATIVE MATTER UPDATES

- ConCom 101 and Social Evening: Indefinitely postponed.
- EnviSci Summer Program may be affected by COVID-19, no update at this time.

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

#### ADJOURN

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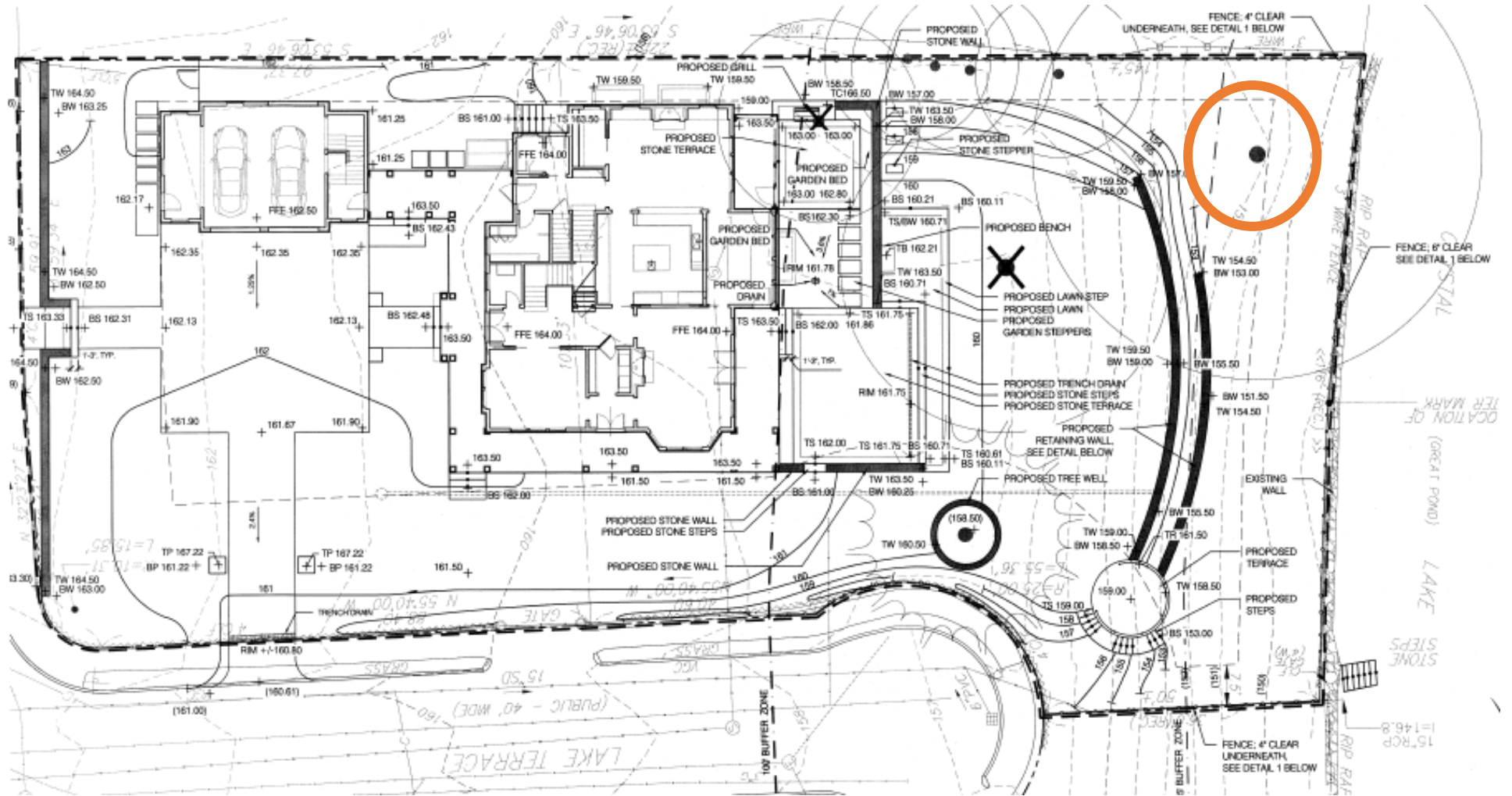
*The location of this meeting is wheelchair accessible and reasonable accommodations will be provided to persons with disabilities who require assistance. If you need a reasonable accommodation, please contact the city of Newton's ADA/Sec. 504 Coordinator, Jini Fairley, at least two business days in 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.*

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138 LAKE AVE

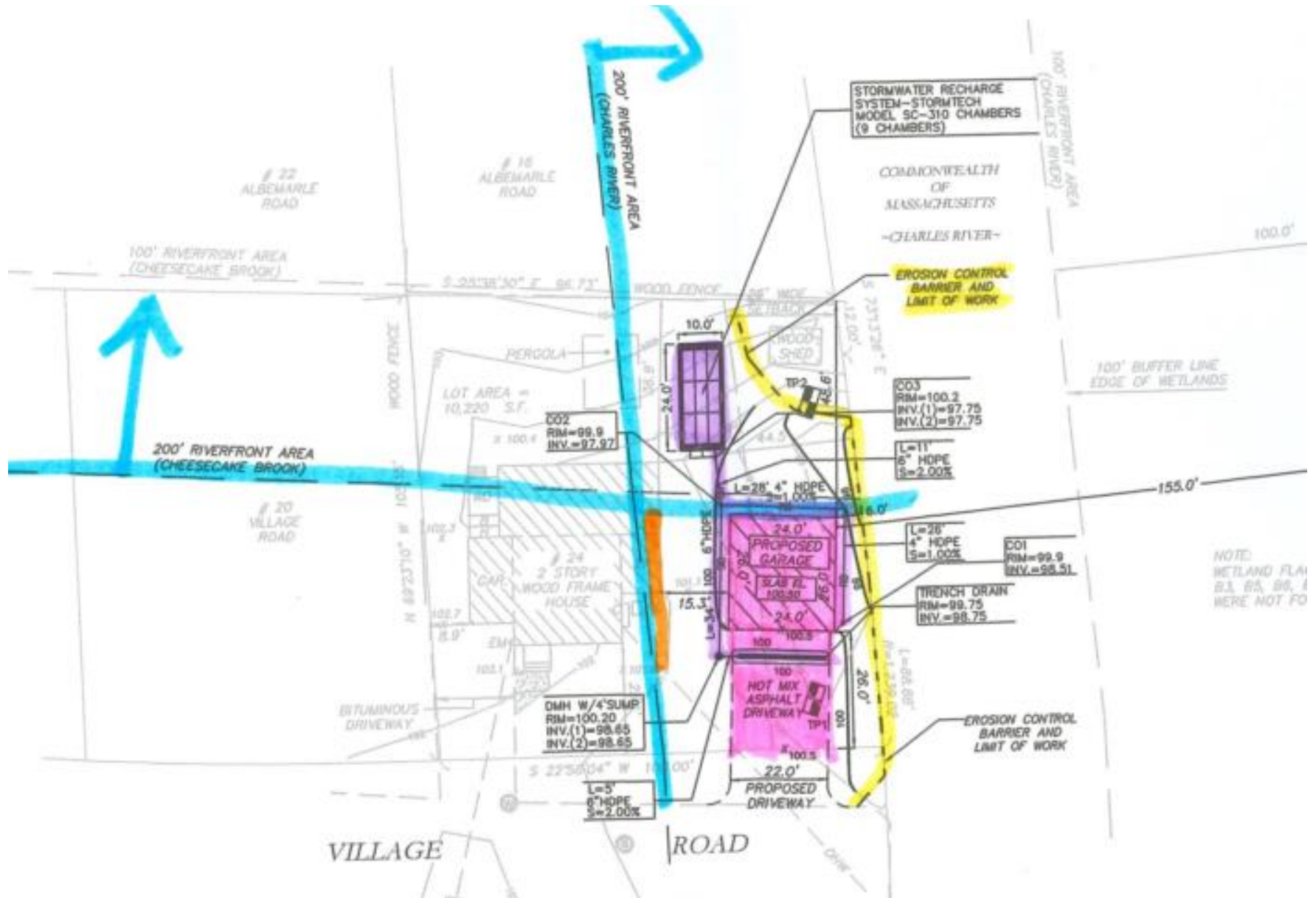
TREE LOCATION



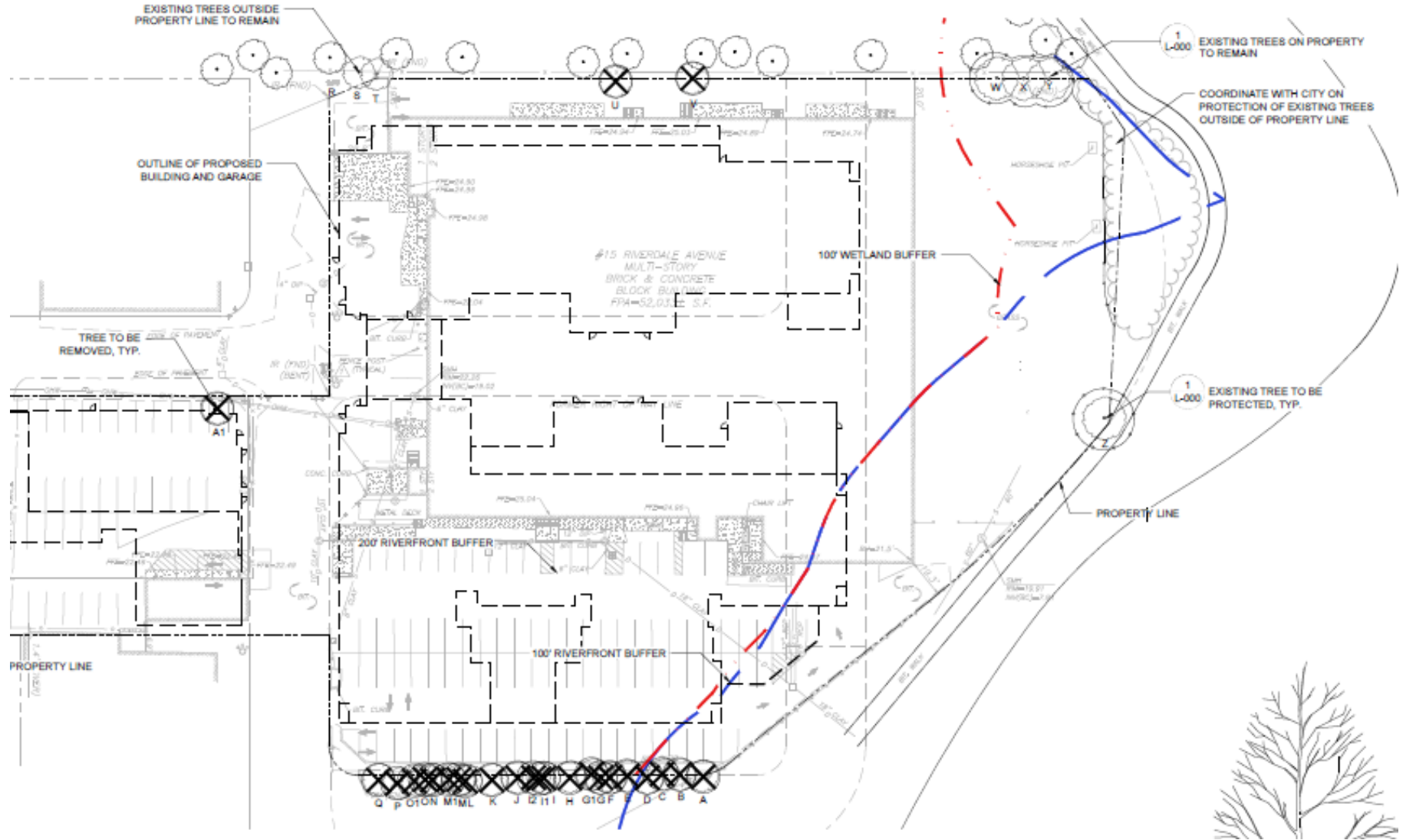
For the 6/4/20 meeting

# 24 VILLAGE ROAD

# PROPOSED CONDITIONS



For the 6/4/20 meeting











1148

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1194

1192

1191

1184

203

204

186

206

210

202

Lake

Main St

Main St

Main St

Main St

Main St

Main St

Chapel

Chapel

Chapel

Chapel

Main St

Main St

Main St

Main St



ogers Ave

1166

1211

1231

1221

1216

1217

1215

Birch



Beech

Beech

Lake

Beech

Beech

Beech

117

120

Birch

118

119

121

205

Beech

Beech

102

101

116

Beech

Beech

Beech

202

Birch

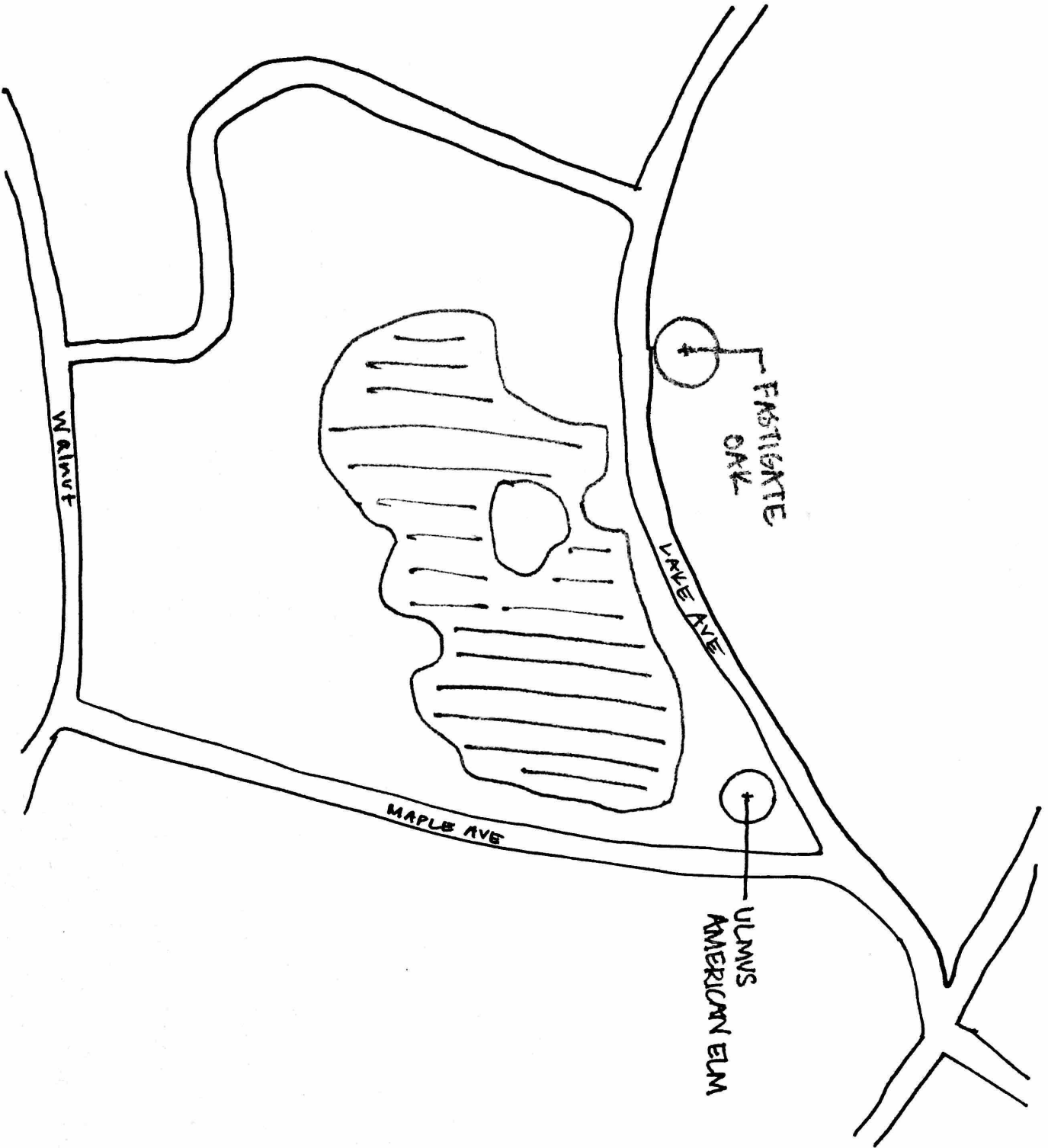
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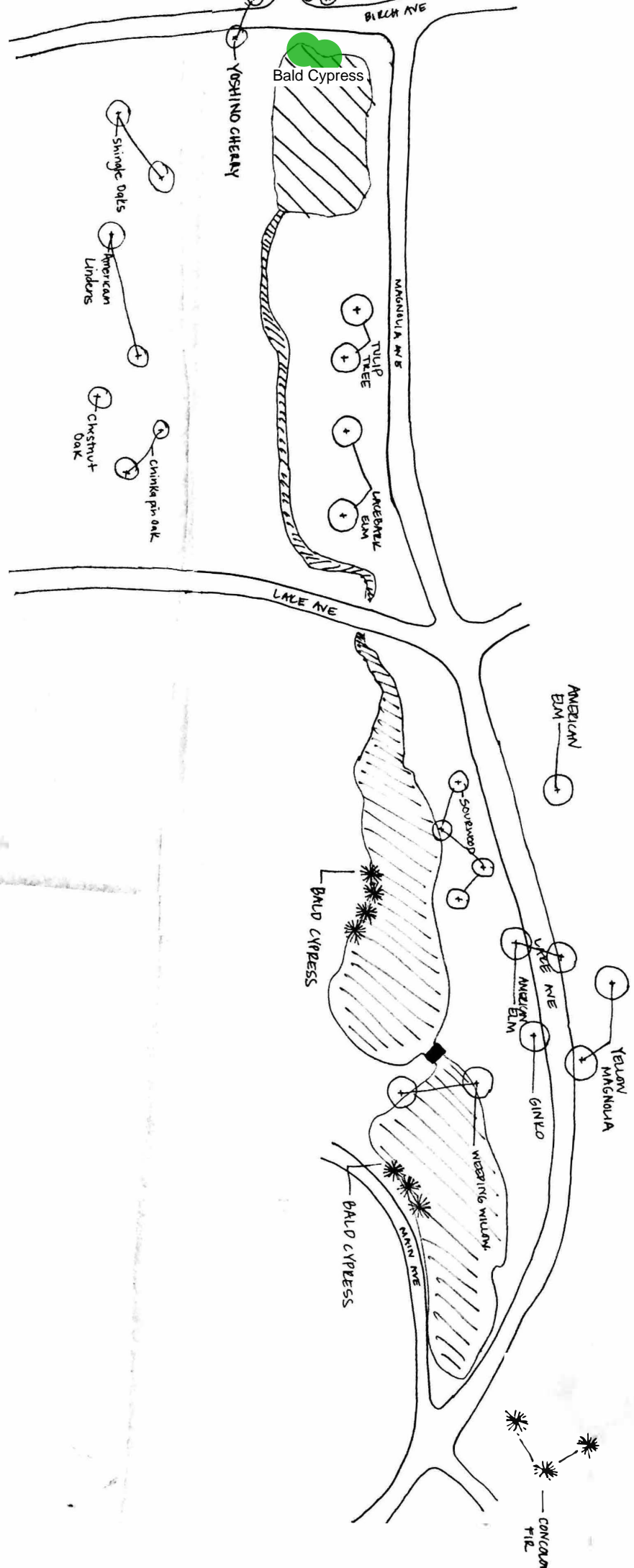
201



Treeid	Common Name
117	Maple-Norway
118	Maple-Sugar
119	Maple-Sugar
120	Maple-Sugar
190	Beech-European
203	Maple-Sugar
204	Oak-Northern Red
205	Maple-Norway
216	Katsuratree
217	Oak-English
218	Maple-Red
219	Maple-Norway
220	Maple-Norway
221	Maple-Norway
222	Maple-Sugar
224	Oak-Northern Red
227	Ash-Green
1076	Mulberry-White
1077	Crabapple
1079	Pine-Swiss Stone
1132	Spruce-Colorado Blue
1148	Lilac-Japanese Tree
1149	Seven-son Flower
1150	Crabapple
1151	Magnolia
1154	Maple-Japanese
1155	Magnolia
1156	Dogwood-Flowering
1157	Crabapple
1158	Birch-Paper
1159	Maple-Red
1160	Maple-Red
1166	Maple-Red
1184	Maple-Sugar
1191	Maple-Sugar
1192	Pine-Eastern White
1194	Dogwood-Flowering
1195	Dogwood-Flowering
1211	Fir-Fraser
1215	Pine-Swiss Stone
1216	Pine-Swiss Stone
1217	Dogwood-Kousa
1221	Hophornbeam-American
1231	Spruce-Colorado Blue
1283	Maple-Silver
1346	Spruce



Pollinator Garden



### Spring 2020 Tree Planting in Pond Zone

	Qty	Latin name	Common name	Size	Root	Project
CONIFEROUS TREES						
	3	ABI CON	Abies concolor	White fir	8'-10' height	B&B HMP 2020
	9	TAX DIS	Taxodium distichum	Bald Cypress	9' Hieght	B&B HMP 2020
ORNAMENTAL TREES						
	2	OXY ARB	Oxydendron arboreum	Sourwood	45 gallon	B&B HMP 2020
	2	OXY ARB	Oxydendron arboreum	Sourwood	95 Gallon	B&B HMP 2020
	5	PRU YEO	Prunus x yeodensis	Yoshino Cherries	2"-2.5" Cal	B&B HMP 2020
	2	MAG ACU	Magnolia 'Lois'	Magnolia 'Lois'	2.5" Cal	B&B HMP 2020

### Fall 2020 Tree Planting in Pond Zone

	Qty	Latin name	Common name	Size		
SHADE TREES						
	1	GIN BIL	Gingko biloba	Gingko	1.25"-1.75" Cal	Bare Root HMP 2020
	2	LIR TUL	Liriodendron tulipifera	Tulip Tree	1.25"-1.75" Cal	Bare Root HMP 2020
	2	SAL ALB	Salix alba	Weeping Willow	1.25"-1.75" Cal	Bare Root HMP 2020
	2	ULM PAR	Ulmus parviflora	Lacebark Elm	1.25"-1.75" Cal	Bare Root HMP 2020
	4	ULM AME*	Ulmus americana "Colonial Spirit"	American Elm	1.25"-1.75" Cal	Bare Root HMP 2020
	2	QUE IMB	Quercus imbricaria	Shingle Oak	1.25"-1.75" Cal	Bare Root HMP 2020
	1	QUE MON	Quercus montana	Chestnut Oak	1.25"-1.75" Cal	Bare Root HMP 2020
	2	QUE MUE	Quercus muehlenbergii	Chinkapin Oak	1.25"-1.75" Cal	Bare Root HMP 2020
	1	QUE ROB F	Quercus robur	Fastigate English Oak	1.25"-1.75" Cal	Bare Root HMP 2020
	2	TIL AME	Tilia Americana	American Linden	1.25"-1.75" Cal	Bare Root HMP 2020

DIAGRAM #1

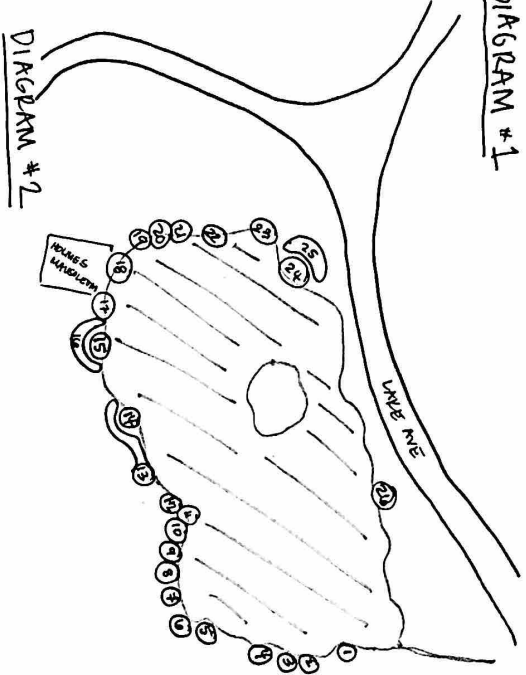
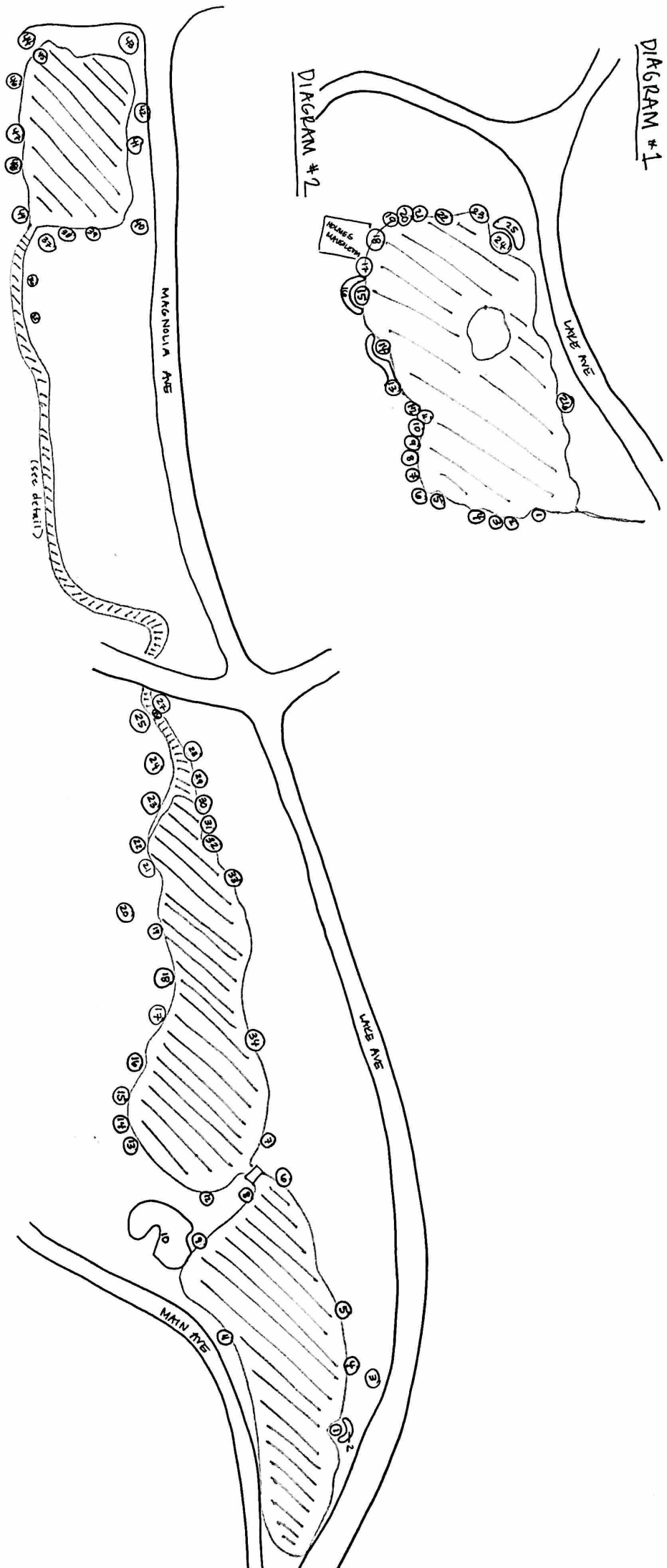


DIAGRAM #2



### **Pond 1 Plant List (Diagram #1)**

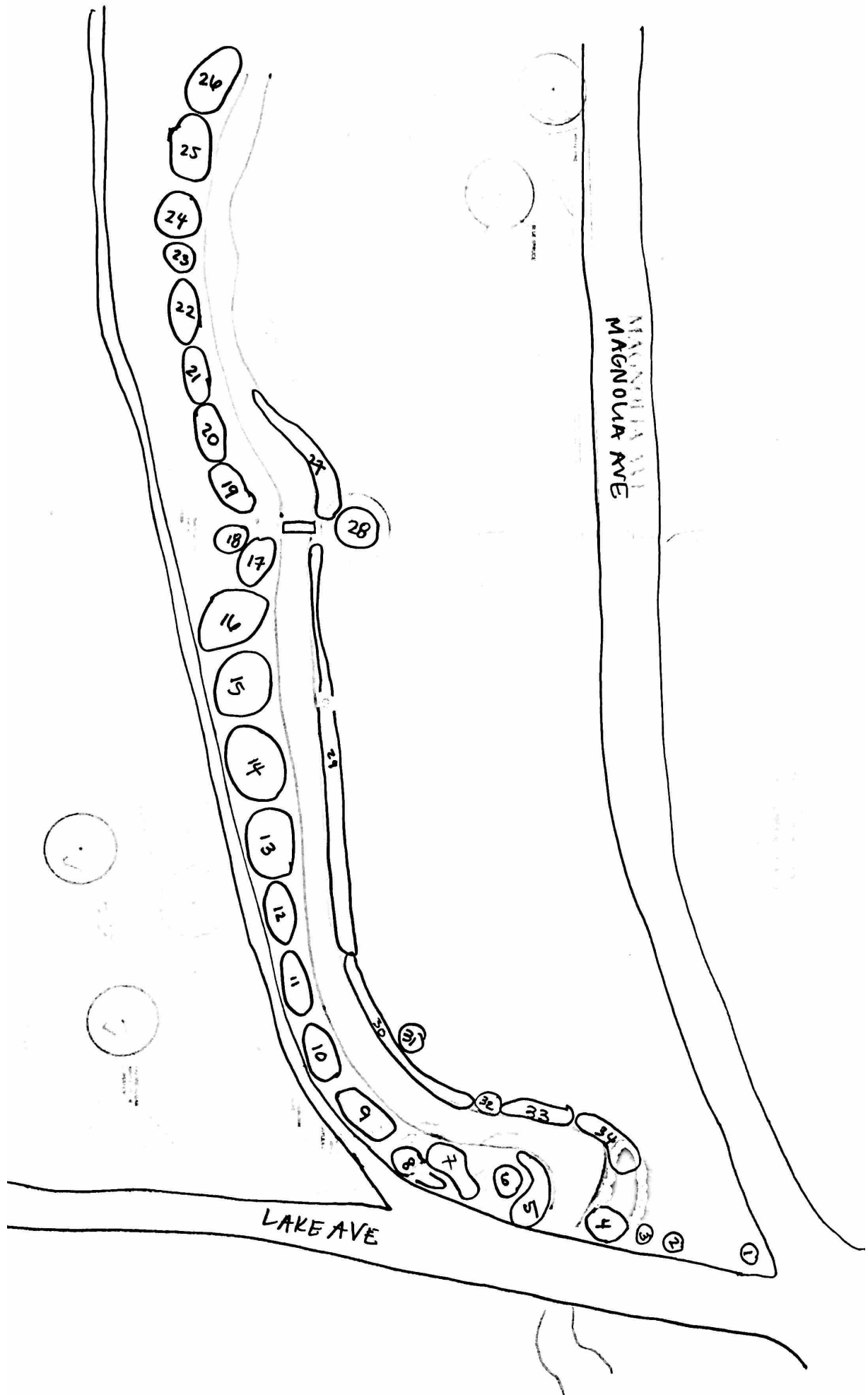
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- 1 Katsura
- 2 Juniper
- 3 Panicle Hydrangea, Multiflora Rose
- 4 Panicle Hydrangea
- 5 Camperdown Elm
- 6 Sawara Falsecypress
- 7 Crabapple
- 8 Crabapple
- 9 Azalea
- 10 Panicle Hydrangea, Multiflora Rose, Alder Buckthorn
- 11 Red Maple
- 12 Crabapple (saplings), Alder Buckthorn
- 13 10 Panicle Hydrangea, Alder Buckthorn
- 14 Red Maple
- 15 American Elm
- 16 Mixed Ornamental Shrubs: Yew, Unknown
- 17 Red Maple
- 18 Juniper
- 19 Katsura
- 20 Katsura
- 21 Birch
- 22 Mountain Laurel, Red Maple Saplings, Multiflora Rose, Alder Buckthorn
- 23 Rhododendron, Crabapple Saplings
- 24 Yellowwood
- 25 Hemlocks (in decline, Woolly Adelgid)
- 26 Crabapple
- 27 Green Ash

### **Ponds 2-4 Plant List (Diagram #2)**

---

- 1 Camperdown Elm
- 2 Mixed Ornamental Shrubs: Yew, Japanese Holly, Japanese Barberry
- 3 Weeping Katsura
- 4 Bald Cypress
- 5 Saucer Magnolia
- 6 Weeping Cherry
- 7 Dawn Redwood
- 8 Red Oak
- 9 Yew, Alder Buckthorn
- 10 3 Mature Norway Spruce, Rhododendron, Massive Bittersweet (\*2 Rhododendron under Perpetual Care)
- 11 Horsechestnut
- 12 Crabapple
- 13 Black Cherry, Posion Ivy
- 14 Mixed Ornamental Shrubs: Azalea, Unknown
- 15 Willow
- 16 Norway Maple
- 17 Mixed Ornamental Shrubs: Dogwood, Panicle Hydrangea
- 18 Red Oak
- 19 Ornamental Grass: Miscanthus
- 20 Colorado Blue Spruce (in decline)
- 21 Florida Dogwood
- 22 Red Oak, Mixed Ornamental Shrubs, Vines, Japanese Barberry
- 23 Sugar Maple, Mixed Ornamental Shrubs: Panicle Hydrangea, Elderberry, Japanese Barberry, Multiflora Rose
- 24 2 Norway Spruce
- 25 Sugar Maple
- 26 Young Elm
- 27 Elm
- 28 Willow
- 29 Mixed Woody and Herbaceous Growth: Alder Buckthorn
- 30 Red Oak
- 31 Katsura
- 32 Red Maple
- 33 Cattails
- 34 Mimosa Tree
- 35 Kousa Dogwood
- 36 Paperbark Maple
- 37 Weeping Beech
- 38 Mixed Ornamental Shrubs: Juniper, Azalea
- 39 Cattails
- 40 Fastigate White Pine
- 41 Saucer Magnolia
- 42 Tulip Poplar
- 43 Copper Beech
- 44 Concolor Fir
- 45 Cattails
- 46 Crabapple
- 47 Norway Maple
- 48 Red Maple
- 49 Crabapple





## Stream Bank Plant List (Diagram #3)

---

Japanese Snowbell

White Pine

Rhododendron

Group of Rhododendron

Mixed Shrubs: Summersweet, Blue Holly, Winterberry

Red Maple

Mixed Shrubs: Summersweet, Azalea, Spicebush

Atlantic White Cedar and Mixed Shrubs: Sweetfern, Rhododendron, Spicebush, Viburnum

Mixed Shrubs: Blue Holly, Viburnum, Winterberry, Inkberry

Mixed Shrubs: Azalea, New Jersey Tea, Viburnum

Mixed Shrubs: Azalea, New Jersey Tea, Inkberry, Winterberry

Mixed Shrubs: Inkberry, Winterberry, Viburnum

Mixed Shrubs: Inkberry, Blue Holly, Winterberry, Viburnum, Meadowsweet

2 Atlantic White Cedar and Mixed Shrubs: Azalea, Winterberry, Meadowsweet

1 Shadbush and Mixed Shrubs: Duetzia, Japanese Holly, Winterberry, Meadowsweet, Blue Mist Spirea

1 Atlantic Whitecedar and Mixed Shrubs: Meadowsweet, Blue Holly, Japanese Holly, Viburnum, Blue Mist Spirea

St John's Wort

River Birch

1 Witch Hazel, 1 Atlantic White Cedar, and Mixed Shrubs: Summersweet, Meadowsweet, Japanese Holly

2 Shadbush and Mixed Shrubs: Meadowsweet, Blue Mist Spirea

Mixed Shrubs: Azalea, Japanese Holly, Gro Low Sumac, Viburnum

Spirea

Atlantic White Cedar and Mixed Shrubs: Viburnum, Gro Low Sumac

Deutzia

Group of Panicle Hydrangeas

Group of Big Leaf Hydrangeas, Ornamental Grasses, Azalea

1 Shadbush and Mixed Shrubs: Meadowsweet, Summersweet, Gro Low Sumac, Lowbush Blueberry

Sycamore

Perennial Groundcovers, Meadowsweet, Low Bush Blueberry

1 River Birch, Perennial Groundcovers, Low Bush Blueberry

Kousa Dogwood

Paperbark Maple

1 Witch Hazel, Group of Gro Low Sumac, Perennial Groundcovers

Group of Inkberry, Perennial Groundcovers

## Perennial Groundcovers (throughout)

---

Common Heather

Winter Green

Canby's Mountain Lover

Yellowroot

Anemone

Astilbe

Lavender

Sweet Woodruff

New York Aster

Spotted Cranesbill

Various Ferns

Blue Flag Iris

Sweet Flag

## Newton Cemetery Turf Fertilizer Regimen

### Formulation of fertilizer

- To grow a healthy stand of turf we conduct a soil lab test before making any purchasing decisions for establishing new seed, and maintaining existing stands of turf. The soil test occurs at least once every three years.
- We choose to fertilize with a phosphate-free fertilizer on established turf, unless a recent soil test (conducted within 12 months of planned application) shows an available phosphate deficiency.
- When establishing new turf, reseeding bare or thin areas, or fixing an available phosphate deficiency exhibited by a soil test we follow soil test recommended application rates for phosphate.
- Our fertilizer formulations always contain slow release nitrogen of quantities greater than or equal to 50%

### Application rates

- We ensure that fertilizer spreader equipment is on the correct setting and is calibrated properly prior to use
- Last growing season we applied fertilizer to non sensitive irrigated sections in late Spring at a rate of .9 lbs total nitrogen per 1,000 square feet.
- In the fall of the last growing season we made fertilizer applications to any non sensitive turf areas recovering from summer stress at a rate of .9 lbs total nitrogen per 1,000 square feet.
- If using a nitrogen fertilizer in environmentally sensitive areas we would apply no more than 1.0 lbs total nitrogen per 1,000 square feet per year.

### Application timing

- We do not apply fertilizer containing nitrogen or phosphate during summer dormancy, or when the ground is frozen/during temperatures of inactive growth.
- We always consult the local weather forecast through NOAA prior to a planned fertilizer application and never apply fertilizer to turf when a major rain event is expected within the following few days. Whether the rain event be brief heavy showers or a total expected accumulation of over .5"

- We never apply fertilizer immediately following a major rain event when the soil is still saturated.

#### Application site considerations

- We never apply fertilizer to paved surfaces such as roads, driveways, or footpaths. Accidental spills are contained immediately by sweeping up spilled fertilizer granules and returning them to the bag, while incidentally scattered granules are blown from paved surfaces back onto turf areas
- We never apply fertilizer to expansive areas of bare soil unless reseeding.
- We never make fertilizer applications immediately adjacent to water bodies, or wetlands.
- When fertilizing, we use drop-cloths to cover any stormwater drains that may be immediately adjacent to turf areas. Material that collects on the cloth is shaken onto the turf.

#### To support healthy turf

- We keep a detailed record of all turf fertilizer applications made including date, fertilizer formulation, fertilizer type, application rate, the total amount used during a single event, and the location of placement.
- We recycle all our mower clippings back into the turf to reduce the annual quantity of fertilizer required.
- In any turf area with mature soil we do not apply fertilizer on an annual basis to allow the natural equilibrium to exist unless assisting turf recovery in fall/establishing new turf, or there are concerns about turf health and a soil test confirms a need for amendments.
- When a fertilizer application is made to an irrigated area that area is irrigated lightly the following night if no rain event is scheduled.
- If we collect clippings, for instance to harvest weed seeds, we leave piles in specific locations only on turf areas, also, the mow crew direct their clippings to always remain on turf areas, and always sweep any clippings that collect on paved surfaces back onto the turf
- We cut at a height of 3 to 4 inches, and always use the 1/3 rule when scheduling areas to mow.
- Before performing any turf soil amendments using compost we will first have the organic material tested for extractable phosphorus and nitrogen content.

- We will correct excessive soil acidity indicated by a soil test by applying agricultural lime as directed by the soil test result.
- It is our plan to aerate turf areas that exhibit symptoms likened to compacted soil, and areas with heavy traffic at least once every two years in the spring or fall.
- We evaluate turf areas for sparse and bare turf annually, and reseed/overseed starting with areas in the worst condition. If turf will not easily grow due to site constraints/conditions, different landscaping is considered.

May 18, 2020

Newton Conservation Commission  
&  
Derosa Environmental

RE: Newton Cemetery Pond Management NOI filing – additional requested information

Below is a table of the proposed products included for use in the original Notice of Intent filing for aquatic plant management at the Newton Cemetery ponds. Additionally, also included are the management thresholds to enact those options, and the goal from utilizing them.

Product	Target	Use Threshold	Goal
Poly-aluminum chloride (PAC)	Excessive soluble nutrients	Phosphorus levels occurring over 0.03 mg/L can cause excessive algal blooms. Control over phosphorus should be maintained before blooms can occur. Understanding that an increase of nutrients enters a waterbody following spring rains, PAC treatments are often conducted during spring months before algal blooms can establish as PAC does not control algae itself.	To mitigate additional available phosphorus within the water column prior to any significant algae growth developing
Algaecides (Captain XTR, SeClear, GreenClean Pro, or equivalent)	Filamentous algae Microscopic algae	An algaecide (depending on if filamentous or microscopic algae was present), will be used when filamentous algae, either on the surface or rising from the bottom, cover >30% of the pond; or when microscopic algae throughout the pond has noticeably reduced water clarity or changed the water color since the last monitoring visit.	To mitigate a smaller algae bloom before it covers the entire pond, as it will require less algaecide to control when smaller. Additionally, open water conditions should be maintained to appropriately support aquatic life.
Imazamox (Clearcast)	Water chestnut	When water chestnut growth becomes too expansive to effectively be managed via hand-pulling	To efficiently manage water chestnut growth when physical efforts become inefficient




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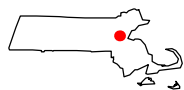
### Legend

Hydroraking Timeframe

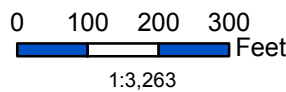
-  Anticipated 2020-2021
-  Future years
-  Unplanned at this time

### Newton Cemetery Ponds

Newton, MA  
Middlesex County  
42.333432°, -71.212609°



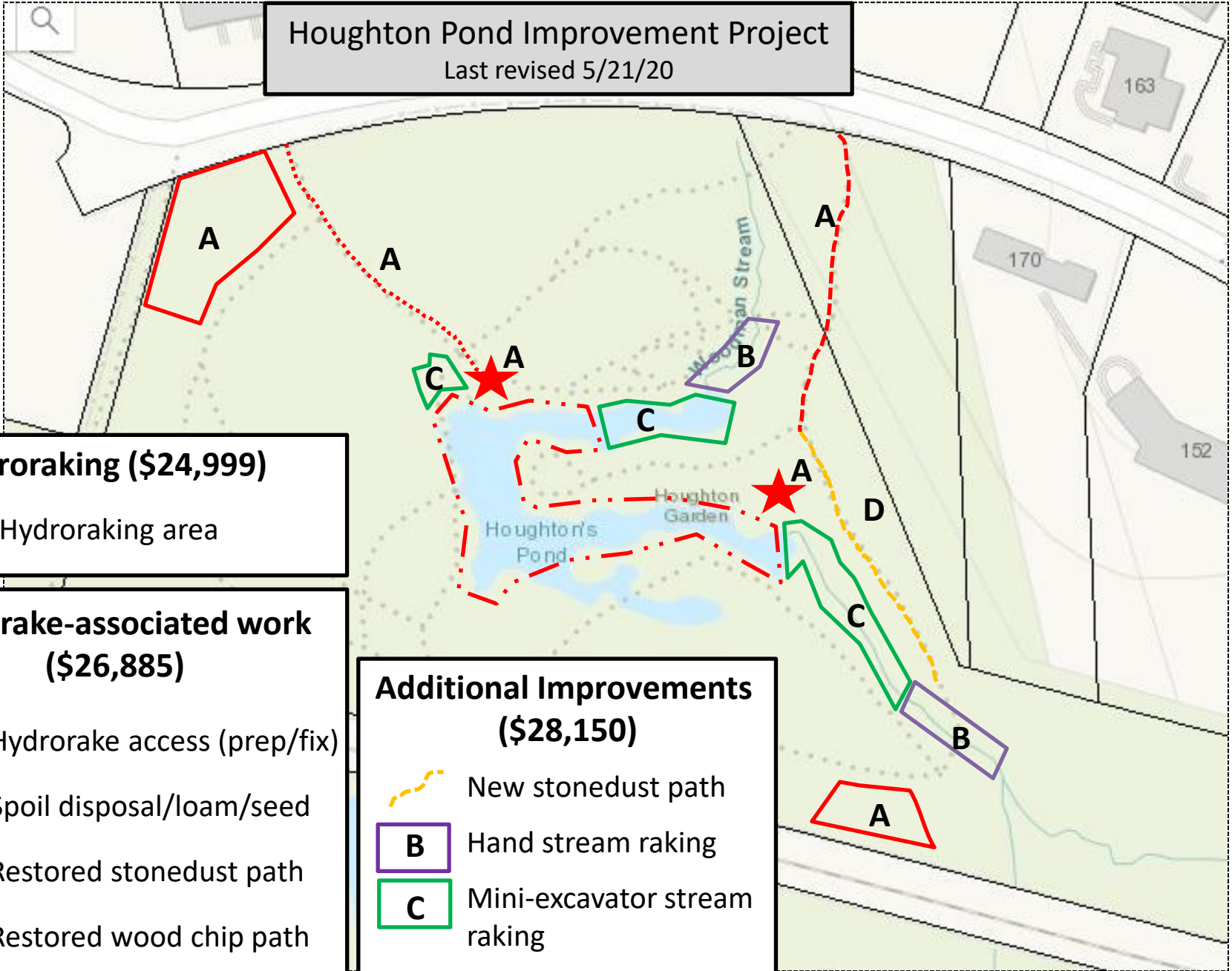
### Newton Cemetery Ponds




Map Date: 03/16/20  
Prepared by: KS  
Office: SHREWSBURY, MA

# Houghton Pond Improvement Project


Last revised 5/21/20




## Hydroraking (\$24,999)


 Hydroraking area

## Hydrorake-associated work (\$26,885)

 Hydrorake access (prep/fix)

 **A** Spoil disposal/loam/seed


 Restored stonedust path

 Restored wood chip path

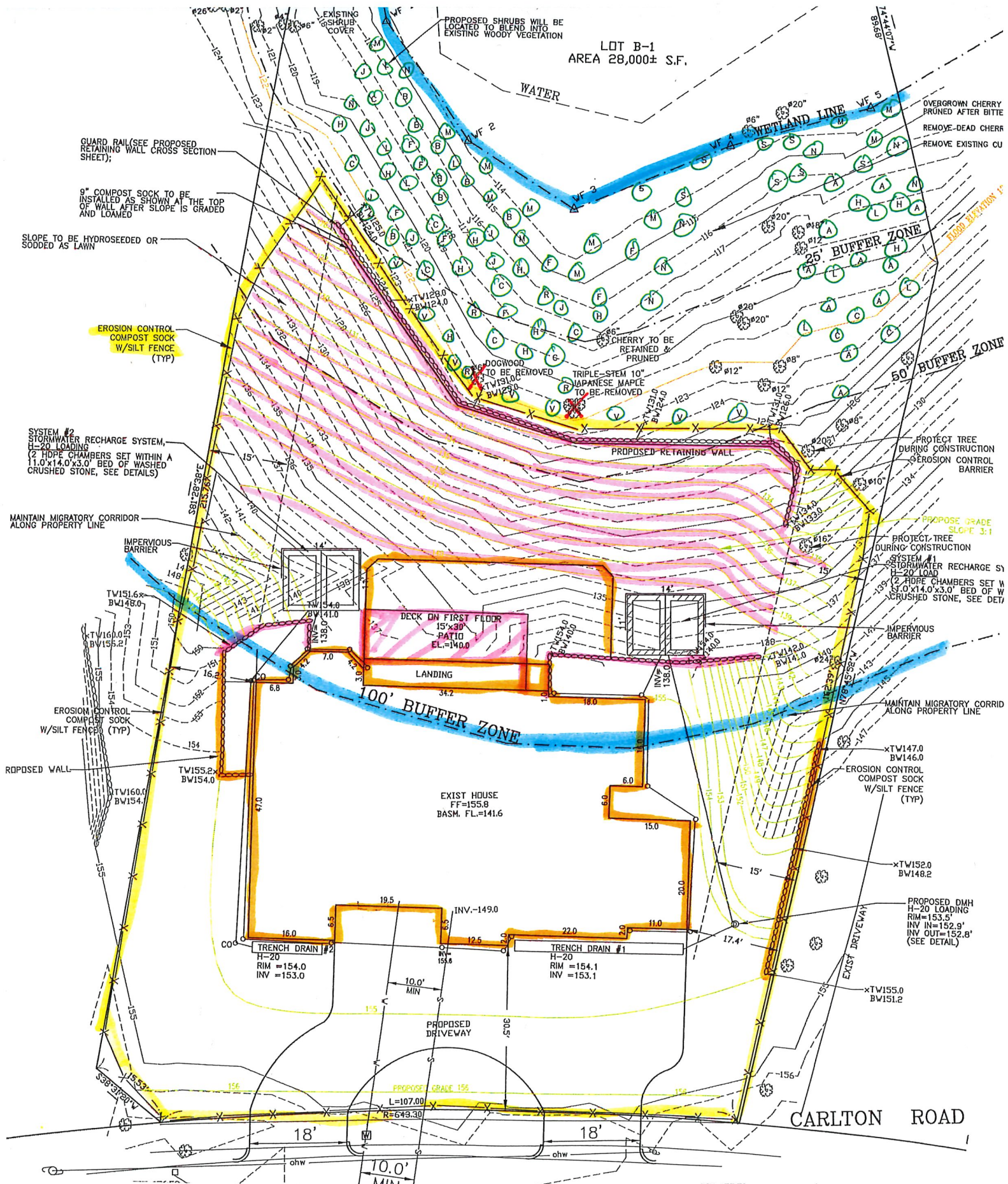
## Additional Improvements (\$28,150)

 New stonedust path

 **B** Hand stream raking

 **C** Mini-excavator stream raking





02 CARLTON RD

AMENDMENT REQUEST PLAN

- X tree removal
- proposed planting
- changed
- originally approved



**INVASIVE SPECIES REMOVAL AND TREATMENT:**

The invasive species observed in the area between the erosion control barrier and the wetland boundary to the property lines on both sides of the site will be evaluated for invasive species. The observed invasive species include the herbaceous biennial Garlic Mustard and an escaped ground cover Myrtle as well as the woody vine Oriental Bittersweet and invasive shrubs Glossy Buckthorn, Japanese Barberry, and Winged Euonymus. The Garlic Mustard and Myrtle will be hand-pulled annually by June for three years; the woody species will be cut and blotted with herbicide by a license herbicide applicator in September for three years. The pulled and cut plant materials will be removed from the site. See EcoTec Narrative for additional information.

**PLANTING TABLE:**

The native plants listed in the table below will be established in the Buffer Zone between the proposed retaining wall and the wetland boundary. Substitutions must be approved by Conservation Agent. The locations shown on the plan are approximate; the shrubs will be placed in the field based upon site conditions under the direct supervision of the qualified wetland scientist. See EcoTec Narrative for additional information.

Saplings; 1.5" Caliper

R 4 Red Maple (*Acer rubrum*)

Shrubs; Various sizes

B 8 Bearberry (*Arctostaphylos uva-ursi*); 6-12" height

J 8 New Jersey Tea (*Ceanothus americanus*); 2-3' height

S 8 Sweet Pepperbush (*Clethra alnifolia*); 2-3' height

F 8 Sweet Fern (*Comptonia peregrina*); 18-24" height

H 12 Northern Bush-honeysuckle (*Diervilla lonicera*); 18-24" height

C 12 Common Juniper (*Juniperus communis*); 18-24" height

N 8 Northern Bayberry (*Morella pensylvanica*); 2-3' height

V 8 Virginia Rose (*Rosa virginiana*); 18-24" height

M 12 Meadowsweet (*Spiraea latifolia*); 18-24" height

L 8 Lowbush Blueberry (*Vaccinium angustifolium*); 12-18" height

A 12 Maple Leaf Viburnum (*Viburnum acerifolium*); 18-24" height



**GUIDANCE**  
(see underlines)

**10.57: Land Subject to Flooding (Bordering and Isolated Areas)**

- (1) Preamble.
- (a) Bordering Land Subject to Flooding:
  1. Bordering Land Subject to Flooding is an area which floods from a rise in a bordering waterway or water body. Such areas are likely to be significant to flood control and storm damage prevention.
  2. Bordering Land Subject to Flooding provides a temporary storage area for flood water which has overtopped the bank of the main channel of a creek, river or stream or the basin of a pond or lake. During periods of peak run-off, flood waters are both retained (i.e., slowly released through evaporation and percolation) and detained (slowly released through surface discharge) by Bordering Land Subject to Flooding. Over time, incremental filling of these areas causes increases in the extent and level of flooding by eliminating flood storage volume or by restricting flows, thereby causing increases in damage to public and private properties.
  3. Certain portions of Bordering Land Subject to Flooding are also likely to be significant to the protection of wildlife habitat. These include all areas on the ten year floodplain or within 100 feet of the bank or bordering vegetated wetland (whichever is further from the water body or waterway, so long as such area is contained within the 100 year floodplain), and all vernal pool habitat on the 100 year floodplain, except for those portions of which have been so extensively altered by human activity that their important wildlife habitat functions have been effectively eliminated (such "altered" areas include paved and gravelled areas, golf courses, cemeteries, playgrounds, landfills, fairgrounds, quarries, gravel pits, buildings, lawns, gardens, roadways (including median strips, areas enclosed within highway interchanges, shoulders, and embankments), railroad tracks (including ballast and embankments), and similar areas lawfully existing on November 1, 1987 and maintained as such since that time).
- (4) General Performance Standards.
  - (a) Bordering Land Subject to Flooding
    1. Compensatory storage shall be provided for all flood storage volume that will be lost as the result of a proposed project within Bordering Land Subject to Flooding, when in the judgment of the issuing authority said loss will cause an increase or will contribute incrementally to an increase in the horizontal extent and level of flood waters during peak flows.

Compensatory storage shall mean a volume not previously used for flood storage and shall be incrementally equal to the theoretical volume of flood water at each elevation, up to and including the 100-year flood elevation, which would be displaced by the proposed project. Such compensatory volume shall have an unrestricted hydraulic connection to the same waterway or water body. Further, with respect to waterways, such compensatory volume shall be provided within the same reach of the river, stream or creek.
    2. Work within Bordering Land Subject to Flooding, including that work required to provide the above-specified compensatory storage, shall not restrict flows so as to cause an increase in flood stage or velocity.

**Unrestricted Hydraulic Connection (per MassDEP)**

- "Unrestricted hydraulic connection" is not defined in the wetland regulations, but the "unrestricted hydraulic connection" language is the same in both the BVW and BLSF provisions so must be interpreted to mean the same thing.
- "The requirement that compensatory storage must have an unrestricted hydraulic connection to ...the waterway ensures that flood flows will pass freely in an equivalent manner post construction." In the Matter of M.G. Hall, Recommended Final Decision, May 7, 2013.
- A connection where flood water can flow freely without any impediment at each elevation increment
- "Unrestricted hydraulic connections" do not include:
  - Elevated topography
  - Pipes
  - Culverts
  - Manmade Channels
  - Canals
  - Swales
  - Raceways
  - Flood Vents in buildings

## Perpetual Conditions that Shall Not Expire upon the Issuance of a Certificate of Compliance

1. The required mitigation planting areas shall be maintained in perpetuity in their predominantly natural condition.
2. The required Riverfront restoration and/or mitigation areas shall be maintained in perpetuity in their predominantly natural condition ...fenced/bounded ....
3. The approved Operations and Maintenance Plan is appended hereto and must be adhered to.
4. To maintain the flood storage capacity of the site, no net fill may be brought onto the site within the floodplain elevation.
5. The owner shall implement the Snow Management Plan and ensure that snow is not plowed into the rain gardens or vegetated buffer strip. This plan must be incorporated in snow plow contracts and enforced by the owner.
  - a. The owner shall include the snow management plan in all snow management contracts.
  - b. The owner shall be responsible to ensure that snow removal employees and contractors do not pile snow on the rain gardens and vegetated buffer zone plantings. All snow from the parking areas and drive aisles near the pond must be plowed or blown away from the pond and vegetation and collected in designated snow storage areas. Such requirement shall be part of the approved Stewardship Plan.
  - c. The owner shall maintain snow signage.

6. To maintain the flood storage capacity of the site, the crawl space under the house may not be filled or enclosed or its grading altered.

*Proposed: To ensure that flood waters can flow freely under the permitted structure, the area under the permitted structure shall not be enclosed with lattice, screen, lath or similar covering of any sort that:*

- covers more than 50% of the area of any opening, and/or
- has openings/holes with any dimension less than 1 inch.

7. 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.

NOTE: In 2012, the Massachusetts Legislature passed An Act Relative to the Regulation of Plant Nutrients (Act). Phosphorus-containing fertilizer may only be applied when a soil test indicates that it is needed or when a lawn is being established, patched or renovated.

NOTE: "Certified Organic" means the lawn fertilizer is "all natural" and contains no synthetic materials. These products fertilize the grass slowly as the soil microorganisms break down the organic matter into elements the grass roots can take up.

*Proposed 1: To ensure long-term health of the adjacent wetland resource areas, the use of herbicides and pesticides, and fertilizers within Commission jurisdiction shall be in accordance with manufacturer specifications.*

*Proposed 2: To ensure long-term health of the adjacent wetland resource areas, the use of fertilizer within Commission jurisdiction shall be limited to low-phosphorous, slow-release fertilizer.*

*Proposed 3: Weston ConCom recommends that fertilizers be of low-nitrogen content and be used in moderation. The ConCom recommends that herbicides and pesticides not be used within buffer zone or vegetated wetlands.*

8. 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.

NOTE: See Joint IDA-IES Model Lighting Ordinance -- Permit outdoor lighting that:

*Proposed: To protect wetland wildlife, artificial lighting shall:*

- be shielded to prevent any "up lighting" and "backlighting" (i.e., no emissions above 90 degrees or behind the fixture if that creates spill closer to the wetland resource area),
- be focused to prevent any spill beyond hardscape or edge of maintained lawn or play areas,
- have limited blue content to decrease skyglow and disruption of diurnal animals
- be switched off when not in active use for safety
- not exceed the total permitted site lumen limit

# CONSERVATION COMMISSION MINUTES

Date: May 14, 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. 116 Upland Ave – compliance question – DEP File #239-824

- **Owner:** Ilya Zvenigorodskiy
- **Request:** Determine compliance re enclosing area under the house with “lath”.
- **Documents Presented:** Site photos, excerpts of OOC
- **Jurisdiction:** Flood zone
- **Staff Notes:**
  - The OOC stated:
    - “To maintain the flood storage capacity of the site, no net fill may be brought onto the site within the floodplain elevation.”
    - “To maintain the flood storage capacity of the site, the crawl space under the house may not be filled or enclosed or its grading altered.”
  - Owner added “deck skirting” of “lath” boards (~1” x 4”) with minimal gaps between them  
Fill volume of lath: ~6 cy
  - The question for the Commission is does the lath violate the terms of the OOC by restricting hydraulic connection and bringing in net fill?
- **Discussion:**
  - Owner raised parity concerns: neighbor’s crawl space is covered with vertical boards and the neighbor installed a solid panel fence along their back yard.
  - The Commission noted the need to develop guidance for deck skirting to ensure consistency and to ensure that water, mud, sticks, etc. can pass freely from more than one or all directions.
  - The Commission also note the need to develop guidance for solid panel fences that could also block the free flow of water.
  - The Commission asked Jennifer Steel to seek science-based guidance on what openings would be most appropriate.
  - Owner asked that the Commission find some way to allow the lath to remain.
- **Consensus:** Commission will work to develop guidance and respond to owner of 116 Upland as soon as possible.

#### 2. 6 Vaughn Ave – NOI – teardown/rebuild single-family home – DEP File #239-865

- **Owner:** 6 Vaughn Avenue, LLC **Applicant:** Merek Franklin, Copley Design, LLC
- Representative:** Daniel C Orwig, Orwig Associates
- **Request:** Issue OOC.
- **Documents Presented:** Colored plans, site photos, draft OOC
- **Jurisdiction:** Buffer Zone
- **Project Summary**
  - Demolition of an existing single-family home with associated driveway.
  - Removal of trees within the outer 50’ of the buffer zone.
  - 8 trees over 8” and 8 additional smaller trees are due to be removed.
  - Within the Buffer Zone, construction of portions of a new single-family home with associated driveway, front walkway, front porch, back patio, ~2’ retaining wall, and stormwater management systems.
  - A rain garden is proposed outside of the Buffer Zone.



**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](http://www.newtonma.gov)

- Applicant is proposing to provide a 700 s.f. easement along the northern property boundary to accommodate the existing Life Course Trail that crosses onto the subject property from the adjacent City-owned Cold Spring Park.
- Presentation and Discussion
  - The latest design reflects improvements: site access has been clarified, tree protection has been added, the large tree at the rear of the property will be saved, and erosion controls have been improved.
  - Site will take a lot of stormwater from off-site as well as on-site.
  - Planting is a mixture of natives and non-natives – no new canopy trees are proposed, but there are lots of mid-sized trees shrubs that will be installed.
  - One commissioner noted that the “wall” of arbor vitae misses an opportunity to improve habitat. Spruce and fir should be considered. The applicant agreed to do so.
  - Neighbor J Shugarman asked about the scale and location of the house; he was told that was outside the purview of this Commission.
- Vote to close the hearing and issue an OOC with the following special conditions. [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]
  - A dewatering plan designed to limit and control any adverse impact on the wetlands resource area(s) must be presented, if necessary, to the Conservation Commission for review and approval.
  - A concrete washout plan designed to limit and control any adverse on the wetlands resource area(s) must be presented, if necessary, to the Conservation Commission for review and approval.
  - Landscape plantings within Commission jurisdiction.
    - Must stabilize all exposed areas.
    - Be installed in compliance with the approved plans (desired changes must be approved by the Conservation office in advance).
    - The applicant shall enhance the evergreen species diversity of the northern screening plantings (proposed to be Arborvitae) to increase habitat value.
    - Must have a survival rate of 100 % of total number of trees and shrubs(after 2 growing seasons).
    - Must have a survival rate of 75 % aerial coverage of all other plants (after 2 growing seasons).
    - Mulch applications shall diminish over time and eventually cease as ground cover species and shrubs spread.
  - If, within 2 years of the start of construction , any trees within the wetland or buffer die as a result of 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 City Engineer must inspect the infiltration system. The applicant must submit proof of inspection to the Cons. Office.
  - The approved Operations and Maintenance Plan is appended hereto and must be adhered to.
  - The use of fertilizers shall be limited to slow-release organic fertilizers to improve water quality in the adjacent wetlands and waterways.
  - To protect wildlife and/or vernal pool species, artificial lighting shall be designed to prevent lighting of the wetlands.

### 3. 15 Riverdale Avenue – NOI (continued) – 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., Melissa Mintz, CPC Land Acquisition Company, LLC, Ian Ramey, Copley Wolf, Landscape Architect
- Request: Issue OOC.
- Documents Presented: Colored plans, site photos, draft OOC
- Jurisdiction: Buffer Zone, Riverfront Area, BLSF, City Floodplain
- Project Summary
  - The project, a 40B, is before the ZBA.
  - Demolish existing large commercial building and remove much of the existing pavement.
  - Construct one large 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.

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- Undertake associated site grading, install drainage and stormwater management systems, create bioretention area, and landscape the site.
- N.B. The project includes the construction of another smaller building, roadway, and parking outside of RFA.
- Regulatory framework
  - Riverfront Area alteration – some reduction in impervious area, significant plantings, significant improvement in stormwater, improvement in public access
  - Flood zone – net gain of 5,309 c.f. storage
- Presentation (Tim Williams) and Discussion
  - Overall, this seems to represent an improvement to the existing Riverfront Area by pulling the proposed building back 30-35’ feet from the river and pulling the hardscape back 7’ from the river in most areas. The bioretention area could provide greater habitat value than the existing lawn it will be replacing.
  - The Fire Department wanted wider fire access lane and the wetland lines changed a bit, so impervious area calculations changed a bit, but overall, impervious area within Riverfront Area will be reduced by ~13,000 sf.
  - Flood storage will be increased on the site by 15% or 5,309 c.f.
  - 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.
  - Snow storage areas have been more appropriately designated. Excess snow will be trucked off-site.
  - Public access to the DCR Blue Heron Pathway and to the City’s adjacent Forte Park will be enhanced.
  - Many changes have been made to the plans in response to staff comments/concerns.
    - The MAHW flags and BVW flags at the western end of the project have been revised in response to staff’s request. The resulting change in jurisdictional area is, however, minimal.
    - Erosion control will be entrenched silt fence and 12” staked compost sock because of the duration and scale of the project.
    - Tree protection was moved to protect the roots of the trees immediately adjacent to the rain garden. Excavation that could affect the tree roots will be by hand.
    - Tree protection details have been changed.
  - Details of the SWPPP, on-site stormwater management, vehicular access, stockpiles, laydown, etc. (i.e., “methods and means”) will be submitted by the contractor to the Conservation Office for review and approval.
  - Plans are currently under final review by Fire, Engineering, and ZBA. A number of revisions will be included in new plans. Items that remain to be addressed include:
    - Construction sequence on C-001 doesn’t adequately describe how materials, excavation, snow storage, temporary detention, etc. will all work. Also, #17 (SWPPP) should be #1.
    - Erosion control note #6 needs editing.
    - Sheet L-000 notes 11 and 12 don’t seem pertinent to this site.
    - Consider whether permanent bounds would be appropriate for plantings in the Riverfront Area.
    - Staff recommend having a professional on site to address potential issues of contamination when excavation is underway.
- Vote to continue the hearing to June 4, 2020. [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]

**4. Dunstan St/Washington St/Kempton Place – NOI – Dunstan East Mixed-Use 40B Development – DEP File #239-867**

- Owner/Applicant: Robert Korff, Mark Development, LLC Representative: Christopher Wagner, VHB, Inc., Katherine Adams and Damien Chaviano, Mark Development, Rich Hollworth, VHB
- Request: Issue OOC.
- Documents Presented: Colored plans, site photos, draft OOC
- Jurisdiction: Buffer Zone, Riverfront Area, BLSF, Land Under Waterways, City Floodplain, Bank
- Project Summary
  - Demolish existing large commercial buildings and remove existing pavement.
  - Remove the majority of the southern stream wall, regrade the bank, and plant the slope to create a more natural stream channel. Culvert headwalls will also be reconstructed
  - Construct 3 mixed use buildings (with parking under buildings) totaling roughly 426,000 s.f. and one central roadway, resulting in a proposed reduction of 13,691 s.f. of impervious area.
  - Stormwater management changes include a new sand filter and changes to the existing outfall.

- Create flood storage area/green space/public space resulting in an increase in flood storage capacity of 1320.8 cubic yards.
- Construct a boardwalk along the newly naturalized Cheesecake Brook.
- Presentation (Rich Hollworth) and Discussion:
  - Regulatory framework summary
    - Bank alteration -- 402' – significant improvement in functions and values
    - Riverfront Area alteration – 87,407 sf – significant improvement in stormwater, improvement in habitat, reduction in impervious area, etc.
    - Flood zone – net gain of 1,320 cf of storage
    - Land Under Water – stream channel will be renaturalized where grading changes occur and land under water will be expanded.
  - Project will result in a number of improvements to current conditions
    - The applicant team coordinated with Conservation staff and Charles River Watershed Association.
    - Cheesecake Brook is currently channelized and will be renaturalized.
    - The (dilapidated) southern wall of Cheesecake Brook will be removed and a sloped, vegetated embankment will be created.
    - Stream carrying capacity/conveyance will be significantly increased with new cross-section.
    - Almost the entire site is impervious now; there will be lots more green space created.
    - Stormwater is currently mostly untreated. It will be better treated prior to discharge to Cheesecake Brk.
    - The current MassDOT culvert (carrying stormwater from the Pike and Washington Street) connection to Cheesecake Brook will be converted -- with a plunge pool, to an angled, sinuous, vegetated channel.
    - 150% of current flood storage capacity (and public greenspace) will be created contiguous to stream.
    - Peak runoff will be attenuated
    - Parking is being placed under buildings, so runoff will be minimized and will be directed to City sewer.
  - Applicant team noted that there is a plume of contamination from across the street that will be monitored and addressed during construction.
  - Applicant team noted that Brook Drive will be a minor road, with most traffic entering and exiting to Washington Street.
  - Staff submitted to the applicant a number of requested plan changes/clarifications.
    - Show flood zone on grading plan. Show areas of cut and areas of fill.
    - Show temporary detention basins.
    - Show dewatering sites.
    - Show process and mechanisms for bypass pumping/ dewatering/ESC for stream realignment work.
    - Clarify the intended character of the stream bottom after realignment occurs.
    - Show details of headwalls (velocity dissipation, trash collection, scour prevention) and stream channel bottom.
    - Show location of proprietary water quality inlet.
    - Clarify how sand filter will not be short circuited.
    - Clarify where the two sand filters are located.
    - Clarify which catch-basins have sumps and which do not.
    - Clarify what is under the decking.
    - Clarify what is under the “Z-shaped” ramp (does water flow under it or is it solid?).
    - Clarify how the proposed flood zone line works around the ramp and around and under Building 3.
    - Do cut and fill calcs take into consideration 6 inches of loam?
    - Clarify planting intentions: numbers and species of trees (trees are listed in G3); why a seed mix is proposed in the public access area?
    - Clarify location of guardrail along boardwalk (and viewing platforms).
    - Clarify stairs off boardwalk.
    - Add entrenched silt fence all around site.
    - Add erosion controls for wall/bank work.
    - Clarify depth to groundwater.

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- Clarify depth of the garages.
- The Environmental Monitor should also review installation of the sand filter, headwalls, etc.
- Restoration area should be bounded, per 310 CMR 10.58(5)(h).
- Resident Comments
  - Tim Marks, 904 Watertown St., has concerns about the project, but first asked to clarify what is the purview of the Commission in order to avoid raising concerns outside of jurisdiction. Requested clarification on a design change regarding the sidewalk/boardwalk along the brook, asked about the flood water and ensuring that it would never negatively impact the neighbors, and had concerns about pollution from the new traffic on the new road entering the brook.
  - Thor Helgason, 872 Watertown St., asked about the effect of the 284-car garage on groundwater, asked how the sand filter would not short circuit, and asked that the operation and maintenance plan be conditioned as required.
- Commissioner and staff comments
  - The importance of conditioning exterior lighting was noted.
  - It was noted that a wildlife habitat analysis will need to be conducted because of bank alteration.
  - It was noted that 21E contamination concerns would need to be addressed by an LSP
  - Further information on foundation drains and the flow of groundwater around the garages was sought.
- Note: Due to a Zoom-bombing event, this hearing was interrupted, and Commissioner Judy Hepburn was unable to rejoin the meeting until later in the agenda.
- Vote to accept the request to continue to 6/25/20 to allow the applicant team to address staff notes and concerns. [Motion: Lunin; Second: Zabel; Roll-call vote: Cade (aye), Gilligan (aye), Green (aye), Katz (aye) Lunin (aye), Zabel (aye); Vote 6:0:0]

**5. Generic DPW Roadwork – OOC Extension – Newton-wide – DEP File #239-787**

- Owner: City of Newton Applicant: Theodore Jerdee, Newton DPW Representative: none
- Request: Issue 3-year OOC extension.
- Documents Presented: 2019-2020 Roadworks Report
- Jurisdiction: Buffer Zone, Riverfront Area, BLSF, City Floodplain
- Staff Notes: Staff feel it fully appropriate to extend the generic roadworks OOC for the Department of Public Works, including the condition requiring annual reports.
- Vote to issue a 3-year extension to Order of Conditions #239-787. [Motion: Gilligan; Second: Zabel; Roll-call vote: Cade (aye), Gilligan (aye), Green (aye), Katz (aye) Lunin (aye), Zabel (aye); Vote 6:0:0]

**6. 55 Grace Road – COC – major landscaping – DEP File #239-767**

- Owner/Applicant: Joel Sable Representative: none
- Request: Issue COC.
- Jurisdiction: Buffer Zone, Riverfront Area
- Staff Notes: Staff site visit on 5/2/20 confirmed compliance.
- Vote to issue a Certificate of Compliance for approved work under Order of Conditions #239-767. [Motion: Lunin; Second: Zabel; Roll-call vote: Cade (aye), Gilligan (aye), Green (aye), Katz (aye) Lunin (aye), Zabel (aye); Vote 6:0:0]

**II. CONSERVATION AREA DECISIONS**

**7. Hydro-raking Houghton Pond**

- Documents Presented: Spreadsheet of capital improvement projects and budget, aerial of work areas
- Staff Notes:
  - Houghton Pond has been filling in with leaves and organic debris since its creation at the turn of the century. Now weeds encroach close to the center of the pond during dry periods.
  - Trails are suffering extreme damage from frequent flooding
  - Hydroraking could increase flood storage and alleviate some of the flood damage.
  - Estimates:
    - Solitude 10 days hydroraking = \$27,000
    - Bob Hanss support for hydroraking, disposal and seeding, and trail restoration = \$26,885
    - Bob Hanss stream cleaning and new trail surface = \$28,150
  - Any City-sponsored work would need to be bid out and the lowest qualified bid accepted.
  - Any privately funded work on City land would need to be licensed by the ConCom. Work done by a private contractor on City land would need to be approved by the City prior to final payment.
  - Private donations could be collected by a 501(c)3 and used to pay a licensed contractor.

- All work within wetland jurisdiction would need to be permitted under and Order of Conditions.
- Project Proposal:
  - A1. Hydrorake the pond.
  - A2. Dispose of raked material at the corner of Suffolk/Lowell, loaming, and seeding with woody/vegetative mix.
  - A2. Dispose of some raked material in swimming pool in Old Deer Park.
  - A2. Restore the main entrance's accessible stonedust trail and the western wood chip trail to the weir/outlet.
  - B. Hand rake the two inflowing streams.
  - C. Use a mini-excavator to hydrorake the larger inflowing streams and outfall plunge pools.
  - D. Create a new accessible trail surface along the inflowing stream to fix damage from mini-excavator
- Proposed division of project: ConCom would bid, pay for and oversee hydroraking (A1); community contributions would support the remainder of A2 and possibly B, C, and D.
- Presentation by Ken Lyons, President of the Chestnut Hill Association: Houghton Garden is in real need of restorative work. The Community was asked to contribute half of the cost of the hydro-raking project. They did so (see A2, above), and exceeded expectations, allowing the opportunity to do more stream restoration (see B and C, above) and extend the accessible trail (see D, above).
- Councilor Lisle Baker: noted his support for the project.
- Ted Kuklinski (President of the Newton Conservators): noted that he will ask the Board of the Conservators if they would agree to accept community donations and oversee the contract with the local landscaper.
- Commission Discussion: This work is really needed and since the community match is 2:1, the Commission feels it is appropriate to support the project.
- Vote [Motion: Lunin; Second: Zabel; Roll-call vote: Cade (aye), Gilligan (aye), Green (aye), Katz (aye) Lunin (aye), Zabel (aye); Vote 6:0:0] to:
  1. Approve in concept all of the proposed work described in A1, A2, B, C, and D, above.
  2. Direct staff to proceed with putting out a bid for the hydroraking project (A1), conditional on receiving the community contribution of the services outlined in the Chestnut Hill Association's letter of 5/13/20.
  3. Direct staff to seek a detailed scope of work for A2, B, C, and D from the community.
  4. Direct staff to craft an NOI that would permit all work described in A-D.

### III. ADMINISTRATIVE DECISIONS

#### 8. Minutes of 4/23/20 to be approved

- Documents Presented: draft minutes
- Vote to approve the 4/23/20 minutes. [Motion: Lunin; Second: Gilligan; Roll-call vote: Cade (aye), Gilligan (aye), Green (aye), Katz (aye) Lunin (aye), Zabel (aye), Hepburn (aye); Vote 6:0:0

### IV. ISSUES AROUND TOWN DECISIONS

#### 9. City of Newton 2020-2027 Open Space and Recreation Plan

- Staff Notes: The first draft of the OSRP was released for public review (and review by P&D and ZAP on 4/30. Susan Lunin and Jeff Zabel have been involved members of the OSRP Advisory Committee, but all members of the ConCom should review the draft plan. The state requires a letter of support from the Conservation Commission. Individual members of the ConCom may submit any comments to Conservation staff for consideration in the final draft
- Staff Request: Identify any short comings of the OSRP and let Claire and Jennifer know so that they may be addressed in the final draft.

## UPDATES

### V. WETLANDS UPDATES

### VI. CONSERVATION AREA UPDATES

- Old Deer Park: Staff met with the annual maintenance contractors on site and discussed site management and trail creation. Conservation land maintenance contractors will cut the trail (see revised trail map), cut invasives twice annually to maintain progress, continue to cut more invasives from the knolls, and re-clear path along green line. We anticipate the first pass coming in the next couple of weeks prior to full leaf out.
- Pending projects:
  - CRP stairs -- hoping to get bid out soon
  - Kessler boardwalk and bridge at hoping to get bid out soon

*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.*

- Webster stairs awaiting DCR
- Houghton hydroraking and trail rehabilitation
- Dolan crusher-run on trail.

**VII. ISSUES AROUND TOWN UPDATES**

- Invasive pulls are being coordinated.

**VIII. ADMINISTRATIVE MATTER UPDATES**

- ConCom 101 and Social Evening: Indefinitely postponed.
- EnviSci Summer Program may be affected by COVID-19, no update at this time.

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

10. **Conservation Commission standard perpetual fertilizer, herbicide, and pesticide restriction** is a problem for the City's athletic fields (e.g, Zervas and Albemarle). The Commission asked staff to recommend a new set of standard conditions. Leigh Gilligan will look into ways to remove perpetual conditions after a complete COC noting the perpetual conditions has been granted and recorded.

***ADJOURN***

- Vote to adjourn at 10:35PM. [Motion: Lunin; Second: katz; Roll-call vote: Cade (aye), Gilligan (aye), Green (aye), Katz (aye) Lunin (aye), Zabel (aye), Hepburn (aye); Vote 6:0:0