

CONSERVATION COMMISSION MINUTES

Date: January 24, 2019
Time: 7:01 – 9:50 pm
Place: City Hall, Room 204

With a quorum present, the meeting opened with Susan Lunin presiding as Chair
Members Present: Judy Hepburn, Norm Richardson, Jeff Zabel, Kathy Cade (Associate), Dan Green (7:07)
Staff Present: Jennifer Steel
Members Absent: Ira Wallach, Ellen Katz
Members of the Public: See sign-in sheet

DECISIONS

I. WETLANDS DECISIONS

- **Kathy Cade was delegated voting rights** to allow the meeting to be called to order at 7:01.
- **Informal Discussion on Phase III Solar Installation– various locations**
 - **Request:** The Sustainability Office wants to apprise the Con Com of the City’s plans to install solar canopies at a number of sites in the City, two of which are within ConCom jurisdiction, the Library and Mason Rice School.
 - **Owners:** City of Newton
 - **Presentation:** Cancelled because Bill Ferguson was not able to come to the meeting.
- **RDA – 200 Nahanton Road (associated with 483 Dedham St.) -- Charles River Country Club – construction of new comfort station and revised cart path layout**
 - **Request:** Construction of a new state of the art comfort station that will provide restrooms and shelter from lightning or other inclement weather at the 14th hole of the Charles River Country Club golf course and revision of the existing paved cart path to allow for access.
 - **Owner:** Paul Blanus, Charles River Country Club **Applicant/Representative:** Paul McManus, EcoTec, Inc
 - **Documents Presented:** colored plans plans, photos, draft DOA
 - **Jurisdiction:** Buffer Zone
 - **Presentation (Paul McManus and Jim Hunt of the CRCC) and Discussion:**
 - **Project Summary:**
 - The existing inclement weather station will be demolished, a portion of the existing cart path will be removed, and a revised path will be installed to allow access to the new structure.
 - The proposed restrooms will include Clivus Multrum zero discharge composting toilets and all water needed for the restrooms will be provided through non-potable water from the existing irrigation system. Electricity will be provided by roof-mounted solar panels.
 - Construction of the new comfort station will require excavation for the foundation. All excavate will be removed from the site.
 - **Impact Summary:**
 - Proposed work is 68’ from the BVW boundary. Only a portion of the work is within buffer zone.
 - The proposed project will have a net reduction in impervious area of 163 sq. ft.
 - Disturbed areas will be stabilized with sod.
 - **Discussion:**
 - The erosion controls will be enhanced in that a section of entrenched silt fence will be installed along the limit of work near where the cart path will be revised, due to



Mayor
Ruthanne Fuller

**Director
Planning &
Development**
Barney Heath

**Senior
Environmental
Planner**
Jennifer Steel

**Assistant
Environmental
Planner**
Claire Rundelli

**Conservation
Commission
Members**
Dan Green
Judy Hepburn
Susan Lunin
Norm Richardson
Ira Wallach
Jeff Zabel
Ellen Katz

**Conservation
Commission
Alternates**
Kathy Cade

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the steep slope directly adjacent to this area and that the western end of the erosion control line should be “tightened” and “hooked up hill”.

- Site will be stabilized with seed or sod
- Vote: to issue a negative 3 determination with the above two special conditions. Motion: Dan Green; Second: Jeff Zabel; Vote: 6:0:0.
- **NOI – 170 Upland Ave – teardown/rebuild single family home – DEP File #239-826**
 - Request: Order of Conditions for the teardown/rebuild of a single-family home
 - Owner/Applicant: Daniel Wilson Representative: Joe Porter, VTP Associates
 - Documents Presented: colored plans plans, photos, draft OOC
 - Jurisdiction: Bordering Land Subject to Flooding (112.2’ NAVD88) and City Floodplain
 - Presentation (Joe Porter) and Discussion
 - **Project Summary**
 - Demolish the existing single-family home and detached garage and rebuild a new modular single-family home with attached garage, porch, and expanded driveway.
 - **Impact Summary**
 - A portion of the house is due to be constructed on a mostly open foundation to allow “unrestricted hydraulic connectivity”, with a small overall increase in flood storage capacity
 - The wildlife habitat value on the site is limited. Three mature trees exist and are proposed to be saved.
 - **Discussion**
 - Calculations have been revised based on the Conservation Agent’s requests. The Engineering Department had initial concerns about the infiltration systems and the sump pump. Revised plans were only just received and have not been thoroughly reviewed by the Conservation Agent or the Engineering Department.
 - A DEP file number was just issued today, but no DEP comments have been received yet.
 - Foundation openings have been expanded to 4 5-foot wide openings. Those openings must be permanent.
 - Loam will represent fill, so removal of soil will be required.
 - One of the three trees is very close to demolition and construction activities and will have to be carefully protected during demolition and construction.
 - No mitigation planting plan has been proposed, but the owner intends to install plantings.
 - Neighbors from 171 Upland Ave. spoke about the relatively impervious soils and the chronic flooding in the area after heavy rains and asked whether the new construction would exacerbate that problem. The Agent described the design features of the open foundation and the infiltration systems.
 - Vote: Vote to accept the applicant’s request to continue the hearing until 2/14/19 to allow full review of revised plans. Motion: Dan Green; Second: Jeff Zabel; Vote: 6:0:0.
- **Enforcement Order – 204 Dedham Street -- single family home**
 - Request: Conservation Staff are requesting that the Commission ratify an Enforcement Order issued against 204 Dedham Street on 1/16/19 for unpermitted work in the 100-year flood zone.
 - Owner: Alex Kane, Kane Innovations LLC Representative: Michael Quinn
 - Documents Presented: annotated aerial, EO and cover letter photos, Enforcement Order
 - Presentation (Michael Quinn) and Discussion:
 - Michael Quinn accepted all responsibility for the violation on behalf of the owner (of which he is a partner).
 - On September 13, 2018 the owner and developer, sought administrative approval from the Conservation Office for repaving the existing driveway in place and kind; replacing the front sidewalk in-place and in-kind; repairing existing retaining walls with veneer; and pruning some the front yard landscaping to allow for the replacement of the front walkway. At the time Administrative Approval, it was made clear that the Conservation Commission had extensive jurisdiction over the site (i.e., Bordering Land Subject to Flooding). Administrative Approval was granted because the work described would not alter the jurisdictional wetland resource area. The requirements of the Administrative Approval were that neither of the existing retaining

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walls would be removed and that permission from the Conservation Commission and approved mitigation plantings would be required if there was an interest in removing any of the existing vegetation.

- On or about January 9, 2019 a representative from the project team came to the Conservation Office requesting permission to construct a deck at the back of the house in place of a small bump-out that had been demolished. Conservation Office staff conducted a site visit on January 15, 2019 and noticed that a significant amount of unpermitted work had been conducted on the site: (1) extensive grading without any erosion or site control measures (including the removal of existing retaining walls on either side of the driveway, grading of the lawn area, etc.) (2) placement of fill (sand), construction activities (including new rooflines) and (3) the removal of all mature vegetation in front of the house. An Enforcement Order was issued by the Conservation Agent requiring ceasing all work, installation of erosion controls, and appearance at the 1/24/19 ConCom meeting.
- Along with violations of the Wetlands Protection Act, work was also conducted outside the parameters of the approved building permit issued by the Inspectional Services Department. A Stop Work Order has been issued by the Building Inspector.
- Mr. Quinn stated that the old owner cut the bushes severely, that the front steps collapsed when being refaced, and that the retaining walls crumbled when the contractor tried to push them back to vertical.
- It was determined that the Enforcement Order (to be amended with requirements for bringing the site into compliance) should remain in place and that a Notice of Intent should be required (by 1/31/19) to ensure that proper plans are received, abutter notification is given, and proper public review is held.
- Mr. Quinn sought permission to continue work in the interim, but permission was not granted.
- Vote: to ratify the original Enforcement Order. Motion: Norm Richardson; Second: Jeff Zabel; Vote: 6:0:0.
- Vote: to issue an amended Enforcement Order with the language below. Motion: Jeff Zabel; Second: Judy Hepburn; Vote: 6:0:0.
 - maintaining the Cease and Desist order and
 - requiring the filing of a complete Notice of Intent (including engineered plans and analyses, an appropriate narrative, and abutter notification), to bring the site into full compliance with the state Wetlands Protection Act and Regulations. Said Notice of Intent must be filed before noon on Thursday 1/31/19. Engineered plans of “prior existing” site conditions and proposed site conditions including but not limited to all grading, drainage, structures, landscape plantings, hardscape (walls, driveway, walkway, steps, etc.) must be filed before noon on Tuesday 2/5/19.
- **Certificate of Compliance (re-sign) – 21 Duffield Road – addition to a SFH -- DEP file #239-266**
 - Request: Applicant is requesting a resigned Certificate of Compliance for recording at the registry.
 - Owners/Applicant: Joseph Lee
 - Documents Presented:
 - Jurisdiction: Buffer Zone
 - Staff Notes: The original Certificate of Compliance issued in 1994 was never recorded at the Registry of Deeds. The owners now wish to have the cloud removed from the title but have misplaced the original signed copy. A site visit on 1/16/19 confirmed that the site is in compliance with the work approved under the original OOC.
 - Vote: to issue a resigned version of a complete Certificate of Compliance. Motion: Dan Green; Second: Jeff Zabel; Vote: 6:0:0.

CONSERVATION AREA DECISIONS

- **Norumbega Conservation Area Off-Leash Dog Park Memorandum of Understanding**
 - Request: Sign the MOU for Parks and Rec construction and management of an off-leash dog area at Norumbega Conservation Area.
 - Owner: Conservation Commission Representative: none
 - Documents Presented: MOU MOU
 - Discussion:
 - Both Parks and Rec and Law approved this draft.

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- It was noted that it was critical to include with the MOU a clear map showing the area to be designated as an off-leash area.
- It was noted that the Commission needs to approve final plans prior to commencement of construction and needs to approve any proposed changes thereafter.
- It was also noted that since the impetus for allowing the construction of an off-leash dog are is to reduce the illegal off-leash use in the remainder of the Conservation Area, the Commission would seek Parks and Rec’s assistance monitoring that metric and assessing the success of the new program, and mitigating adverse impacts as needed.
- Consensus: Send the edited version of the MOU back to the Law Department and Parks and Rec.
- **Dredging of Hahn Brook**
 - Request: Provide approval for East Middlesex Mosquito Control Program to conduct (exempt) dredging of Hahn Brook, from “The Farms” condos to Dudley Road, to alleviate flooding of the stream system.
 - Owner: Conservation Commission Representative: none
 - Documents Presented: [map](#) [map](#)
 - Staff Notes: This effort is being undertaken by the Utilities Division in response to the discovery of significant sedimentation in the stream down-gradient of 79 Florence Street where the sediment basin/pond was recently dredged by the owners. Work will take place during frozen ground conditions.
 - Consensus: to allow the dredging on Conservation property.
- **Dredging of Houghton Pond**
 - Request: Provide approval for exploration of causes of and solutions to flooding at Houghton Pond. The Utilities Division will be CCTVing the culvert. Conservation staff would like to ask a dredging company to give an estimate for removing sediment from the pond.
 - Owner: Conservation Commission Representative: none
 - Documents Presented: [map](#) [map](#)
 - Staff Notes: Trails along the historic pond have been flooding more and more frequently. New boardwalks have been installed in one area, but other areas are now flooding regularly. The historic nature of the pond layout and landscaping warrants different consideration than a purely natural waterbody.
 - Consensus: to allow staff to research and develop a proposal for dredging, if appropriate.

III. ADMINISTRATIVE DECISIONS

- **Minutes of 12/13/18 to be approved.**
 - Documents Presented: [draft minutes](#) [draft minutes](#)
 - Vote: to approve the 12/13/18 minutes as corrected. Motion: Norm Richardson; Second: Jeff Zabel; Vote: 4:0:2.

IV. ISSUES AROUND TOWN DECISIONS – none at this time

UPDATES

V. WETLANDS UPDATES

- 22 Hollywood: Awaiting information and request to close out old EO and OOC.
- Edmands Brook Study: The Utilities Division has hired Woodard and Curran to study the brook and develop a plan to address the severe erosion.

VI. CONSERVATION AREA UPDATES

- Norumbega slope restoration: Staff are still awaiting estimates from potential contractors.
- Kessler Woods Upland Trail: Staff met on site with potential contractor and are due to meet with Chestnut Hill Realty shortly.
- Land Management: Staff is discussing models of closer coordination with Parks and Rec.

VII. ISSUES AROUND TOWN UPDATES

- Recreational Trails Grant Application: Christina St. Bridge feasibility study and preliminary design, will be submitted
- Open Space and Recreation Plan:
- Climate Action planning: CAP draft chapters are being developed. Public workshop #2 set for 3/21/19.

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- Webster Woods: New appraisal is due soon. Executive Committee will meet on 2/7/19.
- MAPC Mini Grants: Our application to create a climate resource center with CRWA was denied.
- Zoning Rewrite: MAPC will help ensure that sustainability is woven throughout the new ordinance.
- ACROSS trails intern: Developing maps of possible 1-4 mile loops (transit, parking, points of interest) integrating conservation areas, village centers and points of historical interest. The Agent will work with the Conservators to
- Solar Canopies: Lots of discussion about trees vs. clean energy. Trees (and shrubs!) take up CO2, provide shade, provide native species habitat, and help manage and treat stormwater. Albemarle Road site was taken off the table.
- Stewards February Get-together: Still in the works
- Nahanton CR: Possible encroachment discovered at drive entry – should we require restoration plantings, given the density of invasives in the abutting woods?

VIII. ADMINISTRATIVE MATTER UPDATES

- MACC Annual Environmental Conf (3/2/19): We do have Wetland Protection Act funds that can cover registration.

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

- **Certificate of Compliance (re-sign) – 34-46 Farwell St. – bank restoration -- DEP file #239-774**
 - Request: Applicant is requesting a signed corrected Certificate of Compliance for recording at the registry. The book and page number had been entered incorrectly.
 - Owners/Applicant: Brian McDonald
 - Vote: to issue a corrected version of a complete Certificate of Compliance. Motion: Dan Green; Second: Jeff Zabel; Vote: 6:0:0.
- **Commissioners asked that the Conservation Office budget be reviewed at the next meeting,**

ADJOURN at 9:50. Motion: Dan Green; Second: Jeff Zabel; Vote: 6:0:0.

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