

# CONSERVATION COMMISSION MINUTES

Date: February 14, 2019

Time: 7:00 pm

Place: City Hall, Room 204

**With a quorum present**, the meeting opened with Susan Lunin presiding as Chair

**Members Present:** Judy Hepburn, Ellen Katz, Norm Richardson, Jeff Zabel, Dan Green

**Staff Present:** Jennifer Steel

**Members Absent:** Ira Wallach, Kathy Cade (Associate)

**Members of the Public:** See sign-in sheet

**NOTE:** Jennifer Steel read Ira Wallach's letter noting his apology for missing the last meeting before he stepped down from the Conservation Commission. His grand-daughter is to be born tonight

## DECISIONS

### I. WETLANDS DECISIONS

#### 1. Presentation – Water Bars at Norumbega River Road Trail – Eagle Scout Project

- **Request:** Eagle Scout candidate David Morefield will present his proposal for installing water bars along the River Road trail in the Norumbega Conservation Area
- **Owners:** City of Newton    **Applicant:** David Morefield
- **Jurisdiction:** Buffer Zone, RFA
- **Discussion:**
  - David did not present any visual aids or details.
  - David intends to install 16 water bars 6-10 feet apart throughout the steep and eroding part of the River Road trail this spring. He will use 6"x6" pressure treated landscape timbers, spiked in with re-bar.
  - Jennifer Steel recommended using landscape fabric to hold added crusher run behind each water bar to ensure that earth disturbance would be limited and tripping hazards would be eliminated. David will have to calculate the amount of fill needed.
  - Dan Green recommended looking at midstartimber.com for installation tips.
  - This project is supported by Conservation Office. Claire Rundelli has been meeting with David for several months to help ensure the project happens as needed.
  - This work falls under the Commission's generic Trails OOC for work on their land. (SECTION I. Work to be allowed under a generic Order of Conditions without further notification to the Commission. Adding surface erosion control features (e.g., building trail dips or water bars)
- **Consensus:** to approve this project on Con Com land, but to require David to report back with more complete and detailed plans prior to starting the project.

#### 2. Presentation – Hazard Mitigation Plan

- **Request:** MAPC consultant, Anne Herbst, will give a short presentation (and required public hearing) on the on-going update of the City's Hazard Mitigation Plan, a state required document.
- **Presentation (Anne Herbst) and Discussion:**
  - The Hazard Mitigation Plan (HMP) is state-required document and expires every 5 years. Newton's current HMP expired in 2018 and needs to be updated for the City to be eligible for FEMA grants and other state grant programs. This document is also a requirement of the Municipal Vulnerabilities Preparedness (MVP) program, which the City is trying to qualify for through the creation of our Climate Change Vulnerabilities Assessment (CCVA), which was adopted by the City Council in December.



**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  
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Kathy Cade

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- Ann described the flooding, heat, winter storms, fires, and other natural hazards and the critical infrastructure potentially affected that will be addressed by this plan.
- The plan addresses prevention, property protection, public education, etc.
- ConCom members gave some suggestions to be considered before the third and final meeting of the steering committee.

### 3. NOI (cont'd) – 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. New plans were handed to the agent at the meeting and presented to the Commission by way of information.
  - **Impact Summary**
    - DEP determined that any new footprint within BLSF must be built on pilings to provide “unrestricted hydraulic connectivity”, so the applicants have eliminated the garage and have instead designed an open carport. That will provide enough excess flood storage capacity to allow the applicant to install a vinyl fence around the property.
    - Engineering required revised infiltration calculations.
    - The wildlife habitat value on the site is limited. Three mature trees exist and are proposed to be saved.
    - 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.
- Vote: to accept the applicant’s request to continue to 3/7/19 to allow for Engineering’s and ConCom’s proper review of the revised materials [Motion: Dan Green; Second: Jeff Zabel; Vote: 6:0:0].

### 4. NOI – 1114 Beacon Street – construction of 25-unit residential condominiums – DEP file # 239-827

- Request: Tear-down existing building and remove existing parking lot, construct 3 town houses and 22 condominium units (with underground parking) and dredge and landscape.
- Owner: Ronald Simons, 1114 Beacon Street LLC Applicant/Representative: Fredric King, DGT Associates
- Documents Presented: colored plans plans, photos, draft OOC
- Jurisdiction: ILSF – Please note that jurisdiction is limited to the ILSF, but because stormwater will drain to ILSF, the whole project is being considered.
- Presentation (Fred King) and Discussion:
  - **Disclosures**: Jennifer Steel used to serve with Fred King on the Maynard Conservation Commission and Dan Green hired Fred in the past for engineering services.
  - **Project Summary**:
    - Tear down of old, fully paved, zero stormwater treatment site
    - Construction minimizes driveways, puts parking underground, reduces impervious area
    - “Pond” has a 3-acre watershed and is a retention basin (it recharges all water and never overflows)
    - Groundwater exists at a gradient across the site from 111.3’ near the “pond” to 114.5’ near the street.
    - Dredging of ~250 cubic yards of material might be appropriate.
  - **Impact Summary**:
    - Impervious area reductions are significant (69% -> 49%)
    - Stormwater improvements are significant (parking lot -> roof)
    - Planting improvements are significant (restore junky pond)
    - Construction also picks up and treats runoff from neighbors to the east.
    - Restores ILSF area

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- A 21E study was done and the site was found to be clean. Neighboring sites are not clean and monitoring wells may need to be repositioned.
- The neighboring bank has an AUL, but groundwater flow is to the west, away from this property.
- **Questions/Concerns:** Fred King acknowledged all the following questions and stated his intention to address them all before the next hearing.
  - Vernal pool
    - Has an assessment been done to determine whether this pond supports VP species?
  - Dredging
    - What is known about the cleanliness of the sediment?
    - What volume will be removed?
    - Will 401 WQ certification or 404 dredge permit be needed for the proposed dredging?
    - Will 18" or 2-3' of muck be removed? What are the proposed final grades?
    - A dredging plan will be needed.
  - Dewatering
    - A dewatering plan will be needed, and if the water is contaminated, that will need to be addressed.
  - Concrete washout
    - A concrete washout plan will be needed.
  - The site is extremely tight
    - Will there be a phasing plan?
    - Where will spoils be stockpiled and dewatered?
    - Where will the foundation hole be dewatered?
    - Where will stockpiling and laydown occur?
    - Where will concrete washout occur?
  - Stormwater
    - Coir logs are generally not flexible enough to be good ESC materials.
    - What is the elevation of ESHGW?
    - What is the grade of the garage slab? Will it be below ESHGW?
    - Will a sump pump be needed at most times? Only infrequently
    - Is there an opportunity to infiltrate more of the roof runoff?
    - Is CB#2 in the best location to capture runoff?
    - Stone swales are a nuisance to maintain. Is there another option?
    - O&M plan is needed.
    - Snow storage plan is needed.
    - Jennifer Steel suggested using a leaching catch-basin and perforated pipe to the south of the building to reduce the volume of water reaching the "pond" and the speed it reaches the "pond".
  - Landscaping
    - Has the applicant addressed the Tree Ordinance requirements?
    - Number and inches of trees to be cut in ponding area?
    - Number and inches of trees to be planted in ponding area?
- **Further Discussion:**
  - Gary Lesanto (owner of the abutting Citizens Bank) read a letter from Kurz Engineering for the record.
  - Gary (and other abutters in the room) noted the fact that they frequently have water in their basements and that they have to use sump pumps regularly.
  - Abutters noted concerns that placing a basement (parking garage) underground would deflect groundwater to their properties.
  - The neighbors hired Desheng Wang as a consultant who provided a letter and spoke:
    - The project may require a USACE 404 permit.
    - The foundation will affect groundwater flow
    - Borings are not the same as (and are inferior to) monitoring wells

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- Neighbor John Tsay noted his concern about landslides.
- Neighbor Vivek Pandit noted his concern about flooding.
- Vote: to accept the applicant's request to continue to 3/7/19 to allow for these questions to be addressed and to allow for the special permit process to unfold [Motion: Dan Green; Second: Jeff Zabel; Vote: 6:0:0].

#### 5. OOC enforcement– 79 Staniford Street – unpermitted deck

- Issue: When on a site-visit regarding a request for a temporary Certificate of Occupancy, Conservation staff noticed an unpermitted deck. The deck is not exempt from the need to file
- Owner: Gerald McDade Jr.      Applicant/Representative: Michael Quinn
- Documents Presented: annotated plan   photos
- Jurisdiction: Buffer Zone
- Presentation (Michael Quinn) and Discussion:
  - The house, a standard mode, is usually built with a patio. These owners wanted a deck. No one thought about the need for a permit.
  - Commissioners felt strongly that: (1) a boundary between the yard and the slope was appropriate to preclude dumping and (2) mitigation plantings were in order because of the expanded footprint.
  - The applicant proposed a split rail fence and native shrub plantings.
  - The Con Com reserved the right to use an Enforcement Order if necessary.
  - All changes must be shown on a plan approved by the agent before 3/7/19.
- Consensus: Allow the deck as change as a minor plan change to be reflected on the as-built plan as long as the agent receives and approves a plan showing the fence, 12 3' native berry-bearing shrubs, a spring planting deadline, a letter from the owner acknowledging the requirements.

#### 6. COC – 70 Truman Road – DEP File #239-409

- Request: Applicant is requesting a Certificate of Compliance for the Order of Conditions issued under file number 239-409 for the construction of an addition on a SFH.
- Owner/Applicant: Joseph Cheteoui      Representative: none
- Documents Presented: photos, draft COC
- Jurisdiction: Riverfront Area, floodplain
- Staff Notes: A site visit on 1/30/19 by Conservation staff confirmed that the site is substantial compliance with the approved plans.
- Discussion (Joseph Cheteoui): Wondered why the contractor hadn't closed out the OOC years ago. The process of closure and responsibility of closure was explained. Mr. Cheteoui explained that they would like to build a small addition. His plans, drawn by Frank Iebba, are not clear enough to support Mr. Iebba's statement that the property is outside the floodplain (estimated by Jennifer Steel to be 113.9' NAVD88).
- Vote: to issue a complete Certificate of Compliance for 239-409 [Motion: Dan Green; Second: Jeff Zabel; Vote: 6:0:0]

#### 7. Pending NOI/Enforcement Order – 204 Dedham Street – unpermitted renovation of single-family home

- Request: Applicant was unable to get NOI materials to the Conservation Office by the 2/5/19 deadline for this meeting. They have requested an extension to the 3/7/19 meeting (filing deadline of 2/19/19) to allow time for site plans to be drawn up.
- Owner/Applicant: Alex Kane, Kane Innovations LLC      Representative: Michael Quinn
- Documents Presented: none
- Jurisdiction: Floodplain
- Staff Notes:
  - Michael Quinn accepted all responsibility for undertaking work in Flood Zone without a permit.
  - The Commission required 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 regulations.
  - A stop work order is in place at this time.
- Consensus to accept the request for extension.

#### 8. Test Pit Policy for Wetland Filings

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- Request: Conservation Staff would like to discuss the creation of a new Commission policy regarding the observation of test pits for stormwater management systems conducted on sites requiring Conservation Commission permitting.
- Documents Presented: none
- Presentation (Jennifer Steel) and Discussion:
  - The Engineering Department has been reducing the number of observed test pits to avoid liability issues.
  - Conservation staff would like to observe all test pits on sites with wetland jurisdiction, that require a filing, to confirm observations and reported data.
  - It was suggested that Jennifer ask peer communities how they handle this situation.
- Consensus: Jennifer will discuss with her colleagues and report back to the Commission.

### CONSERVATION AREA DECISIONS

#### 9. Norumbega Conservation Area Off-Leash Dog Park Memorandum of Understanding

- Request: Sign the revised MOU (now including all ConCom comments) 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 aerial photos, MOU
- Discussion:
  - The edited version reflects the Commission’s comments from the last meeting.
  - Parking for the off-leash area is being discussed in relation to the desires to “re-green” Comm. Ave.
- Vote: to accept and to have Susan Lunin sign the MOU as acting chair [Motion: Jeff Zabel; Second: Norm Richardson; Vote: 6:0:0].

### III. ADMINISTRATIVE DECISIONS

#### 10. Nahanton CR: Possible encroachment discovered at drive entry – Should the Commission require the owner to restore the area with trees and shrubs given the density of invasives in the abutting woods?

- Documents Presented: annotated aerial photo, CR
- Consensus: Trees that can be mowed around should be planted. That way, the invasives can be kept at bay and the canopy can be reestablished. Jennifer will ask that Nahanton Woods Inc. do that.

#### 11. Minutes of 1/24/19 to be approved.

- Documents Presented: draft minutes draft minutes
- Vote: to approve the 1/24/19 minutes [Motion: Dan Green; Second: Jeff Zabel; Vote: 5:0:1].

### 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. Staff has reached out to consultant. Consider next steps.

### VI. CONSERVATION AREA UPDATES

- Land Management Budget. Review budget budget spreadsheet
- Norumbega slope restoration. Staff received a \$47,000 estimate from a potential contractor. A second may be received.
- Kessler Woods Wetland Trail: Staff sent plans to a potential contractor and we await an estimate.
- Kessler Woods Trail to Lagrange Street: Staff met with Chestnut Hill Realty and they agreed to consider granting a public access trail easement in exchange for the ConCom supporting their efforts to erect a post and rail fence on the CR land along Lagrange St. Jennifer was asked to ask them to actually construct the trail connection and to install breaks in the fence and signs indicating that the land is publicly accessible.
- Kessler Woods Trail to Vine Street: Staff met with Chestnut Hill Realty they have decided not to request a “swap” of developing a trail from Vine Street to the far side of the stream in exchange for placing a fence on ConCom land along Lagrange St.

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- Land Management: Staff were due to meet with contractor on 2/12/19 (his contract expires 6/30/19), but the meeting was canceled due to snow. Staff are seeking summer field assistant. Coordination with Parks and Rec. continues.
- Charles River Pathway stairs: Will seek permission from land owners and go out to bid without grant support.

**VII. ISSUES AROUND TOWN UPDATES**

- Recreational Trails Grant Application:
  - Christina St. Bridge feasibility study was thwarted
  - Charles River Pathway stairs needed owner permissions.
- Updating the Open Space and Recreation Plan: Jennifer Steel will meet with Parks and Rec on 2/15/19 to begin planning the update process.
- Climate Action Plan: Public workshop #2 set for 3/21/19.
- Webster Woods Protection: Executive Committee met on 2/7/19. Full advisory panel will meet mid-March.
- ACROSS trails intern: Developed maps of a “spine” trail and 4 possible loop trails. Staff will work with the City and the Conservators to promote pilot trails
- Stewards February Get-together: Potluck was held on 2/6/19.

**VIII. ADMINISTRATIVE MATTER UPDATES**

- ConCom Membership: Ira Wallach is resigning from the ConCom effective 2/16/19. Dan Green has been reappointed. Norm Richardson’s term expires in August 2019; he will seek re-instatement for another term. Jennifer will ask Kathy if she intends to seek appointment to full member.
- MACC Annual Environmental Conf (3/2/19): We do have Wetland Protection Act funds that can cover registration.
- MACC new commissioner orientation available for free
- MACC Lunch and Learn webinars

**OTHER TOPICS NOT REASONABLY ANTICIPATED BY THE CHAIR 48 HOURS BEFORE THE MEETING** - none

**ADJOURN** Vote: to adjourn at 10:44 [Motion: Norm Richardson; Second: Ellen Katz; Vote: 6:0:0]

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