

CONSERVATION COMMISSION MINUTES

Date: April 18, 2019
Time: 7:00 pm
Place: City Hall, Room 204

With a quorum present, the meeting opened with Dan Green presiding as Chair

Members Present: Ellen Katz, Norm Richardson, Kathy Cade Susan Lunin

Staff Present: Jennifer Steel

Members Absent: Judy Hepburn, Jeff Zabel

Members of the Public: See sign-in sheet

Administrative Note: Kathy Cade is officially a full member. Congratulations!

DECISIONS

I. WETLANDS DECISIONS

1. NOI – 45 Puddingstone Lane – addition to existing temple building – DEP File #239-832

- Owner/Applicant: Elyse Hyman, Temple Beth Avodah Representative: Frank Holmes, Stantec
- Request: Order of Conditions
- Documents Presented: colored planting plans colored planting plans, photos, draft OOC
- Jurisdiction: Riverfront Area
- Project Summary
 - Construct a 1280 sf addition to the rear of the existing temple.
 - Remove the existing amphitheater and regrade the area as a native-vegetated slope.
 - Renovate and reduce in size the rear courtyard.
 - Bury an electric cable, install a new transformer, and install a new utility pole.
 - Stockpiling and access will be in/from small parking area/driveway off Grace Road.
- Discussion (Impact Analysis)
 - Riverfront Area
 - All proposed work is within outer riparian zone and is occurring within existing impervious or landscaped areas.
 - Low bollard lighting will meet dark sky requirements.
 - Removal of 11 trees over 8 inches (some of which are in poor health or dead) will be compensated for by the installation of 8 native canopy trees, 18 native understory trees, 78 native shrubs, and a variety of native grasses, perennials, and groundcovers.
 - Applicant provided the requested revised planting plan and schedule. The Conservation staff had thought that some ornamental cultivars would be acceptable.
 - The Commission asked that the applicant shall plant native species of the Astilbe (*Astilbe biternate*) and Athyrium (*Athyrium filix-femina*).
 - Stormwater Management Standards
 - Installation of 2 infiltrating drywells under the rear courtyard will reduce peak rate and volume of runoff.
 - Impervious area will be reduced overall.
- Vote to close the hearing and issue an Order of Conditions with the conditions as discussed and edited at the meeting (Motion: Susan Lunin; Second: Ellen Katz; Vote: 5-0-0).

2. NOI – cont'd 11 David Road – teardown/rebuild single family home – DEP File #239-830

- Owner/Applicant: Nataniel Ustayev Representative: Michael Kosmo, Everett M. Brooks Co.
- Request: Order of Conditions
- Documents Presented: colored plans plans, photos, draft OOC
- Jurisdiction: Riverfront Area, Bordering Land Subject to Flooding (121.52' CNVD), and City Floodplain



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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- Project Summary
 - Demolish existing single-family home and driveway and build a new single-family home, driveway and porch.
 - Remove one large (30") deciduous tree.
 - Install mitigation planting areas along edges of lot
- Presentation (Mike Kosmo) and Discussion (Impact Analysis)
 - Riverfront Area
 - Applicant's revised Riverfront Area lines, site plan (house and driveway were scaled back and topo was corrected), alternatives analysis (fleshed out), sediment controls (strengthened), and mitigation planting plan (expanded and clarified) are all in compliance with the regulations.
 - Applicant answered questions about the infiltration system and noted that test pits will be dug at the time of construction, so drainage design may change.
 - None of the trees to remain shall be damaged.
 - Flood Zone
 - Applicant's revised grading and cut and fill calculations (increase in compensatory storage) are now in compliance with the regulations.
 - Conservation staff noted the outstanding question about compliance with building codes (NFIP bans basements below base flood elevation) to be resolved by the Building Department.
- Vote to close the hearing and issue an Order of Conditions with the conditions as discussed and edited at the meeting (Motion: Susan Lunin; Second: Kathy Cade; Vote: 5-0-0).

3. RDA – 303-309 Winchester Street – removal of 9 trees

- Owner/Applicant: Winchester Park Representative: David Altman, Advantage Property Mgt
- Request: Withdraw RDA. The City Tree Ordinance must be addressed.
- Documents Presented: colored plans plans, photos, draft DOA
- Project Summary: Removal of 9 large trees. A large pine tree broke and fell onto an abutter's house, causing \$150,000 damage. Other abutting residents are now concerned.
- Jurisdiction: Buffer Zone, Bordering Land Subject to Flooding, City Floodplain (112' NAVD88)
- Vote to accept withdrawal (Motion: Susan Lunin; Second: Norm Richardson; Vote: 5-0-0).

4. NOI – 212 Kenrick Street –vegetation management in golf course ponds – DEP File #239-834

- Owner: Steven Meyer, Newton Commonwealth Foundation Applicant: David Stowe, Newton Commonwealth Golf Course Representative: Matthew Salem, SOLitude Lake Management
- Request: Ecological Restoration Order of Conditions
- Documents Presented: colored plans, 2008 watershed management plan plans, photos, draft OOC
- Project Summary: Five ponds (three connected by an intermittent stream, 2 isolated) are contained within the played portion of the golf course. All are suffering overgrowth of weeds and algae. Management of nuisance and non-native species by chemical and mechanical control is proposed.
 - Chemical means for milfoil/curlyleaf: Aquathol (endothall), Reward (diquat), Sonar (fluridone), ProcellaCOR* (florpyrauxifen-benzyl) * = Not yet approved in Mass GEIR
 - Chemical means for cattails: Clearcast (imazamox) (glyphosate alternative)
 - Chemical means for watermeal and duckweed: Clipper (flumioxazin)
 - Chemical means for algae: Captain, SeClear, CuSO4 (copper), GreenClean (peroxide)
 - Chemicals to bind nutrients: aluminum sulfate, polyaluminum chloride
 - Mechanical means for water chestnut: hand-harvesting
 - Mechanical means for cattails: hydroraking
 - Mechanical means for removing 90 cy of sediment accumulation: hydroraking
- Jurisdiction: Bank, ILSF(?), Land Under Waterbodies and Waterways (LUWW)
- Presentation (James Lacasse, SOLitude and David Stowe) and Discussion (Impact Analysis)
 - For all wetland resource areas the applicant described the system (receiving lots of street runoff) and the weed treatments that would occur, as needed, based on monthly monitoring

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.

- The Commission expressed their interest in receiving a plan with real watershed improvements such as the installation of vegetated buffers (to discourage geese, take up nutrients, stabilize banks, etc.) and stream and pond dredging/cleaning (to “reset the clock”). Note: The applicant appeared to want to remain below the DEP dredge threshold of 100 cy.
- The Commission voiced concern about the use of chemical controls (e.g., the accumulation of copper and the flow of chemicals downstream) and asked for a much more targeted control plan using hydroraking, vactoring, and targeted chemicals to create healthy, more natural system.
- The Commission noted the need to protect some cattail areas (while allowing stream corridors to be cleared for flow).
- Vote to approve request to continue to May 9 (materials due April 25th at noon) including: clearer maps, a clearer explanation for proposed management activities over time, thresholds for different management activities, and proposals for watershed enhancements (Motion: Norm Richardson; Second: Susan Lunin; Vote: 5-0-0).

5. NOI – 401 Albemarle Road – teardown single family home/rebuild duplex – DEP File #239-835

- Owner/Applicant: John Umina, 401 Albemarle LLC Representative: Robert Bibbo, Bibbo Brothers & Associates
- Request: Continue to May 30, 2109
- Documents Presented: colored plans plans, photos, draft OOC
- Jurisdiction: Riverfront Area
- Vote to approve request to continue to May 30 (materials due May 16 at noon) with improved plans and information clearly identifying compliance with the RFA regulations (Motion: Norm Richardson; Second: Susan Lunin; Vote: 5-0-0).

6. NOI – 145 Warren Street – 3-unit addition to existing single-family home – DEP File #239-833

- Owner/Applicant: Enrique Darer, 145 Warren St LLC Representative: Joe Porter, VTP; John Rockwood, EcoTec, Inc.
- Request: Order of Conditions
- Documents Presented: colored plans plans, photos, draft OOC
- Project Summary: Applicant is proposing to maintain a historic home and add on to the rear of it three additional units and central parking (with green roof over the parking area). Drainage is proposed to be put into shallow underground chambers. Infiltration systems and a robust restoration planting plan have been proposed. Units will be built over 3-4’ crawl spaces because of high groundwater.
- Jurisdiction: Buffer Zone to bank of an intermittent stream
- Presentation (Joe Porter and Art Allen, EcoTech) and Discussion (Impact Analysis)
 - Plans with revised snow storage, erosion control, and stockpile and laydown areas were shown
 - It was noted that the source of the intermittent stream was not known, but could be a leaking storm drain line
 - Buffer zone
 - Currently the Buffer Zone is free of impervious area. After development, 3,920 sf of house, green roof, and pavement will be in the Buffer Zone.
 - Post development runoff shall not exceed current runoff
 - 11 trees (8-24”) will be cut totaling ~134 caliper inches. A robust planting plan with 52 saplings (~144 caliper inches), 11 understory trees, 2 evergreen trees, 142 shrubs and 10 ferns will be installed to comply with the City Tree Ordinance.
 - Concerned was noted that the density of plantings and their closeness to the house would not be sustainable in the long-term.
 - Concern was noted about the large scale of the development on the small lot.
- Vote to close the hearing and issue an Order of Conditions with the conditions as discussed and edited at the meeting (Motion: Susan Lunin; Second: Kathy Cade; Vote: 3-2-0).

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

- Owner: Ronald Simons, 1114 Beacon Street LLC Applicant/Representative: Kevin Riopelle, DGT Associates
- Request: Continue the hearing to 6/20/19.
- Documents Presented: colored plans, response memo plans, photos, response memo
- Project Summary: in flux
- Jurisdiction: ILSF
- Discussion
 - Staff noted that the applicant is considering a different use for the site.

- An abutter noted his interest in having a vernal pool assessment conducted this spring season. He was told that he could pursue that on his own with the owner and that substantive discussion could not take place this evening since the applicant was not present.
- Vote to approve request to continue to June 20 (Motion: Ellen Katz; Second: Norm Richardson; Vote: 5-0-0).

8. Minor Plan Change – 33 Wayne Road – addition of retaining wall in rear yard – DEP File #239-811

- Owner/Applicant: Carmine Petruziello Representative: Carmine Petruziello
- Request: approval of a minor plan change to add a ~3-foot tall retaining wall in the rear of the property
- Documents Presented: colored plans plans, photos
- Jurisdiction: Riverfront Area
- Presentation (Carmine Petruziello) and Discussion (Impact Analysis)
 - Some of the slope has been cut in the location of the proposed wall.
 - Revised plans must be submitted by 4/23/19 at noon for the Commission to consider showing: A shorter wall (to allow greater wildlife access to the wooded area behind the wall), details of wall (location, height and grading changes), and increased native plants on side slopes (to increase natural area) should be proposed.
- Consensus: Consider a minor plan change at the next meeting, after revised plans are reviewed.

CONSERVATION AREA DECISIONS – none at this time

III. ADMINISTRATIVE DECISIONS

9. 170 Suffolk Road – Encroachment into Houghton Garden – Land Swap Proposal – letter from Law, minutes from 2011, minutes from 2018, letter and plan submitted by homeowner letter and plan submitted by homeowner, site photos

- Request: Abutters, Ken and Josephine Lyons, are proposing to be allowed to maintain the current encroachment onto Conservation Land of lawn and fence by providing a land swap of equal area at the rear of his parcel.
- Presentation (Ken Lyons) and Discussion (Impact Analysis)
 - The Commission noted the interest of the City in permanently protecting a parcel of equal or greater conservation value (not necessarily equal size). The lawn parcel has considerable “pool/lawn utility”. The swapped parcel would have to have equal or greater “ecological utility”.
 - Commissioners essentially summarized the question as “What inducement/benefit might the Lyons offer that would incline the Commission to support and propose this swap to the City Council and state legislature?”
 - Ken Lyons suggested that he would also consider granting some type of donation to benefit Houghton Garden.
 - If the Commission feels that a land swap might be appropriate, the Law Department will have to be consulted on the appropriate process and the resultant lot size.
- Consensus: Abutters shall submit revised proposal for Commission consideration.

10. Minutes of 3/28/19 to be approved.

- Documents Presented: draft minutes draft minutes
- Staff Recommendations: Vote to approve the 3/28/19 minutes.

11. Administrative Approval. Staff seek permission to give residents administrative approval to remove up to two (2) non-hazardous but invasive trees (or shrubs) with conditions (Size limit? Replacement requirements?).

- To be discussed at next meeting.

12. Conservation Commission membership. Norm Richardson is not planning to reapply. In addition to filling his seat, 1-2 new alternates are needed. Norm said that he would approach a member of the Newton Commonwealth Golf Course Board. Others were asked to consider potential candidates.

IV. ISSUES AROUND TOWN DECISIONS – none at this time

UPDATES

V. WETLANDS UPDATES

- Filming in Cold Spring Park – went smoothly

VI. CONSERVATION AREA UPDATES

- Norumbega Dog Park: The design contract for the dog park has been released to BETA group.

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- Land Management. Bid for annual contract has been given to Purchasing.
- Norumbega slope restoration. Received permission to operate under “emergency” purchasing provisions
- Kessler Woods Wetland Trail: Staff are working to put together an Invitation for Bids for the Purchasing Dept.
- Kennard invasives corner: Abutter is interested in funding removal project and contract will likely be released soon.
- Old Deer Park: Met with contractor to get a proposed scope for invasive control.
- Charles River Pathway stairs: Found contact for land owners.
- Summer help: Seeking summer interns for 10-15 hr/wk through Mayor’s program, MSMCP and tax-write-off.

VII. ISSUES AROUND TOWN UPDATES

- Open Space and Recreation Plan:
- Climate Action Plan: Due to go to ZAP on 4/29/19
- Webster Woods Protection: Executive Committee met on 4/11/19.

VIII. ADMINISTRATIVE MATTER UPDATES

- None at this time

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

13. NOI – 55 Grace Street – violation of OOC due to failure of shrubs of lawn

- Owner: Joel Sabel
- Request: Abutter is requesting enforcement.
- Documents Presented: [photos](#)
- Jurisdiction: RFA
- Discussion: Commissioners requested staff to seek compliance through informal means at first.

14. Kennard invasives control project: Abutter is interested in funding removal project by donating money to Friends of Kennard. A contract (with SumCo, Inc.) can be released soon. To allow such work by a private entity on City Conservation land, a license agreement (already drafted by the Law Department) must be approved by the Conservation Commission. Commission must vote to allow staff to sign on their behalf. A question was raised asking whether a bond was needed; the contract and the contractor’s insurance cover contingencies.

- Vote to approve Jennifer Steel as the representative of the Conservation Commission interests in the signing of the license agreement (Motion: Susan Lunin; Second: Norm Richardson; Vote: 5-0-0).

ADJOURN

- Vote to adjourn at 10:51 (Motion: Susan Lunin; Second: Ellen Katz; Vote: 5-0-0).