

CONSERVATION COMMISSION MINUTES

Date: July 11, 2019

Time: 7:05 pm

Place: City Hall, Room 204

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

Members Present: Judy Hepburn, Norm Richardson, Susan Lunin

Staff Present: Jennifer Steel

Members Absent: Jeff Zabel, Ellen Katz, Kathy Cade, Leigh Gilligan (Associate)

Members of the Public: See sign-in sheet

DECISIONS

I. CONSERVATION AREA DISCUSSIONS

1. Norumbega – Off-Leash Area

- Owner: ConCom Applicant: Parks & Rec (Luis Perez Demorizi) Rep.: BETA Group
- Request: Provide feedback on sketch plans of proposed dog park options.
- Documents Presented: 3 options plans 3 options plans
- Presentation (Luis Perez Demorizi) and Discussion:
 - Luis presented two modified options (plans), noted the interest in keeping the area natural and treed, stated that mulch would be used in the dog areas, and indicated that Marriott has agreed to reserve 6 parking spaces for access to the off-leash area.
 - The base plan and the design must be reconciled to ensure that property lines will be respected; mature trees must be added to the base plan.
 - One commissioner voiced concern that 6 parking spaces might not be adequate.
 - The MOU will be prepared for review and signature at the next meeting.
- Consensus of the Commission:
 - Preserve as many mature trees as possible (some are dying).
 - Have the pedestrian trail along the slope by the Marriott (i.e., outside the dog park), and ensure a stable foot bed and a vegetated, stabilized slope.
 - Allow the fence along the northern edge of the off-leash area to be moved north to allow more dog space and allow the pedestrian trail to wind along the lowest shoulder of the slope.
 - Design a smaller entry area “plaza”.
 - Add a set of stairs from the parking area to the entry gate to preclude a “DIY” muddy trail.

2. Discussion of Community Preservation Act Eligible Projects

- Request: Provide feedback to the Community Preservation Committee on current and future CPA-eligible needs. Alice Ingerson, Community Preservation Program Manager, has requested that all Commissioners fill out a short survey (8 questions) in order to provide a brief refresher on the Community Preservation Act. The link will be sent out to Commissioners via email when packets are issued.
- Documents Presented: current Community Preservation Plan, pending projects list current Community Preservation Plan, pending projects list
- Presentation (Alice Ingerson) and Discussion: Commissioners noted their priorities:
 - Land Acquisition: (1) Webster Woods
 - Capital Improvements: (1) Kessler Woods Bridge, (2) ADA improvements, (3) Hunnewell Woods.
 - Alice suggested getting the Capital Improvements into the CIP.

II. WETLANDS DECISIONS

3. MBTA Green D Line – cont’d RDA – confirmation of delineations for vegetation management plan

- Owner: Mass. Bay Transit Authority (MBTA) Applicant: Holly Palmgren, MBTA
- Representatives: Calvin Layton, C.W. Layton Consulting, Aaron Barbarian (MBTA), Christian Torres (Northern Tree)
- Request: Issue Neg 5 Determination of Applicability.
- Documents Presented: annotated maps annotated maps, draft DOA
- Jurisdiction: RFA, Buffer Zone, Flood Zone (City and FEMA)



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
Norm Richardson
Jeff Zabel

**Conservation
Commission
Alternates**
Leigh Gilligan

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- Presentation (Calvin Layton) and Discussion:
 - MBTA revised their limited spray areas to provide more complete protection to the wetlands associated with the vernal pools in Webster Conservation Area.
 - They spray the ballast and the shrubs on the sides, with a low-pressure boom and hand-held sprayers (Northern Tree has done the treatments since 2006).
 - All of the Green Line in Newton is treated only with “sensitive area” materials.
 - Limited Spray Zone 1 = treat only 1x/yr; Limited Spray Zone 2 = treat only 1x/2 yrs
- Vote: to close the meeting and issue a “Positive 2a” and a “Negative 5” determination (noting that since the “restricted” sections of track have been defined generously, further/more precise delineation of the wetland boundaries should not be needed and that the spraying is exempt [Riverfront Area: 310 CMR 10.03(6)(b) for rail line maintenance, and Buffer Zone: 310 CMR 10.58(6)(a) for herbiciding in buffer zone once delineation has been approved]. [Motion: Susan Lunin; Second: Norm Richardson; Vote: 4:0:0]

4. 400 Beacon St – NOI – renovate historic landscape features and improve accessibility -- DEP File #239-843

- Owner: Four Hundred Beacon Corp. Applic.: Sandra Houston, Longyear Foundation Rep.: Bert Corey, DGT Associates; John Alioto (grounds); Chris Milford (project manager), Gary Wolfe (architect), Kyle L (landscape architect)
- Request: Issue an OOC
- Documents Presented: colored plans colored plans, photos, draft OOC
- Jurisdiction: Riverfront Area
- Project Summary:
 - The project is a historic restoration project.
 - Extensive restoration and redevelopment of the main house and historic landscape features
 - Only a small portion of the overall project is within the ConCom’s jurisdiction (RFA): The circular drive, drainage from the circular drive area, and invasive tree and vegetation control.
 - The work within ConCom jurisdiction will result in ~1200 s of new impervious area; proposed mitigation is stormwater treatment system and removal of expansive areas of knotweed.
- Presentation (Bert Corey) and Discussion
 - Engineering’s comments have not yet been received.
 - Historic garden restoration, tree pruning, and dead tree and Norway maple removal do not require mitigation planting or special conditioning.
 - The circular drive requires mitigation. Proposed mitigation is a rain garden, infiltrating stone swale, and level spreader, and extensive knotweed control.
 - The circular drive will require some excavation – three mature oak tree roots are potentially threatened.
 - Historic dumped yard waste should be removed from the slope below the circular drive.
 - More detail (revised plans) is needed on:
 - Revised erosion control line to minimize installation and disturbance.
 - The proposed knotweed control and mitigation area revegetation to ensure long-term success.
 - Debris removal and slope stabilization/vegetation.
 - Protection of the roots of the oaks near the circular drive.
 - The circular drive might need to be moved to avoid conflict with the oak trees and ledge. The stormwater system may then need to be shifted
 - The proposed train (is it the most appropriate?)
 - Proposed laydown areas within Commission jurisdiction.
 - SWPPP provision prior to land disturbance
 - Public Comment: Lawrence Wangh noted his concerns about ticks; Marjorie Orr noted her interest in the project.
- Vote: to accept the applicant’s request for a continuation to August 1 to provide the details bulleted above. [Motion: Susan Lunin; Second: Norm Richardson; Vote: 4:0:0]

5. 100 Old England Rd – RDA – confirmation of wetland resource area

- Owner/Applicant: Sean Wilder Representatives: Scott Goddard, Goddard Consulting
- Request: Continue the meeting until August 1.
- Documents Presented:
- Jurisdiction: TBD (likely: RFA, Buffer Zone to bank and BVW)

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.

- Vote: to accept the applicant's request for a continuation to August 1. [Motion: Susan Lunin; Second: Norm Richardson; Vote: 4:0:0]

6. 37 Duffield Rd – NOI – addition and landscaping for single-family home -- DEP File #239-842

- Owner/Applicant: David and Sandra Baird Representative: Rich Kirby, LEC Environmental Consulting, David Rines (arborist), Al Gala (architect)
- Request: Issue an OOC
- Documents Presented: colored plans colored plans, photos, draft OOC
- Jurisdiction: Riverfront Area, BLSF (FEMA 39.2 NAVD88)
- Project Summary:
 - Applicant is proposing to construct a roughly 581 s.f. addition to an existing single-family home for a garage and living space above, along with a new deck and proposed stormwater management. In addition, significant foundation reconstruction will be undertaken to allow the structure to nearly meet Passive House standards.
 - Overall on site a proposed 1081 s.f. of alteration is proposed between the addition, deck/stairs, and the driveway.
 - The applicant is proposing to eliminate an old driveway and create a new driveway on site for access to the proposed garage with the existing driveway being removed.
 - Applicant is proposing a new deck and stairs configuration to access the lower portion of the lot; however, a large number of existing decking and stairs proposed to be removed.
 - Applicant is proposing to remove 8 trees and is proposing to create a mitigation area of roughly 2230 s.f.
 - The proposed mitigation plan is robust, leaving minimal lawn area.
- Presentation (Rich Kirby) and Discussion
 - Brand new revised plans were presented (revised infiltration area, reduced size of trees to be planted, revised planting plan, and proposed Fenno bounds with "faux rock" caps.
 - Engineering's comments have not been received. Their concern about excavation next to foundation/slab was addressed in the new plans by reducing the number of chambers and adding a poly sheet. Overflow from the system will be discharged at the downspouts.
 - There was much discussion about whether any of the 7 trees due to be cut could be saved. It is doubtful (due to conflicts with foundations), but the applicant team will explore possibilities.
 - There was discussion about whether more chambers could be added under the proposed stone steps/patio.
 - Public Comment: Lawrence Wangh noted his concerns about the removal of the mature trees and the adverse effect it would have on the canopy, ecosystem, and stability of the hill side. He also noted the precedent that approval of such an application would set.
- Vote: to accept the applicant's request for a continuation to August 1 to consider modifications to the proposed tree removal & infiltration system and revise plans accordingly. [Motion: Susan Lunin; Second: Judy Hepburn; Vote: 4:0:0]

7. 188-192 & 210 Needham St – NOI – 36-stall expansion of parking and restoration of RFA -- DEP File #239-841

- Owner/Applicant: Kerry McCormack, Crosspoint Associates Representative: Brandon Li, Kelly Engineering; Brad Buitenhuys (Cross Point)
- Request: Issue an OOC
- Documents Presented: colored plans colored plans, photos, draft OOC
- Jurisdiction: Riverfront Area, BLSF
- Project Summary:
 - Add 36 parking stalls (4800 sf of new pavement) in what is currently lawn and woods.
 - Excavate to provide required compensatory flood storage
 - Install deep sump catch-basins and a water quality structure
 - Undertake restoration and mitigation planting and stormwater improvements to compensate for the work in RFA
- Staff Notes:
 - The site has 250 parking spaces. Current zoning would require 256. The applicant is seeking 286.
 - The Needham Street Vision plan calls for reduced parking, reduced head islands, an enhanced stream corridor and greenway, expanded open space, and centralized/shared parking.
 - Analyses indicate that demand for vehicle parking will be waning.
- Presentation (Brandon Li) and Discussion: Brandon Li read from his 7/9/19 memo addressing each staff concern.
 - Riverfront Area: the "alternatives analysis" required under 10.58(4) was resubmitted. (Staff noted that the scope and full analysis were still insufficient)

- Mitigation/Restoration: No “contaminated” soil is due to be removed, only the ties and ballast. (Staff noted that the restoration plantings from the applicant’s prior filing was not robust. They will be submitting a final report on that effort shortly.)
- Flood Zone: 1-foot contour plans of existing and proposed topography were provided at the meeting (electronically only).
- Stormwater: The project meets all state stormwater standards fully, including the LUHPPL and TMDL bacteria standards. (Staff noted that the TMDL covers nutrients, as well. The full 8.78” design storm must be addressed.)
- Engineering comments were provided earlier today.
- Coordination amongst City staff is important because of intersecting special permits, zoning requirements, vision plans, conservation interests, and engineering interests. A DRT is scheduled for 7/17/19.
- Vote: to accept the applicant’s request for a continuation to August 1 to address issues raised here and at the DRT. [Motion: Susan Lunin; Second: Judy Hepburn; Vote: 4:0:0]

8. 212 Kenrick St – continued NOI (DEP File #239-834) – vegetation management in golf course ponds

- Owner: City of Newton “Owner’s Rep.”: Steven Meyer, Newton Commonwealth Foundation Applicant: David Stowe, Newton Comm. Golf Course Representative: David Stowe, Newton Comm. Golf Course
- Request: Hear up-date and continue the hearing to Sept. 12
- Documents Presented: colored plans colored plans, photos, draft OOC
- Jurisdiction: Bank, Land Under Waterbodies and Waterways (LUWW), City Floodplain
- 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 was proposed.
- Presentation (David Stowe) and Discussion:
 - Matthew Salem is no longer with Solitude, a replacement project manager (Keith Gazelle) was only just identified.
 - David showed a video of rushing stormwater from the up-gradient neighborhood (most of the source of the stream) to indicate that the golf course is not the only contributor to nutrients in the system.
 - David indicated that through proper turf management, he has reduced the need for fertilizer.
 - The Commission understands the need for weed management (ponds fill with invasive exotics, flow is reduced by cattails, and course safety/visibility must be maintained).
 - The applicant will clarify thresholds for treatment (areas to be treated, densities to be treated, treatment methods, areas or densities to be left) & proposals for ecological improvements (limited mowing, planting, etc.).
 - Public Comment: Bill King (Chandler Pond Society volunteer) who regularly removes fragments of milfoil from their inlet screen noted his support for upstream invasive control.
- Consensus: to allow the applicant to hand-pull water chestnuts before they set seed.
- Consensus: to accept the applicant’s request for a continuation to September 12 to develop revised materials.

9. Cold Spring Park – COC Request (DEP File #239-831) – filming within wetland jurisdiction

- Owner: City of Newton Applicant: Ryan Cook, Paramount Pictures Representative: none
- Request: Issue COC
- Documents Presented: photos, draft COC
- Jurisdiction: Riverfront Area, Bordering Vegetative Wetlands, and City Floodplain
- Staff Notes: A site visit on 7/5/19 confirmed that the site is in substantial compliance with the state regulations and we have received a letter from the project’s environmental monitor (Katherine Howard) stating that the site is in compliance.
- Vote: to issue a complete Certificate of Compliance. [Motion: Judy Hepburn; Second: Susan Lunin; Vote: 4:0:0].

10. 112-114 Carlisle St – COC Request (DEP File #239-766) – demo of single-family and construction of new duplex

- Applicant: Mike Vahey Representative: none
- Request: Issue COC
- Documents Presented: photos, draft COC
- Jurisdiction: Buffer Zone
- Staff Notes: A site visit on 6/28/19 confirmed that the site is in substantial compliance with the state regulations and that the required mitigation plantings have survived their 2-growing season requirement.
- Vote: to issue a complete Certificate of Compliance. [Motion: Susan Lunin; Second: Norm Richardson; Vote: 4:0:0].

11. 0 Suffolk Rd – COC Request (DEP File #239-717) – removal of diseased hemlock trees @ Houghton Garden

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- Owner: City of Newton Applicant: Newton Conservation Commission Representative: none
- Request: Issue a COC
- Documents Presented: photos, draft COC
- Jurisdiction: Buffer Zone, RFA
- Staff Notes: This cutting and clean up was done appropriately.
- Vote: to issue a complete Certificate of Compliance. [Motion: Susan Lunin; Second: Norm Richardson; Vote: 4:0:0].

12. 15 Kingswood Road – COC RE-SIGN Request (DEP File #239-63)

- Owner/Applicant: Albert and Mary Gardetto
- Request: Issue a COC
- Documents Presented: photos, draft COC
- Jurisdiction: Buffer Zone, RFA, Floodzone
- Staff Notes: Order of Conditions was recorded on both “sides” of the registry. COC was already issued for the project but only recorded against one “side” of the Registry. Owner is closing on sale of the home and needs another original, signed copy to record at the Registry and fully clear the title on the property.
- Vote: to issue a Certificate of Compliance with clear annotation that the original order was recorded on both sides. [Motion: Norm Richardson; Second: Susan Lunin; Vote: 4:0:0]

II. CONSERVATION AREA DECISIONS – none at this time

III. ADMINISTRATIVE DECISIONS

13. 25’ Naturally Vegetated Buffer Policy

- Request: Formalize a policy requiring the protection or reestablishment of a 25’ naturally vegetated buffer.
- Documents Presented: draft policy draft policy
- Staff Notes: Jennifer made a few suggested clarifying changes.
- Vote: to adopt the policy with Jennifer’s edits. [Motion: Susan Lunin; Second: Norm Richardson; Vote: 4:0:0].

14. MOU with Parks and Recreation – Mowing of recently restored Kennard Conservation Land by Parks and Rec

- Request: Memorialize Parks and Rec’s generous offer to periodically mow the recently cleared and seeded portion of Kennard Conservation Area to keep it free of invasive shrubs and vines.
- Documents Presented: MOU MOU
- Vote: to authorize Dan Green to sign the MOU on behalf of the Commission. [Motion: Susan Lunin; Second: Judy Hepburn; Vote: 4:0:0].

15. Minutes of 6/20/19 to be approved

- Documents Presented: draft minutes draft minutes
- Vote: to adopt the 6/20/19 minutes. [Motion: Norm Richardson; Second: Susan Lunin; Vote: 4:0:0]

IV. ISSUES AROUND TOWN DECISIONS – none at this time

UPDATES

V. WETLANDS UPDATES

- 189 Wells Ave – Additional disposal of woodchips agreed to at the last meeting did not seem to have been undertaken. Jennifer will follow up with Dave Snyder.

VI. CONSERVATION AREA UPDATES

- Summer Rangers: 2 high school students, through Mayor’s intern program, started on July 8 and will spend 10-15 hr/wk maintaining trails, engaging with residents, removing invasives, and alerting staff to issues/concerns.

VII. ISSUES AROUND TOWN UPDATES

- Open Space and Recreation Plan: We will solicit bids for a contractor to assist.
- Climate Action Plan: Will go before the City Council on August 26, 2019.

VIII. ADMINISTRATIVE MATTER UPDATES

- Earth Moving Ordinance models from other municipalities are being investigated by the staff.

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

- 16. Replace Norm Richardson as member of Newton Commonwealth Foundation.** Norm indicated that there are ~ 10 meetings per year on Tuesday evenings from 7-8:30 pm at the golf course club house and that any Commissioner could take his place.
- 17. MACC Buffer Zone Guidance now available.** Susan Lunin borrowed one of the office’s copies.
- 18. MACC e-handbook sign-up.** Dan Green asked for a subscription to the handbook.
- 19. Membership.** This is Norm Richardson’s last meeting. He has served for roughly 26 years! His wisdom will be missed. Leigh Gilligan could be asked to apply for the full-member position vacated by Norm Richardson’s departure.

ADJOURN

- Vote: to adjourn at 10:50. [Motion: Norm Richardson; Second: Susan Lunin; Vote: 4:0:0]