

CONSERVATION COMMISSION MINUTES

Date: December 5, 2019

Time: 7:02 pm

Place: City Hall, Room 204

With a quorum present, the meeting opened at 7:02 with Dan Green presiding as Chair

Members Present: Judy Hepburn, Jeff Zabel, Ellen Katz, Kathy Cade, Leigh Gilligan

Members Absent: Susan Lunin

Staff Present: Claire Rundelli

Members of the Public: See sign-in sheet

DECISIONS

I. WETLANDS DECISIONS

1. Greenwood St Lot 1 – NOI – construction of new single-family on existing undeveloped land – DEP File #239-848

- Owner/Applicant: Greenwood Street LLC Representatives: David LaPointe, Beals and Thomas
- Request: Issue an OOC.
- Documents Presented: colored plans colored plans, photos, draft OOC
- Jurisdiction: Buffer Zone, City Floodplain
- Project Summary:
 - Construction of a new single-family home with associated driveway, deck, stormwater management, and landscaping on a previously undeveloped lot.
 - All work is occurring outside of the City floodplain elevation.
 - The proposed project will result in an increase of roughly 3500 s.f. of impervious area including driveways and elevated decks in the 100' buffer zone.
 - The applicant is proposing stormwater infiltration with an overflow drain directed towards the wetland.
 - The applicant is proposing to remove 21 matures trees (roughly 232 caliper inches) in the 100' BZ as part of the project. Tree protection is proposed for 6 trees on site.
 - Applicant has proposed a restoration planting area within the inner 25' of the buffer zone including 79 saplings and 77 shrubs.
- Presentation (David LaPointe) and Discussion:
 - The applicant's representative provided a brief introduction to all three Greenwood Street filings and discussed the revisions from the original submissions.
 - Staff confirmed that the revised submission addresses all of the previous staff comments and that engineering comments had been received for this project with no further issues to be addressed.
 - Staff corrected the agenda, stating how their miscount of trees marked for removal resulted in the perceived inconsistency in caliper inches to be removed/replaced.
 - The applicant' representative clarified the planting to be done to the west of the proposed house, stating that no grading would be occurring and that they would simply be using what is out there. The plant locations will be determined in the field because of the high density of vegetation.
 - The applicant's representative detailed how the revised construction entrance locations means that the trees along Greenwood Street will not be at risk.
 - The applicant's representative confirmed that the Tree Warden denied the idea to spread the trees required to meet the tree ordinance replacement requirement across all three lots.
 - The applicant's representative provided a revised planting plan showing the corrected number of trees and shrubs.
- Vote: Close the hearing and issue an Order of Conditions with the following special conditions. [Motion: Leigh Gilligan; Second: Kathy Cade; Vote: 6:0:0].



Mayor

Ruthanne Fuller

**Director
Planning &
Development**

Barney Heath

**Chief
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

- The Commission and its agents reserve the right to request modifications the locations of plants proposed under the planting plan based on field conditions to ensure appropriate spacing based on existing vegetation.
- Should any trees within the limit of work die within 2 years of work starting or are shown to be damaged by construction, they shall be replaced with native saplings at a 2:1 ratio.

2. Greenwood St Lot 2A – NOI – renovation of existing barn structure into single-family – DEP File #239-849

- Owner/Applicant: Greenwood Street LLC Representatives: David LaPointe, Beals and Thomas
- Request: Issue an OOC.
- Documents Presented: colored plans colored plans, photos, draft OOC
- Jurisdiction: Buffer Zone, City Floodplain
- Project Summary:
 - Demolition and reconstruction of an existing barn structure, converting it into a single-family home with associated driveway, elevated deck, stormwater management, and landscaping.
 - All work will be outside of the City floodplain.
 - The proposed project will result in an increase in impervious area within the 100' BZ as a portion of the proposed driveway will fall within the BZ. The deck proposed for the rear of the house, though this is exempt due to its distance from the wetland resource area.
 - The applicant is proposing stormwater infiltration for the site with an overflow drains for the infiltration systems to the wetland area.
 - Applicant is proposing to remove two trees within the 100' BZ.
 - Applicant has proposed restoration plantings around the lot including 60 proposed trees and 42 proposed shrubs.
- Presentation (David LaPointe) and Discussion:
 - The applicant's representative provided a brief introduction to all three Greenwood Street filings and discussed the revisions from the original submissions.
 - Staff confirmed that the revised submission addresses all of the previous staff comments and that engineering comments had been received for this project with no further issues to be addressed.
 - Commissioners brought up concerns about the proposed non-native viburnum species. The applicant's representative stated that it could be switched out for a native species and agreed to that condition being included in the findings and special conditions.
- Vote: Close the hearing and issue an Order of Conditions with the following special conditions. [Motion: Leigh Gilligan; Second: Jeff Zabel; Vote: 6:0:0].
 - Stormwater management system must be installed as per the approved plans and approved as necessary by the Engineering Department.
 - Landscape plantings must be installed in compliance with the approved plans and have a survival rate of 75% of after 2 growing seasons.
 - The proposed non-native viburnum shall be replaced with the same number of shrubs of a native viburnum species.

3. 29 Greenwood St (Lot 4) – NOI – renovation and expansion of existing single-family – DEP File #239-850

- Owner/Applicant: Greenwood Street LLC Representatives: David LaPointe, Beals and Thomas
- Request: Issue an OOC.
- Documents Presented: colored plans colored plans, photos, draft OOC
- Jurisdiction: Buffer Zone
- Project Summary:
 - Expansion of an existing single-family home with new driveway, terrace, stormwater management, and landscaping.
 - Project also involves the removal of an existing pool and pump house from the lot.
 - All work is occurring outside of the City floodplain elevation.
 - The only work proposed within the 100' BZ is grading changes and landscaping.
 - The applicant is proposing stormwater infiltration with an overflow drain to the buffer zone.
- Presentation (David LaPointe) and Discussion:
 - The applicant's representative provided a brief introduction to all three Greenwood Street filings and discussed the revisions from the original submissions.

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- Staff confirmed that the revised submission addresses all of the previous staff comments and that engineering comments had been received for this project with no further issues to be addressed.
 - Commissioners brought up the same concerns from the previous lot about the proposed non-native viburnum species. The applicant's representative stated that it could be switched out for a native species and agreed to that condition being included in the findings and special conditions.
 - Vote: Close the hearing and issue an Order of Conditions with the following special conditions. [Motion: Kathy Cade; Second: Judy Hepburn; Vote: 6:0:0].
 - Stormwater management system must be installed as per the approved plans and approved as necessary by the Engineering Department.
 - Landscape plantings must be installed in compliance with the approved plans and have a survival rate of 75% of after 2 growing seasons.
 - The proposed non-native viburnum species shall be replaced with the same number of shrubs of a native viburnum.
- 4. 188-192 & 210 Needham St – cont'd 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
 - Request: Issue an OOC.
 - Documents Presented: colored plans colored plans, photos, draft OOC
 - Jurisdiction: Riverfront Area, BLSF (~113' NAVD88)
 - Project Summary:
 - The applicant is proposing a parking expansion of 18 parking spots (~1500 s.f.) constructed from a structured grass system (the details to be determined by the contractor, based on structural stability of the existing soil).
 - The proposed structured grass system will not result in any increase in impervious area.
 - Because no impervious area increase is proposed, no stormwater management is required.
 - Applicant is proposing a mitigation planting plan of shrubs and ferns.
 - Presentation (Kerry McCormack) and Discussion
 - Applicant presented the revised project and described how it has changed from the original proposal.
 - Staff stated how revised plans submitted show a pushed-out erosion control line, labelled stockpile location, erosion controls for the stockpile location, notes about adding silt sacks to the catch basins, and a location for the plantings. The proposed location for the plantings is within the existing degraded railbed.
 - Commissioners asked how this plan will revitalize the railbed considering the lack of success with the previous planting plans within the railbed on the lot?
 - Applicant responded that they had just chosen the species suggested in the last meeting and that they are open to different species if the Commission feels that they would better serve in that area.
 - Commissioners determined that the final planting list should be reviewed and approved by the Conservation Office and that the hearing could be closed with a condition detailing this.
 - Vote: Close the hearing and issue an Order of Conditions with the following special conditions. [Motion: Leigh Gilligan; Second: Kathy Cade; Vote: 6:0:0].
 - Silt sacks must be installed on the three catch basins within the existing parking lot area.
 - Landscape plantings must be installed in compliance with the location shown on the approved plans and have a survival rate of 75% of after 2 growing seasons.
 - Landscape planting species may be revised, though must still be native species, based on consultation with the Conservation Office and professional consultants. Final proposed planting list must be reviewed and approved by the Conservation Office prior to installation.
 - Perpetual: New parking area constructed out of stabilized grass pavers must be maintained as healthy grass.
 - Perpetual: Snow may not be piled or stored between the new parking spaces, to be constructed from a stabilized grass system, and the bank of South Meadow Brook.
- 5. 1114 Beacon St – cont'd NOI – construction of 25-unit residential condominiums -- DEP File #239-827**
- Owner: Ronald Simons, 1114 Beacon Street LLC Applicant/Representative: Kevin Riopelle, DGT Associates
 - Request: Issue an OOC.
 - Documents Presented: colored plans colored plans, photos, draft OOC
 - Jurisdiction: Isolated Land Subject to Flooding (ILSF)
 - Project Summary:
 - Tear-down existing building and remove existing parking lot.

- Construct 2 buildings, one of townhouses and one of condominiums, along with underground parking and associated driveway.
- Install reinforced grass swales to pick up runoff from the roofs, proposed driveway, and proposed lawn areas. Install new catch-basin to pick up currently untreated parking lot runoff from the adjacent property to the west. Install footing drains to capture and redirect groundwater during periods of high groundwater.
- Remove 7 trees (5 Norway Maples, 1 Chinese Elm, and 1 Cottonwood), trash, and invasive vines and shrubs from within the ILSF area. Tree removal is proposed to reduce invasive species coverage, allow for access for clean-up, allow for access to install a new fence around the ILSF
- Install mitigation plantings within the ILSF area including 6 saplings, 35 shrubs, and roughly 380 perennial plants. All areas not planted with the above listed materials will be seeded with a conservation seed mix.
- Presentation (Kelly Cardoza, Avalon Consulting; Fredric King, DGT Associates; Paul McManus, EcoTec, Inc.) and Discussion:
 - Staff prefaced the discussion by stating that engineering comments had been received for this project and that there were some concerns about all run-off being routed through stormwater treatment units. These concerns were addressed by the revised materials submitted by the applicant prior to the meeting.
 - Applicant's representatives provided a presentation detailing the work proposed within ILSF, which is limited to asphalt removal, tree and trash removal, regrading and landscaping, installing stormwater management systems, and replacement of fencing. They also stated that unlike the original proposal for this site, the proposed building is entirely outside the ILSF area.
 - The applicant's representative also detailed the stormwater management for the entire site, dewatering, concrete washout, and groundwater studies. These aspects of the project are mainly outside the Commission's jurisdiction except for where the reinforced turf swales enter the ILSF area.
 - The applicant's representatives stated that they have designed the project to meet all regulatory standards for vernal pools but has not completed an official vernal pool study.
 - The applicant's representatives provided clarification on the proposed plan for the stockade fence and the answer was satisfactory to answer staff concerns. A condition was also agreed upon that any fencing installed within the ILSF shall be approved by the Conservation Office to ensure compliance with regulations.
 - The applicant's representatives provided a statement, as requested in the agenda staff comments, on the Phase I Initial Site Investigation Report, stating that there are no MCP thresholds being triggered, there are no current releases travelling across the site, and no remediation of the low-level, residual contamination is required. Since no contaminants were found in the soil, no AUL is required.
 - Staff stated that based on the revised materials submitted, peer review is not needed for the proposed work.
 - Commissioners brought up some previous concerns about potential contamination resulting from the adjacent dry cleaners. The applicant's representatives stated that the LSP did not investigate for potential dry-cleaning contaminants in the groundwater, but that no contamination at all was found in the soils.
 - Commissioners stated that they see this an improvement and likely to improve the health of the ILSF.
 - Commissioners wanted to be sure that if this ILSF is being presumed a vernal pool that the timing of the work and proposed vegetation meet the needs and restrictions of vernal pool habitat. They requested a condition prohibiting work in the ILSF from mid-March to mid-April and that the proposed tree species be revised to include 3 total canopy species (specifically red maple or cottonwood) that will provide leaf litter for wildlife. The applicant's representatives were amenable to these requests and will provide the requested revised planting list.
 - The applicant's representatives and staff stated multiple times that groundwater is not something that is regulated or fully protected by the state Wetlands Protection Act. The proposed project does not propose direct discharges or untreated infiltration, so groundwater on this site is outside the jurisdiction of the Commission.
 - The applicant's representative did detail the rest of the process this proposal will have to go through at the Land Use Committee, where the Land Use Committee will review matters outside Commission jurisdiction.
 - Staff and Commissioners provided some responses to the abutter response letter received shortly before the meeting, reiterating that groundwater is out of Commission jurisdiction and that a number of the issues brought up have been addressed by the applicant.
 - After lengthy discussions with the abutters outside of the meeting remove, the applicant's legal representation requested a continuation to the 1/9/20 meeting.

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○ Public Comment

- Gary Lesanto (1158 Beacon St) – brought up concerns with the groundwater effects on his abutting property and other abutters. He stated that his property has issues currently with basement flooding and that he is concerned about the conflict in opinions between the applicant’s representative and Desheng Wang’s review. Desheng Wang (CLAWE) is the professional hired by the abutters to review the applicant’s materials and requested Desheng speak about his review and concerns with the applicant’s proposal.
- Desheng Wang (Creative Land and Water Engineering) – recognized that the proposed project represents a great improvement over existing site conditions but just wants to be sure how it will impact the ILSF area. Stated that the proposed work within ILSF does seem to comport with vernal pool regulations. Concerned about the fact that the groundwater does interact with people when it enters their basement and is potentially contaminated.
 - Commissioners stated that this is a public health issues and not under Commission jurisdiction.
 - Staff stated that the groundwater testing does not show any petroleum, even residual, on the western side of the site where the groundwater “crosses” the property line to the abutting property.
 - Commissioners recognized that the testing did not include potential dry-cleaning contaminants.
 - The applicant’s representative did not recall seeing any requests or comments in the written record for dry-cleaning contaminant testing or that it was something the Commission was concerned about. They stated that they hired an LSP to do a Phase I site assessment on a site that didn’t need it as preliminary testing showed no need and that there have been no reported releases from the dry cleaner that travelled to this site. They tested for the petroleum as there was historic reports of those releases and that those releases travelled to the project site.
- Gary Lesanto (1158 Beacon St) – stated that he has a secondary consultant hired whose review has not been received yet. This consultant also represented the dry cleaner in question as an LSP previously and has differing opinions about the releases from that site.
 - Commissioners stated that they had brought up the dry cleaner in the past.
 - Staff confirmed that applicant’s representatives’ statement that there was no mention of it in the written record.
 - Applicant’s representative stated that LSP would have never not tested for the dry-cleaning contaminants if they knew it was a concern of the Commission.
- Gary Lesanto (1158 Beacon St) – stated that his second consultant did request it in one of his reports submitted to the Conservation Office.
 - The applicant’s representatives repeated that they do not feel the Conservation Commission is correct venue for this discussion.
 - One Commissioner agreed that this is not jurisdictional concern. Another Commissioner replied that that depending on the chemicals released, they could potentially impact wildlife.
- Desheng Wang (CLAWE) – stated his concerns with high groundwater levels and that all stormwater drainage that relates to the ILSF is a jurisdictional mater of the Commission. Stated that the groundwater levels presented by the applicant are the seasonal low groundwater levels and the information does not properly assess how the proposed project will impact and be impacted by seasonal high groundwater (stated to be 117” below surface grade, which comports with the data presented by the applicant). Stated that the spring levels of the ILSF ponding level is 115 and so a basement floor at 115” below surface grade will disrupt groundwater flow by disrupting the gradient and that it will cause backups in the stormwater system. These are his reasons for why the groundwater issue is a jurisdictional issue for this Commission.
 - Commissioners questioned whether this is a jurisdictional issue or really an Engineering and Building Department issue.
- Desheng Wang (CLAWE) – rebutted that the stormwater system does enter the ILSF and that the runoff does make it a jurisdictional. Stated that if surface runoff is not properly handled and if the seasonal high groundwater is not properly studied, these will greatly impact the neighbors and the ILSF.
 - Staff responded that the test pits and soil borings were done in April during the seasonal high groundwater period. They stated that the Engineering Department has reviewed the stormwater system and stated that it meets the necessary requirements and is at least theoretically functional (as a full review will happen during the building permit process), and groundwater flows out of ILSF and that no groundwater flows from the area of contamination into the ILSF.
 - Commissioners stated that they had also just heard from the applicant’s representative that the proposed stormwater system provides no disruptions in the groundwater flow. That the flow pattern would actually be improved.

- Desheng Wang (CLAWE) – stated that he could not see how the groundwater flow would be improved and thinks it would be impacted during seasonal high groundwater.
 - The Commissioners asked where the 117 elevation for estimated seasonal high groundwater came from.
 - The applicant’s representative replied that the 117 elevation presented was developed through modeling for groundwater and review of historic water levels. Actual test pits showed estimated seasonal high groundwater at approximately 116.
 - Commissioners stated that if the estimated seasonal high groundwater is above the proposed basement elevation (115) it is a concern.
 - The applicant’s representative clarified that the foundation drain is proposed to manage the times when groundwater is higher than the proposed basement floor that will allow groundwater to flow through the drain from the highest point in the northeastern portion of the site, around the foundation, and output at a point under the foundation where the groundwater is lower. This follows the existing groundwater flow pattern. They also stated that Engineering reviewed the system and did not have any concerns with this aspect of the proposal.
- Desheng Wang (CLAWE) – stated that this cannot be firmly stated because of the lack of high groundwater contouring. He clarified that the surrounding basements wouldn’t be as high as they are if there wasn’t a reason. Stated that this is basic information needed for a complete review and that he is not saying that there will be a negative impact, just that he cannot confirm based on materials provided that there won’t be one. He thinks there will be an impact on the ILSF and the neighbors on the other side of the ILSF.
 - A Commissioner asked for clarification if he is suggesting that the foundation drain will take groundwater from its highest elevation point and put it on a path that lead to it ending up in the ILSF.
 - Another Commissioner stated that counters between seasonal high and low groundwater levels follow the same pattern, just change in elevation, and that this logic does not make sense as groundwater is flowing east to west on the site and the ILSF is south of the highest point of groundwater.
- Vivek Pandit (23 Carthey Circle) – stated his concerns about the vegetation removal proposed for within the ILSF and asked if they will be leaving everything but the trees. He also asked what the applicant is doing to stabilize the slopes and ensure infiltration in the vegetated area around the ILSF.
 - The applicant’s representative clarified that they will be removing invasive shrubs and vines on the northern side of the ILSF, but that the proposed planting plan will leave the entire area revegetated.
 - Staff replied that the OOC will require that plantings stabilize all exposed areas and that the applicant will not be able to close the permit if this is not the case.
- Desheng Wang (CLAWE) – brought up the Commission’s concern about the lack of proposed canopy vegetation.
 - Commissioners thanked him from bringing it up and confirmed that we would be discussing it.
 - The applicant’s representative again stated that all of the discussions occurring about groundwater are entirely outside the jurisdiction of the Commission and clarified that the applicant would have been fully within their rights to provide plans that only showed the work in the ILSF and does not address any of the other proposed work, but that they wanted to answer the questions the Commission had.
- Desheng Wang (CLAWE) – asked what the total disturbance proposed for the entire site is in relation to who in the City will be overseeing this work? He stated that the whole project is within jurisdiction because of the impact on the neighbors.
 - The applicant’s representatives stated that they are planning on doing work on the majority of the site and will likely be “disturbing” just over an acre.
 - The Commissioners responded that this is not a relevant point to the Commission’s discussion.
 - Staff stated for the abutters, that while it is any parties right to appeal a decision, DEP does not take into consideration the benefits proposed outside of the required mitigation and may not condition the project to include those things in a superseding order of conditions, if one is issued. Commissioner’s agreed and brought up 56 Farwell as an example.
 - Commissioners stated that this decision needs to be made carefully as if the foundation drains are directing water to the ILSF the jurisdictional impact does change.
 - The applicant’s representative clarified that none of the foundation drains will direct any water to the ILSF because of the way that groundwater flows on this site.

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- Staff provided the test pit data from the applicant's submission in order to show that the groundwater heights in the area where the foundation drain outputs is significantly lower than the basement elevation and clarified that the test pits had been completed in April during the seasonal high groundwater period.
- The Commissioners asked the applicant if they would like to arrange something with the concerned abutters based on the heard comments, as they may get appealed. Gary Lesanto stated that he would appeal the project if a decision is issued tonight because his consultant is asking for new information.
- The applicant's representative stated that they will have to have these discussions with Land Use and that they will be having those discussions independent of what the Commission determines tonight. They had a lengthy conversation with the abutters outside of the room in order to avoid holding up further discussions.
- Vote: To continue the hearing to 1/9/19, with revised materials due 12/19/19, to allow applicant to develop changes to landscaping plan to address Commission concerns regarding vernal pool vegetation, and to continue discussions with the concerned abutters. [Motion: Jeff Zabel; Second: Leigh Gilligan; Vote: 6:0:0].

6. 28 Olde Field Rd – NOI – addition to existing single-family home – DEP File #239-XXX

- Owner/Applicant: Punam Sharma Representatives: Susan McArthur, McArthur Environmental Consulting, LLC
- Request: Issue an OOC.
- Documents Presented: colored plans colored plans, photos, draft OOC
- Jurisdiction: Buffer Zone, BLSF
- Project Summary
 - Applicant is proposing to construct a 408 s.f. addition and a new 233 s.f. deck onto an existing single-family home, partially within the footprint of an existing 243 s.f. garage and existing deck.
 - The overall increase in impervious area is roughly 165 s.f.
 - The applicant is not proposing any mitigation other than erosion controls.
- Presentation (Susan McArthur) and Discussion:
 - This hearing could not be closed because no DEP file number has been assigned to this project.
 - Engineering comments note that stormwater management requirements will be determined during the building permit process.
 - Applicant's representative clarified that the new addition will be constructed on piers and not a foundation.
 - Commissioners asked how the soil removal from the pier installation will be managed. Applicant's representative stated that it was going to be left on site. Commissioners felt that this needed to be more specifically conditioned. Staff drafted a condition to require all soil removed from footing holes be removed from site or redistributed on site outside of the 100' buffer zone.
 - Commissioners did feel, based on past projects, that some form of mitigation planting should be proposed for the project along the bank of the stream. They recommended presenting a shrub planting plan for along the bank.
- Vote: To continue hearing to 1/9/19, with revised materials due 12/19/19, to allow for the issuance of a DEP file number and allow the applicant to consider and present potential mitigation options.

7. 36 Parsons St – NOI – removal of unpermitted fill in FZ – DEP File #239-XXX

- Owner/Applicant: Arto Dermovsesian Representative: John Rockwood, EcoTec, Inc.
- Request: Issue an OOC.
- Documents Presented: colored plans colored plans, photos, draft OOC
- Jurisdiction: Buffer Zone, Riverfront Area, BLSF, City Floodplain
- Project Summary
 - Applicant is proposing to rectify unpermitted fill in FZ through the removal of a total of 2855 c.f. of fill.
 - 566 c.f. of unpermitted fill within the flood elevation must be removed to bring the site into compliance. An additional 711 c.f. of unpermitted fill placed on top of the 566 cf will be removed. An additional 1578 c.f. of fill will be removed to make the new rear yard grading work.
 - The applicant will also construct two new retaining walls, re-sod the lawn, and replant mitigation plants that were moved to allow removal of unpermitted fill.
- Presentation (John Rockwood) and Discussion
 - The applicant's representative detailed the proposed work, construction sequencing, access, and how it will bring the site back into compliance.
 - The applicant's representative stated that the arrowwoods originally approved under #239-728 will be replaced with black chokeberry or gray dogwoods due to pest concerns.

- This NOI is being filed to meet the requirements of the Enforcement Order (ratified on 10/24/19 Commission meeting) that was issued in response to a violation under expired OOC 239-728.
- Vote: Close the hearing and issue an Order of Conditions with the following special conditions. [Motion: Kathy Cade; Second: Leigh Gilligan; Vote: 6:0:0].
 - The arrowwoods approved on the planting plan for #239-728 may be substituted with black chokeberry or gray dogwoods due to pest concerns.

8. 315 Albemarle Rd – discussion regarding compliance – DEP File #239-399 (new SFH and associated site features)

- Owner/Applicant: Mary Fitzgerald Representative: none
- Request: Determine next steps in bringing the site into compliance with the Order of Conditions and approved plans.
- Documents Presented: colored plans colored plans, photos
- Jurisdiction: Buffer Zone, Riverfront Area
- Project Summary: Applicant sought COC, but site was not in compliance.
- Discussion: Staff stated that they did hear from the homeowner and was informed that they have graduate school classes every Thursday night. The homeowner requested that the discussion be delayed until the January meeting in order for her to arrange for a representative to attend. Commissioners felt this was appropriate.
- Consensus: Delay the discussion until 1/9/19 to allow for homeowner to arrange for a representative to attend the meeting.

9. 19 Patten Circle – COC request – DEP File #239-770

- Owner/Applicant: Michael Kaplan Representative: none
- Request: Issue a COC.
- Documents Presented: photos, draft COC
- Jurisdiction: Buffer Zone
- Project Summary: Approved work included the demolition of existing single-family home with associated site features, removal of existing pool and pool deck, and construction of a new single-family home with associated site features.
- Discussion: Staff stated that they performed a site visit on 12/5/19 to confirm that the site is in compliance with and that the engineer provided a letter stating substantial compliance.
- Vote: Issue a Certificate of Compliance for OOC #239-770. [Motion: Judy Hepburn; Second: Leigh Gilligan; Vote: 6:0:0].

II. CONSERVATION AREA DECISIONS

10. Encroachment Procedure – Preliminary discussion

- Documents Presented: draft encroachment procedure draft encroachment procedure
- Discussion:
 - Staff provided a brief update on the most recent discussions with the Law Department and requested any comments that Commissioners had. One Commissioner submitted comments to staff.
 - Staff confirmed that they will make the appropriate edits and bring the procedure back to the Commission on 1/9/20 for further discussion and a potential vote.

11. Conservation Commission as a Respected Resource

- Discussion
 - Staff suggested the following in the agenda. Commissioner responses are in italics.
 - We engage someone to interview each commissioner so that residents can be introduced to everyone’s professional and personal interests and skills (via the web and the TAB). *The Commissioners stated that they would not like to be “met” in this way.*
 - Commissioners create articles of general interest to share via the web, the TAB, our expanded newsletter, the Conservator’s newsletter, etc. *Commissioners did express interest in this idea and asked Conservation staff to send out some potential topics for them to consider.*

III. ADMINISTRATIVE DECISIONS

12. Wetlands Ordinance Purpose Statement – Discussion

- Request: Determine a purpose statement for which a Wetland Ordinance could be developed.

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- Discussion: Commissioners felt that they did not have enough context for developing a purpose statement and asked that staff send out examples. They also discussed having an early meeting start in order to fully discuss this issue, which usually falls at the end of agendas when they are eager to wrap things up.
- Consensus: Send out example ordinances and schedule early discussion for one of the early 2020 meetings to determine goals and interest.

13. Flood Zone Policy to Ensure Adequate Compensatory Flood Storage

- Documents Presented: draft policy draft policy
- Discussion:
 - Staff provided clarification on why the requested edit of a flat volume (e.g., 25 c.f.) for applicants was not included.
 - Commissioners clarified their intent for the flat number. They are looking to see a flat number that triggers the requirement for the excess storage. They suggested if 15% of the required compensatory storage is less than 10 cubic feet, then the project does not meet the requirement for excess flood storage. Staff felt this was reasonable and that they would make the requested edits.
- Consensus: Staff to make the recommended edits to the policy and present it at 1/9/20 meeting for vote.

14. Minutes of 11/14/19 to be approved

- Documents Presented: draft minutes draft minutes
- Vote: To accept the 11/14/19 minutes. [Motion: Judy Hepburn; Second: Leigh Gilligan; Vote: 6:0:0].

IV. ISSUES AROUND TOWN DECISIONS – none at this time

UPDATES

V. WETLANDS UPDATES

- Stormwater Ordinance: The City of Newton is currently working to develop a stormwater ordinance that will require stormwater permits for various projects as required by the new MS4 permit. This ordinance is on track to be presented to the City Council early in 2020. This ordinance addresses a number of the concerns raised by the Commission in regard to earth moving.

VI. CONSERVATION AREA UPDATES

- Webster Woods eminent domain acquisition: City Council Committee of the Whole vote was on 11/25/19. The City Council vote was on 12/2/19.

VII. ISSUES AROUND TOWN UPDATES

- Aqueducts: License application has been submitted to the Law Department for review.
- Ticketing: Staff will continue working with the Law Department towards the goal of being able to issue tickets to off-leash dog offenders.
- Climate Action Plan: Was adopted by unanimous vote on 11/18/19!
- Open Space and Recreation Plan: We are in the process of scheduling our first OSRP Committee meeting and are looking forward to the Conway School starting in January!

VIII. ADMINISTRATIVE MATTER UPDATES

- 2020 Meeting Dates: We have received final confirmation and room bookings for the 2020 meeting dates. They are uploaded on the website on the Conservation Commission "Agendas and Minutes" webpage.
- Admin Approvals (AA): Staff have compiled information on admin approvals issued so far this year. In 2019: 64 AA total, 45 minor exempt activities, 17 out of jurisdiction, 4 tree removals (6 trees, w/ 2 requiring replacement).
- MACC Annual Environmental Conference: is scheduled for 2/29/20. Please consider attending and save the date!

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

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