

# CONSERVATION COMMISSION MINUTES

Date: January 11, 2018  
Time: 7:03 - 9:50 pm  
Place: City Hall, Room 211

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**With a quorum present**, the meeting opened at 7:03 with Susan Lunin (Vice Chair) presiding  
**Members Present:** Judy Hepburn, Jeff Zabel, Norm Richardson, Ellen Katz, Kathy Cade (Associate), Dan Green (7:27)  
**Staff Present:** Jennifer Steel and Claire Rundelli  
**Members Absent:** Ira Wallach  
**Members of the Public:** See sign-in sheet

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## DECISIONS

### I. WETLANDS

#### 1. RDA – 738 Watertown St. – teardown SFH/rebuild duplex

- **Request:** Demolish existing single family home and garage and construct a new duplex.
- **Owner:** Jian Wang **Applicant:** Jian Wang **Rep.:** None
- **Documents Presented:** site plan photos, draft DOA
- **Jurisdiction:** Riverfront Area
- **Presentation (Jian Wang) and Discussion:**
  - Staff have not made a site visit due to the holidays and heavy snow cover.
  - The only construction activities within RFA are:
    - removal of the 270 sf garage (exempt)
    - installation of 400 sf of pervious patios (exempt)
    - re-grading of existing lawn on one side (185' from Cheesecake Brook)
    - construction of 1.5-2 feet (133 sf) of the house (198' from Cheesecake Brook)
  - There will be a net 137 sf reduction in impervious area within RFA
  - The front half roof runoff will be infiltrated in the front yard, outside of the RFA.
  - There was much discussion of infiltrating the rear half of the roof in drywells, but the applicant noted that significant improvement was being provided by the front yard chamber and that additional chambers were not required by the wetlands regulations or the Engineering Department's policy, and would be too expensive.
- **Vote:** to issue a negative 2 DOA (work is within a jurisdictional area, but will not remove, fill, dredge, or alter). Include the following site-specific conditions. [Motion: Norm Richardson; Second: Ellen Katz; Vote: 4:1:0]
  - Due to a heavy snow cover, the Conservation Agent was unable to conduct a site visit and confirm existing conditions. The pre-construction site visit with the Conservation Agent must be scheduled by and attended by the applicant and will be used by the Conservation Agent to confirm existing site conditions. If necessary, the Conservation Agent may add/change conditions in this determination to better protect the jurisdictional resource area.
  - The trees (roots, trunk, and branches) along the rear fence line may not be disturbed.
  - Erosion controls (entrenched silt fence) must be installed to protect the existing vegetation along the rear fence line.
  - To improve water quality in the adjacent wetlands and waterways fertilizers shall be limited to slow-release organic fertilizers.

#### 2. NOI – 14 Phillips Lane – DEP File # 239-796 -- addition to a SFH

- **Request:** Construction of an addition on the rear of the house and removal of a concrete staircase
- **Owner:** Louise Dube & Christopher Gunning **Applicant:** Timothy Burke **Rep.:** Timothy Burke
- **Documents Presented:** site plan photos, draft OOC



**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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*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](mailto: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.*

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- Jurisdiction: Riverfront Area
- Presentation (Timothy Burke) and Discussion:
  - Staff have not made a site visit due to the holidays and heavy snow cover.
  - Applicant is proposing a 117 sf deck/stair (exempt)
  - Applicant is proposing a 66 sf addition
  - Applicant will remove 42 sf of concrete landing/stair
  - All work will be on existing lawn. No woody vegetation will be removed.
  - The applicant's representative hand-delivered all abutter notifications and signed an affidavit to that effect. Signatures were not sought or received. The Commission reviewed the language of the regulations in 310CMR 10.05 and decided to accept the applicant's affidavit and testimony of delivery as proof of notification; but noted for the record that an abutter could contest that notice was given and so put any work undertaken by the applicant at risk.
- Vote: to issue an OOC with the following site-specific condition (since the net increase of impervious area is only 24 sf.) [Motion: Dan Green; Second: Jeff Zabel; Vote: 6:0:0]
  - Due to a heavy snow cover, the Conservation Agent was unable to conduct a site visit and confirm existing conditions. The pre-construction site visit with the Conservation Agent must be scheduled by and attended by the applicant and will be used by the Conservation Agent to confirm existing site conditions. If necessary, the Conservation Agent may add/change conditions in this determination to better protect the jurisdictional resource area.

**3. Ex post facto NOI -- 77 Florence Street/Hampton Place Condominiums – DEP File # 239-795 - Emergency culvert repair and dredging of detention pond**

- Request: Cleaning and repair of drain line, maintenance dredging, channel stabilization. *Applicant purports that maintenance is exempt and does not require a filing, and asks that if the Con Com agrees, they accept a request to withdraw this NOI application without prejudice.*
- Owner: Hampton Place Condominium Trust Applicant: Keri Cotter (Hampton Place Condominium Trust) Representative: Paul Finger ( Paul Finger Associates)
- Documents Presented: draft O&M draft O&M
- Jurisdiction: Land Under Water, Bank, Buffer Zone
- Presentation (Paul Finger) and Discussion:
  - Applicant briefly reviewed the site history.
  - Applicant noted that they had initiated communications with Newton's Mayor, Engineering Department, and Conservation Commission to address the regional issue of stormwater management and the capital and maintenance improvements needed. The stormdrain pipe is in bad shape, the whole system is undersized, and all component of the full system need routine maintenance to function properly.
  - The draft O&M was summarized. The O&M provides a complete history and detailed description of what activities require notification, what activities are allowed with notification, what activities require filing, and what activities would constitute violations.
  - The applicant suggested, and the Commission agreed, that the O&M should be signed by the property owner and recorded at the Registry of Deeds.
- Vote: to accept the O&M plan as presented with the understanding that it will be signed by the property owner [Motion: Dan Green; Second: Jeff Zabel; Vote: 6:0:0]
- Vote: to accept applicant's request to withdraw NOI #239-795 [Motion: Dan Green; Second: Jeff Zabel; Vote: 6:0:0]

**4. NOI (continued) – 56 Farwell Street – DEP File #239-793**

- Request: Construct six single-family homes & driveways. Construct private road. Increase flood storage capacity. Implement restoration planting plan along river.
- Owner: Turtle Lane, LLC Applicant: Stephen Vona (Turtle Lane, LLC) Rep.: Corey vanWyhe (MetroWest Engineering, Inc.) and Joe Porter (VTP Associates)
- Documents Presented: draft scope for peer review, Alternatives Analysis draft scope for peer review
- Jurisdiction: Riverfront Area 10.58(5) and 10.58(4), Flood Zone (10.57), Bordering Vegetated Wetlands (10.55), Stormwater Standards 10.05(6)
- Presentation (Joe Porter and Corey vanWyhe) and Discussion

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- On December 14, 2017, staff forwarded Pat’s Garner’s 12/12/17 preliminary memo to the applicant team.
- On Dec. 18, 2017, a site visit occurred with staff and the applicant’s team.
- Revised plans will be submitted on 1/16/17 incorporating the following.
  - Pat Graner’s revised wetland reflagging
  - The new test pits and results
  - New spot grades
  - The “legally” “prior disturbed” areas (as shown on the as-built submitted at the resolution of the 2010 violations) and corroborated by aerial photography.
  - A viable 7.5’ pathway on revised plans.
  - Reduced “sea wall” design (at least within the flood zone – there is still a significant “wall effect” within the Riverfront Area, so wildlife may be adversely affected).
  - More details on cuts and fills in Flood Zone
- Narratives will be submitted on 1/16/17.
  - How every relevant performance standard is being met: Riverfront Area 10.58(5) and 10.58(4), Flood Zone (10.57), Bordering Vegetated Wetlands (10.55), Stormwater Standards 10.05(6)
  - Separate O&M plan identifying who will be responsible for street sweeping, snow removal, and inspection/maintenance of the infiltration systems
  - Alternatives Analysis
  - Written response to Pat Garner’s memo
- Additional agreements include the following.
  - The Commission must receive MWRA’s response before issuing a permit.
  - The Peer Reviewer will evaluate how well the project “promotes the preservation of wildlife habitat”
  - The applicant need not have Board of Survey approval prior to receiving Con Com approval.
  - It is the applicant’s choice to submit one NOI for the whole project, despite the Commission’s warning that: (1) the Commission would have to vote to amend the NOI for any site changes, (2) partial releases for individual lots may not be issued if there are outstanding problems anywhere else within the project area, and (3) plantings will have to survive, so final sign off won’t occur for at least two years after installation
  - The Peer Reviewer will be asked to have comments in advance of the 2/1/18 meeting and possibly attend the 2/1/18 meeting if it seems appropriate.
- From prior discussions and notes: the Commission will consider the following.
  - Trees to be removed (size and species) vs. trees and shrubs to be planted; the proposed seed mix
  - Snow storage areas
  - Construction Management plan (phasing, site controls, stockpiling, tree protection, concrete washout, dewatering, etc.)
  - A SWPPP will be needed.
  - Street lighting will likely be required and should be shown on the plans.
  - Means of bounding and permanently protecting any restoration areas to preclude encroachment
- Public Comment
  - Mia Jepsen (43 Anthony Rd) – concerned about density, traffic, health of wetlands, floodplain.
  - Paul Malloy (1 Albemarle Rd) – concerned about flooding. Asked what if ConCom doesn’t issue a COC?
  - Sylvia Klewsty – noted that flooding has occurred repeatedly and that adjacent home values will decline if views of river are lost.
  - Sonya (31 Anthony Rd) – concerned about loss of tranquility, views, wildlife, open space. Concerned about traffic and excluding the public from the area.
  - Ted Kuklinski (Newton Conservators) – asked for clarification on what the Commission was going to consider with regard to wildlife habitat. [The Peer Reviewer will evaluate how well the project “promotes the preservation of wildlife habitat”]
- Vote: to accept applicant’s request to continue to 2/1/18 [Motion: Judy Hepburn; Second: Norm Richardson; Vote: 6:0:0]

## II. CONSERVATION AREAS – nothing to vote on

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### III. ADMINISTRATIVE

#### 5. Minutes of 12/21/17 to be approved.

- Documents Presented: draft minutes draft minutes
- Vote: to accept the minutes with noted typos corrected [Motion: Ellen Katz; Second: Jeff Zabel; Vote: 4:0:2]

### IV. ISSUES AROUND TOWN – nothing to vote on

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## UPDATES

### V. WETLANDS

### VI. CONSERVATION AREAS

- \$75,000 from Kessler Woods development for trail design and installation will be forthcoming soon. The Commission will need to discuss how best to design and execute a trail system (quite possibly with bridge(s) and or sections of boardwalk.

### VII. ISSUES AROUND TOWN

- Needham St Area Visioning Group (23 members) – developing maps/materials for 1/22/18 meeting on Environmental Health and Open Space
- Webster Woods Executive Committee and Advisory Committee being developed by Mayor Fuller to advise in the process.

### VIII. ADMINISTRATIVE MATTERS

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

- MACC's Annual Conference will be on March 3. Commissioners were encouraged to attend.
- MACC is offering free webinar training/orientation to new commissioners.
- The draft Vernal Pool Ordinance will be introduced by the working group at the next meeting.
- Trails efforts continue: the Two Bridges Recreational Trail Grant has been received. Recreational Trail Grant applications will be put in for: (1) stairs from Greenway to the north and to the south (Conservation Office), (2) improvements to path from Two Bridges to commuter rail line (Ted Chapman and Herb Nolan), and (3) over all connectivity study for the Riverside/Leo J Martin Area (Ted Chapman and Herb Nolan)
- Mayor Fuller will be promoting completion and implementation of the Climate Change Vulnerability Analysis.
- Commission roles: With new members, a new staff person, and a new administration it seemed appropriate to discuss Commission roles (chair, vice chair, liaison to CPC, liaison to Farm Commission, liaison to Newton Commonwealth Golf Course, liaison to Environmental Science Program, and member of Nahanton Woods, Inc., and existing or proposed working groups). It was suggested that good governance practice incorporates some aspect of rotating positions, responsibilities, and opportunities for learning and engagement. Staff will develop a proposed schedule of rotation.
- 100 Suffolk Rd. has for a couple of years (?) been constructing and using a temporary ice rink in their back yard with chillers (and maybe with lights) – the rink is within the 100' buffer zone. A Councilor asked whether the Commission should review this activity under an RDA. After initial review and informal discussion, the Commission concluded that such a rink does not appear to trip any thresholds of the state wetland regulations: it is not "work" (it is not a structure) and it is not altering the buffer zone or the wetland beyond (it is not changing the grading or vegetation of the area).
- Anticipated absences: Susan Lunin will likely miss the Feb 22 meeting.

## ADJOURN

- Vote: to adjourn at 9:50 [Motion: Dan Green; Second: Ellen Katz; Vote: 6:0:0]
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