

CONSERVATION COMMISSION AGENDA

Date: January 11, 2018

Time: 7:00 pm

Place: City Hall, Room 211

NOTE: Items may be called in any order at the Chair's discretion.

NOTE: The Conservation Commission reserves the right to discuss open wetland cases during the public meeting at which they are due to be heard.

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
2. **NOI – 14 Phillips Lane – DEP File # 239-796 -- addition on 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
3. **Ex post facto NOI -- 77 Florence Street – 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)
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.: Brian Nelson (MetroWest Engineering, Inc.)

II. CONSERVATION AREAS – nothing to vote on

III. ADMINISTRATIVE

5. **Minutes of 12/21/17 to be approved.**
 - Documents Presented: draft minutes draft minutes
 - Staff Recommendation: Vote to approve 12/21/17 minutes

IV. ISSUES AROUND TOWN – nothing to vote on

UPDATES

V. WETLANDS

VI. CONSERVATION AREAS

VII. ISSUES AROUND TOWN

VIII. ADMINISTRATIVE MATTERS

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

ADJOURN



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

1000 Comm. Ave.
Newton, MA 02459
T 617/796-1120
F 617/796-1142

www.newtonma.gov

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.

CONSERVATION COMMISSION AGENDA

Date: January 11, 2018

Time: 7:00 pm

Place: City Hall, Room 211

NOTE: Items may be called in any order at the Chair's discretion.

NOTE: The Conservation Commission reserves the right to discuss open wetland cases during the public meeting at which they are due to be heard.

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
- Performance Standards:
 - **Riverfront Area: 10.58(4)**
 - (c) Practicable and Substantially Equivalent Economic Alternatives.
 - (d) No Significant Adverse Impact.
 - 1. Within 200 foot riverfront areas, the issuing authority may allow the alteration of up to 5000 square feet or 10% of the riverfront area within the lot, whichever is greater ..., provided that:
 - a. At a minimum, a 100' wide area of undisturbed vegetation is provided... preserved or extended to the max. extent feasible...
 - b. Stormwater is managed ...
 - c. Proposed work does not impair the capacity of the riverfront area to provide important wildlife habitat functions. ...
 - d. ... incorporating erosion and sedimentation controls and other measures to attenuate nonpoint source pollution.
- Staff notes:
 - No site visit has been made as of the drafting of this agenda.
 - 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
 - All roof runoff will be infiltrated in the front yard outside of the RFA.
- Staff recommendation: If the Commission feels that the construction activities are so marginally within the RFA as to not alter its function or value, vote to issue a negative 2 DOA (work is within a jurisdictional area, but will not remove, fill, dredge, or alter). Include the following conditions:
 - 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.

2. NOI – 14 Phillips Lane – DEP File # 239-796 -- addition on 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
Commission
Alternates**
Kathy Cade

1000 Comm. Ave.
Newton, MA 02459
T 617/796-1120
F 617/796-1142

www.newtonma.gov

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.

- Jurisdiction: Riverfront Area
 - Performance Standards:
 - **Riverfront Area: 10.58(4)**
 - (c) Practicable and Substantially Equivalent Economic Alternatives.
 - (d) No Significant Adverse Impact.
 1. Within 200 foot riverfront areas, the issuing authority may allow the alteration of up to 5000 square feet or 10% of the riverfront area within the lot, whichever is greater ..., provided that:
 - a. At a minimum, a 100' wide area of undisturbed vegetation is provided... preserved or extended to the max. extent feasible....
 - b. Stormwater is managed ...
 - c. Proposed work does not impair the capacity of the riverfront area to provide important wildlife habitat functions. ...
 - d. ... incorporating erosion and sedimentation controls and other measures to attenuate nonpoint source pollution.
 - Staff notes:
 - No site visit has been made as of the drafting of this agenda.
 - 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 on existing lawn
 - Staff recommendation: Vote to issue an OOC with the no special conditions since the net increase of impervious area is only 24 sf.
- 3. Ex post facto NOI -- 77 Florence Street – 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
 - Staff Notes: Edited O&M is very complete and detailed.
 - Staff Recommendations:
 - Determine mechanism for implementation: Signature of owner acknowledging O&M? Recording of O&M? MOU?
 - Accept applicant's request to withdraw NOI once an acceptable O&M plan clarifying requirements for routine monitoring and maintenance by Hampton Place has been approved.
- 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.: Brian Nelson (MetroWest Engineering, Inc.)
 - Documents Presented: draft scope for peer review, Alternatives Analysis draft scope for peer review
 - Jurisdiction: Riverfront Area, Flood Zone, Bordering Vegetated Wetlands
 - Performance Standards
 - **10.58(5) RFA: Redevelopment within Previously Developed Riverfront Areas; Restoration & Mitigation**
 - ... work improves existing conditions.
 - Redevelopment means ... reuse of degraded or previously developed areas.
 - A previously developed riverfront area contains areas degraded prior to August 7, 1996....
 - Work to redevelop previously developed riverfront areas shall ...:
 - (a) At a minimum, work shall result in an improvement ...
 - (b) Stormwater management is provided according to standards
 - (c) Proposed work shall not be closer to the river than existing conditions or 100', whichever is less

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.

- (d) Proposed work...shall be located... away from the river, except in accordance w/ 10.58(5)(f) or (g).
- (e) ... proposed work shall not exceed ... degraded area ... except in accordance w/ 10.58(5)(f) or (g).
- (f) despite what it says in 310 CMR 10.58(5)(c), (d), and (e), more alteration at the RFA outer boundary may be allowed if an applicant proposes restoration ... of at least 1:1 ...
- (g) despite what it says in 310 CMR 10.58(5)(c), (d), or (e), more alteration at the RFA outer boundary may be allowed if an applicant proposes mitigation ... of at least 2:1
- (h) ... a continuing condition in the COC ... under 10.58(5)(f) or (g) prohibiting further alteration within the restoration or mitigation area....

- **10.58(4) Riverfront Area**

- (c) Practicable and Substantially Equivalent Economic Alternatives.
- (d) No Significant Adverse Impact.

1. Within 200 foot riverfront areas, the issuing authority may allow the alteration of up to 5000 square feet or 10% of the riverfront area within the lot, whichever is greater ..., provided that:
 - a. At a minimum, a 100' wide area of undisturbed vegetation is provided... preserved or extended to the max. extent feasible....
 - b. Stormwater is managed ...
 - c. Proposed work does not impair the capacity of the riverfront area to provide important wildlife habitat functions. ...
 - d. ... incorporating erosion and sedimentation controls and other measures to attenuate nonpoint source pollution.

- **Bordering Land Subject to Flooding (10.57)**

1. Compensatory storage shall be provided for all flood storage volume that will be lost ...
2. Work shall not restrict flows so as to cause an increase in flood stage or velocity.
3. Work in those portions of bordering land subject to flooding found to be significant to the protection of wildlife habitat shall not impair its capacity to provide important wildlife habitat functions.

- **Stormwater Standards 10.05 (6) Orders of Conditions Regulating Work and Orders of Resource Area Delineation (k)**

- Updates

- On December 13, 2017, I received Pat Garner's preliminary memo (dated 12/12/17) based on plans dated November 8 and other materials submitted as of 12/4/17.
- On December 14, 2017, I forwarded Pat's 12/12/17 preliminary memo to Stephen, Joe, Corey, and Brian.
- On December 18, 2017, I attended a site visit with Stephen, Joe, and Corey. At that site visit, it was determined that:
 - I would send a copy of the neighbors' email that I received. See below. Sorry for the (holiday-induced) delay.
 - Corey agreed with Pat's wetland reflagging.
 - Joe said he would pick up the new wetland flags and incorporate them on revised plans.
 - Joe said he would conduct more test pits and incorporate the results on revised plans.
 - Joe said he would take more spot grades and incorporate them on revised plans.
 - Joe said he would investigate the "prior disturbed" areas and incorporate results on revised plans.
 - Joe said he would incorporate a viable 7.5' pathway on revised plans.
 - Stephen said he would forward MWRA's response.
 - We agreed that Stephen did not need to have Board of Survey approval prior to receiving Con Com approval.
- I have not (and consequently Pat has not) received any revised plans, so Pat's 12/12/17 memo and this email are all I will be able to put in the Commission's packets today in preparation for the 1/11/17

- Issues to be Addressed

- **Performance standards**

- RFA Regs

- Note that permits under 10.58(4) are discretionary ("the issuing authority may... allow 5000 sf or 10%") and permits under 10.58(5) redevelopment "the issuing authority may" allow new development of the same scale as existing but pulled back, unless mitigation or restoration are proposed and

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.

accepted as substantive. The project may need to be scaled back to meet these performance standards.

- The regs state that the owner could redevelop the prior developed area (under 10.58(5)) – i.e., 22,019 sf if the new development is pulled back, etc.
- If there are opportunities for restoration (1:1), you could expand beyond the 22,019. If there are opportunities to mitigate (2:1), you could expand beyond the 22,019. We need to see those areas on the plans and the calculations.
- The expansion of degraded by 4341sf would require 8682sf of mitigation.
 - Lawn>woods= mitigation;
 - Improved woods≠mitigation, 4341sf would require 4341sf of restoration (to woods, not lawn).
- The expansion of degraded by 4341sf would require 4341sf of restoration.
 - Parking lot to woods (not lawn)= restoration.
- DEP has rendered a decision that you get only “one bite at the apple”—i.e., no further development will be allowed on these lots.
- Floodplain Regs
- Stormwater Regs
 - This is not a redevelopment project under SW Standards so it must meet all standards fully.
 - I haven’t reviewed the stormwater report in detail, yet, because the plans will change. Initial analysis indicates compliance, but the infiltration chambers are in the flood zone, so are suspect.
- **Process Concerns**
 - Before anything can be approved, the Commission needs to see written permission from (and ultimately a signed license agreement with) MWRA for the road way, otherwise this whole discussion is moot.
 - There is just one NOI for the whole project, so the Commission will have to amend the NOI for any site changes, and issue partial releases for every lot as it is finished. Is that ok with the Commission and applicant?
- **Additional Concerns**
 - What is agreed “existing degraded?”
 - Historically, the site was altered (fill, walls, etc.) without permits; all violations were closed.
 - 2007: driveway was gravel up front; unpermitted fill was ordered removed (and was); large yard and small garage area filled with trucks
 - 2008: lawn regrowing
 - 2010/2011: unpermitted wall was ordered removed (and was)
 - 2011 (Oct 12) As built shows gravel driveway
 - 2011 (?Oct 20?) Bing Maps shows paved (w/out a permit) driveway, no nursery operation yet
 - 2011 Oct (?30?) Google Maps Oct 2011 shows paved driveway and a nursery area near road
 - 2015 Nursery area still just up near road
 - 2017: lower yard stable & naturalized; upper yard disturbed; large nursery area clear/graded
 - The alternatives analysis states that eliminating a lot would not be economically feasible (see packet). Have the peer consultant weigh in on the need for a more robust consideration of a less intensive development, pulling the houses out of the floodplain, eliminating the “sea wall” effect in the inner riparian zone, and restoring a broader swath along the river.
 - Test pits must be done within 25’ of each infiltration system (per engineering).
 - Proposal will cause removal of huge oaks. There should be a chart of trees to be removed (size and species) – and a comparison of trees and shrubs to be planted.
 - Snow storage must be appropriately designed into the plans.
 - Construction Management plan is needed (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.

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.

- I didn't see any reference to the seed mix on the plans (area, application rate, etc.)
- O&M? Who will be responsible for street sweeping, snow removal, and inspection/maintenance of the infiltration systems?
- The vegetated buffer is extremely narrow near lots 1 and 2.
- The vegetated buffer could easily be widened near lots 3, 4 and 5.
- The continuous retaining wall bars access from front yards to back yards – completely impractical.
- The grading doesn't create usable yards. The lack of lawn will cause owners to tend to encroach on buffer and/or fill (in flood zone) to expand their yards.
- Any restored RFA should be bounded or visibly "fenced" to preclude encroachment.
- Any 6' or 8' wide deck will not be satisfactory to the owners and will likely be expanded.
- The opportunity for public access easement along the river is now or never.
- Potential for a future public pathway along the river will disappear under this current proposal.
- Staff recommendations:
 - Await revised plans and continue the hearing to Feb. 22, 2018.

II. CONSERVATION AREAS – nothing to vote on

III. ADMINISTRATIVE

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

- Documents Presented: draft minutes draft minutes
- Staff Recommendation: Vote to approve 12/21/17 minutes

IV. ISSUES AROUND TOWN – nothing to vote on

UPDATES

V. WETLANDS

VI. CONSERVATION AREAS

- \$75,000 from Kessler Woods development for trail design and installation is being discussed and will be forthcoming.

VII. ISSUES AROUND TOWN

- Needham St Area Visioning Group – developing maps/materials for 1/22/18 meeting on Envi Health and Open Space
- Webster Woods Executive Committee and Advisory Committee being considered.

VIII. ADMINISTRATIVE MATTERS

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

ADJOURN

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 ENGINEER MAKES NO WARRANTY FOR THE CONSTRUCTION IN CONNECTIONS BY THE

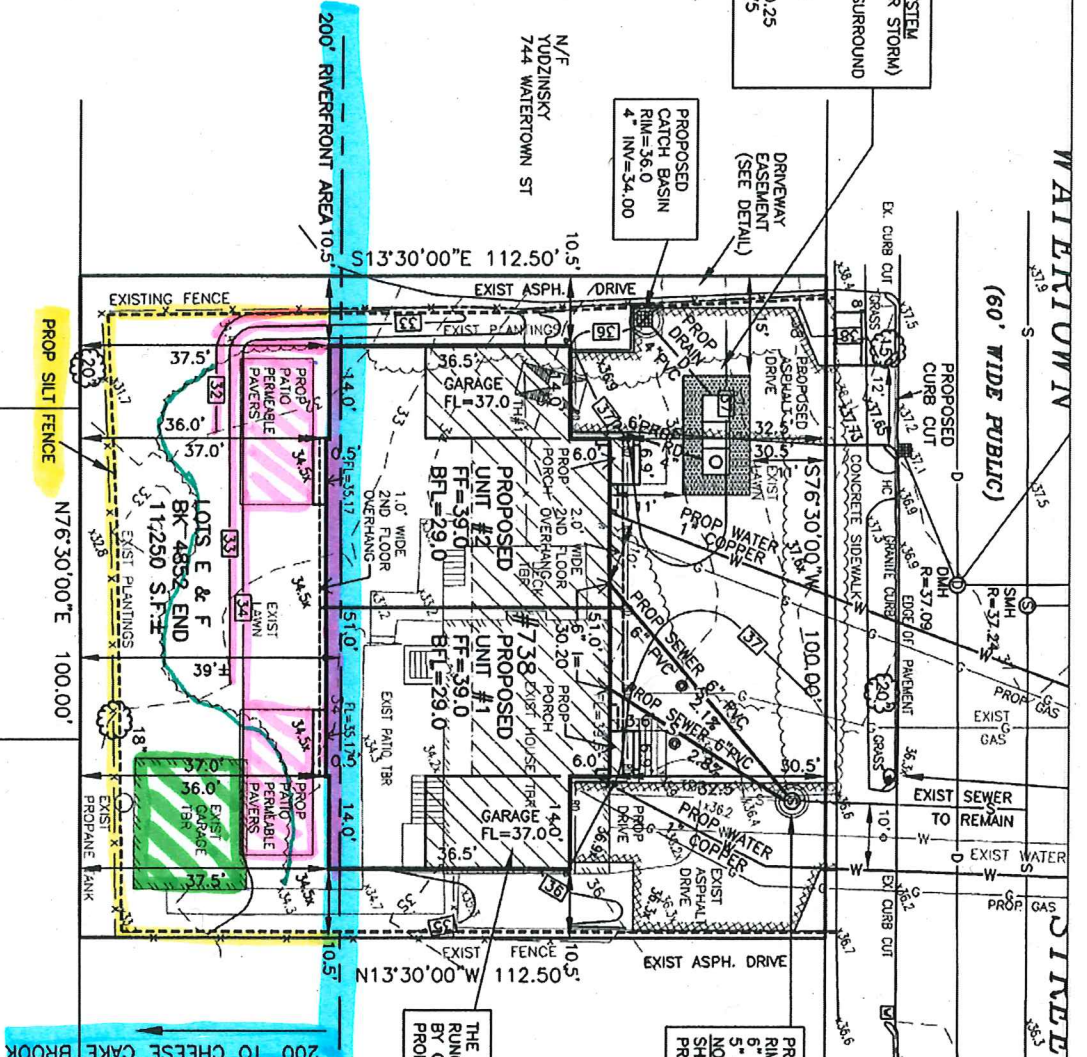
PROPOSED DRAINAGE SYSTEM (SIZED FOR THE 100-YR STORM) (3) LEACHING GALLEYS 4" x 4" w/ 3" STONE SURROUND (SEE DETAIL) FINISHED GRADE=36.5+ TOP OF GALLEYS=34.50 4" INV=33.50 BOTTOM OF GALLEYS=30.25 BOTTOM OF STONE=29.75

PROPOSED CATCH BASIN RIM=36.0 4" INV=34.00

DRIVEWAY EASEMENT (SEE DETAIL)

N/F YUDZINSKY 744 WATERTOWN ST

WATERTOWN (60' WIDE PUBLIC)



N/F MCCARTHY 435 ABEMARLE RD

N/F METERS 431 ABEMARLE RD

N/F LITTLE 427 ABEMARLE RD

THE PROPOSED FRONT YARD ROOF RUNOFF SHALL BE COLLECTED BY GUTTERS AND DIRECTED TO THE PROPOSED DRAINAGE SYSTEM

PROPOSED SMH RIM=36.5 6" INV=29.3 (PROPOSED) 5" INV=29.0± (EXISTING) NOTE: EXISTING SEWER LOCATION AND ELEVATION SHALL BE VERIFIED PRIOR TO CONSTRUCTION. THE PROPOSED SEWER SHALL BE MODIFIED, IF REQUIRED.

N/F WANG 732 WATERTOWN ST

200' TO CHEESE CAKE BROOK

PROPOSED SILT FENCE

200' RIVERFRONT AREA

EXISTING FENCE

EXIST. ASPH. DRIVE

EXIST. ASPH. DRIVE

EXIST. ASPH. DRIVE

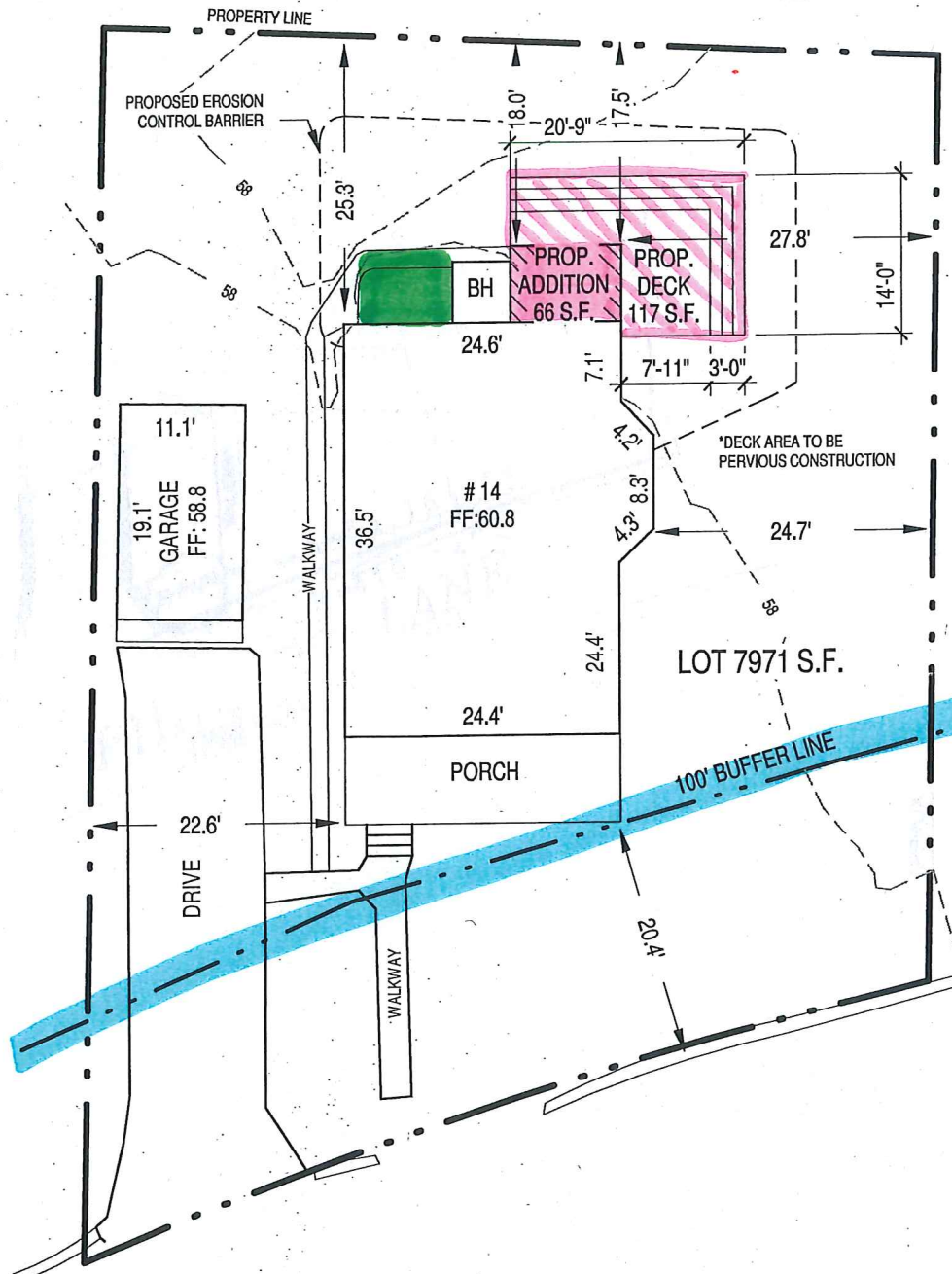
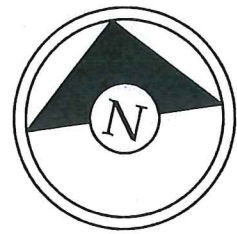
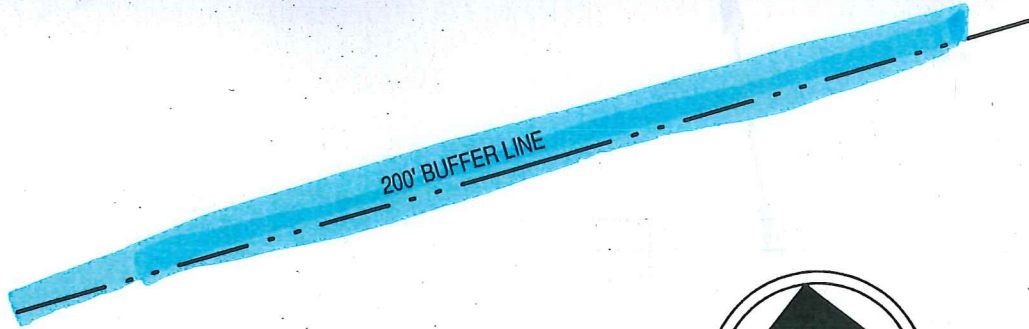
EXIST. ASPH. DRIVE

EXIST. ASPH. DRIVE

EXIST. ASPH. DRIVE

EXIST. ASPH. DRIVE

EXIST. ASPH. DRIVE



EXISTING IMPERVIOUS AREA REMOVE
 PROPOSED NEW IMPERVIOUS AREA
 NET CHANGE

TOPOGRAPHY AND EXISTING
 CONDITIONS BASED ON "PL
 EXISTING CONDITIONS" PRI
 EVERETT BROOKS DATED I

Stormwater Management System Operation and Maintenance Plan

This Operation and Maintenance Plan has been prepared in accordance with the Massachusetts Department of Environmental Protection Stormwater Management Standards.

Date: Revised through 01-03-2018

Site

77-79 Florence Street
Newton, MA 02467
DEP File # 239-088

Site Owner / Operator

Hampton Place Condominium Trust
77-79 Florence Street
Newton, MA 02467

Operation and Maintenance Plan

This Operation and Maintenance Plan (O&M Plan) is intended to provide a mechanism for the consistent inspection and maintenance of each BMP installed on the project site.

This Operation and Maintenance Plan includes details on drainage system operational and maintenance requirements as well as long-term site management procedures related to general good housekeeping measures, landscape maintenance, and illicit discharges.

Regulatory Requirements

Wetland Resource Areas

- The "exit stream"/Hahn Brook is assumed to be perennial with a 200' Riverfront Area and Bank.
- The stone-lined, man-made retention pond has LUWW (mean annual low water level) and Bank (mean annual flood level)
- A portion of the site is within City Flood Plain.
- The City of Newton Drain line (CMP to Florence Street) is up-gradient of all connected wetland resource areas and so is non-jurisdictional.

The site is subject to the following documents.

- Special Permit 190-81 D condition 10 required a CR
 - A Conservation Restriction was filed in the Registry of Deeds for Hampton Place, dated 1/3/83. The Conservation restriction requires that;

6. The Grantor shall maintain all of the opened and closed sections of the Hahn Brook on the Grantor's premises as delineated on a Plan entitled "Site Grading, Sewer and Drain Plan of Land in Newton" dated October 2, 1981, revised November 19, 1981, Barnes Engineering Co. (this drainage system) so that it is properly functioning.

- OOC 239-88 condition 12 refers to the CR and obligates the grantor to "maintain all of the open and closed sections of Hahn Brook on the Grantor's premises ..."
- COC 239-88 refers to the CR and obligates the grantor to "maintain all of the open and closed sections of Hahn Brook on the Grantor's premises ..."
- CR condition 6 obligates the grantor to "maintain all of the open and closed sections of Hahn Brook on the Grantor's premises ... so that it is properly functioning"
- 310 CMR 10.10 Effective Date. The freshwater regulations didn't go into effect until April 1, 1983. But although the regulations weren't adopted until 1983, the Act was adopted in 1972 and wetland resource areas were regulated under the Act with OOCs starting in 1972 (hence the original OOC dated 2/3/82). [N.B. That OOC notes alterations to Hahn Brook.]
- A June 29, 1992 memo from Newton's Wetland/Floodplain Manager Robert Merryman states that there is no need for Hampton Place to file an NOI "as this project is for maintenance of an existing drainage system." [This was found during the application process.]

Thresholds for:

- Reporting to the Newton Conservation Commission: annual reports, changes to the O&M, retention pond cleaning or dredging
- Wetland filing with the Newton Conservation Commission: alterations to the perennial stream that exits the retention pond or its associated Riverfront Area, reconstruction of the retention pond (Maintenance activities do not require a filing)
- Enforcement actions by the Newton Conservation Commission: failure to maintain, failure to report, failure to file

Off-site Considerations

It is well-documented that sediment and siltation of the City of Newton drainage system within the Hampton Place Parcel and the retention pond is caused by discharges in the City of Newton drainage system that is up-gradient from Hampton Place. In addition, the downstream channel from the retention pond within the Farm Condos and Hahn Brook Conservation Area also needs long term maintenance and monitoring to allow the Hampton Place retention pond to freely discharge and avoid the flooding of the Tanglewood Road residences. The maintenance and monitoring of these drainage systems that are up-gradient and downgradient from Hampton Place is the responsibility of "Others" and not Hampton Place and not included in this O&M.

System Overview

The existing stormwater drainage system consists of a retention pond and drainage pipes and catch basins. Proper monitoring and maintenance of these site elements is necessary to ensure adequate proper operation.

Site Manager

1. A Site Manager shall be designated by the Site Operator / Owner.
2. The Site Manager shall be responsible for maintenance of the system.

3. The Site Manager shall also be responsible for ensuring that all maintenance employees are familiar with the system components and their proper function, and are trained to identify improper function and signs of failure.
4. The Site Manager shall be responsible for maintaining an accurate **Site Inspection & Maintenance Log**.

Site Inspection & Maintenance Log

The Site Inspection & Maintenance Log shall document the following:

- Inspection date, personnel, and specific inspection activities conducted
- Results of inspection for each series of system components
- Identification of and recommendation for specific maintenance tasks
- Maintenance date, personnel, and results of specific maintenance
- Recommended additional maintenance or other follow-up tasks associated with each system component maintained

Inspection & Maintenance Activities

Inspections and Record Keeping

- An inspection form shall be filled out semi-annually and every time maintenance work is performed
- A binder shall be kept at the 77-79 Florence Street site that contains all of the completed inspection forms and any other related materials
- A review of all Operation & Maintenance actions shall take place annually to ensure that these stormwater BMPs are being taken care of in the manner illustrated in this Operation & Maintenance Plan.
- All operation and maintenance log forms for the last three years, at a minimum, shall be kept on site.
- The inspection and maintenance schedule may be refined in the future based on the findings and results of this operation and maintenance program or policy.
 - The Newton Conservation Commission shall be apprised of all changes and shall receive a copy of the updated O&M plan.

Pavement Cleaning

The edges (curb line) of the site, access drives and parking areas shall be cleaned by a standard wet brush sweeper vehicle one (1) time per year (end of winter and before spring rains & summer). Collected sediment shall be legally disposed of offsite.

Drainage Structures

Drainage system structural elements including catch basins and drain manholes, shall be inspected two (2) times per year. Semi-annual inspections are typically in the Spring after the sand from winter maintenance is swept and in the Fall.

Observed damage to inlet grates, catch basins and the drainage pipes, and/or any other material damage shall be logged and scheduled for repair and/or replacement. Accumulated sediments in these structures shall be logged and removed when accumulated sediment

depth exceeds 6". Sediments shall be removed by vacuum pumping and collected materials shall be disposed of off-site in accordance with all applicable local and state regulations.

In the event excessive ponding of water in Florence Street is observed, or at a minimum once every four years, the main storm drain/City of Newton Drain shall be inspected by the Site Operator using CCTV to determine if there is any sediment buildup or damage to the pipe. The CCTV video shall be submitted to the Newton Engineering Department when completed.

If accumulated sediment is observed, the piping network shall be water-jetted and sediment removed by a vac truck. Should the pipe exhibit root intrusion or other damage, corrective measures shall be implemented.

Retention Pond

A sediment forebay has been installed in the pond near the pond inlet. In addition, well points are installed in the pond bottom to assist in dewatering the pond if required. The pond is stone lined so detection of sediment buildup is easily determined. Inspection of the sediment forebay and pond should occur annually. It should be anticipated that sediment in the forebay will need to be removed every four years using a vac truck.

Should sediment in the bottom of the pond be observed to exceed 12", measures should be implemented to remove the sediment. The Conservation Commission should be given 48 hours' notice prior to work commencing to allow for the monitoring of the maintenance operation at their discretion.

The pond should be dewatered using pumps designed to maintain the pond in a dry condition and protecting downstream property through the installation of sedimentation barriers of hay bales or other devices. Pumps should be installed in the well points to maintain the pond in a dry state prior to removal of sediment. Removal of the sediment should use a rubber tracked excavator and material should be hauled off site using a watertight dump truck.

After excavation of the sediment has been completed, the pumps should be removed to allow the pond to fill and the erosion control removed and landscape areas restored.

Pavement

Pavement and specifically curbing should be inspected annually and any broken or other degraded sections of curbing that would be unable to contain and/or direct stormwater flow should be logged and scheduled for repair.

Good House-Keeping Measures

Trash Removal

The access drives and parking areas, common landscaped areas, and walkways shall be inspected for litter and trash at least monthly. Any accumulated trash, litter, and discarded materials in these areas shall be removed. No disposal of materials shall be permitted within the landscaped or wooded areas on the project site. This prohibition applies to trash, fill material, construction debris, grass clippings, collected leaves and cut branches (exclusive of leaves or grass clippings that are mulched in place).

Winter Salt Use

Under normal winter conditions, chemical deicers shall not be used except under extreme icing conditions where a safety issue is identified. No sodium-based deicers are allowed. Amount of deicing materials (sand/chemicals) used should be included in annual inspection/maintenance report.

General Landscape Maintenance

The fertilizers utilized on the site shall be slow release types of fertilizer containing low nitrogen. Do not use fertilizers containing phosphorus. Fertilizer applications shall be limited to the spring and early fall, generally just as the vegetation begins to grow (April 15) and in the fall (September). The fertilizer shall be applied per the manufacturers' specifications. Do not use pesticides/herbicides in site management. The use of fertilizer materials shall be documented in the Site Maintenance Log indicating material applied, quantity and date of application.

Illicit Discharges

The stormwater management system is for collecting, treating, and distributing stormwater flows only. Any discharge of materials other than stormwater to this system is considered an "Illicit Discharge" and is a violation of the local and state environmental regulations that govern its design, construction and use and are prohibited under this Operation and Maintenance Plan. Illicit discharges may include but are not limited to wash water; wastewater; stormwater contaminated by contact with process wastes, raw materials, toxic pollutants, hazardous substances, oil, or grease.

Site Maintenance Log

Inspection Date: _____

Inspector: _____ Site Manager Initials: _____

Period: semi-annual CCTV(4 years) Retention Pond (4 years)

Drainage Structures

Inspect for sediment accumulation, oil/grease accumulation, general physical condition

Item / Maintenance / Repair	Responsible Party	Completion Date	Site Manager Initials

General

Inspect for / comment on trash and/or debris accumulation, snow storage, general site condition.

Item / Maintenance / Repair	Responsible Party	Completion Date	Site Manager Initials

1. SUBJECT PARCEL IS SHOWN BY BOUNDARY LINE.
2. RECORD TITLE FROM BOOK 1000 OF RECORDS, PAGE 1000, IS THE BASIS FOR THE SURVEY. RECORD PLAN NO. 1000-1000-1000 IS THE BASIS FOR THE SURVEY. RECORD PLAN NO. 1000-1000-1000 IS THE BASIS FOR THE SURVEY.
3. CONTRACTOR IS SOLELY RESPONSIBLE FOR THE LOCATION OF ALL UTILITIES AND FOR THE PROTECTION OF ALL UTILITIES DURING CONSTRUCTION. DELAYS OR OMISSIONS ASSOCIATED WITH UTILITIES SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL UTILITIES AND FOR THE PROTECTION OF ALL UTILITIES DURING CONSTRUCTION.
4. A PORTION OF THE PROPERTY DOES NOT WITHIN A SPECIAL DISTRICT. THE PROPERTY IS NOT IN A SPECIAL DISTRICT. THE PROPERTY IS NOT IN A SPECIAL DISTRICT.

FOR METROVEST
ROBERT A. CEMIA

PROPOSED
56 FAI
NEW

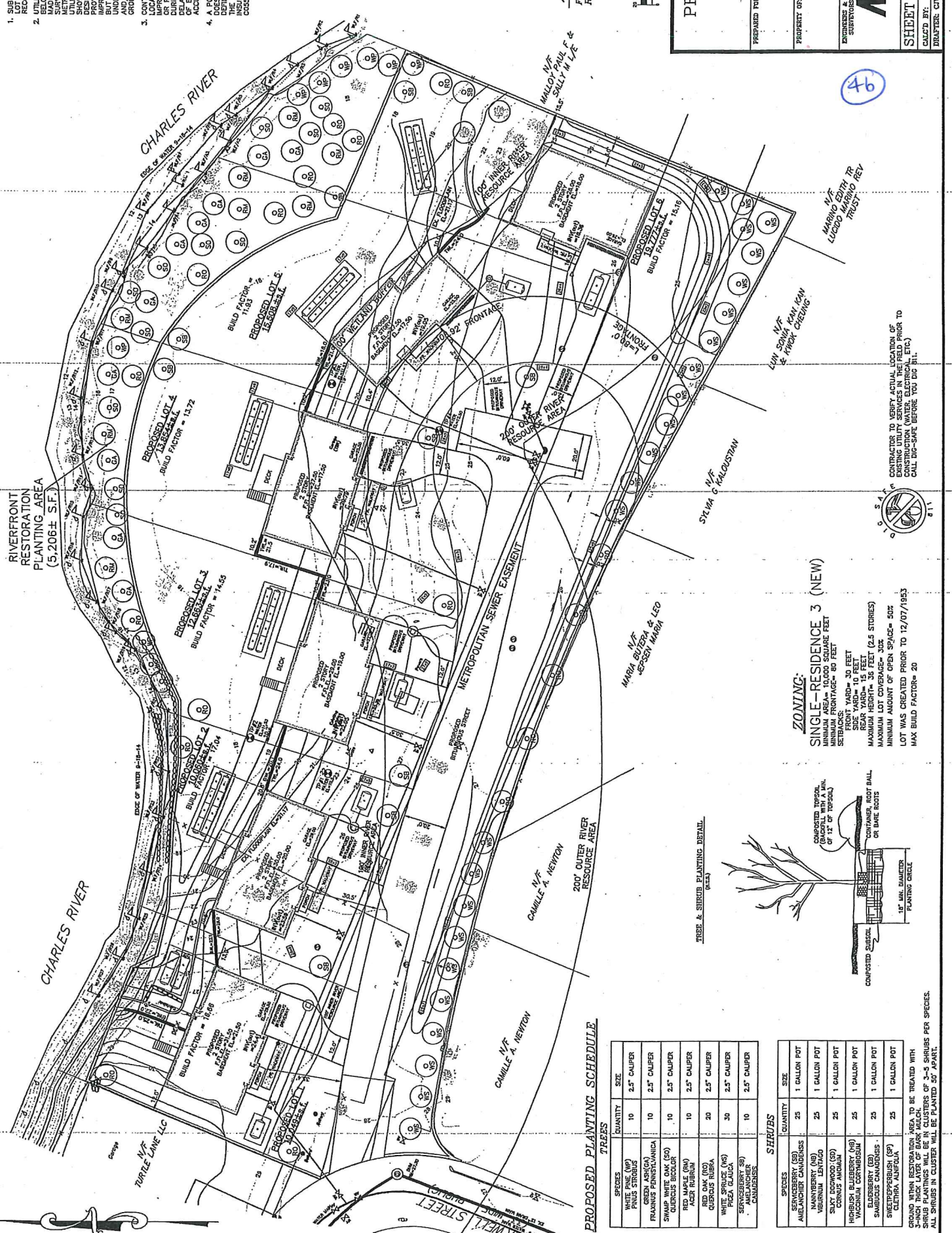
PREPARED FOR: TURPLE LAKE PARTNERS LP NEWTON, MA

PROPERTY OF: TURPLE LAKE PARTNERS LP NEWTON, MA

DRAWN BY: MWE

SHEET 1 OF 1

DATE: FIELD REC. DATE: PROJECT: NY



46

MARINO CENTER TRUST

LUY-SOM KAN ICM & ARCHY CHEUNG

SYLVIA G. MALOUSTAN

MARIA BUTERA & LEO GERSH MARA

CAMILLE A. NEWTON

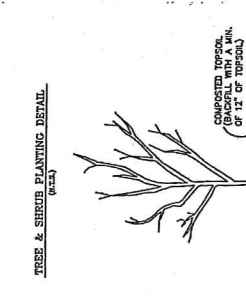
CAMILLE A. NEWTON

CAMILLE A. NEWTON

200' OUTER RIVER RESOURCE AREA

CHARLES RIVER

ZONING:
SINGLE-RESIDENCE 3 (NEW)
 MINIMUM AREA= 10,000 SQUARE FEET
 MINIMUM FRONTAGE= 80 FEET
 SETBACKS:
 SIDE YARD= 30 FEET
 REAR YARD= 15 FEET
 MAXIMUM HEIGHT= 35 FEET (2.5 STORES)
 MINIMUM LOT COVERAGE= 35%
 MINIMUM AMOUNT OF OPEN SPACE= 50%
 LOT WAS CREATED PRIOR TO 12/07/1953
 MAX BUILD FACTOR= 20



TREE & SHRUB PLANTING DETAIL
(0-1.3)

PROPOSED PLANTING SCHEDULE

SPECIES	SIZE	QUANTITY
WHITE PINE (WP)	2.5" CALIPER	10
PNUS STROBUS	2.5" CALIPER	10
GREEN ASH(GA)	2.5" CALIPER	10
FRAXINUS PENNSYLVANICA	2.5" CALIPER	10
SWAMP WHITE OAK (SO)	2.5" CALIPER	10
QUERCUS BICOLOR	2.5" CALIPER	10
RED MAPLE (RM)	2.5" CALIPER	20
ACER RUBRUM	2.5" CALIPER	20
RED OAK (RO)	2.5" CALIPER	30
QUERCUS RUBRA (QR)	2.5" CALIPER	30
WATER BIRCH (WB)	2.5" CALIPER	10
AMERICAN BIRCH (AB)	2.5" CALIPER	10

SPECIES	SIZE	QUANTITY
SEMPERBERRY (SB)	1 GALLON POT	25
AMELANCHIER CANADENSIS	1 GALLON POT	25
NYCTAGYNIA	1 GALLON POT	25
SLYT DOGWOOD (SD)	1 GALLON POT	25
CONIUM ANIMUM	1 GALLON POT	25
HORSESHOE BUDBERY (HB)	1 GALLON POT	25
PARROT TREE (PT)	1 GALLON POT	25
SMALCUCUS CANADENSIS	1 GALLON POT	25
SWAMP PERSIMMON (SP)	1 GALLON POT	25
CLETHRAX ALFOLIA	1 GALLON POT	25

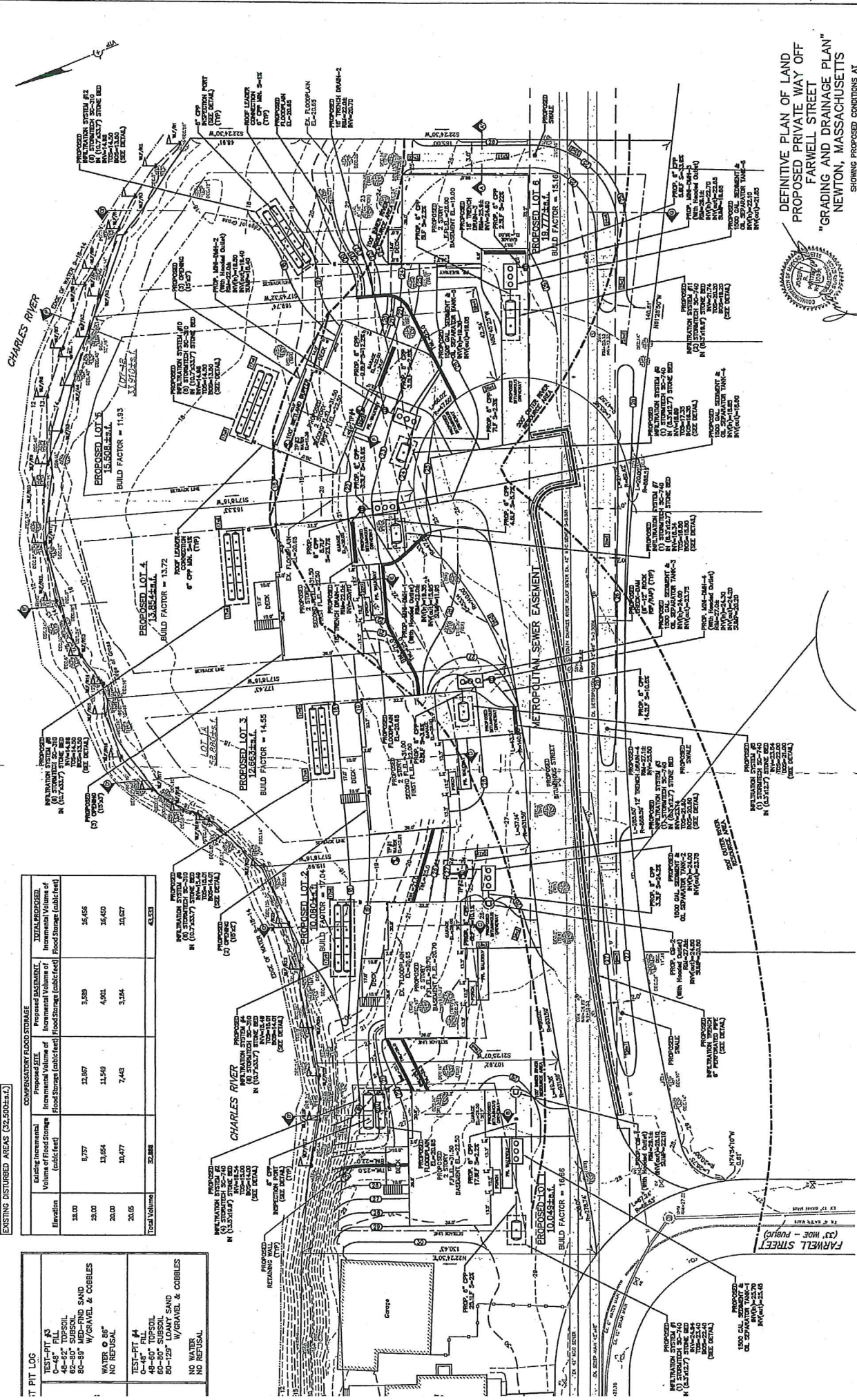
GROUND WITHIN RESTORATION AREA TO BE TREATED WITH 3-INCH THICK LAYER OF BARK MULCH.
 ALL SHRUBS IN CLUSTERS OF 3-5 SHRUBS PER SPECIES.
 ALL SHRUBS WILL BE PLANTED 30" APART.

**DEFINITIVE PLAN OF LAND
PROPOSED PRIVATE WAY OFF
FARWELL STREET
"GRADING AND DRAINAGE PLAN"
NEWTON, MASSACHUSETTS**

SCALE: 1/4" = 1'-0"
DATE: SEPTEMBER 5, 2017
REVISED: NOVEMBER 8, 2017
PROJECT: 21701

VTP ASSOCIATES
INC.

LAND SURVEYORS - CIVIL ENGINEERS, INC.
ADAMS STREET, 2ND FLOOR, SUITE 3
NEWTON, MASSACHUSETTS
(617) 552-8271



EXISTING DISTURBED AREAS (32-50b±1.7)

Elevation	COMPLEMENTARY FLOOD STORAGE		TOTAL PROPOSED Incremental Volume of Flood Storage (cubic feet)
	Incremental Volume of Flood Storage (cubic feet)	Incremental Volume of Flood Storage (cubic feet)	
18.00	6,737	11,897	16,495
19.00	13,664	11,549	16,450
20.00	10,477	7,443	10,627
20.65	22,288		43,333

Elevation	COMPLEMENTARY FLOOD STORAGE BY LOT									
	Proposed Incremental Volume of Flood Storage (cubic feet)	LOT 1	LOT 2	LOT 3	LOT 4	LOT 5	LOT 6	LOT 7	LOT 8	TOTAL VOLUME
18.00	289	1,296	2,776	5,992	5,894	999				16,495
19.00	486	1,735	3,404	5,021	4,567	1,157				16,450
20.00	395	1,144	2,238	3,222	2,882	716				10,627
20.65										43,333

NOTES:

- THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING AND DETERMINING THE LOCATION, SIZE AND ELEVATION OF ALL EXISTING UTILITIES SHOWN OR NOT SHOWN ON THIS PLAN PRIOR TO ANY CONSTRUCTION. THE ENGINEER SHALL BE NOTIFIED IN WRITING OF ANY UTILITIES BEFORE PROCEEDING WITH THE WORK.
- THE LOCATION OF ALL UTILITY STRUCTURES SUCH AS GUYOT BASKS, MANHOLE, WATER GATES, ETC. AND GOVERNMENT AGENCIES.
- ALL THE PROPOSED DOWNSPOUT TO CONNECT INTO OUTSIDE INFILTRATION SYSTEMS.

IT PIT LOC

TEST-PIT #3	0-48" FILL
48-66" TOPSOIL	
66-84" SUBSAND	
84-99" W/GRAVEL & COBBLES	
WATER @ 86"	
NO REFUSAL	
TEST-PIT #4	0-48" FILL
48-66" TOPSOIL	
66-84" SUBSAND	
84-99" W/GRAVEL & COBBLES	
NO WATER	
NO REFUSAL	



PATRICK C. GARNER
Company, Inc.

HYDROLOGY • RIVER ANALYSIS • WETLAND SCIENCE • SOIL
EVALUATION • DESIGN & PERMITTING • PEER REVIEW
109 WHITNEY STREET, NORTHBOROUGH, MA 01532
☎: 508.393.3200 patrickgarner@me.com www.patrickgarner.com

Initial Peer Review Comments

LOCATION: 56 Farwell St., Newton	REPORT DATE: Dec 12 2017
INSPECTION DATE: Dec 7 2017	INSPECTOR: Patrick Garner
Weather: 46 F, sun	

GENERAL COMMENTS

This initial review is submitted following a site visit on December 7, 2017. That visit yielded mapping and delineation issues that should be corrected or revised before further review from this office.

Comments follow, and are accompanied by photographs where appropriate.

- 1) The topographical survey accompanying the plans appears to incorrectly represent existing conditions, particularly in the rear of the existing house. The VTP plans indicate a gradual elevation descent toward the river from 20 to 19 to 18 and then lower, whereas visual inspection seems to indicate otherwise. Are plans based on an instrument survey or from aerial topography? VTP should field verify throughout contours in this area. Compensatory Flood Storage calculations may need to be revised, and performance standards reevaluated.



Figure 1. View of rear yard looking westerly.

2) The plan set does not include a specific Existing Conditions plan, which makes determination of conditions extremely difficult. I recommend VTP add a specific, conventional Existing Conditions plan that shows buildings, drives, fences, walls and other improvements.

3) The topographical survey also appears to incorrectly represent existing conditions in the vicinity of proposed Lots 1 and 2. An area behind a white fence (said fence should be shown on the plans and is not) has been filled and graded recently. Plan contours do not indicate the fill and should be corrected.



Figure 2. Recent fill behind fencing.



Figure 3. Same area. Note graded plateau to right, not shown on plans.

4) The Bankfull (top of bank) flagging needed adjustment. While on site I reflagged Bankfull. New flags are numbered #1 through #20. Points should be verified by VTP's wetland expert, and field located. Bankfull was shifted, on average, five feet upgradient.

5) Given that Bankfull defines the beginning of the Riverfront Area, the location of the inner and outer riparian zones should be revised on all plan sheets.

6) A block retaining wall runs along the top bank of the Concord river in the vicinity of R19 to R23. It appears to be shown on the plan but is not identified. (See photo)



Figure 4. Block retaining wall (see note above).

7) Areas of pavement are associated with the existing building (#50) and existing garage. Pavement should be shown clearly and the plan revised.



Figure 5. Note areas of pavement in vicinity of garage.

8) The existence of loam under a graveled parking area that is an extension of the paved driveway for the residence (see Fig. 6 below) should be determined by the applicant. I recommend that several shallow test holes be conducted within the graveled area to determine depth of underlying loam, and the soils data be submitted with plan revisions showing the location of said holes.



Fig 6. View of graveled parking area.

9) The MWE "Proposed Riverfront Sketch Plan" which denotes degraded areas on site should be simplified (and adjusted to show the corrected Riverfront Area); the plan should be easily readable so that review is uncomplicated. Also note that, as submitted, large areas shown as "Existing Non-Degraded" (see note #3 above) are in fact recently filled or otherwise altered.

The plan should clearly show existing conditions (buildings, drives (both dirt and paved), grass, filled area, etc. MWE may want to use semi-transparent colors rather than solid to allow underlying features to be readable. Regardless, the plan is far too difficult to read, and may require multiple sheets to correctly indicate existing conditions as opposed to proposed. Clear plans are necessary to assure that riverfront performance standards are met.

10) Given that portions of the site have been used as a commercial vehicle storage area for years, the possibility of leaked oil and gas in those areas exists. The applicant should either furnish the Commission with a recent 21E determination, or have a qualified firm conduct one to ensure that the overall site is clean.

11) The applicant has not obtained approval from MWRA for the construction of a subdivision roadway over their sewer lines and a direct connection to their 42" sewer line. Has application been made and, if so, what is its status?

12) The MWE Stormwater Report (Aug 2017) notes that VTP conducted soil testing. The plans indicate four test holes, none in the areas proposed for infiltration. In the rear of the MWE Stormwater Report, Chapter 2 (Title V Soil Testing Results) contains no data. Sheet 2 of 9

shows test hole results for TP #1-#4, including seasonal high groundwater (SHGW) elevations. The tests are not dated, nor is the name of the certified soil evaluator provided.

The MassDEP Stormwater Handbook requires actual tests within the envelope proposed for any infiltration area. VTP proposes twelve (12) separate infiltration areas composed of StormTech infiltration chambers.

As noted, none of the deep holes shown fall within the infiltration envelopes . VTP assumes that the soils are suitable in the remaining areas without having verified site conditions. This assumption is contrary to Stormwater Handbook requirements.

Volume 2, Chapter 2, page 105 of the Stormwater Handbook states, "... install subsurface structures only in soils having suitable infiltration capacities as determined through field testing Determine the infiltrative capacity of the underlying native soil through the soil evaluation set forth in Volume 3."

Volume 3, Chapter 1, page 8 goes on via a flow chart to dictate that a designer should review the NRCS Soil Survey to determine the hydrologic soil group, which in fact VTP has done properly. The flow chart then goes on to indicate that a soils professional verify soils at the "specific location where recharge" is proposed. That has not occurred.

On page 10 of that same chapter, the Stormwater Handbook states,

"STAGE 2) Determine Site Conditions at Specific Location Where Recharge is Proposed. The following actions shall be performed to determine soil conditions at actual location on the site where recharge is proposed: a. Conduct tests at the point where recharge is proposed. The tests are a field evaluation conducted in the actual location and soil layer where infiltration is proposed..."

Note also that the citation above specifies "tests," that is, more than one actual test in each area. In fact, Volume 2, Chapter 2, page 97 of the Stormwater Handbook requires a minimum of two tests per area. Based on state regulation, none of the proposed stormwater infiltration areas comply with MassDEP requirements. Each of the infiltration areas should be individually tested with a minimum of two deep holes. If testing is conducted outside of "high" season (information provided is insufficient to know), the Stormwater Handbook requires a SHGW adjustment identical to that required by Title 5 (see Volume 3, Chapter 1, page 12).

Applicant must indicate through required test holes that the minimum separation is provided between seasonal high groundwater and bottom of systems. The information submitted is insufficient to meet that minimum standard.

Further, of the larger infiltration systems, five (5) are within the 100-year floodplain. During prolonged flooding these units may not infiltrate due to soil saturation. The systems lie at roughly elevation 18.5 while peak flood elevation is 20.65. Because flooding from major events may dissipate slowly, these systems may be subject to one to two feet of inundation for lengthy periods, and thus become dysfunctional.

Applicant should address these multiple issues.



Fig 7. Specimen red oak trees south of existing residence..

13) At least 17 specimen Northern red oaks (36-50" DBH) lie to the southeast of the existing residence (and 80-90 feet southwest and upgradient of the Charles River). All are within the Riverfront Area and in excellent condition. With the exception of two trees, all lie outside the floodplain. I recommend applicant implement specific design strategies to save as many of these trees as feasible. Applicant should consider grading changes, use of tree wells and terracing. Note that the protective root zone (PRZ), an area critical to tree survival, is roughly equal to the outside extent of branching.

13) The information provided to date for flood zone performance standards appears insufficient. Applicant proposes that the basement walls of four of the houses be built with fifteen (15) foot wide openings to allow flood water storage and passage. 310 CMR 10.57 requires that, "Work within Bordering Land Subject to Flooding, including that work required to provide the above-specified compensatory storage, **shall not restrict flows so as to cause an increase in flood stage or velocity.**" [Emphasis added.] These basement structures are likely to restrict flows. Applicant should provide sufficient information to the Commission to ensure that the structures will not cause an increase in flood stage.

In addition, applicant should examine the potential effects of scouring on house/basement structures during major storm events, particularly during the 50 and 100-year storms. Please provide the velocity (cubic feet per second) for the river during these events. Basement walls that lie within the floodplain may function as a restriction. Under high velocities, scouring in and around the basement walls is likely. I find no discussion in the materials regarding how soils beside exposed basement areas will be protected from scouring that may occur during major storm events.

14) Plans should clearly indicate basement floor elevations for all lots within floodplains. First and second floor elevations are provided on Sheet 2 and 3, but basement elevations appear to be missing. Compensatory flood storage calculations (Sheet 2) show too little detail to know whether basement storage is included, and if so, to what extent. Applicant should provide further

information about how these figures were derived. As noted in item #3, if contours shown in the floodplain are not indicative of actual conditions, calculations will need to be revised.

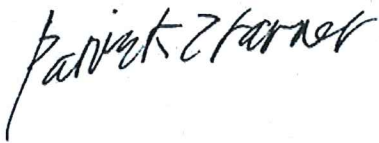
15) Too little information is provided to indicate whether proposed houses have access to backyards, or whether applicant intends to restrict usage. I suggest a cross-section be provided that illustrates elevations from front to back of houses situated in the floodplain, and includes existing and proposed ground elevations and access points..

Similarly, decks are shown in the rear of houses, but no detail is provided. Are decks cantilevered, or supported by posts? Is deck access off the first floor? What are deck elevations when decks are within the floodplain?

16) The Alternatives Analysis, required under 310 CMR 10.58 is extremely minimal, given the potential impacts and the number of residences proposed within a major floodplain. I suggest that the applicant expand the analysis to reflect the sensitivity of the protected resources. For instance, would fewer, but larger residences, provide a similar cost benefit?

As noted in the beginning of this memo, I will submit a further review upon receipt of revised plans and documents.

Very truly yours,

A handwritten signature in black ink, appearing to read "Patrick Z. Farner". The signature is written in a cursive, somewhat slanted style.

Wetland scientist, hydrologist

CONSERVATION COMMISSION MINUTES

Date: December 21, 2017
Time: 7:00 pm
Place: City Hall, Room 204

With a quorum present, the meeting opened with Ira Wallach presiding
Members Present: Ellen Katz, Ira Wallach, Judy Hepburn, Jeff Zabel, Susan Lunin, Kathy Cade
(Associate, 7:10)
Staff Present: Jennifer Steel and Claire Rundelli
Members Absent: Dan Green, Norm Richardson
Members of the Public: See sign-in sheet

DECISIONS

I. WETLANDS

1. **OOC Extension – DEP File # 239-753 -- 255-257 Newtonville Ave**
 - o Request: Extension of OOC for two years (i.e., to expire in March 2021)
 - o Applicant: Storage Development Partners
 - o Presentation and Discussion (Alan Schelssinger, Representative):
 - Because the Special Permit that accompanied the project was appealed and caught up in court until 2017, the representative is seeking a 2-year extension on the OOC issued in March 2016.
 - o Vote: Approve request to extend original OOC to 3/18/2121. [Motion: Judy Hepburn; Second: Susan Lunin; Vote: 5:0:0]
 - o Action: The Commission issued a re-signed OOC. The representative also asked for re-execution of the OOC for recording at the Registry of Deeds, as the original was lost.

2. **NOI (cont'd) – 777 Dedham St. (Carlson Ave. Extension) – DEP #239-794 -- Infrastructure improvements for pending subdivision**
 - o Request: Infrastructure improvements to support development of eight single family residential lots on new/improved private way
 - o Owner: Barry Brown (Mount Ida College, Inc.) Applicant: Brendon Giblin (Brendon Properties) Representative: Michael Dryden (Bohler Engineering)
 - o Documents Presented: site plans aerial photos, site photos, draft OOC
 - o Jurisdiction: Buffer Zone
 - o Presentation and Discussion (Frank Stearns, Attorney; Michael Dryden, Bohler Engineering; Brendon Giblin, Applicant):
 - Since the last hearing for this project (11/30/17) a DEP File number has been issued with no comments on the project from DEP.
 - The representative stated that they are still going over comments received on the project from the Engineering Department and the issue of the sidewalk is not resolved. They still do not think a northern sidewalk is necessary for the project and are meeting with Engineering in 2018.
 - Jennifer Steel proposed 4 conditions. Discussion ensued. Jennifer Steel suggested: "During and after construction no runoff from the four southern house lots may enter the wetland buffer zone to the north." The representative suggests that the condition be worded to suggest the project must comply with the Massachusetts Stormwater Standards. Jennifer Steel replied that the proposed special condition was worded to prevent the Commission from having to take jurisdiction of the proposed southern house lots. Because if run-off from a project enters a jurisdictional area, then jurisdiction extends to include the contributing area. The representative suggested that the wording be changed to "no un-treated run-off may enter the buffer zone." The



Mayor
Setti D. Warren

**Director
Planning &
Development**
Barney Heath

**Chief
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

1000 Comm. Ave.
Newton, MA 02459
T 617/796-1120
F 617/796-1142
www.newtonma.gov

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.

representative agreed that a written agreement could be put in place with input from the applicant, Engineering Department, and Conservation Commission to ensure runoff is contained, whether through trench drains or grading changes, to the southern side of the road.

- Kumar Challa (137 Wiswall Rd.) asked and was informed that the agenda and packet are available on the Commission webpage and that his concerns about runoff from the southern house lots travelling to the backyards of the houses on Wiswall Rd. should be taken up with the Building Department. The resident raised concerns about the ecological impact of the subdivision on the yards on Wiswall Rd. Jennifer Steel noted the low ecological value of lawns and that unfortunately there is no specific protection for the wooded area and the wildlife that lives there.
- Vote: Issue an OOC with the following special conditions [Motion: Susan Lunin; Second: Jeff Zabel; Vote: 5:0:0]
 - If the City requires the installation of a “northern sidewalk”, prior to any pre-construction site visit and prior to any site work, the applicant must submit to the Conservation Commission, for its prior approval, revised final plans showing the “northern sidewalk” and associated grading. Said plans must place the sidewalk and verge immediately adjacent to the existing paved roadway, i.e., the total new “sidewalk area” may not exceed 10 feet (5’ of grassy verge and 5’ of paved sidewalk). Grading beyond the edge of the northern sidewalk (in the buffer zone) shall be minimized. Loam and seed shall be installed to ensure long-term stability of the northern sidewalk.
 - The applicant must attend a pre-construction site visit.
 - During and after construction no runoff from the four southern house lots may enter the wetland buffer zone to the north.
 - Pedestrian lighting shall be shielded in such a way as to preclude lighting more than 5’ beyond the northern edge of the northern sidewalk only as required for public safety. Light from any street lighting should be in the warm color spectrum, as stated by best lighting practices, to minimize ecological disruption.

3. Informal Discussion – Benches on Ware’s Cove

- Request: Discuss possibility of installing a new bench along the shore of the Cove
- Owner: Parks and Rec. Dept.
- Documents Presented: aerial photos, site photos
- Jurisdiction: Buffer Zone
- Discussion (N.B. No one from the Parks and Rec. Dept., City Council, or the neighborhood were in attendance):
 - The resident who performed the initial cutting with the intention of creating a clear viewing corridor (without permission from the Conservation Commission), contacted the Conservation office about his (and others’) desire for a bench in that area of Ware’s Cove. Jennifer Steel performed a site visit with the resident to discuss the possibility of the bench where the vegetation was removed. At the Commission’s request, Parks and Rec (owner of property) fenced off and revegetated the area. The Commission is concerned about the placement of a new bench in the revegetated area because it is the last section of undisturbed forest and is where the wood ducks breed. A new bench would encourage trampling of the area around the bench (which is soft and can be very wet) and would require maintenance of a viewing corridor and would be redundant.
 -
 - The soil in the proposed bench area making it not the ideal location for a bench. The Wood Ducks also breed and feed in this area.
- Consensus: There are many benches along Ware’s Cove and sufficient paths. The overgrown cement bench could be removed and the rickety wooden bench could be replaced instead of placing a new bench in the proposed location. The Commission requests to see all plans and be appraised of all work being done in the area.

4. NOI (cont’d) – 73 Beaconwood Rd – DEP File #239-791 – teardown SFH/ rebuild duplex

- Request: Demolition of existing SFH to construct duplex with drainage, landscaping, grading, and 12” culvert to create hydraulic connection between “mitigation storage area” and Cold Spring Park wetland complex
- Owner: William Haney (PZ Realty Trust) Applicant: Desheng Wang (Creative Land & Water Engineering LLC) and PZ Realty Rep.: Desheng Wang
- Documents Presented: revised site plan, applicant’s check-list full plan set, aerial photos, site photos
- Presentation and Discussion (Desheng Wang, Applicant; Matthew Haney, Owner’s Representative):

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.

- There is no jurisdictional wetland (isolated only) on the property, as determined by a previously conducted peer review ordered by the Commission. The only jurisdiction on the property is buffer zone.
- The relevant performance standards focus on the effects of the proposed project on the Cold Spring Park wetland, which is why the vegetation currently present in the buffer zone is an important detail to include on the plans.
- The position of the proposed culvert (12" HDPE pipe) connecting the proposed wetland replication area has been moved to the old location, crossing under the driveway to the west of the property. This hydraulic connection to the wetland complex of Cold Spring Park will make the replicated wetland jurisdictional BVW.
- The design includes a small sediment sump at the end of the culvert on the property to keep the culvert from clogging.
- The proposed plans involve filling the current isolated wetland with gravel as a parking area for cars and replicating that stormwater storage by excavating the adjacent lot (61 Beaconwood Rd) owned by Mr. Capasso and transferring the vegetation from the current isolated wetland to the replication area.. The applicant has written consent from Mr. Capasso. Calculations show increased flood storage under the proposed conditions.
- Jennifer Steel is concerned about:
 - The readability of the submitted plans, specifically when it comes to grading and vegetation. It is difficult for the Commissioner's and Jennifer Steel to determine what numbers on the plans go with what information.
 - The lack of existing vegetation marked on the existing conditions plan. (The applicant replied that there aren't any large caliper live trees on the lot but he is unsure about the vegetation in the wetland replication area.) Jennifer suggested that the applicant be sure to check with the City Tree Warden about the size of caliper trees being removed.
 - The lack of a restoration planting plan. (The applicant says he has left the planting plan very simple because of the fact that they are planning to transplant the existing vegetation. He is reluctant to put any shrubs or trees in the replication area to maximize flood storage.) The Commission expressed an interest in seeing shrubs and trees at least being planted on the periphery of the replication area.
 - The calculations presented in the plans no matching up from one page to another. (The applicant replied that the on-site flood storage calculations do not include the area where the house is compared to the cut and fill calculations which do.)
 - The elevation of the proposed gravel area because the flood elevation and high groundwater levels mean that water is often at that elevation.
 - The steep grading in the area near the wetland replication area. (The applicant responded that it is only 3:1 and that he is open to stabilization suggestions from the Commission.)
- Engineering has not looked at the numbers presented in these plans and the Commission would like to hear their comments before voting to issue an OOC. Jennifer and the Engineering Dept. will meet with applicant early Jan. 2018 to discuss.
- **Consensus:** Continue to 3/15/18 meeting to allow applicant time to gather requested information and develop clearer plans including but not limited to: [Motion: N/A, Second: N/A, Vote: 5:0:0]
 - Larger plans clearly showing existing conditions and proposed grading
 - The replication area clearly shown on plans
 - The locations of all trees and any tree and shrub-lines existing on both properties
 - Detailed restoration planting plans (i.e., the locations of all proposed trees, shrubs, and ground cover within the limit of work).
 - Responses to any comments the Engineering Dept. may provide on the plans, stormwater analysis, soil tests, etc.

II. CONSERVATION AREAS – nothing to vote on

III. ADMINISTRATIVE

5. Minutes of 11/30/17 to be approved.

- **Documents Presented:** draft minutes draft minutes
- **Vote:** Vote to approve 11/30/17 minutes as corrected. [Motion: Ellen Katz; Second: Susan Lunin; Vote: 5:0:0]

IV. ISSUES AROUND TOWN

- **Open Space Preservation Strategy** -- Ellen Katz suggested this at the 11/30/17 meeting – suggestions for next steps?
 - Ellen Katz would like a method of keeping track of privately owned open space parcels in Newton that are being sold off for development.
 - Several commissioners suggested asking Dan Green when he returns for suggestions on this issue.

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.

UPDATES

V. WETLANDS

- Updating the City's GIS wetland datalayer - Doug Greenfield has been incorporating flagged wetland lines into the City's bordering vegetative wetlands datalayer.
- 56 Farwell St. peer reviewer initial comments have been received and distributed.
 - Pat Garner, the peer reviewer, has been progressing well.
 - Jennifer Steel conducted a site visit with Stephen Vona to review the initial comments from Pat Garner. Slight changes occurred to the plans as a result of that site visit including grading changes to address localized flooding that has been viewed and more test pits for groundwater analysis.
 - Pat Garner will be drafting the analysis of the proposal; it is due 01/02/18 for the 1/11/18 meeting.
- MBTA Wetland Tree Cutting – No updates as of this meeting. The City law department is waiting to hear from the MBTA law department.
- Daly Rink Trail – Jennifer had a site visit with VHB to plan the anticipated public trail along the Charles near NCDS's boathouse
 - There was a settlement meeting for the issue surrounding the Chapter 91 License between CRWA and NCDS.
 - Language in the agreement ensures a publicly accessible foot trail allowing appropriate access to the Charles River.
 - Jennifer wanted to be sure that the trail won't cut through the required restoration area from a previous Commission condition and that the trail will follow an appropriate alignment.
 - Though the idea was not brought up during the settlement meeting, Jennifer believes that the concerned parties should consider running the trail through the "Yacht Club" property to the west instead of "ending short" on NCDS property.

VI. CONSERVATION AREAS

- MBTA Upland Tree Cutting – No updates as of this meeting. The City law department is waiting to hear from the MBTA law department.
- John Menard – Jennifer will be speaking with John to address outstanding special projects as weather allows.
- Stewards -- Claire will be assisting with planning a winter gathering- currently looking for locations for the gathering.
- Encroachments – Staff will continue to address:
 - 70 Wayne Rd.
 - 261 Parker St.
 - Abutters to Dolan Pond and Kerry Ct. Conservation Areas

VII. ISSUES AROUND TOWN

- Trails
 - Upper Falls Greenway: Staff are working to secure a northern/eastern connection from Upper Falls Greenway to Curtis St. (to the north)
 - Upper Falls Greenway: Staff are working to secure a southern/western connection from Upper Falls Greenway to Bobby Braceland Playground and the Charles River Pathway Conservation Area (to the south) – Claire has been drafting a Recreational Trails Grant Application, contacting trails advocates, securing cost estimates, and scheduling a site walk (12/22/17 at 11:00 am).
 - Lexington's "ACROSS" trail loop concept has been floated and widely endorsed. Claire is going to work on a pilot for Newton to be presented in the spring.
- Needham St. Visioning Group held its first meeting on 12/11/17. 21 of 23 members attended the meet-and-greet style meeting/ discussion of the general concerns/issues/opportunities for the Needham St. area.
- Street Design Guide will address stormwater and pedestrian connectivity. The draft due in roughly one month.
- Climate Change Vulnerability Analysis: A draft was released to Mayor-Elect 12/13/17.
- Public Lands Protection Act (PLPA) No-net-loss under Article 97: PLPA is currently before the Senate Committee on Ways & Means, chaired by Senator Karen Spilka (Ashland) and Vice Chair Sal DiDomenico (Cambridge). Commissioners were urged to contact their State Senator (Cynthia Creem) urging her to ask Chairwoman Spilka and Vice Chair DiDomenico to report out PLPA favorably and soon.

VIII. ADMINISTRATIVE MATTERS

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.

- 2018 Meeting Schedule: Ira Wallach would prefer to meet in a room that is not the Cafeteria. Currently, no other rooms are available on Sept. 4th 2018, but if and as a better room becomes available, staff will reserve it. The Community Preservation Committee, which also meets on Thursdays, is considering a meeting day switch. Hopefully other rooms will be available for Thursday 9/4/18. Claire Rundelli will send out an email with potential date changes for the 9/4/18 meeting if no rooms become available.
- Information on open space, trails, and sustainability priorities was submitted to Mayor-Elect Fuller's Transition Team

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

- 6. COC Request – 69 Kingswood Rd – Invasive removal efforts -- DEP File #239-664**
- Request: COC
 - Owner: Paul Solmon Applicant: Miles Connors
 - Discussion: Form letter and photos received, site visit on 12/20/17.
 - Vote: Issue a complete COC [Motion: Susan Lunin; Second: Jeff Zabel; Vote: 5:0:0]

ADJOURN Vote: Adjournment at 9:30PM [Motion: Susan Lunin; Second: Ellen Katz; Vote: 5:0:0]

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.
