

CONSERVATION COMMISSION MINUTES

Date: June 7, 2018
Time: 7:03 – 10:40 pm
Place: City Hall, Room 204

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

DECISIONS

I. WETLANDS

1. **RDA – 303-309 Winchester St (Winchester Park Condos) – hazard tree removal**
 - **Request:** Remove 8 trees that pose a hazard to existing buildings and gas lines.
 - **Owner/Applicant:** Winchester Park Condo Trust **Representative:** Jeanne Waller (Trustee)
 - **Documents Presented:** aerial showing tree locations photos, draft DOA
 - **Jurisdiction:** Buffer Zone, and City and FEMA Floodplain (BLSF), Conservation Restriction
 - **Presentation and Discussion**
 - **Project Summary:** Applicant is proposing the removal of 7 trees deemed to be hazardous to existing structures and gas lines. The trees proposed to be removed are mainly invasive species (black locust and Norway Maple) and all are in poor health, being killed by bittersweet, or leaning precariously. All will be removed with a crane
 - **Impact Summary:** Because these hazard trees are scattered around the perimeter of a large wooded natural area, the overall impact of the proposed work on the habitat value of the Flood Zone is minimal.
 - **Vote:** to issue a Negative 3 Determination with the following special conditions [Motion: Dan Green; Second: Susan Lunin; Vote 5:0:0].
 - Flush cut the 7 trees marked on the referenced plan. The one fallen tree may be felled on the site.
 - Do not leave brush or wood chips in the wooded portion of the lot.
2. **OOO Amendment – DEP File #239-745 -- Daly Rink (Newton Country Day School) – New Accessible Path**
 - **Request:** Applicant is requesting an amendment to Order of Conditions #239-745 to include a 5-7' wide public access pathway along the Charles River.
 - **Owner:** Martha McMahon DCR/DCAMM) **Applicant:** Boston Academy of the Sacred Heart (NCDS) **Representatives:** Daniel J Padien and Kathleen Lynch (VHB, Inc.)
 - **Documents Presented:** colored plans photos, draft amended OOC
 - **Jurisdiction:** RFA, Buffer Zone, and City and FEMA Floodplain (BLSF) 4.8 NGVD = 4.0 NAVD
 - **Presentation and Discussion**
 - **Project Summary**
 - NCDS was brought before the Commission for unpermitted expansion of the boathouse and docks.
 - NCDS received an OOC for the boathouse expansion (ex post facto) and were required to get Chapter 91 license for the dock and install restoration planting bed and protective split rail fence along the river bank.
 - Charles River Watershed Association appealed the Chapter 91 license to ensure that a pedestrian pathway would be constructed across the NCDS lease site.



Mayor
Ruthanne Fuller

**Director
Planning &
Development**
Barney Heath

**Senior
Environmental
Planner**
Jennifer Steel

**Assistant
Environmental
Planner**
Claire Rundelli

**Conservation
Commission
Members**
Dan Green
Judy Hepburn
Susan Lunin
Norm Richardson
Ira Wallach
Jeff Zabel
Ellen Katz

**Conservation
Commission
Alternates**
Kathy Cade

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- The proposed amendment to the existing OOC is to add a 5-7' stabilized soil, accessible pedestrian and bicycle pathway that will lead from the end of the existing path at the rear of the parking lot, behind the boathouse, through the 2010 restoration planting area, along the existing chain link fence, and then back out to the shared use path along Nonantum Road.
- **Impact Summary**
 - All work is above the 100-year flood elevation
 - Stormwater runoff will be “country drainage”
 - The 2010 Riverfront area restoration planting area will be bisected by the new path (~900 sf), but the public benefit of the path and the expansion of the new, fenced mitigation areas will mitigate for that loss.
- **Discussion**
 - Charles River Watershed Association submitted a letter this afternoon that was distributed to the Commission at the meeting stating its interest in having the new path built as proposed and in maintaining and improving with wood chips the existing low-impact trail right along the river’s edge. The Commission felt that that interest ran counter to the ecologically based interests of the Wetlands Protection Act and did not want to encourage the use of two trails so close together, so there is to be no improved connection (with pea stone, woodchips, or any other material) from the boathouse to the existing dirt footpath within the woods. There was support noted for the installation of a bench near the river. The question was raised: why the new stabilized soil path could not be placed where the current foot path is. The new path will require excavation, so, to avoid damage to existing tree roots and storm drains, the new path must be located further landward (as shown on the proposed plans) in order to comply more with the regulations.
 - The Commission did not want the fences around the proposed restoration areas to be moved “within” the restoration areas because all area outside the fence would be subject to trampling or mowing. Therefore, the path will be moved landward so that it is not so close to the originally proposed location of the fence (for safety reasons).
 - The stormwater swale near the driveway and parking area needs to be cleaned regularly (organic accumulation must be removed to allow stormwater to enter the top of the swale to alleviate any ponding at the base of the “driveway”).
 - No lighting of the new path was proposed and the Commission did not approve any lighting of the new path.
 - The new path is not designed to be plowed.
- **Vote:** to issue an amended Order of Conditions with the following special conditions [Motion: Dan Green; Second: Susan Lunin; Vote 5:0:0].
- Acknowledging and appreciating CRWA’s concerns, prior to issuance of the OOC, new plans must be submitted to the Conservation Office clearly showing the following:
 - There will be no improved connection (improved with pea stone, woodchips, or any other material) from the boathouse to the existing dirt footpath within the woods.
 - The split rail fence must remain at the outer, landward perimeter of the full extent of the restoration areas shown on the proposed plans. The new pathway is to be moved landward so that it is not so close to the originally proposed location of the fence for safety reasons. Fences must be placed at the outer edges of the restoration areas to ensure permanent protection of those areas. (Conditions must reflect permanent protection of the mitigation planting areas.)
 - Notes to be added to the plan:
 - The existing path through the woods is not to be augmented with wood chips as they are likely to wash into the river.
 - The stormwater swale near the driveway and parking area must have its function restored and maintained (i.e., it must be kept free from debris and sediment to ensure proper function and ensure that stormwater from the parking lot will enter the top of the swale).
 - No lighting of the new path was proposed and the Commission did not approve any lighting of the new path. If lighting is desired, permission of the Conservation Commission must be obtained.

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- The new path is not designed to be plowed. If plowing or “salting” is desired, an Operations and Maintenance Plan must be submitted to the Conservation Commission for review and approval.

3. Informal Discussion -- Northland Development Group -- Needham Street

- Request: The development team would like to let the Commission know where project planning stands and get preliminary feedback from the Commission.
- Owner/Applicant: Northland companies Representatives: Alan Schlesinger (attorney), Kent Gonzalez (principal), Curt Quitzau (VHB), Theo Kindermans (Stantec)
- Documents Presented: aerial photos Preliminary development plans
- Jurisdiction: Riverfront Area, Buffer Zone, and City Floodplain
- Presentation and Discussion
 - **Project Summary**: On the 22.7-acre site the project proponent is proposing 824 residential units over street-level commercial space. There will be 4 access points. Streets will be pedestrian friendly. There will be multi-use path connecting Needham Street to the Greenway through the site. There will be three points of access to the Greenway. The daylighted portion of South Meadow Brook will be improved through a landscape plan for the RFA. The existing “grated drop” in the culvert that contains South Meadow Brook may be opened to allow greater visual access to the stream (thus creating new Riverfront Area) and an opportunity for education about the stream. The site is mostly impervious today, with no proper stormwater treatment; the current plans call for more green space and more stormwater infiltration and treatment.
 - **Process**: The proponent will submit a Notice of Intent covering work in Riverfront Area (at least partially under redevelopment standards) and stormwater management for the entire site.
 - **Jurisdiction**: It was agreed that “daylighting” more of South Meadow Brook would result in new RFA being created. The applicant will seek guidance from DEP on when that new jurisdiction would apply (at the moment of culvert opening or after the completion of the project).

4. Certificate of Compliance– 777 Dedham Street – DEP File #239-697

- Request: Complete COC
- Owner: Cheryl St. Pierre-Sleboda (Mt. Ida College) Applicant/Representative: George Chadwick (Bedford Design Consultants, Inc.)
- Documents Presented: site photos, draft COC
- Jurisdiction: Buffer Zone
- Discussion:
 - Letter from engineer, as-built, Form 8a received ... however ...
 - Staff site visit noted that work on the tree box filters is not complete, the site near tree box filters is not stable, erosion controls are still in place, and drainage from the low point of parking area is not directed to a tree box filter but passes over a low point in the curb.
- Vote: to deny the request for a Certificate of Compliance for DEP File #239-697 [Motion: Dan Green; Second: Susan Lunin; Vote 5:0:0].

5. Certificate of Compliance – 46 Suffolk Rd – DEP File #239-706

- Request: Applicant is requesting a Certificate of Compliance for the Order of Conditions permitting landscaping activities relating to the construction of terraces, pool, and kitchen garden and related stormwater management brought about after an enforcement action.
- Owner: Bob Deresiewicz Applicant: Dan K. Gordon Representative: Dan K. Gordon (Dan Gordon Landscape Architects)
- Documents Presented: site photos, draft COC
- Jurisdiction: LUWW, BVW, Riverfront Area, Buffer Zone, City Floodplain
- Staff Notes
 - Letter from landscape architect, as-built stamped by engineer, Form 8a received.
 - Work is complete. Grading is appropriate. Site is stable. Required blueberry bushes have been planted and are surviving.

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- Vote: to issue a complete Certificate of Compliance for DEP File #239-706 [Motion: Susan Lunin; Second: Ellen Katz; Vote 5:0:0].
- Vote: to officially close out Enforcement Order with a memo to the owner [Motion: Ellen Katz; Second: Susan Lunin; Vote 5:0:0].

6. Certificate of Compliance – 46 Suffolk Rd – DEP File #239-732

- Request: Applicant is requesting a Certificate of Compliance for the Order of Conditions permitting landscaping activities relating to the ecological restoration of the pond (dredging) and improvement to the habitat value of the wetland resources on the property.
- Owner: Bob Deresiewicz Applicant: Dan K. Gordon Representative: Dan K. Gordon (Dan Gordon Landscape Architects), Marc Cooperman
- Documents Presented: site photos, draft COC
- Jurisdiction: LUWW, BVW, Riverfront Area, Buffer Zone, City Floodplain
- Staff Notes
 - Letter from landscape architect, as-built stamped by engineer, Form 8a received.
 - Wetland seems to be functioning well. Site looks lovely. Plants are well-established. Survival is well over 75%.
- Vote: to issue a complete Certificate of Compliance for DEP File #239-732 [Motion: Susan Lunin; Second: Ellen Katz; Vote 5:0:0].

II. CONSERVATION AREAS

7. Old Deer Park – Consideration of trail creation and long-term management of invasive vines

- Staff Notes and Discussion
 - John Menard completed brush hogging of all accessible bittersweet.
 - The impetus for brush hogging was to clear specimen (oak) trees of bittersweet vines that would have killed the trees.
 - The clearing presents the opportunity to establish a mowed trail. Access to a trail could be provided from Old England Road, Lowell Lane, and/or Hammond Pond Parkway. Gates/fencing would have to be “opened” in some way so that a person could enter but vehicles could not.
 - It was noted that access and parking would come up in discussion with residents and that the Commission does not have jurisdiction over parking on public streets. [Note: The Commission owns in fee Lowell Lane and shares private way rights on Old England Road.]
 - There was concern that the Commission not create more management obligations than it could keep up with. On the other hand, it was noted that by opening the Deer Park, there may be more local involvement with land management efforts (including invasive control). Jennifer noted the need for an open space manager.
- Consensus
 - The Commission is in favor of opening the parcel to pedestrians. Jennifer Steel will ask the Mayor about her support for opening the parcel to pedestrians.
 - The Commission is in favor of maintaining a mowing regime to keep the bittersweet under control.
 - A draft/strawman plan* should be developed prior to undertaking a community meeting. (*A small-scale first effort is probably the best way to proceed.)

8. Conservation Area “Encroachments” – Discussion of Commission’s historical knowledge of three sites

- Questions: Does the Commission have any knowledge of the history of these sites? How should staff proceed?
 - 170 Suffolk Road encroachments into Houghton Garden Docs Presented: Plans, response from owner, minutes
 - The Commission reviewed the 3/24/2011 minutes and agreed that they accurately reflect the discussion, notably that: (1) the Commission was not presented with and does not have on file letters referenced by the owner indicating the right of the owner to trespass (encroach) on Con Com land, (2) The meeting was focused on the RDA application to “Construct new portico on front of house and re-grade an area < 300 sf around the front steps and walkwat [sic] to level the area.” (3) The Chair noted the Commission’s obligation to protect the land held in trust for the public. (4) The Commission decided the issue would remain open and on the agenda.

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- The Commission reviewed the 4/28/2011 minutes and agreed that they accurately reflect the discussion, notably that: (1) “if something changes, the city can exert its right to revisit this encroachment.”
- It was noted that in 2011, the Commission was discussing only the land around the swimming pool, and never discussed encroachments, if any, further downhill along the property line.
- Jennifer Steel was asked to
 - Find the RDA/DOA (and plans) referenced in the 3/24/2011 minutes
 - Ask the current owner for a copy of the 1986 document from which the current owner quotes the Commission and Law Department allowing the use of “a strip of lawn along the middle of the Garden’s east boundary by the Hill’s (170 Suffolk Road) for lawn purposes.”
 - Assemble the documentation necessary to resolve the encroachment issue.
- 230 Dudley Road encroachments into Hahn Brook Documents Presented: Plans, aerial photo
 - To their recollection, the Commission has not addressed the issue of encroachment on this parcel in the past.
- 261 Parker St. encroachments into Oakdale Woods Documents Presented: aerial photo
 - To their recollection, the Commission has not addressed the issue of encroachment on this parcel in the past.

III. ADMINISTRATIVE

9. Minutes of 5/17/18 to be approved.

- Documents Presented: draft minutes draft minutes
- Vote to approve 5/17/18 minutes as amended [Motion: Ellen Katz; Second: Dan Green; Vote 4:0:1].

IV. ISSUES AROUND TOWN

UPDATES

V. WETLANDS

- 3 Bridge St. – Staff are working with owner and DCR to address barren banks and erosion
- 56 Farwell St. – Appeal site visit was postponed from 6/6/18 to 6/14/18. Jennifer Steel will attend.
- Needham St – MEPA ENF site visit was 6/5/18. Jennifer Steel attended and will draft comments

VI. CONSERVATION AREAS

- Norumbega brush-hogging of the old “viewing corridor” complete.
- Norumbega Dog Park decision must be an advertised “public hearing” so the review of the RFP at the next meeting will be so advertised. The Commission approved the concept of an off-leash dog park off Comm. Ave. at a prior meeting. The Commission must approve the proposed RFP scope of work and sketch plan at an advertised public hearing.
- Kessler Trail – Recon, design, construction must get underway to meet the obligations of the Board Order (?).

VII. ISSUES AROUND TOWN

- Street Design Guide is taking strides to address stormwater with green technology
- Washington St Corridor visioning effort is underway
- Climate change plans are underway

VIII. ADMINISTRATIVE MATTERS

- None to-date

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

- Commissioner Roles – Jennifer Steel was asked to send a list of members (and terms, their positions within the Commission, and involvement on other Commissions, Boards, etc. and involvement with working groups) and the three options discussed to date for electing members to positions. Jennifer will also include the current regulations that pertain. The Commission will discuss the process and vote on positions if all members are present and consensus is achieved.
- Jennifer will create double-sided name tags for the next meeting.

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- **Certificate of Compliance – 924 Watertown St – DEP File #239-737**
 - Request: Applicant is requesting a Certificate of Compliance for Order of Conditions 239-737 for work never initiated.
 - Owner/Applicant: Joshua and Dorothy Plumb Representative: none
 - Documents Presented: site photos, draft COC
 - Jurisdiction: Riverfront Area, BLSF, City Floodplain
 - Vote: to issue a complete Certificate of Compliance for DEP File #239-737 [Motion: Susan Lunin; Second: Dan Green; Vote 5:0:0].
-

ADJOURN Vote to adjourn at 10:40 [Motion: Dan Green; Second: Susan Lunin; Vote 5:0:0].

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