

CONSERVATION COMMISSION MINUTES

Date: June 28, 2018
Time: 7:04 -11:12 pm
Place: City Hall, Room 204

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

DECISIONS

I. WETLANDS

1. RDA – 249 Winchester St – second story addition

- **Request:** Applicant is proposing to remove the existing roof and dormer and construct a full-height second story of their single-family home. They are also proposing to convert the existing enclosed front porch to an open porch and replace the existing 3-season room with an open deck.
- **Owner/Applicant:** Maya Dabby **Representative:** Eyal Leib (Lion Design Build)
- **Documents Presented:** colored plot plan, elevation drawings photos, draft DOA
- **Jurisdiction:** Buffer Zone, and City and FEMA Floodplain (BLSF)
- **Presentation (Maya Dabby) and Discussion**
 - The only impact to the site will be during construction (e.g., the removal of foundation plantings to allow access to house. The footprint of the house will not change at all. Landscaping around the house will be re-done within the limit of work.
 - The applicant must come back before the Commission with another RDA if she wishes to remove the invasive species beside the driveway.
- **Vote:** to issue a Negative 3 Determination with the following special conditions (motion: Dan Green, second Susan Lunin, vote 6:0:0).
 - No mature trees may be cut.
 - The owners have not sought permission to redevelop the lawn or driveway, but without further permitting:
 - The existing lawn (the entire landscaped area within the limit of work) may be regraded and re-seeded.
 - The existing driveway may be resurfaced but may not be expanded (as per 310 CMR 10.02)
 - If new loam must be brought in to re-establish lawn, the applicant must seek permission from the Conservation Office and must document the removal of an equal or greater amount of fill. (N.B. No net fill may be added because of floodplain regulations).

2. RDA – 167 Pond Brook Rd – mature spruce removal

- **Request:** Applicant is proposing the removal of a mature spruce tree (~24") in conjunction with the demo/rebuild of the single-family home on the lot
- **Owner/Applicant:** Syed Rahman **Representative:** none
- **Documents Presented:** aerial showing location of tree and limit of BZ photos, draft DOA
- **Jurisdiction:** Buffer Zone
- **Staff Notes**
 - **Project Summary:** The applicant intends to demo/rebuild the single-family home on the lot. The only Commission jurisdiction is the very front left corner of the lot, where a



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 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.

22" spruce tree is proposed to be removed.

- **Impact Summary:** The proposed removal of the tree will have little impact on the nearby BVW as the work will occur on the very outer edge of the 100' buffer, across a street from the BVW. The tree is already somewhat distressed (as evidenced by a sparse canopy). It was noted that there are lots of other trees in the area.
- Vote: to issue a Negative 3 Determination with the following special conditions (motion: Dan Green, second Susan Lunin, vote 6:0:0).
 - Owner must call to schedule a pre-construction site visit to check the erosion controls. Erosion controls shall be composed of an entrenched silt fence and compost sock.

3. **NOI – DEP File #239-XXX – 53 Brandeis Road**

- Request: Applicant is proposing to remove an existing single-family home (with associated deck and driveway) and rebuild a new single-family home, with associated deck and driveway.
- Owner/Applicant: Ester Dezube (53 Brandeis Rd, LLC) Representatives: Mikhail Deychman and Karon Skinner Catrone
- Documents Presented: colored plans photos, draft OOC
- Jurisdiction: Buffer Zone
- Presentation (Karon Skinner Catrone) and Discussion
 - **The DEP file number has not been received**, so the hearing cannot be closed.
 - **Project Summary**
 - The footprint of the new house is a larger than the existing house. A larger back deck is proposed. And a significant expanse of driveway is proposed within buffer zone. All expansion is within established lawn.
 - The applicant is proposing to install an infiltration system in the back yard where groundwater is roughly 3 feet below grade according to test pit information.
 - Two 12" crabapple trees in the back yard are due to be removed. A hemlock hedge at the rear of the property is due to be preserved.
 - **Impact Summary**
 - A significant area (1046 sf) of lawn will be converted to house, driveway, and deck.
 - Two ~12" trees are due to be removed.
 - That said, the wetland itself is protected by the hemlock hedge and topography
- Consensus
 - The design could be altered to minimize the expanse of driveway.
 - Entrenched silt fence must be added to the plan, fully wrapping the construction area.
 - The Tree Ordinance may apply.
 - A snow storage area must be shown on the plan.
 - Bounded mitigation planting areas must be proposed to make up for the loss of mature trees and the expansion of impervious area.
 - Accept the applicants request to continue to July 19, 2018 (with revised materials due July 10 by noon).

4. **Certificate of Compliance– 188 Needham Street, 56 Christina Street, 149 Charlemont Street – DEP File #239-696**

- Request: Complete COC
- Owner/Applicant: 188 Needham St LTD Partnership; NRC, Inc.; and H.C. Starck, Inc. Representative: Jacques Gagnon
- Documents Presented: site photos, draft COC
- Discussion:
 - These sites were brought before the Conservation Commission for unpermitted work by Iron Horse, Inc. Jo Hatstrup, without a wetland permit, removed the steel rails and in so doing damaged trees and left piles of debris along South Meadow Brook. The landowners were required to file a NOI and clean up the mess and plant 12 maple trees.
 - All sites are in substantial compliance with the conditions set forth in the OOC. Rail ties have been removed from the three sites, trash and piled debris have been removed, and 12 maple trees have been planted and are surviving. Staff performed a site visit on 6/20/18.

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- Vote: to issue a complete Certificate of Compliance (motion: Norm Richardson, second: Susan Lunin, vote 6:0:0).

5. Certificate of Compliance – 56 Christina St – DEP File #239-715

- Request: Applicant is requesting a Certificate of Compliance for the Order of Conditions permitting a new walkway at the H.C. Starck building and mitigating for the unpermitted removal of mature trees along the wall of the building.
- Owner/Applicant: H.C. Starck Representative: Jacques Gagnon
- Documents Presented: site photos, draft COC
- Discussion: Site is in substantial compliance with approved plans and order. Required mitigation plantings have thrived. (Based on 6/20/18 site visit)
- Vote: to issue a complete Certificate of Compliance (motion: Ellen Katz, second: Norm Richardson, vote 6:0:0).

6. Certificate of Compliance – 125 Wells Ave – DEP File #239-661

- Request: Applicant is requesting a Certificate of Compliance for the Order of Conditions permitting the construction of a playing field, under file number 239-661.
- Owner/Applicant: Solomon Schechter Day School Representative: Calvin Olson (DRA Architects)
- Documents Presented: site photos, draft COC
- Discussion: Based on 6/21/18 site visit, the site is stable and required mitigation plantings in a compensatory flood area have thrived. However, the “wind barrier” required in the Order was not installed and significant quantities of crumb rubber have migrated off the field. A wind-permeable, crumb-impermeable barrier must be installed and migrated crumb must be collected and disposed of properly.
- Consensus: to not issue a Certificate of Compliance at this point in time.

7. Certificate of Compliance – 2330 Washington St – DEP File #239-690

- Request: Applicant is requesting a Certificate of Compliance for the Order of Conditions permitting the expansion of a gravel parking lot and the creation of a fenced, outdoor play space, under file #239-690.
- Owner: Curtis House, LLC Applicant: Gus Miragias (Artisan Child Care) Representative: none
- Documents Presented: site photos, draft COC
- Jurisdiction: BVW, RFA, BZ, and BLSF (FEMA Flood)
- Discussion: Site is in substantial compliance with approved plans and order. Required mitigation plantings have thrived, invasive control is on-going. (Based on 6/21/18 site visit)
- Vote: to issue a complete Certificate of Compliance (motion: Susan Lunin, second: Norm Richardson, vote 6:0:0).

II. CONSERVATION AREAS

8. Norumbega Conservation Area – Parks & Rec. Off-leash Dog Area RFP Public Hearing

- Request: Parks and Rec is requesting approval of the RFP for creating an off-leash dog park within Norumbega Conservation Area.
- Owner/Applicant: Allison Crosbie, (P&R) Representative: same
- Documents Presented: draft RFP project scope section; sketch map site photos, sketch map
- Discussion
 - Commission has given approval in concept. It is the details of the project that are under review.
 - The Commission will be involved in review of the concept, 50% and final design plans.
 - The goal is to remove the off-leash dog activity from the rest of Norumbega Conservation Area and revitalize the portion of the parcel that fronts on Commonwealth Ave. (a major entry point into the City).
 - The Commission wants to see new, black, vinyl-coated chain link fence; preserved pedestrian access to the Conservation land; preservation of the historic stone structure in the off-leash area; and limited alteration of the area (e.g., tree cutting, lighting, surface enhancements, etc.). The RFP was edited to reflect these interests.
 - The Commission asked that the Parks and Rec. Department to develop a draft memorandum of understanding to clarify management and patrolling responsibilities for the Commission’s review and approval.
 - Jennifer Steel will send to the ConCom the listing of registered dogs and registered dog walkers.
- Vote: to authorize release of RFP as amended (motion: Dan Green, second: Susan Lunin, vote: 6:0:0).

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9. Webster Woods – Update and CPC pre-proposal for pre-acquisition costs (lawyer and appraiser)

- Request: This application is to secure legal and appraisal services that will help determine the strategy and cost of acquisition. We need an appraisal that will support an eminent domain case. ConCom should vote (or note consensus) about issuing the application.
- Documents Presented: pre-acquisition pre-proposal pre-proposal
- Discussion:
 - The Conservation Commission was determined to be the applicant, since the Administration felt that the ConCom would be the most appropriate custodian of the land when/if acquired.
 - Commissioners felt that more money should be requested for legal services. The requested amount was increased from \$40K to \$80K, changing the total request from \$65K to \$105K. Beth Wilkinson, chair of the Executive Committee of the Webster Woods panel (and present for the discussion), will apprise the Exec. Comm. of the change.
 - Discussion ensued about the presentation and the role of the Conservation Commission. The CPC expects the sponsor to be the steward. It was determined that City staff usually present such applications to the CPC. Commissioners are invited to attend the preliminary discussion on 7/10/18 and/or the public hearing on 9/13/18. (N.B.: Susan Lunin, ConCom representative on the CPC, may not present the application, but she can vote on the application.)
 - Ira Wallach will review the application prior to its submission to Alice Ingerson on July 3.
- Vote: to submit the application to the CPC for \$105K funds (motion Dan Green, second: Ellen Katz: vote 6:0:0).

III. ADMINISTRATIVE

10. Commission Roles

- Request: Determine protocol for determining Commissioner roles and vote on said roles.
- Documents Presented: List of members (terms, positions, involvement on other boards, and involvement with working groups). Options discussed for electing members to positions. Pertinent current regulations
- Discussion: Since it was late and Kathy and Jeff were not present, discussion was postponed to the next meeting.

11. Minutes of 6/7/18 to be approved.

- Documents Presented: draft minutes draft minutes
- Vote: to approve 6/7/18 minutes as edited by Dan Green (motion Ellen Katz, second: Susan Lunin: vote 6:0:0).

12. Vernal Pool Ordinance

- Discussion:
 - The Vernal Pool Ordinance working group presented an excellent PowerPoint presentation that introduces the draft ordinance. It was very well received. They welcome comments to the presentation.
 - The draft ordinance was discussed.
 - It was noted that some might claim “constructive taking”.
 - There were suggestions to call the upland habitat “vernal pool terrestrial habitat” and to proactively define (through field studies) the vital corridor habitat.
 - The working group is seeking legal review by Rebekah Lacey.
- Request:
 - The working group asked that all commissioners give the ordinance a very careful read and forward comments and legal questions to the working group.
- Documents Presented: PowerPoint presentation

IV. ISSUES AROUND TOWN

UPDATES

V. WETLANDS Documents Presented: none

- 56 Farwell: appeal is still underway with no word from DEP
- 5 Vaughn: unpermitted sewer work dug up the road and a peice of Cold Spring Pk. Staff are working to resolve this.
- MassDOT I-90 work pending: There is a plan to widen the Pike over the Charles by quite a bit!

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VI. CONSERVATION AREAS Documents Presented: Photos of 261 Parker St, 70 Wayne Rd, 230 Dudley Rd, 170 Suffolk Rd

- 261 Parker St. encroachments into Oakdale Woods: Staff met with abutters. Due to construction disruption, the site must be revegetated anyway. The Conservation Commission will likely have to invest in seed mix and/or shrubs. The Commission should have the property line surveyed.
- 70 Wayne Rd. encroachments into Saw Mill Brook: Due to lack of action by the abutter, the site must be revegetated. The Conservation Commission will likely have to invest in seed mix and/or shrubs.
- 230 Dudley Road encroachments into Hahn Brook: We await the abutter's survey by Everett Brooks
- 170 Suffolk Road encroachments into Houghton Garden: Staff have asked for site visit with owner and copies of his documentation.
- Replacement of stolen trailhead signs

VII. ISSUES AROUND TOWN Documents Presented: none

- Climate action planning -- underway
- Hazard mitigation planning -- underway
- Trails planning -- underway
- CRs getting finalized to meet CPA requirements -- underway

VIII. ADMINISTRATIVE MATTERS Documents Presented: none

- None to date

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

13. Certificate of Compliance – 777 Dedham St – Holbrook Hall Drainage DEP #239-697

- Request: Applicant is requesting a Certificate of Compliance for the Order of Conditions permitting the construction of a drainage line and parking lot improvements.
- Owner/Applicant: Mt. Ida Representative: George Chadwick (Bedford Design Consultants)
- Documents Presented: site photos, draft COC
- Discussion: Based on 6/21/18 site visit, they lowered the catch basin to accept drainage, and the site is now complete and stable, however, the curb around the manhole is still low. It was felt that the curb should be raised to ensure that all runoff enters the tree pit.
- Consensus: to not issue a Certificate of Compliance at this point in time.

ADJOURN 11:12PM (motion Dan Green, second: Susan Lunin: vote 6:0:0).

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