

# CONSERVATION COMMISSION MINUTES

Date: July 19, 2018  
Time: 7:00 – 9:35 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, Jeff Zabel, Kathy Cade (Associate)  
**Staff Present:** Jennifer Steel  
**Members Absent:** none  
**Members of the Public:** See sign-in sheet

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## DECISIONS

### I. WETLANDS

#### 1. NOI – DEP File #239-807 – 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
- **Performance Standards: Buffer Zone: 10.53(1): General Provisions**  
“For work in the Buffer Zone subject to review under 310 CMR 10.02(2)(b)3., the Issuing Authority shall impose conditions to protect the interests of the Act identified for the adjacent Resource Area. ... where prior development is extensive, may consider measures such as the restoration of natural vegetation adjacent to a Resource Area to protect the interest of [the Act]. ... The purpose of preconstruction review of work in the Buffer Zone is to ensure that adjacent Resource Areas are not adversely affected during or after completion of the work.”
- **Presentation and Discussion (Mikhail Deychman and Ester Dezube):**
  - **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.
    - A significant area of lawn will be converted to house, driveway, and deck.
    - 1-2 ~12” crabapple trees are due to be removed.
    - The wetland itself is protected by the hemlock hedge and topography
  - **Plans**
    - Several iterations of revised plans were received by the Conservation Office, however they did not address all of the comments from the last meeting and errors/unclear entries remained.
    - A revised plan was submitted electronically the day before the meeting, so neither the agent nor the Commission had had time to review it. Two paper copies were distributed at the meeting and discussion ensued.
    - The plan was still deemed to be unapprovable for the following (but not necessarily only) reasons:
      - The proposed mitigation planting areas were not bounded and were not appropriately placed.
      - Plant selection did not adequately mitigate for the loss of mature trees and



**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 expansion of impervious area.

- The entrenched silt fence and compost sock detail was not appropriately titled.
- The text on page one describing areas of development could not be easily interpreted.
- Consensus: Accept the applicant's request to continue to August 9, 2018 (with revised materials due July 24 by noon).

## 2. NOI – DEP File #239-XXX – 1 Malvern Terrace

- Request: Applicant is proposing to construct a new single-family home, with associated deck, infiltration, and driveway.
- Owner/Applicant: Mandayam Srinivasan Representatives: none
- Documents Presented: colored plans photos, draft OOC
- Jurisdiction: Riverfront Area, BLSF, City Flood Zone
- Performance Standards:
  - Riverfront Area 10.58(5)
    - (a) work shall result in an improvement over existing conditions of the capacity to protect the interests
    - (b) Stormwater management is provided according to standards
    - (c) Proposed work shall not be located closer to the river than existing conditions
    - (d) Proposed work ... shall be located ... away from the river except in accordance with 10.58(5)(f) or (g).
    - (e) The area of proposed work shall not exceed the amount of degraded area except in accordance with 10.58(5)(f) or (g).
    - (f) more alteration at the RFA outer boundary may be allowed if restoration of at least 1:1
    - (g) more alteration at the RFA outer boundary may be allowed if mitigation of at least 2:1
    - (h) The issuing authority shall include a continuing condition prohibiting further alteration within the restoration or mitigation area, except as may be required to maintain the area in its restored or mitigated condition. Prior to requesting the COC, the applicant shall demonstrate the restoration or mitigation has been successfully completed for at least two growing seasons.
  - City Flood Plain and Bordering Land Subject to Flooding 10.57(1) Compensatory storage shall be provided for all flood storage volume that will be lost when in the judgment of the issuing authority said loss will cause an increase or will contribute incrementally to an increase in the horizontal extent and level of flood waters during peak flows.
- Presentation and Discussion (Srinivasan)
  - **DEP file number not received.** Hearing can be opened, but not closed.
  - **Project Summary**
    - Applicant is proposing to construct a new single-family home, with associated deck, infiltration, and driveway.
    - This project was permitted in 2015, and the house was demolished the trees have been cut, but the NOI was allowed to lapse prior to any construction.
    - The footprint of the proposed plan is the same as the plan approved in 2015; the only change is that a full basement is now proposed, and 5 additional chambers have been added to the plan to accommodate the Engineering Department's larger 100-year storm (8.78").
  - **Impact Summary**
    - Proposed design increases degraded area in Riparian Zone by 1302 sf.
    - Proposed design infiltrates stormwater in shallow chambers in the back yard and calls for a mitigation planting area of 2720 sf, converting lawn to trees and shrubs.
    - City drainage pipe along northern property boundary is clogged, but the City is aware of the issue.
  - **Engineering Comments – passed on to the applicant**
    - The O&M plan needs to be corrected from “inspected on a biennial (once every two years)” to “inspected on a bi-annual (twice every year)” and add “sweeping of the driveway on a regular basis to keep silt and debris out of the trench drain and system.”

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- There is a slight error of the subsurface recharge system calcs. The storage range is exceeded by 0.02 feet (very minor), but engineer should add more stone beneath the system to offset the exceedance (with more stone there will be more storage volume).
- The O&M plan must be record at the registry of deeds to inform future homeowners about the required maintenance. Proof of recording must be submitted to the Conservation Commission.
- Consensus: Accept the applicant's request to continue to August 9, 2018 (with revised materials due July 24 by noon). It was noted that there is no requirement for the applicant to be present at the next meeting, but it is recommended that he or a representative be present.

### 3. Certificate of Compliance – 101 Nevada St – DEP File #239-782

- Request: Applicant is requesting a Certificate of Compliance for the Order of Conditions permitting the construction of a small addition on the rear of a single-family home.
- Owner/Applicant: Antonio Oliart Representative: none
- Documents Presented: site photos, draft COC
- Discussion: Site visit on 7/10/18 confirms site is in compliance with the Order of Conditions. Engineer's letter stating increase in size of alteration was noted, but not confirmed in the field or on the plans.
- Vote: to issue a Certificate of Compliance [Moved: Susan Lunin, Seconded: Jeff Zabel, Vote: 7:0:0].

### 4. Certificate of Compliance – 300 Hammond Pond Pkwy – DEP File #239-790

- Request: Applicant is requesting a Certificate of Compliance for the Order of Conditions permitting sewer and water repairs on the site.
- Owner: Trustees of Boston College Applicant/Representative: Deborah Danik (Nitsch Eng.)
- Documents Presented: site photos, draft COC
- Discussion: Site visit on 7/6/18 confirms site is in compliance with the Order of Conditions.
- Vote: to issue a complete Certificate of Compliance [Moved: Norm Richardson, Seconded: Ellen Katz, Vote: 7:0:0].

### 5. Certificate of Compliance – 170 Needham St – DEP File #239-687

- Request: Applicant is requesting a Certificate of Compliance for the construction of a single-story building, new parking lot, drainage and landscaping.
- Owner/Applicant: Needham Chestnut Realty LLC Representative: Sanford Custom Builders
- Documents Presented: site photos, draft COC
- Discussion: Site visit on 7/12/18 confirms site is in compliance with the Order of Conditions. 75% survival had been achieved already; recently landscaped "back corner" is now in compliance with approved planting plan.
- Vote: to issue a complete Certificate of Compliance [Moved: Dan Green, Seconded: Jeff Zabel, Vote: 7:0:0].

## II. CONSERVATION AREAS – no decisions were made

## III. ADMINISTRATIVE

### 6. Minutes of 6/28/18 to be approved.

- Documents Presented: draft minutes draft minutes
- Vote: to approve 6/28/18 minutes as edited on the spot [Moved: Susan Lunin, Seconded: Jeff Zabel, Vote: 7:0:0].

### 7. 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 Options discussed
- Discussion focused on the "check list" of considerations presented in the commissioners' packets. It was noted that Conservation Commission Rules and Regulations Article 5. Officers. Section 1 should be edited to say: "... each year. (i.e., delete the remainder of the sentence).
- Consensus: It was decided that: elections would occur during the first meeting of June every other year (starting in June of 2019), elections would be in writing for a chair and a vice chair, candidates would self-identify as being interested in the position(s), and that positions would be held for 2 years, with no term limits.

## IV. ISSUES AROUND TOWN – no decisions were made

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## UPDATES

### V. WETLANDS

- 56 Farwell: appeal is still underway with no word from DEP

### VI. CONSERVATION AREAS

- Spray paint graffiti has occurred at Norumbega CA and Saw Mill Brook CA. Jennifer will paint over the graffiti. Kathy Cade will put out a note on the neighborhood list serve asking neighbors to keep an eye out for teens and forward information about the perpetrators if possible.
- 2 new trail head signs will be going in at Wilson CA; 2 stolen signs will be replaced.
- Webster Woods Pre-Acquisition pre-application was presented to the CPC on July 10 and received favorably. Ira noted that he mentioned to Beth Wilkinson his interest in sitting on the Webster Woods Advisory Panel, but hadn't heard back.
- 300 Hammond Pond Parkway. BC presented preliminary plans for improvements to rear parking lot to the Mayor.
- Newton Commonwealth Golf Course: They are creating/updating their 5-year plan, and are interested in building a new maintenance building. Since the initial estimates for the new building were roughly \$2M the project will need to be scaled back or phased. Jennifer Steel will ask Nick Read what role the City has in this effort.
- Grant for stairs from the Charles River Pathway to Upper Falls Greenway was denied. We will reapply next year for just one set of stairs.

### VII. ISSUES AROUND TOWN

- none

### VIII. ADMINISTRATIVE MATTERS

- Vernal Pool working group: Based on emails from Ouida Young and conversations with Rebekah Lacey, Jennifer confirmed that the working group should be complying with Open Meeting Law requirements, and posting meetings and meeting in public, accessible places, and keeping minutes. If sent notice of meetings, she will put the notices on the City's "Please Post" site.

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

### 1. 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. At the 6/28/18 Commission meeting, it was felt that the curb should be raised to ensure that all runoff enters the tree pit. Photos sent by the applicant show the curb has been raised around the low-lying manhole, per Commission request, to encourage runoff to enter the tree pits.
- Vote: to issue a complete Certificate of Compliance [Moved: Dan Green, Seconded: Jeff Zabel, Vote: 7:0:0].

### 2. The Ocean River group sent a letter about lawn chemicals. Kathy Cade noted that nutrients from roadways contribute much more to eutrophication.

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## ADJOURN

- Vote: to adjourn at 9:35 [Moved: Dan Green, Seconded: Jeff Zabel, Vote: 7:0:0].

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