

CONSERVATION COMMISSION AGENDA

Date: July 19, 2018
Time: 7:00 pm
Place: City Hall, Room 204

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. **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 deck and driveway.
 - Owner/Applicant: Esther Dezube (53 Brandeis Rd, LLC) Representatives: Mikhail Deychman and Karon Skinner Catrone
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
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
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.)
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

II. CONSERVATION AREAS

III. ADMINISTRATIVE

6. Commission Roles
7. Minutes of 6/28/18 to be approved.

IV. ISSUES AROUND TOWN

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
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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.

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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."
- Staff Notes:
 - **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
 - **Revised plans** were received however they did not address many of the comments from the last meeting:
 - A snow storage area was added, but it was partially in the driveway and not where a plow would place the snow), but
 - A tree a several shrubs were added, but not what was requested: "Bounded mitigation planting areas must be proposed to make up for the loss of mature trees and the expansion of impervious area."
 - Entrenched silt fence was not added to the plan. The erosion control still goes through the driveway.
 - The expanse of driveway was not reduced.



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- Some hemlocks will be removed to construct the driveway.
- Staff Recommendations: Await revised plans.

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.
 - 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.
- Staff Notes
 - **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.
 - **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.
 - Chamber system details area needed and the array may need to be expanded to accommodate the new 100-year storm (8.78")
 - City drainage pipe along northern property boundary is clogged, but the City is aware of the issue.
- Staff Recommendation: If: (1) chamber design is sorted out, and (2) O&M plan is received, issue an OOC with the following special conditions
 - a. A pre-construction site visit must be scheduled with the Conservation office.
 - b. Landscape plantings must be installed as per the plans and must be reflected in the as-built.
 - c. Restoration and mitigation plantings must survive to 75% after 2 growing seasons to be considered successful.
 - d. The restoration and mitigation planting area must be bounded with permanent bounds (anchored 3 feet with 1 foot or more exposed).
 - e. The restoration and mitigation planting area must be maintained in perpetuity as per 310 CMR 10.58(5)(h).
 - f. The street tree must be protected with mulch and boards for the roots, and boards for the trunk.

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- g. The trees shown in the restoration area on the plan must be at least 3" in caliper (measured at roughly 9 inches off the ground).
- h. O&M plan must be recorded at the Registry with this OOC.

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

- o 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.
- o Owner/Applicant: Antonio Oliart Representative: none
- o Documents Presented: site photos, draft COC
- o Staff Notes: Site visit on 7/10/18 confirms site is in compliance with the Order of Conditions.
- o Staff Recommendations: Vote to issue a Certificate of Compliance for project #239-782.

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

- o Request: Applicant is requesting a Certificate of Compliance for the Order of Conditions permitting sewer and water repairs on the site.
- o Owner: Trustees of Boston College Applicant/Representative: Deborah Danik (Nitsch Eng.)
- o Documents Presented: site photos, draft COC
- o Staff Notes: Site visit on 7/6/18 confirms site is in compliance with the Order of Conditions.
- o Staff Recommendations: Vote to issue a complete Certificate of Compliance for project #239-790.

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

- o Request: Applicant is requesting a Certificate of Compliance for the construction of a single-story building, new parking lot, drainage and landscaping.
- o Owner/Applicant: Needham Chestnut Realty LLC Representative: Sanford Custom Builders
- o Documents Presented: site photos, draft COC
- o Staff Notes: Site visit on 7/12/18 confirms site is in compliance with the Order of Conditions.
- o Staff Recommendations: Vote to issue a complete Certificate of Compliance for project #239-687.

II. CONSERVATION AREAS

III. ADMINISTRATIVE

6. Commission Roles

- o Request: Determine protocol for determining Commissioner roles and vote on said roles.
- o 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

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

- o Documents Presented: draft minutes draft minutes
- o Staff Recommendations: Vote to approve 6/28/18 minutes.

IV. ISSUES AROUND TOWN

UPDATES

V. WETLANDS

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

VI. CONSERVATION AREAS

- o Webster Woods Pre-Acquisition pre-application was presented to the CPC on July 10 and received favorably.
- o 300 Hammond Pond Parkway. BC presented preliminary plans for improvements to rear parking lot to the Mayor.

VII. ISSUES AROUND TOWN

- o none to-date

VIII. ADMINISTRATIVE MATTERS

- o Vernal Pool working group update

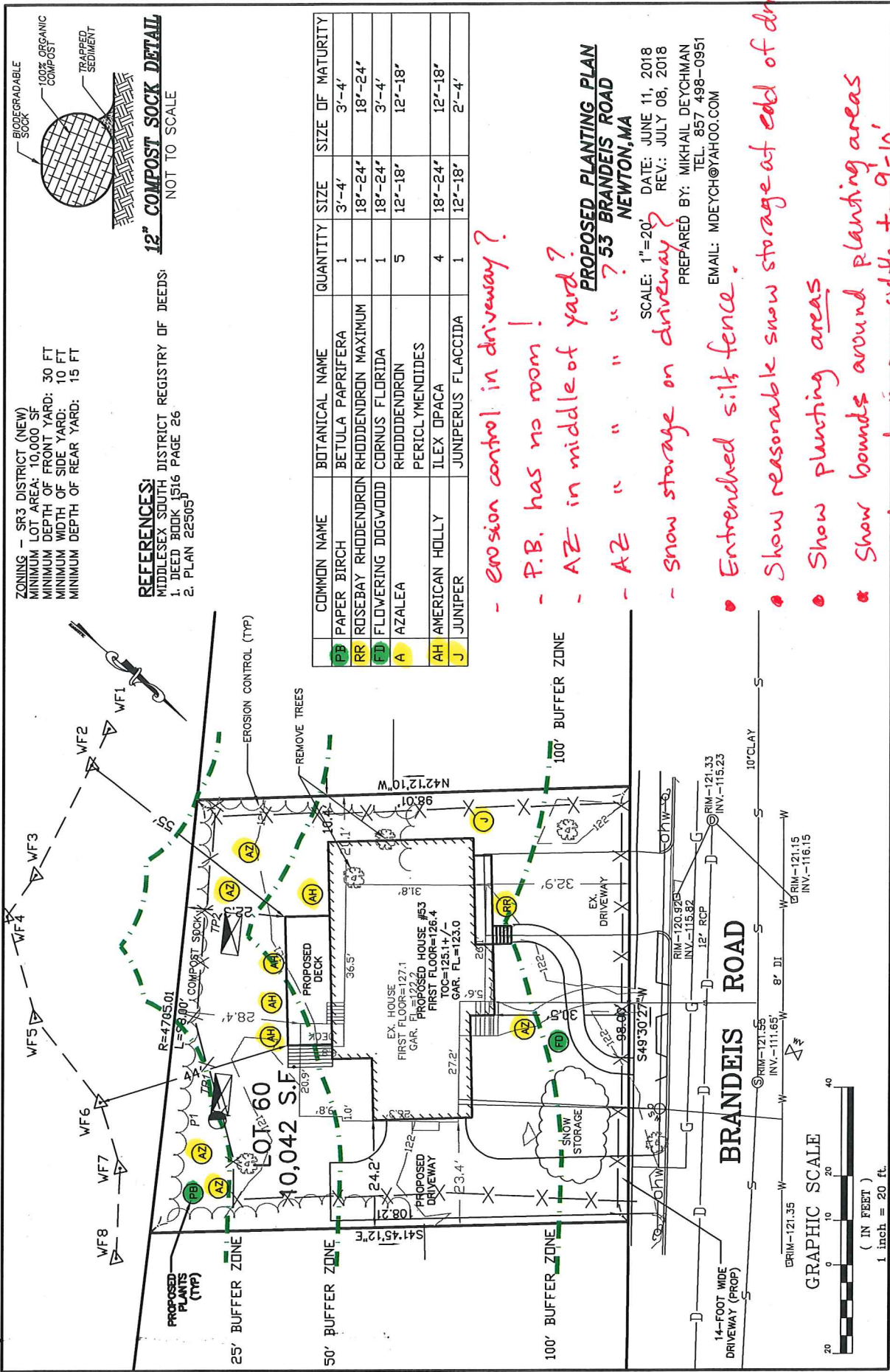
OTHER TOPICS NOT REASONABLY ANTICIPATED BY THE CHAIR 48 HOURS BEFORE THE MEETING

ADJOURN

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53 BRANDEIS - REVISED PLAN W/ COMMENTS

7/19/18

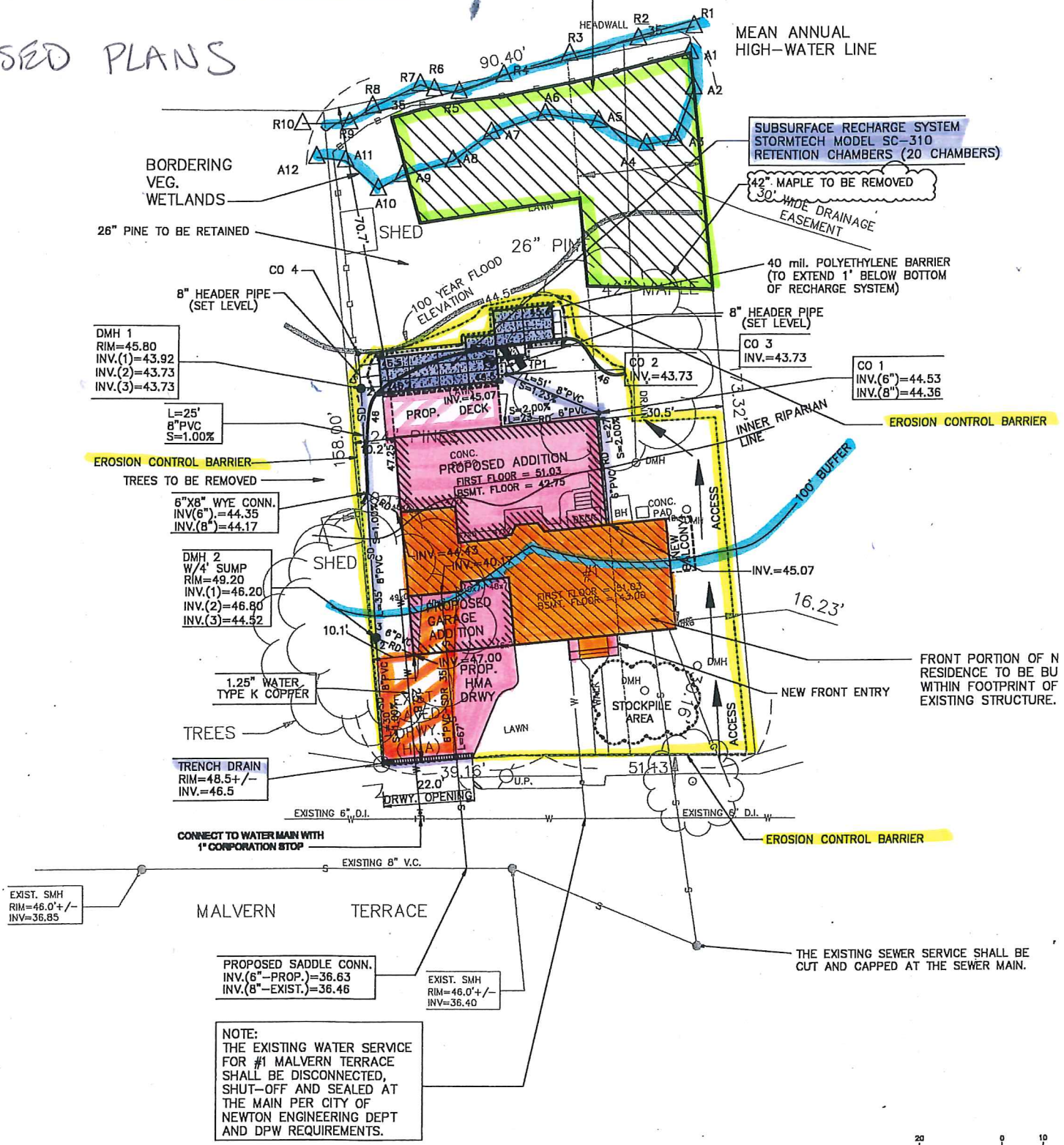


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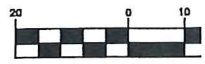
7/19/18

PROPOSED MITIGATION AREA = 2720 sf

PROPOSED PLANS



NOTE:
 THE EXISTING WATER SERVICE
 FOR #1 MALVERN TERRACE
 SHALL BE DISCONNECTED,
 SHUT-OFF AND SEALED AT
 THE MAIN PER CITY OF
 NEWTON ENGINEERING DEPT
 AND DPW REQUIREMENTS.



ELEVATIONS ARE ON CITY OF NEWTON DATUM

FEMA #250170532E DATED JULY 4, 2010
 SHOWS 100 YEAR FLOOD ELEV. @ 38' NAVD 1988 = CITY OF NEWTON BASE 44.5

Coa
7/19/18

Summary of Discussions on Commission Roles for 6-28-18 Meeting

Member Roles

- Commission
 - Chair – Ira
 - Vice-chair – Susan
 - Clerk – Judy
- Representatives on other boards, committees, etc.
 - Commonwealth Golf – Norm
 - Farm Commission – Jeff
 - CPC – Susan
 - Webster Woods – Kathy, Ira?
 - Nahanton Woods, Inc. – Judy
 - Kennard Park Trustees? – Ira
- "Ad hoc working groups"
 - Vernal Pool Ordinance – Ellen, Norm, Judy
 - Off-leash Working Group – Norm
 - Schools? – Ira
 - Deer Park? –

Member Terms

- All members' terms are current
 - Dan "expires" 1/2/19.
 - Norm "expires" 7/10/19.
 - Ira, Susan, Judy, Jeff, Ellen, and Kathy all "expire" on 5/31/20.

Governing Documents

- Ordinance ARTICLE II. CONSERVATION COMMISSION (revised Oct 22, 2009)
 - Section 22-20. Composition, appointment of members, alternate members, terms
 - (d) The regular members shall elect one member as chair. In the event that a regular member is absent or unable to act for any reason, the chair shall designate an alternate member to act. (Ord. Z-42, 02-17-09)
- Rules and Regulations of the Conservation Commission (revised Oct 22, 2009).
 - Article 5. Officers:
 - Section 1. Elections: "Members shall elect a Chairman, a Vice-Chairman and a Clerk each year after the appointments have been confirmed."
 - Section 2. Vacancies: "If any officer position becomes vacant by reason of death, resignation, removal, disqualification, or otherwise, the Chairman may choose a successor or successors, who shall hold office for the balance of the term."

Interests that have been mentioned

- Good governance (defined by some as):
 - Rule of Law
 - Transparency
 - Responsiveness
 - Consensus Oriented
 - Equity and Inclusiveness
 - Effectiveness and Efficiency
 - Accountability
 - Participation
- Allowing members to have a diversity of experiences
- Allowing members to gain experience that could be applied to other roles with the ConCom or other boards

Issues to be decided

- Elections
 - Candidate identification
 - self-selection?
 - open vote?
 - automatic ascension from vice-chair to chair?
 - Frequency of elections
 - annually?
 - biannually?
 - triennially?
 - staggered chair and vice-chair?
 - Timing of elections
 - June?
 - January?
 - Method of voting
 - written?
 - other? _____
 - Other _____
- Terms
 - Chair
 - 2-year term?
 - 3-year term?
 - Vice-chair
 - 2-year term?
 - 3-year term?
 - Term limits for the chair
 - 1 term?
 - 2 terms?
 - 3 terms?
 - Indefinite?
 - Term limits for the vice-chair
 - 1 term?
 - 2 terms?
 - 3 terms?
 - Indefinite?
 - Cooling off period for the chair
 - 1 term?
 - other? _____
 - Cooling off period for the vice-chair
 - 1 term?
 - other? _____
 - Other _____
- Representatives to other boards
 - Annual "check in"? Commission members should volunteer based on personal interest and availability.
 - The minimum commitment should be ____ years, but engagement could last ____ years.
 - Annually, all members should be asked to help fill these positions, if/as needed
 - Other _____
- The position of Clerk is required by the Rules and Regulations, but with current staffing is not critical. If a member would like to volunteer his/her services, they will be very gratefully accepted.

Possible helpful wording to draw upon

- "Members shall, at the first meeting in June of each year, elect a Chair, a Vice-Chair and a Clerk, from among those members whose terms expire on or after July 1st of the year following the election.
- It shall be the responsibility of the Chair to ensure that the annual election appears on the agenda of the first meeting in June of each year, and that the annual election of officers is timely conducted.

- The term for _____ shall be __ years.
- No member may be elected to serve as _____ for more than __ full consecutive terms within any __-year period.
- After a position has been held by one member for __ consecutive terms, that member shall step down from that position for at least ____-year term(s).
- Members shall, at the first meeting in June of each year, elect a Chair, a Vice-Chair and a Clerk, from among those members whose terms expire on or after July 1st of the year following the election, to serve a one-year term beginning on July 1st immediately following the election. No member may be elected to serve as Chair for more than two (2) full consecutive terms, within any three-year period. It shall be the responsibility of the Chair to ensure that the annual election appears on the agenda of the first meeting in June of each year, and that the annual election of officers is timely conducted.

(6b) RELEVANT REGULATIONS

71918

§ 22-7

NEWTON ORDINANCES — PLANNING AND DEVELOPMENT

§ Sec. 22-21

force and effect.

(Rev. Ords. 1995, Ord. No. W-13, 10-2-00)

Secs. 22-7—22-18. Reserved.

ARTICLE II.
CONSERVATION COMMISSION

Sec. 22-19. Purpose, powers and duties.

There shall be a conservation commission of seven (7) regular members for the protection, promotion and development of the natural resources of the city. The conservation commission may exercise, but not be limited to, any of the following powers and duties:

- (1) conduct researches into the city's natural resources and seek to coordinate the activities of unofficial bodies organized for similar purposes and may, to the extent of funds appropriated there for, advertise, prepare, print and distribute material which it deems necessary for its work;
- (2) prepare and amend a conservation and passive outdoor recreation plan which shall be, as far as possible, consistent with the comprehensive plan and with any regional plans relating to the area. Such plan shall show the nature and ownership of any open area and whether and how its use is restricted;
- (3) acquire in the name of the city, subject to the approval of the mayor and board of aldermen, by gift, purchase, grant, bequest, devise, lease or otherwise the fee or lesser interest in real property, as may be necessary to properly maintain, improve, protect or limit the future use of open spaces within the city, and may manage and control the same;
- (4) adopt rules and regulations governing the use of land and waters under its control and prescribe penalties for any violation thereof. (Ord. No. 102, 12-15-75; Ord. Z-42, 02-17-09)

Section 22-20. Composition, appointment of members, alternate members, terms

(a) The seven (7) regular members shall be appointed by the mayor with the approval of the board of aldermen for terms of three years.

(b) There shall also be four (4) alternate members appointed by the mayor with approval by the board of aldermen. In order to stagger the expiration of their terms, the initial terms of the alternate members shall be as follows: one member shall be appointed for one (1) year; two members shall be appointed for two (2) years; one member shall be appointed for three (3) years. All alternate member appointments subsequent to the initial appointments shall be for a term of three (3) years.

(c) Both regular and alternate members shall continue to serve after expiration of their terms until their successors shall be duly appointed and qualified. Vacancies in the offices of either regular or alternate members shall be filled in the same manner as the original appointment for any unexpired term.

(d) The regular members shall elect one member as chair. In the event that a regular member is absent or unable to act for any reason, the chair shall designate an alternate member to act. (Ord. Z-42, 02-17-09)

Sec. 22-21. Relationship with planning and development board.

The conservation commission shall function as an advisory body to the planning and development board on all matters affecting the natural resources of the city for the purpose of coordinating a conservation and passive outdoor recreation plan with the comprehensive plan. Nothing contained herein shall be construed to limit the powers of a conservation commission granted under Chapter 40 of the General Laws. (Ord. No. 102, 12-15-75)

Sec. 22-22. Floodplain/watershed protection provisions.

(a) There is hereby established a Floodplain/Watershed Protection District, the purpose of which is to:

- (1) assure the continuation of the natural flow patterns of watercourses within the city;

CITY OF NEWTON, MASSACHUSETTS

CONSERVATION COMMISSION

RULES AND REGULATIONS

Revised : October 22, 2009

ARTICLE 1 PURPOSE

The Newton Conservation Commission is established under Sec. 22-20 of the Revised Ordinances of the City of Newton to protect, promote and develop the natural resources of the city, to conduct research into the city's natural resources and seek to coordinate the activities of unofficial bodies organized for similar purposes; prepare and amend a conservation and passive outdoor recreation plan which shall be, as far as possible, consistent with the comprehensive plan and with any regional plans relating to the area; acquire, in the name of the city, open spaces within the city, and manage and control the same; adopt rules and regulations governing the use of land and waters under its control.

ARTICLE 2 MEMBERSHIP

Section 1. Number, Appointment, Term, and Vacancies

The Commission shall consist of seven (7) members and not more than four (4) alternate members who shall be residents of the City of Newton and who shall be appointed by the Mayor and confirmed by a majority vote of the Board of Aldermen, in accordance with Section 2-8.

In order to stagger the expiration of their terms, the initial terms of the alternate members shall be as follows: one member shall be appointed for one (1) year; two members shall be appointed for three (3) years. All alternate member appointments subsequent to the initial appointments shall be for a term of three (3) years.

A member or alternate member shall serve for a term of three (3) years and continue to serve after the expiration of his term until a successor has been appointed and has qualified. Terms expire on April 30th of the third year.

Vacancies shall be filled for the period of the unexpired term in the same manner as original appointments.

Section 9. Minutes of Meetings

The Chairman shall ensure that minutes are kept of each meeting. Minutes of meetings shall contain date, place, members present and members absent, actions taken and signature of person taking minutes. Minutes shall be forwarded to the Commission for review at least five (5) days prior to the next scheduled meeting.

Section 10. Meetings open to the Public

Meetings shall be open to the public. Members of the public in attendance may not speak unless invited to do so by the Chairman.

ARTICLE 4 COMMITTEES

The Commission may from time to time by majority vote appoint such standing or temporary committees as they may consider appropriate. The Commission may delegate to the Chairman or other presiding officer the power to appoint committees of members to conduct functions in the course of the Commission's business. Temporary committees shall be discharged upon acceptance of their final reports.

ARTICLE 5 OFFICERS

Section 1. Elections

Members shall elect a Chairman, a Vice-Chairman and a Clerk each year after the appointments have been confirmed.

Section 2. Vacancies

If any officer position becomes vacant by reason of death, resignation, removal, disqualification, or otherwise, the Chairman may choose a successor or successors, who shall hold office for the balance of the term.

ARTICLE 6 CONFLICT OF INTEREST

A member or alternate member must disclose to the Commission any conflict of interest in any matter being considered by the Commission and shall not participate in any manner in the proceedings dealing with that matter except as may be permitted by law.

ARTICLE 7 EXTERNAL COMMUNICATIONS

External communication of policies, programs or other matters relating to the Commission should be made on behalf of the Commission only by the Chairman or his/her designee. Except as specified above, public statements relating to such

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



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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 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 Rebecca 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 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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