CONSERVATION COMMISSION MINUTES

Date: August 9, 2018 Time: 7:00 pm

Place: City Hall, Room 204

With a quorum present, the meeting opened with Norm Richardson presiding as Chair

Members Present: Ellen Katz, Jeff Zabel, Kathy Cade (Associate)

Staff Present: Jennifer Steel

Members Absent: Ira Wallach, Susan Lunin, Judy Hepburn, Dan Green,

Members of the Public: See sign-in sheet

DECISIONS

I. ADMINISTRATIVE DECISIONS – The Chair appointed Kathy Cade in place of an absent member so that she created a guorum and could vote.

II. WETLANDS DECISIONS

NOI – DEP File #239-809 – 51 Oakland Avenue

- Request: Applicant is proposing to demo portions of an existing single-family home and the construction of three additions on the single-family home with associated stormwater management and mitigation plantings.
- Owner/Applicant: B. Scott Miller Representatives: John Rockwood (EcoTec, Inc.), Joe Porter (VTP Associates)
- Documents Presented: colored plans, planting scheme plans, photos, draft OOC
- o <u>Jurisdiction</u>: Buffer Zone, Riverfront Area
- o Presentation (John Rockwood) and Discussion
 - Project Summary: Applicant is proposing to demo an existing wooden porch and
 construct 4 additions, a new patio, a new stormwater management system, and an
 expanded driveway. 2 of the 4 additions proposed, one set of the proposed infiltration
 chambers, and the proposed patio fall within Riverfront Area. The applicant is
 proposing invasive species removal and mitigation plantings within the inner riparian
 zone.

Impact Summary

- All work is occurring outside of the inner riparian zone.
- A 22" Norway maple is proposed to be removed during construction, along with a firepit in the rear of the yard where mitigation plantings will be placed.
- The majority of roof runoff will now be captured by the chambers in the rear and front yards.
- The total change in impervious area within RFA is an increase of about 630 s.f.
- Construction of the proposed deck is an exempt activity.
- The applicant is proposing to remove woody invasive species in the western portion of the rear yard via a cut and blot method.
- A 1260 s.f. area will then be replanted with native vegetation (applicant is proposing 6 saplings and 36 shrubs), to be bounded by 3 stone bounds.

Discussion

- The mitigation plant schedule (6 trees and 36 shrubs) detailed in the NOI will be placed by the wetland ecologist in in the field in appropriate locations.
- The encroachment of materials storage on DCR land behind the parcel has been rectified. The proposed stockade fence along the rear property line will prevent any future encroachment.
- o Vote: to close the hearing and issue and Order of Conditions with the following special



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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conditions [Motion: Ellen Katz, Second: Kathy Cade, Vote: 4:0:0]

- 21. Erosion control line shall serve as the limit of work. No alteration of DCR land shall occur.
- 22. The proposed fence must be installed (with 4-6" of clearance from the ground) to preclude future encroachment on to DCR land.
- 23. The applicant must schedule and attend a pre-construction site visit
- 24. Contingencies
 - a. <u>Dewatering</u> plans and accommodations: If dewatering on the project site is required, the Applicant shall provide to the Conservation Commission for review and approval prior to dewatering a dewatering plan designed to limit and control any effects of dewatering on the wetlands resource area adjacent to the project site.
 - b. <u>Concrete washout</u> plans and accommodations: If any concrete work will occur within Conservation Commission jurisdiction the Applicant shall provide to the Conservation Commission for review and approval prior to washouts a concrete washout plan designed to limit and control any effects of concrete washouts on the wetlands resource area adjacent to the project site. No concrete washout station for the Project shall be located in the Wetlands Resource Area or the Buffer Zone.
- 25. <u>Landscape</u> plantings within Commission jurisdiction must:
 - a. Be installed per the approved plans and must maintained in perpetuity per 10.58(5)(h). Desired deviations from the approved plans must be approved by the Conservation office in advance.
 - b. Be bounded as per the approved plans with proper stone bounds.
 - c. Survive over 75% of the planting area for 2 growing seasons for a Certificate of Compliance to be granted.
- 26. The stormwater infiltration system must be installed as per the plans
- 27. The City Engineer must inspect the infiltration system. The applicant must <u>submit proof of inspection</u> to the Conservation Office.
- 28. An as-built plan signed by the engineer certifying compliance with the approved plans and order must be submitted.
- 29. <u>A letter from a landscaper</u> certifying compliance with the approved planting scheme must be submitted. A Certificate of Compliance shall not be issued until after two growing seasons after plantings have been installed and found to be well established.
- 30. <u>Operation and Maintenance</u>: The approved Operations and Maintenance Plan is appended hereto and must be adhered to.
- 31. The use of <u>herbicides and other pesticides</u> is prohibited and <u>fertilizers</u> shall be limited to slow-release organic fertilizers to improve water quality in the adjacent wetlands and waterways.
- 32. Required mitigation planting areas shall be maintained in perpetuity in their predominantly natural condition.

NOI – DEP File #239-XXX – 33 Wayne Road

- Request: Applicant is proposing to remove an existing single-family home and rebuild a new single-family home, with associated driveway and utilities.
- o Owner/Applicant: Carmin Petruzziello Representatives: Karon Skinner Catrone
- Documents Presented: colored plans plans, photos
- Jurisdiction: Buffer Zone, Riverfront Area
- Presentation (Mikhail Deychman) and Discussion
 - **Project Summary:** Applicant is proposing to tear down an existing single-family home with associated driveway and patio, and construct a new single-family home with stormwater management, driveway, and retaining wall. Applicant is proposing to plant 3 red maple saplings outside of the 200' RFA.

• Impact Summary:

- The majority of the proposed work is within the outer riparian zone, with only a portion of driveway and drywell work occurring within the inner riparian zone.
- Small trees and mature shrubs are due to be removed.
- o Roof runoff is proposed to be directed into a small drywell at the front of the property.

- The total change in impervious area within the RFA is an increase of 827 s.f. (67 s.f. in the inner riparian and 760 s.f. in the outer riparian zone).
- The applicant is proposing to plant 3 red maple saplings outside the 200' RFA.

Discussion

- The project has not received a DEP file number so the hearing cannot be closed.
- o Proposed project does not meet the WPA 10.58(5) performance standards, as purported in the application. Below the standards are summarized with comments in italics following.
 - (a) work shall result in an <u>improvement</u> There is an increase in impervious surface are in the RFA with no proposed mitigation in the RFA.
 - (b) <u>Stormwater</u> management is provided according to standards WPA standards do not apply to single family homes; however, the capacity/detail for the drywell needs to be provided to determine if it meets City standards.
 - (c) Work shall not be located closer to the river than existing conditions *Proposal meets this standard*.
 - (d) <u>Proposed work ... shall be located ... away from the river</u> except in accordance with 10.58(5)(f) or (g). *Proposal meets this standard.*
 - (e) The area of proposed work shall not exceed the amount of degraded area except in accordance with 10.58(5)(f) or (g). The proposed work will increase the amount of degraded area by 827 s.f.
 - (f) if restoration of at least 1:1 No restoration is proposed.
 - (g) if <u>mitigation of at least 2:1</u> The 3 proposed saplings are not sufficient mitigation for 827 s.f. of alteration and are placed outside the RFA.
 - (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. – The proposed plantings are not protected in any way for perpetuity. Any proposed mitigation needs to be within a bounded planting area to prevent mitigation plantings from being removed/altered in the future.
- Many short-comings of the plans were noted.
 - The proposed grading changes for the drainage swales do not match up to existing grading lines.
 - The retaining wall is proposed to be 8' tall.
 - Driveway grading and wall is unclear.
 - Though the narrative states that no trees are to be removed, small trees do exist around the house and the back hillside is fully vegetated and no trees are marked with protection. Proper protection for the neighbors' trees near the property line will be necessary, as well.
 - The roof runoff is shown as traveling all the way around the house before entering a drywell in the front yard. Conservation staff feel this is not practical.
 - The proposed drywell may be too small to take all of the roof runoff and driveway runoff.
 - The proposed mitigation plantings must be moved within the jurisdictional area and should be appropriate species for the soils of the site.
- The applicant stated that Engineering had approved the drainage as proposed, but the Conservation Office
 has not received any comments from Engineering so cannot corroborate that claim. Further concerns may
 be noted, such as the fact that ledge may preclude the construction of a basement or on-site infiltration
 (requiring most runoff to be directed to the City storm drain).
- A concerned abutter, Harvey Parad, noted the extent of ledge and the potential infeasibility of the plans as proposed.
- o Consensus: to accept the applicant's request to continue the hearing to 9/20/18.

• NOI (cont'd) - 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: Esther Dezube (53 Brandeis Rd, LLC) <u>Representatives</u>: Mikhail Deychman and Karon Skinner Catrone
- <u>Documents Presented</u>: colored plans plans, photos, draft OOC
- Jurisdiction: Buffer Zone

- o Presentation (Esther Dezube) and Discussion
 - On 8/2/18 a set of revised plans was received with the following changes:
 - Two bounded planting beds with a diverse selection of native plantings, along with many proposed plantings outside of the bounded beds
 - An updated planting schedule with more correct mature sizing
 - o The datum on all plan sheets
 - o A correctly titled erosion control detail
 - Floating text has been removed
 - Correct existing impervious area numbers for the driveway
 - Existing driveway shown as to be removed
 - Trees to be removed are labelled as such
 - No details about the proposed infiltration systems were provided to the Conservation Office (as requested in Engineering's June 19 email that was forwarded to the applicant team: "The narrative indicates that the new impervious surfaces will be collected and infiltrated, the site plan shows two test pits and a perc test but no info submitted for the evaluation of the drainage design, additionally he shows a trench drain for the driveway & DMH to an infiltration system that is too close to the street must be a min. of 10' off property line finally no grades, rim or invert elevation s are shown for the proposed systems, and no details." The representative stated that:
 - The infiltration systems did not need to be 10' from the front and rear property lines (Engineering's standard requirements) since those lines abutted public parcels.
 - o Engineering had already approved the drainage details.
- Vote: to close the hearing and issue and Order of Conditions with the following special conditions <u>pending</u> confirmation of Engineering's approval of the drainage systems [Motion: Jeff Zabel, Second: Kathy Cade, Vote: 4:0:0].
 - 21. Applicant must submit an <u>operations and maintenance plan</u> for the stormwater systems on site. O&M plan must be recorded with this order of conditions.
 - 22. <u>Dewatering</u> plans and accommodations: If dewatering on the project site is required, the Applicant shall provide to the Conservation Commission for review and approval prior to dewatering a dewatering plan designed to limit and control any effects of dewatering on the wetlands resource area adjacent to the project site.
 - 23. Concrete washout plans and accommodations: If any concrete work will occur on the site, the Applicant shall provide to the Conservation Commission for review and approval prior to washouts a concrete washout plan designed to limit and control any effects of concrete washouts on the wetlands resource area adjacent to the project site. No concrete washout station for the Project shall be located in the Wetlands Resource Area or the Buffer Zone.
 - 24. The applicant must schedule and attend a <u>pre-construction site visit</u> to review:
 - 25. <u>Landscape</u> plantings must be planted as per the approved plans.
 - Desired deviations from the approved plans must be approved by the Conservation office in advance
 - Plantings must survive over 75% of the planting area for 2 growing seasons for a Certificate of Compliance to be granted.
 - 26. The <u>stormwater infiltration systems</u> must be installed as per the approved plans.
 - 27. The City Engineer must inspect the infiltration system. The applicant must submit <u>proof of inspection</u> to the Conservation Office.
 - 28. Upon completion of the project the applicant must secure:
 - a. An as-built plan signed and stamped by the engineer certifying compliance with the approved plans and order. This plan will include all structures, grading (topography), drainage, and landscape features and plantings.
 - b. A letter from the engineer certifying that the work has been completed in substantial compliance with this Order of Conditions and the approved plans referenced herein (or approved revisions). If the completed work differs from that in the approved plans and conditions, the report must specify how the project differs.

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.

- c. <u>A letter from a landscaper</u> certifying that all plants were installed compliance with the approved planting scheme.
- 29. The use of <u>herbicides and other pesticides</u> is prohibited and <u>fertilizers</u> shall be limited to slow-release organic fertilizers to improve water quality in the adjacent wetlands and waterways.
- 30. In order to protect wildlife and/or vernal pool species, artificial <u>lighting</u> shall be designed to prevent lighting of the wetlands. Any outdoor lights within 200 feet of the wetland shall be directed so as not to radiate light towards those areas. Any such lights shall be limited to no more than 1,800 lumens per fixture and the fixture shall not illuminate any part of the wetland more than 0.2 footcandles. Exterior lights shall not be mounted higher than 25 feet above the ground.

NOI (cont'd) – DEP File #239-808 – 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 this evening
- <u>Documents Presented</u>: <u>old colored plans</u> plans, photos, draft OOC
- Jurisdiction: Riverfront Area, BLSF, City Flood Zone
- o <u>Discussion</u>

• 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.
- o 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.
- o 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.

• Requirements have been met:

- Revised plans (of expanded and slightly relocated chambers and additional stone for enhanced storage volume) were received and have been shared with Engineering for their review and approval.
- o The O&M plan has been corrected.
- o <u>Vote</u>: to close the hearing and issue and Order of Conditions with the following special conditions <u>conditional upon</u> confirmation of Engineering's approval of the drainage systems [Motion: Jeff Zabel, Second: Ellen Katz, Vote: 4:0:0].
 - 21. The <u>Operations & Maintenance Plan must be recorded</u> at the registry of deeds to inform future homeowners about the required maintenance. Proof of recording must be submitted to the Conservation Commission.
 - 22. <u>Dewatering plans and accommodations</u>: The Applicant shall provide to the Conservation Commission for review and approval a dewatering plan designed to limit and control any effects of dewatering on the wetlands resource area adjacent to the project site.
 - 23. <u>Concrete washout plans and accommodations</u>: The Applicant shall provide to the Conservation Commission for review and approval prior to washouts a concrete washout plan designed to limit and control any effects of concrete washouts on the wetlands resource area adjacent to the project site. No concrete washout station for the Project shall be located in the Wetlands Resource Area or the Buffer Zone.
 - 24. The applicant must schedule and attend a pre-construction site visit to review:
 - 25. Existing Trees and Shrubs. The Applicant shall protect all trees on the property and directly abutting the property (trunks and roots) during construction. The street tree must be protected with mulch and boards for the roots, and boards for the trunk.
 - 26. <u>Landscape</u> plantings within Commission jurisdiction must be installed in compliance with the approved plans
 - a. Desired deviations from the approved plans must be approved by the Conservation office in advance.

- b. 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).
- c. Restoration and mitigation plantings must survive to 75% after 2 growing seasons to be considered successful and for a Certificate of Compliance to be granted.
- d. The restoration and mitigation planting area must be bounded with permanent bounds (anchored 3 feet with 6"-1' foot exposed).
- e. Be reflected in the as-built plans.
- 27. <u>The stormwater infiltration system</u> must be installed as per the plans and must be inspected by the Conservation Commission prior to the chambers being covered.
- 28. An as-built plan signed by the engineer certifying compliance with the approved plans and order.
- 29. <u>A letter from a landscaper</u> certifying compliance with the approved planting scheme. A Certificate of Compliance shall not be issued until after two growing seasons after plantings have been installed and found to be well established.
- 30. The approved Operations and Maintenance Plan is appended hereto and must be adhered to.
- 31. The use of <u>herbicides and other pesticides</u> is prohibited and <u>fertilizers</u> shall be limited to slow-release organic fertilizers to improve water quality in the adjacent wetlands and waterways.
- 32. In order to protect wildlife and/or vernal pool species, artificial <u>lighting</u> shall be designed to prevent lighting of the wetlands. Any outdoor lights within 200 feet of the wetland shall be directed so as not to radiate light towards those areas. Any such lights shall be limited to no more than 1,800 lumens per fixture and the fixture shall not illuminate any part of the wetland more than 0.2 footcandles. Exterior lights shall not be mounted higher than 25 feet above the ground.
- 33. Required <u>mitigation/restoration planting area shall be maintained in perpetuity</u> in its predominantly natural condition as per 310 CMR 10.58(5)(h).

• COC – DEP File #239-769 – 380 Quinobequin Road

- Request: Applicant is requesting a Certificate of Compliance for work done under OOC #239-769 for an addition and required mitigation and restoration plantings.
- Owner/Applicant: Alexander and Neya Korsantia Representative: none
- Documents Presented: photos, draft COC
- o <u>Discussion</u>: An as-built plans has been received. A letter from the engineer has been received. Based on an 8/2/18 site visit, it appears that all construction work was completed in compliance with the approved plans; however, the planting plan was not followed and due to grazing, the 75% survival rate has not been met. The vegetative understory is growing vigorously and some shrubs did survive, but the restoration area (in the abutting Conservation Restriction) is lacking canopy trees. The owners shall be asked to plant two red maple saplings (as per the original requirement) in cages just behind the 2 central stone bounds. If the trees survive into the spring of 2019 a COC will be considered.
- o <u>Vote</u>: to deny the COC request at this point in time [Motion: Ellen Katz, Second: Jeff Zabel, Vote: 4:0:0].

• Preliminary Discussion -- Golf course irrigation improvement projects

Two golf course irrigation improvement projects (Brae Burn and Leo J Martin) are due to be received soon. What information will the Commission consider appropriate to evaluate potential changes to groundwater (supply and stream recharge)? – The Commission noted that pertinent information might include:

- Historical usage
- Projected usage
- o Permitted (i.e., maximum allowed) usage
- Documentation of use (receipts?)
- o Baseline (and low-flow) stream data (from the field or from StreamStats?)
- CRWA's input

II. CONSERVATION AREA DECISIONS – none at this time

III. ADMNISTRATIVE DECISIONS

Minutes of 7/19/18 to be approved.

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- Documents Presented: draft minutes draft minutes
- Staff Recommendations: Vote to approve 7/19/18 minutes as edited on the spot [Motion: Kathy Cade, Second: Ellen Katz, Vote: 4:0:0].

IV. ISSUES AROUND TOWN DECISIONS - none at this time

UPDATES

V. WETLANDS UPDATES

- 56 Farwell: Jennifer spoke with Jill Provencal from DEP who expects to issue a decision in the next few weeks.
- Nahanton Park needs stormwater and site improvements. Photographs were shown. map, photos
- Bullough's Pond dam has been cited as non-compliant, so many trees will have to be cut. Photographs were shown.
 map, photos

VI. CONSERVATION AREA UPDATES

- Kesseler Woods Trail \$75,000 from Board Order. Site visit determined significant challenges (wetlands, dense growth). Contractors will be asked for estimates for design and construction of a trail/boardwalk/bridge from Harwich Road to the new apartment complex. Volunteers can then establish the trail to Lagrange St. A map was shown.
- Graffiti at Norumbega CA and Saw Mill Brook CA. Jennifer painted over the worst of the graffiti. Kathy Cade put out
 a note to the neighborhood asking neighbors to keep an eye out for suspicious behavior and to forward information
 to the police.
- o Webster Woods Pre-Acquisition pre-application will be submitted by August 13 to fund a lawyer/appraiser team.
- There is a need to have a more consistent program of land management to address fallen trees, graffiti, special projects, etc. Jennifer will develop a proposal for the Mayor's consideration.

VII. ISSUES AROUND TOWN UPDATES

- Climate Action Planning group (headed up by MAPC) will be hosting public workshops.
- CCVA team (headed up by MAPC) will be hosting a public workshop.

VIII. ADMINISTRATIVE MATTER UPDATES - none at this time

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

- Informal Discussion Request for a Minor Plan Change DEP File #239-763 180 Sumner Street
 - Request: Applicant is requesting a minor plan change for OOC #239-769: installation of a pervious patio where there was to have been lawn. The 6'x30' area is within 50' of the stream so is not exempt under 310 CMR 10.02.
 - Owner/Applicant: Min Yang Representative: Min Yang
 - o <u>Documents Presented</u>: photos, draft memo
 - o <u>Presentation (Min Yang) and Discussion</u>: The Commission wanted to be sure that the area in question remained pervious.
 - Vote to approve the minor plan change as reflected in the memo edited on the spot with the following conditions [Motion: Kathy Cade, Second: Jeff Zabel, Vote: 4:0:0].
 - The patio area must be installed as a pervious area (e.g., wood deck, open matrix pavers, or permanently permeable pavers, over a permeable sand or gravel base).
 - The patio area must remain pervious.
 - The patio must be shown on the as-built plans.

ADJOURN Vote to adjourn at 10:20 [Motion: Jeff Zabel, Second: Kathy Cade, Vote: 4:0:0].